



College of
Policing

Brief

[Public Order Bill](#) →

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Issue 3 | March/April 2023

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



Marriage and civil partnership for 16-17-year-olds



Person jailed for posting 'revenge porn'



Pre-charge bail statutory guidance



Authorised professional practice updates



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 March and April edition of 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:

- Marriage and civil partnership for 16-to-17-year-olds
- Baroness Casey report
- Pre-charge bail statutory guidance
- Antisocial behaviour action plan
- Nitrous oxide

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

College begins independent Nicola Bulley case review

Andrew Snowden, the Lancashire Police and Crime Commissioner, has asked the College of Policing to conduct an independent review of Lancashire Police's handling of the investigation into the disappearance of Nicola Bulley. The comprehensive review began in February.

Read more: [Lancashire's PCC announces independent Nicola Bulley case review](#)

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GMP chief constable joins College board

Chief Constable Stephen Watson QPM has been appointed to the College of Policing board of directors by the Home Secretary. Stephen began his career with Lancashire Constabulary in 1988 and served as chief superintendent at Merseyside Police, heading up the Strategic Development Department. He also served as area commander for Liverpool North for three years.

Read more: [Chief Constable of Greater Manchester Police joins the College board](#)

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APP updates

The following authorised professional practice (APP) has recently been updated by the College of Policing.

1. [Specific investigations](#)
2. [Deployment of authorised firearms officers \(AFOs\)](#)
3. [Forced marriage and honour based abuse](#)

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Code of Practice for PNC and LEDS

The College of Policing, with the approval of the Secretary of State, has issued a Code of Practice for the Police National Computer (PNC) and Law Enforcement Data Service (LEDS) under section 39A of the Police Act 1996. The Code sets out the basic principles for the ethical and professional processing of data and information managed through either or both the PNC and LEDS. The Code applies to every chief officer of a police force in England and Wales who has access to the PNC and LEDS in connection with the discharge of their functions, and every chief officer must have regard to the Code in discharging any function to which it relates. The Code is also available for adoption by other law enforcement agencies, including police forces in Northern Ireland and Scotland, and other police forces not covered by the definition set out in section 4.1 of the Code. The Code will come into force on a date to be determined by the Secretary of State.

Read more: [Code of Practice for the Police National Computer and the Law Enforcement Data Service](#)

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Legal updates

Bills

Data Protection and Digital Information (No. 2) Bill

The proposed bill aims to regulate the processing of information about living individuals and ensure the privacy of electronic communications. It will provide services to verify facts about individuals and grant access to customer and business data. The bill will also facilitate the use of electronic signatures and seals for trust services, the disclosure of information to improve public service delivery and the sharing of information for law enforcement purposes. Additionally, the bill will establish an Information Commission and oversee biometric data. MPs will consider the bill at second reading on Monday 17 April.

Read more: [**Data Protection and Digital Information \(No. 2\) Bill**](#)

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Economic Crime and Corporate Transparency Bill

The proposed bill aims to address economic crime and corporate transparency by making provisions for companies, limited partnerships and other types of corporate entities. It will also establish regulations for the registration of overseas entities. The committee stage, which involves a line-by-line examination of the bill, started on 27 March.

Read more: [**Economic Crime and Corporate Transparency Bill**](#)

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Public Order Bill

The proposed bill introduces new offences related to public order and regulates stop and search powers. It also governs the exercise of police functions in relation to public order, proceedings by the Secretary of State on protest-related activities and serious disruption prevention orders. On 28 March, the House of Lords examined the reasons provided by the Commons for disagreeing with the Lords' amendments to the bill. Outstanding issues on the bill were returned to the Commons for consideration.

Read more: [Public Order Bill](#)

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Illegal Migration Bill

This is a bill that aims to regulate immigration control, detention, unaccompanied children, victims of slavery or human trafficking, leave to enter or remain in the UK, citizenship and inadmissibility of certain protection and human rights claims. The bill had its second reading on 13 March and has now been referred to a committee of the whole House for detailed scrutiny. The Bill is due to have its report stage and third reading on Tuesday 25 April.

Read more: [Illegal Migration Bill](#)

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Before the courts

R. (on the application of Officer W80) (Appellant) v Director General of the Independent Office for Police Conduct and others (Respondents)

The case of R. (on the application of Officer W80) (Appellant) v Director General of the Independent Office for Police Conduct and others (Respondents) involves a police officer, W80, who shot Jermaine Baker during a police operation. The Independent Police Complaints Commission (IPCC) found that W80's belief that his life was in danger was honestly held, but unreasonable, and recommended gross misconduct proceedings. However, the Metropolitan Police Service (MPS) disagreed with the IPCC's conclusion and refused to bring proceedings against W80. The matter was referred to the Independent Office for Police Conduct (IOPC), which directed the MPS to bring misconduct proceedings against W80. The decision is now being challenged in a judicial review. The case raises the question of whether a disciplinary panel can make a finding of misconduct if an officer's honest but mistaken belief that their life was threatened is found to be unreasonable.

Read more: [**R. \(on the application of Officer W80\) \(Appellant\) v Director General of the Independent Office for Police Conduct and others \(Respondents\)**](#) and [**Officer W80, R. \(on the application of\) v Director General of the Independent Office for Police Conduct & Ors \[2020\] EWCA Civ 1301**](#)

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Argeseanu v Romania

The High Court recently affirmed a district judge's decision to extradite an individual to Romania for a sentence of three years and one month's imprisonment for assault and public order offences. The individual had arrived in the UK in 2007. The judge found that the judicial delay since 2012, which was not attributable to the individual's conduct, should be taken into account under Article 8 of the European Convention on Human Rights (ECHR) to balance the situation. The judge ultimately concluded that the extradition was proportional and the appeal was dismissed.

Read more: [**Argeseanu v Petrosani Court of Law, Romania \[2023\] EWHC 513**](#)

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Sentencing Council Chair says high prison population should be considered

The Chairman of the Sentencing Council for England and Wales has stated that when a court has to decide whether a custodial sentence must be imposed immediately or whether the sentence can be suspended, the current high prison population should be taken into account. This is in light of the judgment in *R. v Arie Ali* [2023] EWCA Crim 232, which refers to sentencing and the impact of the current, very high, prison population. However, Lord Justice William Davis emphasised that this does not mean that the high prison population is a factor which requires all short prison sentences to be suspended.

Read more: [**The application of sentencing principles during a period when the prison population is very high**](#)

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R. v Dixon

The Court of Appeal was considering the interpretation of the category 1 factor in the Sentencing Council's guidelines for wounding with intent to do grievous bodily harm. The category 1 factor relates to 'particularly grave or life-threatening injury caused'. The court determined that for an injury to fall under this category, it must have actually been grave or life-threatening and not just possibly so. The guidelines require that the injury must have been caused, and not potentially caused, by contingent events. The outcome of the case was that the appeal was dismissed.

Read more: [Dixon, R. v \[2023\] EWCA Crim 280](#)

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Statutory instruments

Police, Crime, Sentencing and Courts Act 2022 (Commencement No. 1) (England and Wales) Regulations 2023 (SI 2023/227 (C. 12))

The purpose of these regulations is to implement certain provisions of the Police, Crime, Sentencing and Courts Act 2022. These provisions took effect on two separate dates: 7 March and 1 April.

Firstly, the provisions regarding non-criminal hate incidents, which are outlined in sections 60 and 61 of the Act, took effect on 7 March. These sections relate to the establishment of a code of practice that will govern the handling of non-criminal hate incidents.

Secondly, the provisions relating to the Offensive Weapons Homicide Review Pilot will take effect on 1 April. These provisions apply to relevant deaths and will be in force for the duration of the pilot period. The sections that will come into effect include the following.

- Section 24, which establishes a duty to arrange a review, to the extent not already in force.
- Section 26, which sets out how this duty interacts with other review requirements, to the extent not already in force.
- Section 27, which requires notification of the Secretary of State.
- Section 28(1) to (6), which govern the conduct of the review.
- Section 29(1) to (4) and (7), which outline information requirements.

- Section 32, which establishes guidance to the extent not already in force.

Additionally, certain provisions will take effect in relation to England and Wales for the duration of the pilot period. These include the following.

- Section 28(7) and (8).
- Section 29(5) and (6).
- Section 30, which provides supplementary information.
- Section 33, which establishes the power to pay grants to local health boards.

Read more: [**The Police, Crime, Sentencing and Courts Act 2022 \(Commencement No. 1\) \(England and Wales\) Regulations 2023**](#)

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Police, Crime, Sentencing and Courts Act 2022 (Consequential Provision) (England and Wales) Regulations 2023 (SI 2023/250)

These regulations make consequential amendments to the Sexual Offences Act 2003 following amendments made by the Police, Crime, Sentencing and Courts Act 2022. These include amendments to section 14 of the 2003 Act to cover acts relating to arranging or facilitating an offence under section 5 to 8 of the 2003 Act, in addition to offences under sections 9 to 13 of that Act. The regulations came into force on 28 March.

Read more: [**The Police, Crime, Sentencing and Courts Act 2022 \(Consequential Provision\) \(England and Wales\) Regulations 2023**](#)

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Sentencing Act 2020 (Magistrates' Court Sentencing Powers) (Amendment) Regulations 2023 (SI 2023/298)

These regulations amend the Sentencing Act 2020 and reduce the limit of a custodial sentence that can be imposed by a magistrates' court for a single triable either way offence from 12 months to six months. These regulations came into force on 30 March.

Read more: [**The Sentencing Act 2020 \(Magistrates' Court Sentencing Powers\) \(Amendment\) Regulations 2023**](#)

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Road Traffic Act 1988 (Police Driving: Prescribed Training) Regulations 2023 (SI 2023/185)

These regulations introduce prescribed training for sections 2A and 3ZA of the Road Traffic Act 1988 and came into effect on 20 March. These Regulations replaced the Road Traffic Act 1988 (Police Driving: Prescribed Training) Regulations 2022.

Read more: [**The Road Traffic Act 1988 \(Police Driving: Prescribed Training\) Regulations 2023**](#)

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Armed Forces (Driving Disqualification Orders) Regulations 2023 (SI 2023/209)

These regulations enable the Court Martial and Service Civilian Court to disqualify an offender from driving as part of their punishment. The regulations make provisions equivalent to the Road Traffic Offenders Act 1988, and came into force on 1 April. The regulations also make consequential amendments to the rules of court for each of the service courts.

Read more: [**The Armed Forces \(Driving Disqualification Orders\) Regulations 2023**](#)

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Recovery of Costs (Remand to Youth Detention Accommodation) (Amendment) Regulations 2023 (SI 2023/310)

These regulations amend the amount that a local authority designated by the court is liable to pay to the Secretary of State for detaining a child on remand in a young offender institution, secure training centre or secure children's home. The regulations came into force on 1 April.

Read more: [**The Recovery of Costs \(Remand to Youth Detention Accommodation\) \(Amendment\) Regulations 2023**](#)

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Consultations

Office of the Prosecutor launches consultation to renew policy paper on crimes against children

The Office of the Prosecutor is inviting public submissions to build on its November 2016 document, 'Policy on Children', to develop new and innovative approaches to improve the investigation and prosecution of crimes against or affecting children. The public consultation seeks suggestions to update the policy paper and make children more visible in all aspects of the Office's work. Comments can be submitted until 31 May.

Read more: [**The Office of the Prosecutor launches public consultation to renew the policy paper on crimes against or affecting children**](#)

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Code of ethics

The College of Policing is updating the Code of Ethics, which outlines how policing is conducted and guides the decisions of police officers, staff, special constables and volunteers in their daily work. Policing decisions can raise complex ethical issues that affect other people, often at their worst moments. The public consultation on the proposed updated Code of Ethics is open until 28 April.

Read more: [**Code of Ethics - have your say**](#)

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Recording non-crime hate incidents – have your say

The College of Policing is updating guidance on recording non-crime hate incidents, which are incidents not considered an offence but motivated by hostility or prejudice. The updates aim to assist police in managing public complaints regarding these incidents. An online consultation questionnaire is available until 16 April.

Read more: [**Recording non-crime hate incidents – have your say**](#)

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In focus

Pre-charge bail statutory guidance

This guidance on the pre-charge bail regime in England and Wales is to be read in conjunction with the Police and Criminal Evidence Act 1984. The guidance is issued under section 50B of the Police and Criminal Evidence Act 1984 (PACE) regarding pre-charge bail in accordance with the Police, Crime, Sentencing and Courts Act 2022 (PCSC). The purpose of this guidance is to provide consistency across forces in how the pre-charge bail regime is applied and to ensure that it is used only where necessary and proportionate.

The PCSC Act addresses concerns regarding the excessive use of pre-charge bail, which results in individuals being kept in detention for long periods. It replaced the presumption against bail with a neutral position to encourage its use where necessary and proportionate in all circumstances of the case. The PCSC Act also introduced stricter controls on bail periods, raised authority levels and provided further protection for victims by introducing a duty to seek their views when imposing or varying bail conditions.

The guidance covers the exercise of powers to release someone on pre-charge bail, impose, vary or change conditions, arrest someone for failing to answer pre-charge bail or for breaching any conditions, and extend the period of pre-charge bail. Additionally, it covers the duty to seek the views of victims when imposing and varying bail conditions and suspects released under investigation.

It should be noted that the guidance does not cover the voluntary attendance process or release options from custody where out-of-court disposals, charges or no further action are to be taken.

All persons exercising functions related to pre-charge bail must have regard to the guidance, except for members of the Serious Fraud Office (SFO), staff of the Financial Conduct Authority (FCA), officers of HM Revenue and Customs (HMRC) and officers of the National Crime Agency (NCA). However, custody officers still have the responsibility to authorise the initial applicable bail period in SFO, FCA, HMRC and NCA cases, which is six months instead of three in standard cases. All other pre-charge bail criteria apply as usual and designated officers for those agencies must authorise extensions.

A failure to comply with the guidance does not render a person liable to any criminal or civil proceedings, but it is admissible in evidence in such proceedings. The application of the guidance is not limited to constables or police officers to account for the number of civilian police staff involved in pre-charge bail functions, although certain functions are specified for particular ranks and roles.

The guidance is of interest to victims, witnesses and suspects, as well as wider criminal justice partners and voluntary organisations. Its purpose is to underpin the pre-charge bail regime and ensure consistency across forces in how the regime is applied, standardising the service for victims, witnesses and suspects.

Read more: [Policy paper: Pre-charge bail statutory guidance](#) and [Pre-charge bail: Statutory guidance](#)

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Independent review into the standards of behaviour and internal culture of the MPS

Baroness Casey of Blackstock has conducted an independent review of the Metropolitan Police Service, which was ordered following the abduction, rape and murder of Sarah Everard by a serving police officer. The review assessed the Met's leadership, recruitment, vetting, training, culture and communications, and made recommendations for how the force can improve and restore public trust. The report also highlights concerns that the Met no longer has a functioning neighbourhood policing service. [The Metropolitan Police](#), [The NPCC](#) and the [College of Policing](#) have all released statements.

Read more: [Baroness Casey Review: Final Report](#)

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Ofcom prepares for new online safety regime

The telecoms regulator, Ofcom, has published details of its preparation for its role as the future regulator for the Online Safety Bill. As part of the new regime, risk assessments will be a fundamental part and require online platforms and search services to have a clear understanding of risks of harm to users and effective risk management processes. Ofcom has explained its proposed approach to risk, which includes launching its first consultation on its approach to illegal content risk assessments as soon as possible after powers commence, including consultation on risk assessment guidance, a register of risk and risk profiles for illegal content. A separate consultation on children's risk assessments will follow.

Read more: [**How Ofcom is approaching online safety risk assessments**](#)

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MAPPA guidance

The Ministry of Justice, National Offender Management Service and HM Prison Service have updated the guidance for the police, prison service and probation trusts on assessing and managing the risks posed by sexual and violent offenders.

Read more: [**Multi-agency public protection arrangements: Guidance**](#)

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Policing

News

Serious youth violence

The Home Office published its Serious Violence Strategy in 2018 in response to increased levels of knife crime, gun crime and homicide. In 2019, funding for violence reduction units was provided in 18 areas with high levels of violent crime. His Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) has conducted an examination of police efforts to address serious youth violence to reduce violent crime involving young people between the ages of 14 and 24. In January 2022, a charity called User Voice was commissioned to conduct research on the experiences of those who have committed and been victims of serious youth violence, with the findings detailed in a report.

Read more: [**An inspection of how well the police tackle serious youth violence**](#)

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MHRA investigation leads to conviction and custodial sentences for online medicine traffickers

Three men have been convicted and sentenced to custodial sentences totalling 68 months for illegally supplying more than 3.2 million doses of prescription-only medicines, including codeine, Tramadol, Diazepam, Zolpidem and erectile dysfunction drugs. The men sold several million pounds worth of medicines on three different websites between August 2013 and December 2015.

The Criminal Enforcement Unit of the Medicines and Healthcare products Regulatory Agency (MHRA) investigated the websites following reports from members of the public who had not received their orders or expressed concerns about relatives buying products from the sites. Supported by the police, the MHRA carried out an arrest and search operation in 2016, seizing various digital devices and storage items.

In court, one man was described as leading the UK arm of the global gang, another managed the warehouse and distribution and the third managed the bank accounts as the director of the company at the forefront of the trade. The defendants were convicted of supplying Class B and Class C drugs, selling prescription-only medicines, selling unauthorised medicinal products and being concerned in an arrangement which facilitated the acquisition, retention, use or control of criminal property.

The MHRA's three-year investigation highlights the dangers of illegal online medicine trafficking and the importance of reporting suspicious activity. The convictions and custodial sentences send a clear message that such criminal activity will not be tolerated, and those responsible will be held accountable.

Read more: [**UK members of international criminal gang sentenced to jail for involvement in the illegal sale and supply of prescription medicines valued at £3.7m**](#)

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Home Office leads successful national counter-terrorism exercise with emergency services partners

The Home Office has successfully planned and led a national counter-terrorism exercise, Exercise Spring Resolve, in collaboration with emergency services partners including the British Transport Police, Metropolitan Police, North Yorkshire Police, Counter Terrorism Policing North-East, London Fire Brigade, London Ambulance Service, North Yorkshire Fire and Rescue Service and Yorkshire Ambulance Service. The exercise aimed to test the collective emergency services response to a series of no-notice violent attacks across multiple regions, effective multi-agency command and control arrangements to stop the attacks, save lives and undertake effective and timely consequence management and recovery.

This exercise formed part of the regular counter-terrorism testing and exercising programme that takes place. Each agency set clear objectives that were to be tested, with many linked to the recommendations made following the Manchester Arena Inquiry – Volume 2. The exercise was successful in testing these objectives, highlighting areas of strength and opportunities for improvement in the collective response to a major terrorist incident. The Home Office and its partners remain committed to ensuring preparedness to respond effectively to any threat to national security.

Read more: [**Major exercise tests response to terrorist attacks**](#)

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UK and France strike deal to increase joint efforts against illegal migration

The UK and France have agreed to enhance cooperation to prevent illegal Channel crossings by increasing the interception rate and reducing the number of crossings each year. The multi-year agreement includes the establishment of a new detention centre in France, the deployment of more French personnel and enhanced technology to patrol beaches. The UK will also contribute funding towards doubling the number of personnel deployed in northern France to tackle small boats. The efforts will be overseen by a new 24/7 coordination centre with permanent UK liaison officers. The agreement builds on the joint measures taken in 2022, which resulted in a 40% increase in patrols and twice as many illegal crossings stopped compared to the previous year. The goal is to completely stop this illegal migration route, which has seen a 50% rise in Europe in the last year.

Read more: [**Prime Minister agrees unprecedented measures to tackle illegal migration alongside France**](#)

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Home Office code of practice provides guidance for recording and retaining personal data related to non-crime hate incidents

The Home Office has issued a code of practice for police officers and staff in England and Wales to assist them in making decisions about the recording and retention of personal data related to non-crime hate incidents (NCHIs). The code of practice provides guidance on how police officers and staff should decide whether an NCHI record needs to be made and how the personal data of an individual who is the subject of an NCHI report should be processed. This initiative aims to ensure that the recording and retention of personal data related to NCHIs is carried out in a lawful, fair and transparent manner, while also protecting the rights and privacy of individuals.

Read more: [**Non-Crime Hate Incidents – Draft Code of Practice on the Recording and Retention of Personal Data**](#)

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NPCC celebrates International Women’s Day by showcasing inspiring female leaders in policing

On International Women’s Day, the National Police Chiefs’ Council (NPCC) highlighted the achievements of three inspiring women from across the ranks who have brought positive change to policing in their own unique ways. Police Community Support Officer (PCSO) Natasha Foster provides essential support to isolated communities in South Wales, while British Transport Police Chief Constable Lucy D’Orsi advocates for women and ensures everyone’s voice is heard. Superintendent Manjit Atwal of Leicestershire Police and the College of Policing is a trailblazer in promoting diversity and inclusion in policing. Despite their different backgrounds and experiences, these women share a common goal of making a genuine difference in both their communities and the world of policing. The NPCC’s recognition of their contributions highlights the importance of promoting diversity and gender equality in law enforcement.

Read more: [**Celebrating women in policing**](#)

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Police survey 2022: unmanned aerial vehicles

In 2022, the Biometrics and Surveillance Camera Commissioner expanded the scope of its survey on police use of technology to include all overt surveillance camera systems used by police in public places. The survey was sent to all geographical police forces in England and Wales, as well as other law enforcement agencies, to gather details on the use and governance of various surveillance technologies, including CCTV, ANPR, body-worn video, unmanned aerial vehicles (commonly known as drones), helicopter-borne cameras, facial recognition technology and other relevant systems. This initiative aims to promote transparency and accountability in the use of surveillance technology by law enforcement agencies.

Read more: [**Police survey 2022: responses and key findings**](#)

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Manchester Arena Inquiry report – third volume released

The third volume of the report from the public inquiry into the Manchester Arena attack in 2017 has been released. It details the Chair’s findings on the radicalisation of the attacker, Salman Abedi, and the planning and preparation for the attack. The report also considers whether the attack could have been prevented and makes recommendations aimed at preventing future attacks and improving the civil and criminal processes used in public inquiries.

The recommendations include proposed amendments to the Inquiries Act 2005 to allow for compelling potential witnesses to participate in interviews, as well as issuing pre-emptive enforcement proceedings for uncooperative witnesses. Additionally, the report suggests creating statutory powers to prevent material witnesses from evading the inquiry’s powers to compel their attendance. Finally, the report calls for the introduction of a system to assess the risks that prisoners pose for the radicalisation of others.

Read more: [**Manchester Arena Inquiry Volume 3: Radicalisation and Preventability**](#)

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Nationwide crackdown on county lines

The government’s County Lines Programme has been successful in shutting down 3,588 drug lines since 2019. The programme set out to shut down 2,000 drug lines in three years, with over 1,000 lines already closed in the past year. During a recent nationwide week of intensive action, police arrested 1,658 criminals, identified and seized 276 drug lines, seized over £2 million in cash and confiscated 404 weapons.

Read more: [**Thousands more arrested in nationwide crackdown on county lines**](#)

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Convention on Extradition between the UK and Morocco

The Foreign, Commonwealth and Development Office Command Paper contains the text of the Convention on Extradition between the United Kingdom of Great Britain and Northern Ireland and the Kingdom of Morocco.

Read more: [UK/Morocco: Convention on Extradition](#)

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Mental health and policing

The Home Secretary has addressed the issue of mental health demand on policing and outlined what the government is doing to tackle the issue.

Read more: [Mental health and policing: letter from the Home Secretary](#)

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Policing reports

Research and analysis into nitrous oxide

This report examines the legitimate and illegitimate uses of nitrous oxide. Nitrous oxide is currently controlled under the Psychoactive Substances Act 2016. This makes production, supply and importation, but not possession (aside from in custodial setting) for its psychoactive effects, illegal.

Nitrous oxide is not currently controlled under the Misuse of Drugs Act 1971, but the government has announced its intention to make it a Class C drug with potential prison sentences and unlimited fines for unlawful supply and possession as part of the [Anti-Social Behaviour Action Plan](#).

Read more: [Nitrous oxide: updated harms assessment](#)

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NCA publishes suspicious activity guidance for organisations

The National Crime Agency has published guidance on the approach for organisations who submit a suspicious activity report (SAR) seeking a defence, or ‘consent’, from the agency for a principal money laundering offence under the Proceeds of Crime Act 2002 or a terrorist-financing offence under the Terrorism Act 2000. The guidance outlines the steps for organisations to take when seeking consent and the NCA’s approach to assessing such requests.

Read more: [**Requesting a defence from the NCA under POCA and TACT**](#)

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NAO to review drug strategy implementation

The Joint Combating Drugs Unit (JCDU) is set to undergo an audit of its approach to implementing the government’s strategy on drug supply reduction, treatment and recovery, and tackling long-term drug demand. The National Audit Office (NAO) will conduct the review, following the creation of the JCDU, which is leading the government’s drug strategy. The audit aims to assess the JCDU’s performance in implementing the strategy and identify areas for improvement. The review is part of the NAO’s ongoing work in supporting the government’s efforts to address drug misuse in the country.

Read more: [**Reducing the harm from illegal drugs - a review of early implementation**](#)

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Anti-Social Behaviour Action Plan

On 27 March, the government announced the Anti-Social Behaviour Action Plan, which includes measures to provide law enforcement and other agencies with additional tools to combat anti-social behaviour. The plan will fund 16 areas in England and Wales to support new 'hotspot' police and enforcement patrols in areas with the highest rates of anti-social behaviour, or to trial a new 'Immediate Justice' scheme that provides swift and visible punishments. A select few areas will trial both interventions. After the initial stages, both schemes will be implemented across England and Wales starting in 2024.

Reads more: [Policy paper: Anti-Social Behaviour Action Plan](#) and [Anti-social Behaviour Action Plan](#)

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Annual report reveals use of covert powers by authorities

The Investigatory Powers Commissioner's annual report for 2021 has been released, covering the activities of the Investigatory Powers Commissioner's Office, the Office of Communications Data Authorisations and the Technology Advisory Panel for the year from 1 January to 31 December 2021. The report provides information on the use of covert powers by authorities and fulfils the requirements of section 234 of the Investigatory Powers Act 2016.

Read more: [Annual Report of the Investigatory Powers Commissioner 2021](#)

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Code of practice to set new forensic evidence standards

The Forensic Science Regulator and Home Office have collaborated to create a new code of practice, which outlines the necessary quality standards for forensic science activities used in crime investigations in England and Wales. This joint effort aims to ensure that forensic evidence used in criminal proceedings is of the highest possible quality. The code of practice underwent a thorough consultation process and will be implemented on 2 October 2023.

Read more: [**Forensic Science Regulator Code of Practice**](#)

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Report highlights potential gap in police powers following domestic homicide

A report sent to the Minister of State for Crime, Policing and Fire highlights a gap between guidance and the laws provided to police officers under the Police and Criminal Evidence Act 1984.

This report recommends a review of current legislation and guidance to ensure consistency and that police officers have the necessary powers to protect victims of domestic violence. The report's recipients must respond by 21 April.

Read more: [**Sharon Harman: Prevention of future deaths report**](#)

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Criminal justice news

Child marriage and civil partnership for 16-to-17-year-olds

The Marriage and Civil Partnership (Minimum Age) Act 2022 officially came into force on 27 February. This Act prohibits 16 and 17-year-olds from marrying or entering into a civil partnership, regardless of whether they have parental consent. This new legislation aims to put an end to child marriages, which can have devastating effects on young people. Any individual who is found guilty of arranging a child marriage, regardless of whether force is used or not, is now committing a criminal offence and could face up to seven years in prison. This Act forms part of the government's ongoing commitment to address violence against women and girls. It is widely acknowledged that the age of 18 is when a person reaches adulthood and is entitled to full citizenship rights.

Read more: [**Legal age of marriage in England and Wales rises to 18**](#)

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Boosting innovation in the legal services market

The legal services market, which is the second largest in the world, is set to receive a boost with the addition of new providers to the government-backed LawtechUK programme. The programme aims to promote innovation in the legal sector through emerging technologies and raise the quality of start-ups. The new providers, including incubator CodeBase and event organiser Legal Geek, will work together to showcase leadership in lawtech innovation, shape the country's lawtech agenda and support the work of the Jurisdiction Taskforce, which promotes the use of digital legal innovations worldwide. The legal services market is currently worth around £25 billion to the economy and employs over 300,000 people.

Read more: [**Multi-million investment to turbocharge growth of technology in legal services**](#)

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Coercive or violent behaviour aggravating factors in murder sentencing

The government will make changes to the law to ensure that a history of coercive or controlling behaviour against the victim or the use of excessive or gratuitous violence will be considered as aggravating factors in sentencing decisions for murder. This means that violent and controlling criminals will face longer jail terms. The changes come following recommendations made by Clare Wade KC in an independent review of domestic homicide sentencing, which found that the current sentencing framework does not adequately reflect that many domestic homicides are preceded by years of abuse. Over half of the murder cases reviewed involved controlling or coercive behaviour, while excessive violence was identified in 60% of cases.

Read more: [**Tougher sentences for domestic killers**](#)

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Business figures help prisoners into work, supported by a new partnership agreement

Bosses from prominent firms, including the Co-op, Greggs, Iceland and Oliver Bonas, have been appointed as Employment Advisory Board chairs in all 92 resettlement prisons in the country. The boards aim to help prisoners nearing the end of their sentences to prepare for release into the community by linking prisons to leading business figures who can provide their expertise on the skills, qualifications and training necessary for ex-offenders to re-enter the workforce. This initiative was launched in March 2022 and seeks to tailor training and workshops to meet local labour market demands to ensure that ex-offenders are job-ready on release. The programme aims to address the annual cost of reoffending, which is estimated to be £18 billion, and increase the number of prison leavers in employment. Between April 2021 and March 2022, the percentage of prison leavers in employment six months after release increased by almost two thirds, from 14% to 23%.

Read more: [**Leading UK bosses join mission to get thousands more prisoners into work**](#)

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MOJ, HMPPS and DWP join forces to reduce reoffending

The Ministry of Justice, His Majesty's Prison and Probation Service and the Department for Work and Pensions have established a partnership agreement in England and Wales. The agreement outlines a shared understanding and commitment to the way in which the partners will work together. This collaboration aims to improve the delivery of justice services, prison and probation services, and employment support for offenders. The partnership will work towards the common goal of reducing reoffending and supporting ex-offenders to reintegrate into society through employment. The partnership agreement also includes a joint work plan, which outlines the specific actions that will be taken to achieve the desired outcomes.

Read more: [**National Partnership Agreement for employment and welfare support in custody and the community 2023 to 2026**](#)

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Reality star jailed for posting 'revenge porn'

In March, a man who appeared on reality TV was convicted for voyeurism, disclosing private sexual photograph or film and disclosing private sexual photograph or film on an adult site in contravention of the Sexual Offences Act 2003 and the Criminal Justice and Courts Act 2015. The act of disclosing private sexual photographs and films, also known as 'revenge porn', has been illegal in England and Wales since 2015. The Domestic Abuse Act 2021 extended the existing offence to include the specific act of threatening to disclose this type of material. The Crown Prosecution Service has charged 1,048 revenge porn offences across 825 cases between April 2020 and June 2022, drawing on all other available evidence, such as 999 calls, CCTV, police body-worn camera footage and mobile phone data to build a robust case against perpetrators.

Read more: [**Reality TV star jailed for posting 'revenge porn'**](#)

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First ever serious crime prevention order placed on convicted fraudster

The Inner London Crown Court has taken a significant step in preventing serious crime by placing a serious crime prevention order on a convicted fraudster. The City of London Police insurance fraud enforcement department said this is its first ever crime prevention order against a convicted fraudster.

The Inner London Crown Court placed a serious crime prevention order on the individual, which came into force after they left custody this month.

The person will have limits on the number of mobile phones and current bank accounts that they can hold and will be required to inform the authorities of any changes to their address and personal circumstances. Breach of the order is a criminal offence and can be punished with five years' imprisonment and an unlimited fine.

Read more: [**Released PI fraudster given limit on mobile phones he can own**](#)

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UK backs ICC war crimes investigation

Over 40 nations attended a meeting hosted by the UK Deputy Prime Minister, Dominic Raab, and the Netherlands Minister for Justice and Security, Dilan Yeşilgöz-Zegerius, at Lancaster House in central London in March. The UK Government has announced new funding and support for the International Criminal Court (ICC) to provide psychological support for victims and witnesses of crimes, fund more UK experts to work for the ICC, enhance ICC investigators' capacity to gather evidence of war crimes and develop a joint virtual reality project with the ICC to enable witnesses and victims to visit the Court virtually. The UK's total support this year to the ICC is now £1 million, twice the previous amount. Other countries are also expected to pledge practical and financial support for the Court and its independent investigations into war crimes in Ukraine. The meeting came as the ICC issued arrest warrants against President Putin and Russian Commissioner for Children's Rights, Maria Alekseyevna Lvova-Belova, signifying an important step for accountability and international justice.

Read more: [London hosts major international war crimes meeting as UK boosts support for International Criminal Court](#)

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Criminal justice reports

Equality and diversity in the work of the Sentencing Council

The Sentencing Council has taken a significant step towards ensuring fairness and equality in its work by publishing external research conducted by the University of Hertfordshire. The research was designed to identify and analyse any potential for the Council's work to create disparities in sentencing outcomes across different demographic groups.

The research examined the real and perceived impact of the sentencing guidelines on specific groups of offenders. It assessed the potential influence of language, factors and explanatory texts used in guidelines, as well as their structure, the guideline development process, the Council's relationship with stakeholders and its communications.

Read more: [**External research on equality and diversity in the work of the Sentencing Council published**](#)

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A thematic inspection by HM Inspectorate of Probation

A report published by the HM Inspectorate of Probation has revealed the stark challenges faced by individuals on release from prison. The report is the second part of a comprehensive inspection into offender management in custody and examines the support provided to prevent reoffending, such as housing, employment opportunities and risk assessments. The findings are concerning, highlighting an 'often alarming' reality for those leaving prison.

According to the report, only 8% of individuals who were available for work were able to secure employment. This is particularly concerning, as gaining employment is widely recognised as a crucial factor in reducing reoffending rates. Furthermore, the report shows that in some probation regions, nearly half of those released from prison were recalled to prison.

Read more: [**A thematic inspection of Offender Management in Custody - post-release**](#)

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Welsh govt updates violence against women framework

The Welsh Government has updated its publication on the National Training Framework (NTF) on violence against women, domestic abuse and sexual violence. The framework is a key initiative aimed at providing training to professionals on these important issues.

Section 4 of the guidance is issued under section 15 of the Violence against Women, Domestic Abuse, and Sexual Violence (Wales) Act 2015 and outlines specific requirements on relevant authorities. The remainder of the guidance is issued under section 60 of the Government of Wales Act 2006 and provides advice to assist relevant authorities in implementing the NTF, as well as to assist interested persons in engaging with and benefiting from it.

The updated guidance reflects the ongoing commitment of the Welsh Government to tackle violence against women, domestic abuse and sexual violence.

Read more: [**The National Training Framework on violence against women, domestic abuse and sexual violence: Statutory guidance under section**](#)

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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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