



College of  
Policing

# Digest

December 2012

A digest of police law, operational policing practice and criminal justice

The College of Policing Digest is a primarily legal environmental scanning publication intended to capture and consolidate topical and key issues, both current and future, impacting on all areas of policing. During the production of the Digest, information is included from Governmental bodies, criminal justice organisations and research bodies. As such, the Digest should prove an invaluable guide to those responsible for strategic decision making, operational planning and police training.

The College of Policing aims to provide fair access to learning and development for all. To support this commitment, the Digest is available in alternative formats upon request. Please email [digest@college.pnn.police.uk](mailto:digest@college.pnn.police.uk) or telephone +44 (0)1423 876889.

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**December 2012**

# **Digest**

**Legal Services**

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## College of Policing Digest December 2012

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Welcome to the first edition of the College of Policing Digest. The College of Policing began its first day of operations on Monday 3 December 2012. The College will ensure that all police officers and staff have the right knowledge and skills to fight crime and protect the public.

The College is committed to delivering more efficient operations and services. The College will also be an authoritative voice for policing in the national landscape, continually reviewing how it supports police forces to fight crime.

The objectives of the College of Policing are to:

- ◆ Protect the public interest;
- ◆ Set and enhance first-class national standards of professionalism to ensure excellence in operational policing;
- ◆ Identify evidence of what works in policing and share best practice;
- ◆ Support the education and professional development of police officers and staff; and
- ◆ Enable and motivate staff and partners to work together to achieve a shared purpose.

This month's edition of the College of Policing Digest contains a summary of issues relating to police law, operational policing practice and criminal justice. The progress of proposed new legislation through Parliament is examined and statutory instruments published this month summarised.

There is a report of a case on the issue of warrants. The revision of PACE Code G is reported as is guidance on new offences of stalking and buying scrap metal for cash. We look in detail at recently published Government and Parliamentary reports and initiatives including Home Office circulars and consultations on: recorded crime outcomes; the implementation of a police pay review body; and speed limits for heavy goods vehicles.

Reports are included on police and crime commissioners and the changes to the police complaints, misconduct and unsatisfactory procedures including the IPCC revision to its statutory guidance on handling complaints. Research reports are included which look at child sexual exploitation, deaths in custody, deaths on probation and young people.

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## Bills Before Parliament 2012/13 - Progress Report

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On 9 May 2012, the Queen's Speech unveiled the legislative programme for the 2012-2013 Parliamentary session.

- ◆ **Arbitration and Mediation Services (Equality) Bill** - A Bill to make further provision about arbitration and mediation services and the application of equality legislation to such services; to make provision about the protection of victims of domestic abuse; and for connected purposes.

The Bill includes provision for a new offence of falsely claiming legal jurisdiction. This offence, if enacted, would become section 118A of the Courts and Legal Services Act 1990 and would be committed where a person purports to determine in arbitration proceedings a matter excluded by section 80A of the Arbitration Act 1996, or falsely purports to exercise any of the powers or duties of a court to make legally binding rulings.

Second reading of the Bill took place in the House of Lords on 19 October 2012. Committee stage is yet to be scheduled.

- ◆ **Coroners and Justice (Amendment) Bill** - A Bill to amend section 62 of the Coroners and Justice Act 2009 (possession of prohibited images of children) to apply additionally to the possession of prohibited written material about children; to make consequential amendments to the Act; and for connected purposes.

The second reading of the Coroners and Justice (Amendment) Bill took place in the House of Commons on 19 October 2012. The date of committee stage is yet to be announced.

- ◆ **Crime and Courts Bill** - The Bill:
  - Provides for the establishment of the National Crime Agency (NCA) to prevent and investigate serious, organised and complex crime, enhance border security, and tackle the sexual abuse and exploitation of children, and cyber crime;
  - Makes provision for the appointment of a Director General as the operationally independent head of the NCA; makes provision for the governance of the NCA; and provides a framework for the NCA and other law enforcement agencies to collaborate in order to assist each other in the discharge of their functions;

- Sets out the powers of the Director General and other NCA officers, including by making provision to enable the Director General to give designated NCA officers some or all of the powers of a constable, a customs officer or an immigration officer; and provides for a duty on the Director General to publish certain information and for the disclosure of information by and to the NCA and for the use of information by the Agency;
- Provides for the NCA to be inspected by Her Majesty's Inspectors of Constabulary, and for regulations to make provision for oversight by the Independent Police Complaints Commission. The Bill places restrictions on certain NCA officers taking industrial action and makes provision for the determination of such NCA officers' pay and allowances;
- Provides for the abolition of the Serious Organised Crime Agency (SOCA) and the National Policing Improvement Agency (NPIA). The Bill includes provision for the Secretary of State to make, and lay before Parliament, staff and/or property transfer schemes. A staff transfer scheme may provide for a designated member of staff of SOCA or the NPIA, a designated constable or member of civilian staff in an England and Wales police force and a designated member of personnel or staff in any other body to become NCA officers, and employed in the civil service of the state. A property transfer scheme may provide for the transfer to the NCA of designated property, rights or liabilities from SOCA, NPIA, the chief officer of, or the policing body for an England & Wales police force or any other person;
- Contains provisions to modernise the courts and tribunals including establishment of a Single County Court system and Single Family Court to allow greater flexibility for the handling of cases to increase efficiency of the civil and family court systems in England and Wales;
- Increases the efficiency of fines collection by providing incentives for early payment and compliance, so that, in the event of a default, the offender will be charged the cost incurred for collecting their fine not the taxpayer;
- Makes provisions to reform the judicial appointments process to introduce greater transparency in the judicial appointments process and improve judicial diversity; and provides for the filming and broadcasting of judicial proceedings in specified circumstances;
- Makes provisions about border control and the powers of immigration officers;



- Creates a new offence of driving or being in charge of a motor vehicle with a specified controlled drug in the blood or urine in excess of the specified limit for that drug. Makes further provision for the taking of preliminary tests to determine the level of drugs in a person's blood or urine so as to allow up to three preliminary tests of saliva or sweat to be taken when testing for drugs.

The Crime and Courts Bill was introduced in the House of Lords. The eighth committee stage where the Bill was examined line by line took place on 13 November. Report stage in the House of Lords is scheduled to take place on 27 November.

- ◆ **Prisons (Interference with Wireless Telegraphy) Bill** - A Bill to make provision about interference with wireless telegraphy in prisons and similar institutions.

This Private Members' Bill has moved to the House of Lords and received first and second readings in the House; second reading took place on 9 November. Committee stage where the Bill is examined line by line is scheduled to take place on 26 November.

- ◆ **Scrap Metal Dealers Bill** - A Bill to amend the law relating to scrap metal dealers; and for connected purposes.

The Bill has moved to the House of Lords and received its first reading there on 12 November. The second reading, a general debate on all aspects of the Bill, is scheduled to take place in the House of Lords on 30 November.

The progress of Bills in the 2012/13 parliamentary session can be found at <http://services.parliament.uk/bills/>

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## **When Applying for a Warrant Without Notice a Constable is Under a Duty of 'Full and Frank' Disclosure**

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Zinga and Another v R [2012] EWCA Crim 2357

A hearing in the Court of Appeal (Criminal Division) before Lady Justice Rafferty DBE, Mr Justice McCombe And Mrs Justice Thirlwall DBE.

### **Summary**

When applying to a magistrates' court for a warrant, there is a duty of disclosure; this must be as 'full and frank' as the circumstances require. Where a private prosecution was likely and police applied for a warrant to assist this, the identity of the likely prosecutor was an uncomplicated and uncontroversial fact. The Court of Appeal stated that "We do not understand why it was felt acceptable ... to keep from the Bench that a private prosecution was expected." Despite this, a failure to identify the likely prosecutor was not, in the circumstances, so serious that the prosecution should have been stayed as an abuse of process.

### **The facts**

Virgin Media Ltd (VML) undertook a private prosecution against the defendants, which related to using unlawful set top boxes which allowed users to view VMLs channels for free and without authority. VML told the Metropolitan Police Service (MPS) that they intended to prosecute and sought their assistance in arrest and search. The MPS applied to magistrates on oath, with VML giving evidence of the investigations already undertaken. The Bench was not told that it was likely VML would prosecute, not the police.

The warrants were issued and executed. The defendants were convicted of conspiracy to defraud.

The defendants argued at Crown Court that the prosecution should have been stayed as an abuse of process. The abuse of process arose out of impermissible conduct, namely that the Bench was denied information to which it was entitled (that the prosecution would be undertaken by VML) and that there was no suitable justification for withholding this information.

This argument was refused. The defendants appealed, arguing that the prosecution should have been stayed. The failure to identify the likely prosecutor meant that the fundamental and uncontroversial proposition of law that disclosure of all relevant matters must be full had been ignored.

The defendant argued that the judge fell into error by stating that the identity of the prosecutor was not something the

Bench should have been told. Further, by concluding there was no duty to tell the Bench about who would be prosecuting, the defendants were denied an opportunity to argue that the evidence should be excluded under section 78 of the Police and Criminal Evidence Act 1984 (PACE).

### **The judgment**

The Court of Appeal examined the legal framework on applications for warrants, looking at sections 8, 15 and 16 of PACE. It summarised that:

- ◆ A constable applying for a warrant has a duty of full disclosure of relevant matters - this duty is of 'full and frank disclosure';
- ◆ Case law on this matter (R v Stanford [2010] 3 WLR 941) suggests that "the applicant should put on his defence hat"; and
- ◆ The statutory provisions do not require a potential prosecutor to be identified.

The Court of Appeal stated that "We do not understand why it was felt acceptable, during an ex parte application with its duty of full disclosure, to keep from the Bench that a private prosecution was expected." Full and frank disclosure is not satisfied by demonstrating that the bare minima required for a warrant has been met.

Disclosing the identity of the likely prosecutor would have harmed neither side. The Bench may have asked why the Crown Prosecution Service was not bringing the case, or asked why the MPS was giving assistance. The Court of Appeal suggested the identity of the prosecutor was an uncomplicated and uncontroversial fact, and it would not be surprising if the warrant were issued even after full and frank disclosure.

The Court of Appeal held that the defendants had not demonstrated that the Bench would have refused to grant the warrants had it known of the likely prosecutor. As such it was not possible to show the warrants would have been quashed because of material non-disclosure. Section 78 of PACE did not afford arguable grounds to challenge the evidence. Because the judge's discretion was wide, a decision not to exclude the evidence would have been difficult to challenge.

For these reasons, the appeal was dismissed.

The judgment can be found at  
<http://www.bailii.org/ew/cases/EWCA/Crim/2012/2357.html>

In the November edition of the *Digest*, the case of Williams v R [2012] EWCA Crim 2162 was featured, but no link was available. The judgment can now be found at  
<http://www.bailii.org/ew/cases/EWCA/Crim/2012/2162.html>

**SI 2012/2892 The Police Reform and Social Responsibility Act 2011 (Commencement No. 7 and Transitional Provisions and Commencement No. 3 and Transitional Provisions (Amendment)) Order 2012**

This Order brings the following provisions of the Police Reform and Social Responsibility Act 2011 into force on **22 November 2012**, to the extent that they were not already in force:

- ◆ Part 1 (police reform);
- ◆ Schedule 1 (police and crime commissioners);
- ◆ Schedule 2 (chief constables);
- ◆ Schedule 5 (issuing precepts);
- ◆ Schedule 8 (appointment, suspension and removal of senior police officers);
- ◆ Schedule 11 (crime and disorder strategies);
- ◆ Schedule 14 (police: complaints);
- ◆ Schedule 15 (police reform: transitional provision); and
- ◆ Schedule 16 (police reform: minor and consequential amendments).

These provisions relate to police and crime commissioners and set out their duties and powers, including their powers and duties in respect of their staff, the requirement to issue and publish police and crime plans, duties in relation to co-operation, delegation of functions, responsibility for setting budgets and issuing precepts, and powers relating to the appointment, suspension and removal of senior police officers. Section 2 and Schedule 2 cover the requirement for police forces to have a chief constable, who is to be a corporation sole. This status is required as the Act provides that civilian staff will be employed by the chief constable, rather than the police authority; without this status staff employment contract rights would not transfer to a chief constable's successor when a chief constable leaves office.

Also included in the Order are transitional provisions relating to:

- ◆ The accounts of police authorities;
- ◆ The appointment of a police and crime commissioner's chief executive and chief finance officer;
- ◆ Civilian staff of police forces;
- ◆ Police complaints and misconduct; and
- ◆ Members of the National Policing Improvement Agency.

The Order also includes an amendment to Article 8 of the Police Reform and Social Responsibility Act 2011 (Commencement No. 3 and Transitional Provisions) Order 2011. The amendment ensures that Article 8(2) of the 2011 Order continues to have effect in relation to a police complaint, conduct matter or death or serious injury matter which came to the attention of an appropriate authority before 22 November 2012. This mirrors the effect of the provision made by article 6 of this Order. The effect of the amendment and Article 6 of this Order is that in England and Wales police complaints and other matters already under consideration immediately before 22 November 2012 continue to be dealt with in accordance with the old law.

**SI 2012/2876 The UK Borders Act 2007 (Border and Immigration Inspectorate) (Joint Working etc.) Order 2012**

In force **11 December 2012**. This Order prescribes the following persons under the UK Borders Act 2007 as people with whom the Chief Inspector of the UK Border Agency may work jointly and who he may assist:

- ◆ Her Majesty's Chief Inspector of Prisons;
- ◆ Her Majesty's Inspectors of Constabulary;
- ◆ The Independent Police Complaints Commissioner;
- ◆ The Police Complaints Commissioner for Scotland;
- ◆ The Parliamentary Commissioner for Administration; and
- ◆ The Health Service Commissioner for England.

**SI 2012/2840 The Customs (Inspections by Her Majesty's Inspectors of Constabulary and the Scottish Inspectors) Regulations 2012**

In force **10 December 2012**. These Regulations are made under the Borders, Citizenship and Immigration Act 2009. They make provision to give Her Majesty's Inspectors of Constabulary and, in Scotland, the Scottish inspectors, oversight of premises used to detain people for customs purposes, and of transportation of the persons to and from these premises.

**SI 2012/2811 The Police Pensions (Amendment No. 2) Regulations 2012**

In force **3 December 2012**. These Regulations amend the Police Pensions Regulations 1987 and the Police Pensions Regulations 2006 to implement recommendations made in the Independent Review of Police Officer and Staff Remuneration and Conditions: Part 1 Report. The changes require police pension authorities, when considering whether to retire officers in the general interests of efficiency to take account of:

- ◆ The need to retain skills and knowledge within the police force; and
- ◆ The performance of the individual officer.

The changes also allow a senior police officer to defer the payment of their pension until they reach normal minimum pension age.

**SI 2012/2770 The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Commencement No. 3 and Saving Provision) Order 2012**

This Order brings the following provisions of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 into force on **3 December 2012**:

- ◆ Section 142 (offences of threatening with article with blade or point or offensive weapon in public or on school premises);
- ◆ Section 143 (offence of causing serious injury by dangerous driving);
- ◆ Section 145 (scrap metal dealing: increase in penalties for existing offences), subject to article 3;
- ◆ Section 146 (offence of buying scrap metal for cash etc);
- ◆ Section 147 (review of offence of buying scrap metal for cash etc);
- ◆ Schedule 26 (knives and offensive weapons: minor and consequential amendments) except paragraph 19; and
- ◆ Schedule 27 (causing serious injury by dangerous driving: minor and consequential amendments).

The provisions in section 145 which increase the penalties for scrap metal dealing offences do not apply to offences committed before 3 December 2012.

**SI 2012/2734 The Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012**

In force **22 November 2012**. These Regulations apply legislation applicable to local authority committees to police and crime panels in England and Wales, which are required under section 28 of the Police Reform and Social Responsibility Act 2011.

**SI 2012/2733 The Local Policing Bodies (Consequential Amendments and Transitional Provision) Order 2012**

In force **22 November 2012**. This Order makes changes to two other instruments relating to the terms and conditions of employment of staff employed by local policing bodies, in consequence of the changes the Police Reform and Social Responsibility Act 2011 makes to policing governance.

**SI 2012/2732 The Local Policing Bodies (Consequential Amendments No. 2) Regulations 2012**

In force **22 November 2012**. These Regulations amend other instruments in consequence of the changes the Police Reform and Social Responsibility Act 2011 makes to policing governance. The changes require the chief constable of the British Transport Police to consult with local policing bodies rather than police authorities before making a scheme to accredit non-police employees and grant them certain police powers. The Regulations also require the Secretary of State to consult with police and crime commissioners in relation to major infrastructure developments.

**SI 2012/2730 The Late Night Levy (Application and Administration) Regulations 2012**

In force **31 October 2012**. These Regulations relate to the introduction of the late night levy scheme, introduced into the Licensing Act 2003 by the Police Reform and Social Responsibility Act 2011. The Regulations prescribe how late night levys are to be introduced and administered. This includes a requirement for licensing authorities to consult with local policing bodies, and the relevant chief officer of police when deciding to introduce or vary a late night levy.

**SI 2012/2712 The Police (Amendment No. 4) Regulations 2012**

In force **22 November 2012**. These Regulations amend the Police Regulations 2003 to implement recommendations made in the Independent Review of Police Officer and Staff Remuneration and Conditions: Part 1 Report. The changes relate to:

- ◆ Part-time members of police forces who wish to return to full-time service;
- ◆ Fixed term appointments of senior officers;
- ◆ Days treated as public holidays; and
- ◆ Increases to replacement allowance.

Please see the article on Home Office Circular 22/2012 on page 23.

**SI 2012/2709 The Serious Organised Crime and Police Act 2005 (Designated Sites under Section 128) (Amendment No. 2) Order 2012**

In force **1 November 2012**. This Order amends the Serious Organised Crime and Police Act 2005 (Designated Sites under Section 128) Order 2007 (SI 2007/930) so that the area of Kensington Palace set out in Article 2(12) of that Order is designated under section 128 of the Serious Organised Crime and Police Act 2005 (SOCPA 2005). The effect of this is that trespassing on this site is an offence under section 128 of SOCPA 2005.

**SI 2012/2681 The Prosecution of Offences Act 1985 (Specified Proceedings) (Amendment No. 3) Order 2012**

In force **19 November 2012**. This Order amends the Prosecution of Offences Act 1985 (Specified Proceedings) Order 1999 (the 1999 Order) to include more offences, proceedings for which will be specified proceedings. The Director of Public Prosecutions (DPP) is under a duty to take over the conduct of proceedings instituted on behalf of a police force, unless those proceedings are specified proceedings. The Order states that proceedings are not specified proceedings if they are commenced by the accused being charged by a custody officer at a police station, or if the accused is under 16 when the proceedings are commenced.

The Order also requires that proceedings cease to be specified at certain points, triggering the duty of the DPP to take over the proceedings, including: where a summons or requisition fails to be served with a case summary or a copy of the witness statements the prosecution intends to rely on; or where a magistrates' court indicates that it is considering imposing a custodial sentence.

The offences added to the 1999 Order, for which proceedings will be specified proceedings, are:

- ◆ Careless or inconsiderate driving;
- ◆ Failing to comply with a traffic direction;
- ◆ Failing to stop, report an accident or give information or documents;
- ◆ Being drunk in a highway, other public place or licensed premises;
- ◆ Throwing fireworks in a thoroughfare;
- ◆ Trespassing or throwing stones on the railway;
- ◆ Disorderly behaviour while drunk in a public place;



- ◆ Behaviour likely to cause harassment, alarm or distress;
- ◆ Depositing and leaving litter;
- ◆ Consumption of alcohol in a designated public place;
- ◆ Contravention of a prohibition or failure to comply with a requirement imposed by or under fireworks regulations or making false statements;
- ◆ Knowingly giving a false alarm of fire;
- ◆ Failing to give a sample for the purposes of testing for the presence of Class A drugs;
- ◆ Failing to attend an assessment following testing for the presence of Class A drugs; and
- ◆ Criminal damage, not including arson and only if the value of the property involved is no more than £5,000.

**SI 2012/2670 The Police Reform and Social Responsibility Act 2011 (Commencement No. 6) Order 2012**

This Order brings the following sections of the Police Reform and Social Responsibility Act 2011 into force on **31 October 2012**:

- ◆ Section 119 (early morning alcohol restriction orders);
- ◆ Chapter 2 of Part 2 (late night levy); and
- ◆ Chapter 3 of Part 2 (alcohol disorder zones).

**SI 2012/2669 The Police Act 1997 (Criminal Records) (Amendment No. 3) Regulations 2012**

In force **19 November 2012**. These Regulations change the Police Act 1997 (Criminal Records) Regulations 2002, to reflect that the Secretary of State has taken over the running of the Police National Computer from the National Policing Improvement Agency. Associated statutory instruments make the same change in respect of Jersey, the Isle of Man and Guernsey, these are SI numbers 2012/2668, 2012/2667 and 2012/2666 respectively.

**SI 2012/2660 The Crime and Disorder (Formulation and Implementation of Strategy) (Amendment) Regulations 2012**

In force **22 November 2012**. These Regulations amend the Crime and Disorder (Formulation and Implementation of Strategy) Regulations 2007 (the 2007 Regulations). The effect of the change is to require county strategy groups to send copies of the community safety agreement and the partnership plan to local policing bodies. A new provision is added to the 2007 Regulations which allows police and crime commissioners

to require representatives of the responsible authorities to attend a force level meeting to assist in the formulation and implementation of strategies.

**SI 2012/2652 The Motor Vehicles (Tests) (Amendment) (No. 2) Regulations 2012**

In force **18 November 2012**. These Regulations amend the Motor Vehicles (Tests) Regulations 1981, so that vehicles manufactured before 1 January 1960 can be used on the roads without a MoT test certificate.

**SI 2012/2632 The Police (Conduct) Regulations 2012**

In force **22 November 2012**. These Regulations revoke and re-enact the Police (Conduct) Regulations 2008, with modifications which reflect the changes to policing governance made by the Police Reform and Social Responsibility Act 2011.

**SI 2012/2631 The Police (Performance) Regulations 2012**

In force **22 November 2012**. These Regulations revoke and re-enact the Police (Performance) Regulations 2008 (the 2008 Regulations), with modifications which reflect the changes to policing governance made by the Police Reform and Social Responsibility Act 2011. Changes are added by the Regulations to replicate the effects the Police (Performance and Conduct) (Amendment: Metropolitan Police) Regulations 2011 had on the 2008 Regulations across all police areas in England and Wales.

**SI 2012/2630 The Police Appeals Tribunals Rules 2012**

In force **22 November 2012**. These Rules revoke and re-enact, with modifications, the Police Appeals Tribunals Rules 2008, to reflect the changes to policing governance made by the Police Reform and Social Responsibility Act 2011.

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## **Police and Crime Commissioner Election Results**

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On 15 November 2012 elections took place in police force areas outside London to elect Police and Crime Commissioners (PCCs). PCCs replace police authorities from 22 November 2012. The elected PCCs by police force area are:

- ◆ Avon & Somerset - Sue Mountstevens;
- ◆ Bedfordshire - Olly Martins;
- ◆ Cambridgeshire - Sir Graham Bright;
- ◆ Cheshire - John Dwyer;
- ◆ Cleveland - Barry Coppinger;
- ◆ Cumbria - Richard Rhodes;
- ◆ Derbyshire - Alan Charles;
- ◆ Devon & Cornwall - Tony Hogg;
- ◆ Dorset - Martyn Underhill;
- ◆ Durham - Ron Hogg;
- ◆ Dyfed-Powys - Christopher Salmon;
- ◆ Essex - Nick Alston;
- ◆ Gloucestershire - Martin Surl;
- ◆ Greater Manchester - Tony Lloyd;
- ◆ Gwent - Ian Johnston;
- ◆ Hampshire - Simon Hayes;
- ◆ Hertfordshire - David Lloyd;
- ◆ Humberside - Matthew Grove;
- ◆ Kent - Ann Barnes;
- ◆ Lancashire - Clive Grunshaw;
- ◆ Leicestershire - Sir Clive Loader;
- ◆ Lincolnshire - Alan Hardwick;
- ◆ Merseyside - Jane Kennedy;
- ◆ Norfolk - Stephen Bett;
- ◆ North Wales - Winston Roddick;
- ◆ North Yorkshire - Julia Mulligan;
- ◆ Northamptonshire - Adam Simmonds;

- ◆ Northumbria - Vera Baird;
- ◆ Nottinghamshire - Paddy Tipping;
- ◆ South Wales - Alun Michael;
- ◆ South Yorkshire - Shaun Wright;
- ◆ Staffordshire - Matthew Ellis;
- ◆ Suffolk - Tim Passmore;
- ◆ Surrey - Kevin Hurley;
- ◆ Sussex - Katy Bourne;
- ◆ Thames Valley - Anthony Stansfeld;
- ◆ Warwickshire - Ron Ball;
- ◆ West Mercia - Bill Longmore;
- ◆ West Midlands - Bob Jones;
- ◆ West Yorkshire - Mark Burns-Williamson; and
- ◆ Wiltshire - Angus Macpherson.

The election statements of the winning candidates can be found at <http://www.choosemypcc.org.uk/>

The Association of Police and Crime Commissioners provides information on the role of PCCs and provides guidance for PCCs. Its website is <http://www.apccs.police.uk/>

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### **Revised PACE Code G Now In Force**

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The Home Office has published a revision of Code G to the Police and Criminal Evidence Act 1984 (PACE). The revised Code G applies to any arrest made by a police officer after 00:00 on 12 November 2012.

The changes follow a consultation conducted by the Home Office and:

- ◆ Update the guidance on the statutory power of arrest without warrant under section 24 of PACE;
- ◆ Clarify the application of the necessity criteria in section 24(5) of PACE, including guidance around 'voluntary interviews' where the only investigative action required is to interview the suspect and victim;
- ◆ Emphasise that arrests may not be made solely to obtain fingerprints and DNA; and
- ◆ Include additional notes for guidance about the law on self defence.

More information on the revisions, along with a link to the revised Code G, can be found at <http://www.homeoffice.gov.uk/police/powers/pace-codes/>

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## **Police Power to Prosecute Extended**

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Home Secretary Theresa May has announced an extension to the number of offences the police can prosecute. The changes will be tested in nine police forces prior to national adoption. The offences to which the changes apply include careless and inconsiderate driving, criminal damage under the value of £5,000 (not including arson), and some traffic, alcohol and public order offences.

The changes have been brought into force on 19 November 2012 by The Prosecution of Offences Act 1985 (Specified Proceedings) (Amendment No. 3) Order 2012 (SI 2012/2681). For full details on the changes please see the article on this Order on page 16.

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## **CEO of the College of Policing Announced**

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The Home Secretary has announced Alex Marshall, the chief constable of Hampshire Constabulary, as the CEO of the College of Policing. Mr Marshall will take up the post in early 2013.

More information on the College of Policing, which becomes operational in December 2012, can be found on the Home Office website at <http://www.homeoffice.gov.uk/police/college-of-policing/>

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## **Home Office Consults on Implementing a Police Pay Review Body**

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The Home Office has launched a consultation seeking views on the changes Tom Winsor recommended be made to the police negotiating machinery in the Independent Review of Police Officer and Staff Remuneration and Conditions of Service ('the Tom Winsor Review'). The consultation is open until 21 December 2012.

The consultation explains the current position, detailing the remit, membership and role of the Police Negotiating Board and the Police Advisory Board for England and Wales. The relevant parts of the Tom Winsor review are set out and the Government's position on the report detailed. The background to the pay review bodies is then provided.

The consultation document includes detailed proposals for consultation on the implementation of a new Pay Review Body, covering the following:

- ◆ The terms of reference for the new body;
- ◆ The membership of the new body;
- ◆ Implementation date for the new body;
- ◆ How the body will gather evidence;
- ◆ Moving responsibility for handling police pensions to the Police Advisory Boards for England, Wales, Scotland and Northern Ireland; and
- ◆ Moving responsibility for setting the pay of Chief Constables, Assistant Chief Constables and Deputy Chief Constables to the Senior Salaries Review Body.

The consultation document and details on how to respond can be found at  
<http://www.homeoffice.gov.uk/publications/about-us/consultations/police-neg-machinery-con/police-neg-machinery?view=Binary>

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## **IPCC Consults on Its Work In Cases Involving a Death**

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The Independent Police Complaints Commission (IPCC) has launched a consultation as part of its review into its work in cases involving a death. Responses to the consultation questions are sought as are any comments respondees would like the IPCC to consider. The consultation is open until 5pm on 11 January 2013.

The aims of the review are to:

- ◆ Evaluate the IPCCs eight years of experience in cases involving deaths during or after police contact;
- ◆ Identify necessary changes and improvements to the IPCCs approach and resources in such cases;
- ◆ Consider how the IPCC uses its powers and if it needs additional powers; and
- ◆ Engage with stakeholders and listen to their views and concerns.

The consultation pack gives information about the IPCC and an overview of the legal framework. An explanation is given of the IPCCs powers in independent investigations and how the IPCC conducts such investigations. Respondees are invited to answer questions set out in the pack.

The consultation pack, consultation response form and information on the context of the consultation can be found at  
[http://www.ipcc.gov.uk/en/Pages/deaths\\_review.aspx](http://www.ipcc.gov.uk/en/Pages/deaths_review.aspx)

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## **Home Office Circular 23/2012: Changes to the police complaints system and procedures for dealing with police officer misconduct and unsatisfactory performance**

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The Home Office has issued Home Office Circular 23/2012: Changes to the police complaints system and procedures for dealing with police officer misconduct and unsatisfactory performance. This came into effect on 16 November 2012.

It gives advice about new legislation and associated guidance on changes to the systems governing police complaints, misconduct and unsatisfactory performance, which came into force on 22 November 2012. Home Office guidance has been amended to reflect the changes, and this is attached to the Circular.

The Circular can be found at <http://www.homeoffice.gov.uk/about-us/corporate-publications-strategy/home-office-circulars/circulars-2012/023-2012/>

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## **Home Office Circular 22/2012: The Police (Amendment No. 4) Regulations 2012 - Winsor Review Part 1 (part-time working, public holidays, replacement allowance) and senior officer appointments**

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The Home Office has published Home Office Circular 22/2012 'The Police (Amendment No. 4) Regulations 2012 - Winsor Review Part 1 (part-time working, public holidays, replacement allowance) and senior officer appointments'. This came into effect on 22 November 2012.

The Circular brings attention to the amendments made by the Police (Amendment No. 4) Regulations 2012 (SI 2012/2712). These amend the Police Regulations 2003 in relation to part-time working, public holidays, replacement allowance, and senior officer appointments.

The Circular can be found at <http://www.homeoffice.gov.uk/about-us/corporate-publications-strategy/home-office-circulars/circulars-2012/022-2012/>

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## **Home Office Circular 21/2012: Determinations under Police Regulations 2003 - appointment of senior officers**

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The Home Office has issued Home Office Circular 21/2012 'Determinations under Police Regulations 2003 - appointment of senior officers'.

The circular publicises amendments, effective from 22 November 2012, to the Secretary of State's determinations under the Police Regulations 2003. The amendments require that the Senior Police National Assessment Centre and the Strategic Command Course must have been completed by a person before they may be substantively appointed to a rank higher than Chief Superintendent. Further amendments set out the requirements for advertising vacancies for appointments; they must be advertised on a public website or in some other form of publication dealing with police matters. The amendments also remove the 'previous experience' requirement for appointment as chief constable of a police force.

The circular can be found at <http://www.homeoffice.gov.uk/about-us/corporate-publications-strategy/home-office-circulars/circulars-2012/021-2012/>

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### **Home Office Circular 20/2012: Selection and Appointment of Chief Officers**

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The Home Office has issued Home Office Circular 20/2012 'Selection and appointment of chief officers - from 22 November 2012'.

The circular, effective from 22 November 2012, outlines the legal requirements and principles for appointing Chief Constables, Deputy Chief Constables and Assistant Chief Constables, along with the equivalent ranks in the Metropolitan Police Service. Included in the circular is information about who is responsible for making each appointment, how the jobs must be advertised, the powers and requirements applicable to Police and Crime Panel scrutiny of a proposed appointment, and guidance on consulting with an independent member prior to making an appointment.

The circular can be found at <http://www.homeoffice.gov.uk/about-us/corporate-publications-strategy/home-office-circulars/circulars-2012/020-2012/>

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### **Home Office Circular 19/2012: Pay and pension arrangements for part-time inspectors and chief inspectors**

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The Home Office has published Home Office Circular 19/2012 'Pay and pension arrangements for part-time inspectors and chief inspectors'. The Circular came into effect on 24 October 2012.

It publicises the Home Secretary's approval of the pay and pension arrangements for part-time inspectors and chief inspectors who work over their determined hours. These are



set out in Police Negotiating Board Circular 2012/02, which is attached to the Home Office Circular.

The Circular can be found at <http://www.homeoffice.gov.uk/about-us/corporate-publications-strategy/home-office-circulars/circulars-2012/019-2012/>

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## **IPCC Publishes Updated Statutory Guidance on Handling of Complaints**

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The Independent Police Complaints Commission (IPCC) has revised its statutory guidance 'Guidance to the police service and local policing bodies on the handling of complaints'. The revision is necessary due to the changes made on 22 November 2012 by the Police Reform and Social Responsibility Act 2011.

The guidance is awaiting the approval of the Home Secretary; the IPCC will inform forces when this has been received. A Welsh version of the revised guidance will be published at a later date.

IPCC guidance on the recording of complaints under the Police Reform Act 2002 has also been revised in consequence of the changes.

The guidance on handling complaints, the guidance on recording complaints, and a guidance signposting document can be found at <http://www.ipcc.gov.uk/en/Pages/statutoryguidance.aspx>

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## **Annual Police Complaints Statistics**

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The Independent Police Complaints Commission (IPCC) has published Paper 25 in its Research and Statistics Series, 'Police complaints: Statistics for England and Wales 2011/12'. The paper presents findings relating to complaints in the year 2011/12, including nine key indicators for complaints. It then presents a discussion on the findings to provide context in terms of public contact and dissatisfaction with the police, willingness to complain, and experience of the complaints system.

A selection of the findings is presented below.

In 2011/12 the report shows that:

- ◆ 30,143 complaints were recorded (a 9% reduction from the 2010/11 figure and a 12 % reduction from the 2009/10 figure);
- ◆ Key indicator - 86% of complaints were recorded within the ten day time limit (a slight decrease from 2010/11) with police force rates of compliance with the requirement varying from 50% to 99%;

- ◆ 57,714 allegations were recorded, an 8% reduction from 2010/11;
- ◆ 68% of allegations recorded related to five types of allegation (in decreasing order of prevalence):
  - Other neglect or failure in duty;
  - Incivility, impoliteness and intolerance;
  - Other assault;
  - Oppressive conduct or harassment; and
  - Unlawful or unnecessary detention;

52,019 allegations were finalised in 2011/12, 55% by an investigation and 27% through local resolution. 9,548 (or 18% of allegations finalised) were dispensed, discontinued or withdrawn, continuing a gradual decline in the proportion of allegations finalised in these ways. The report shows that:

- ◆ The average time to deal with an allegation by local resolution was 55 working days, four days less than the 2010/11 average;
- ◆ 124 working days were taken on average to deal with an allegation by local investigation, more than a week less than the 2010/11 average;
- ◆ Supervised investigations took an average of 306 working days to deal with.

Findings on the outcomes of investigations were reported separately depending on which version of the IPCC Statutory Guidance applied:

- ◆ For cases dealt with under the IPCC revised statutory guidance which took effect on 1 April 2010 and changed how complaints are handled under a local investigation, 12% of complaints were upheld;
- ◆ For complaints started before 1 April 2010 17% of complaints were substantiated.

A complaints case is finalised once all action has been concluded; in 2011/12 29,639 cases were finalised. A key indicator presented in the report is the time taken to finalise cases; the average time was 102 working days. This shows an improvement on the previous year, and a comparable time to 2009/10. A further key indicator is the average time when the period for which a complaint is in sub judice; for 2011/12 the average time to finalise a complaint case was 93 working days. This is five days less than in 2010/11.

Appeals to the IPCC are considered; 6,339 appeals were made to the IPCC in 2011/12, 3% more than in 2010/11. Findings in relation to appeals made or finalised include that:

- ◆ 38% of all appeals finalised in 2011/12 were upheld, 8% more than in 2010/11;
- ◆ The rate of upholding appeals against a police force's decision not to record a complaint increased from 49% in 2008/09 to 61% in 2011/12 - 1,374 such appeals were made in 2011/12;
- ◆ 426 local resolution appeals were received, 35% of those completed were upheld; and
- ◆ 4,539 investigation appeals were received, 31% of those completed were upheld which is a higher rate than in previous years.

The profile of complainants is recorded; 30,624 people made complaints in 2011/12, of whom:

- ◆ 64% were male;
- ◆ 56% were white; and
- ◆ 21% (the highest percentage of the specified age groups) were aged 40-49.

35,382 people serving with the police were subject to a recorded complaint, of whom:

- ◆ 90% were police officers;
- ◆ 73% were male; and
- ◆ 89% were white.

The report can be found at  
<http://www.ipcc.gov.uk/en/Pages/stats.aspx>

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### **Missing Persons Bureau Launches Website Dedicated to Unidentified People**

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The Missing Persons Bureau has launched a website <http://www.missingpersons.police.uk> which enables members of the public to search cases of unidentified people to help identify them. The website includes unidentified cases, including bodies, remains and alive individuals found in the UK. Sanitised images of the person, their possessions or tattoos, and artists impressions or 3D representations of how the person may have looked are included.

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## **Home Office Guidance on the Offence of Buying Scrap Metal for Cash**

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The Home Office has issued 'Home Office Guidance on the Offence of Buying Scrap Metal for Cash: Legal Aid, Sentencing and Punishment of Offenders Act 2012 - The Offence of Buying Scrap Metal for Cash'.

The guidance sets out the new offence of buying scrap metal for cash contained within section 146 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPOA 2012), which comes into force on 3 December 2012. This section requires scrap metal dealers to pay for scrap by cheque or electronic transfer of funds; in addition paying for scrap metal in cash is a criminal offence. The guidance explains who section 146 of LASPOA 2012 applies to. It gives further detail on methods of payment, including electronic transfers, cheque payments, and unacceptable methods of payment.

Section 146 of LASPOA 2012 extends the record keeping requirements placed upon scrap metal dealers; the guidance explains the additional requirements and reiterates that a person commits an offence under section 2 of the Scrap Metal Dealers Act 1964 if their records are incomplete. Local authorities and police forces retain responsibility for ensuring compliance with the new requirements.

The guidance states the government's support for the Scrap Metal Dealers Bill which is currently progressing through parliament.

The guidance can be found at <http://www.homeoffice.gov.uk/publications/crime/scrap-metal-guidance>

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## **Home Office Circular 18/2012 - A change to the Protection from Harassment Act 1997: introduction of two new specific offences of stalking**

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The Home Office has published Home Office Circular 18/2012 'A change to the Protection from Harassment Act 1997: introduction of two new specific offences of stalking'. The circular applies from 25 November and explains the amendments the Protection of Freedoms Act 2012 makes to the Protection from Harassment Act 1997 (PHA 1997), by creating offences of stalking.

The circular explains the background to the changes, and then sets out the new offences which came into force on 25 November, explaining the points to prove and the statutory defences in the PHA 1997. The new offences are:

- ◆ Stalking, contrary to section 2A of the PHA 1997 which is a summary offence; and
- ◆ Stalking involving fear of violence or serious alarm or distress, contrary to section 4A of the PHA 1997 which is triable either way.

The changes to the PHA 1997 include a new police power of entry in relation to the section 2A stalking offence, this is contained in section 2B of the PHA 1997. A constable can apply to a justice of the peace, who may issue a warrant authorising entry and search of premises providing there are reasonable grounds to believe the conditions in section 2B of the PHA 1997 are met. The circular explains these conditions and outlines that a constable may seize and retain anything for which a search was authorised, and may use reasonable force, if necessary, in the exercise of any power conferred by section 2B.

The circular can be found at  
<http://homeoffice.gov.uk/about-us/corporate-publications-strategy/home-office-circulars/circulars-2012/018-2012/>

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## **Home Office Consultation on Recorded Crime Outcomes**

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The Home Office has launched a consultation on proposals to revise the current framework for recording crime outcomes. The consultation is open until 7 December 2012.

The views of key partners including police are sought on the proposals. The consultation paper argues that the current detection framework hinders police discretion to choose the appropriate outcome, fails to recognise some out-of-court disposals and does not provide a full picture of outcomes as no explanation is given for crimes recorded as 'undetected'.

The proposed new framework retains the existing detection categories but adds more categories to allow police to fully account for crimes. The proposed additional categories are:

- ◆ Community Resolution;
- ◆ Prosecution not possible or advisable, with sub-categories of:
  - Evidential difficulties in proceeding;
  - Unable to prosecute offender (e.g. age/health/deceased);
  - Prosecution unlikely to succeed or not in the public interest - CPS;
  - Prosecution unlikely to succeed or not in the public interest - police; and

- Time limit expired;
- ◆ Crime investigated as far as possible, case closed; and
- ◆ Crime remains under active investigation.

Responses can be submitted online, by email or by post. The consultation paper can be found at <http://www.homeoffice.gov.uk/publications/about-us/consultations/crime-outcomes-cons/>

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## **Interim Report on Child Sexual Exploitation**

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The Children's Commissioner has published the interim report of the Office of the Children's Commissioner's Inquiry into Child Sexual Exploitation In Gangs and Groups: "I thought I was the only one. The only one in the world".

The report publishes the number of known victims of child sexual exploitation by gangs and groups in England, and asserts that this represents an undercounting of the scale of this type of abuse. The report explains that the vast majority of offenders are male, ranging from the age of fourteen to old men. Offenders and their victims are reported to come from all ethnic groups.

The report finds that in one year (April 2010 to March 2011) 16,500 children were identified as being at high risk of child sexual exploitation. From August 2010 to October 2011 2,409 children were confirmed as victims of child sexual exploitation in gangs and groups. The report finds that all agencies including police need to work in partnership more to protect children from sexual abuse and from exploitation.

An immediate action for professionals including police and crime commissioners is identified; they should circulate the warning signs of child sexual exploitation to all professionals who come into contact with children and young people and ensure they understand and act on them.

Thirteen further recommendations are identified in the interim report, covering the identification of victims, identifying perpetrators, data gathering and information sharing, and recognition and awareness-raising.

The interim report can be found at [http://www.childrenscommissioner.gov.uk/content/publications/content\\_636](http://www.childrenscommissioner.gov.uk/content/publications/content_636)

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## **NSPCC Publishes Booklet for Parents on Protecting Children from Sexual Abuse**

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The National Society for the Prevention of Cruelty to Children has published a booklet 'What can I do? Protecting your child from sexual abuse'. The booklet is aimed at parents and is designed to help parents recognise what is happening and to report their concerns. It provides answers to questions parents may have under the following themes: spotting the signs; if your child tells you about abuse; and moving forward after abuse. Contact details are given for providers of support and advice, such as police.

The booklet can be found at  
[http://www.nspcc.org.uk/help-and-advice/for-parents-and-carers/guides-for-parents/sexual-abuse/sexual-abuse\\_wda90715.html](http://www.nspcc.org.uk/help-and-advice/for-parents-and-carers/guides-for-parents/sexual-abuse/sexual-abuse_wda90715.html)

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## EHRC Inquiry Report into Disability-Related Harassment

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The Equality and Human Rights Commission (EHRC) has published a report of its inquiry into disability-related harassment, 'Out in the Open: A Manifesto for Change'. The inquiry was set up to investigate the causes of disability-related harassment and to identify actions public authorities and public transport operators can take to prevent and eliminate it.

The report examines progress since the EHRC report 'Hidden in Plain Sight', and makes final recommendations relating to the following topics:

- ◆ Reporting, recording and recognition;
- ◆ Addressing gaps in legislation and policy;
- ◆ Ensuring adequate support and advocacy;
- ◆ Improved practice and shared learning;
- ◆ Redress and accessing justice;
- ◆ Prevention, deterrence and understanding motivation; and
- ◆ Transparency, accountability and involvement.

The EHRC propose in the report that it will evaluate the impact of the enquiry over five years as follows:

- ◆ Baseline measures to be agreed in October 2012;
- ◆ September 2013 - one year review against the baseline measures and a published review of authorities' responses to the recommendations;
- ◆ September 2015 - review of changes against the baseline data and a published review of authorities' implementation of the inquiry recommendations;
- ◆ September 2017 - a final review of changes in the baseline data, assessment of the impact of the inquiry and a published final review of the inquiry.

The report and further information about the inquiry can be found at

<http://www.equalityhumanrights.com/legal-and-policy/inquiries-and-assessments/inquiry-into-disability-related-harassment/>



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## HSE Work-related Deaths Protocol

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The Health and Safety Executive (HSE) has issued a third version of 'Work-related deaths: A protocol for liaison (England and Wales)'. The protocol applies to criminal investigations into work-related deaths in England and Wales, setting out principles for effective liaison.

Signatories to the protocol include the HSE, the Crown Prosecution Service, the police (through the Association of Chief Police Officers) and the British Transport Police. The protocol sets out that certain signatories have particular roles and responsibilities in relation to a work-related death and provides a general guide to these in Annex A of the protocol. A clear explanation of when the protocol will apply is given. The protocol includes a statement of intent, and goes on to explain the roles and responsibilities the signatories to the protocol have agreed in relation to:

- ◆ Initial action;
- ◆ Management of the investigation;
- ◆ Decision making;
- ◆ Disclosure of material;
- ◆ Special inquiries;
- ◆ Advice prior to charge;
- ◆ The decision to prosecute;
- ◆ The prosecution;
- ◆ HM coroner;
- ◆ National liaison; and
- ◆ Local liaison.

The protocol, along with links to other documents including the protocol for Scotland, can be found at <http://www.hse.gov.uk/enforce/wrdp/index.htm?eban=govdel-police&cr=02-Nov-2012>

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## Consultation on Speed Limits for Heavy Goods Vehicles

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The Department for Transport has launched a consultation 'Examining the speed limit for heavy goods vehicles over 7.5 tonnes on single carriageway roads'. The consultation runs until 1 February 2013. Views are sought from anyone interested in the issues covered in the consultation document, in particular

from groups including government enforcement bodies or police forces and organisations.

The consultation document seeks views on whether to increase the speed limit for heavy goods vehicles over 7.5 tonnes on single carriageway roads to either 45 or 50 miles per hour. Views are also sought on any further options not identified in the consultation document. Evidence is sought that could enable assessment of additional collisions caused by or involving HGVs over 7.5 tonnes on single carriageway roads if speed limits were increased. More information is sought on the following topics:

- ◆ Air quality;
- ◆ Noise impacts;
- ◆ Behaviour changes for all classes of vehicles;
- ◆ A modal shift in freight transport;
- ◆ Road maintenance requirements;
- ◆ The likelihood of an increased speed limit leading to local authorities reducing speed limits on non-trunk primary routes; and
- ◆ Costs for information providers due to publicity or conversion costs following an increase in speed limit.

The consultation document and information on how to respond can be found at  
<http://www.dft.gov.uk/consultations/dft-2012-34/>

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### **CPS Consults on Concurrent Jurisdiction Interim Guidelines**

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The Crown Prosecution Service (CPS) has launched a consultation seeking views on its document 'Interim Guidelines on the Handling of Cases Where the Jurisdiction to Prosecute Is Shared with Prosecuting Authorities Overseas'. The interim guidelines have immediate effect but are subject to review following the three month consultation period.

The consultation is open until 31 January 2013. The interim guidelines apply where it appears that criminal conduct may have resulted in crimes being committed in different jurisdictions, and where criminal investigations have commenced in more than one jurisdiction. The guidelines set out the principles for prosecutors to follow in such places. They are relevant to investigators as they explain what information investigators and prosecutors may need to share with their equivalents in other countries.

The interim guidelines and details on how to respond to the consultation can be found at [http://www.cps.gov.uk/consultations/concurrent\\_jurisdiction\\_consultation.html](http://www.cps.gov.uk/consultations/concurrent_jurisdiction_consultation.html)

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## **Consultation on Crown Court Means Testing**

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The Ministry of Justice has launched a consultation 'Crown Court means testing: the design of the scheme on implementation of the Legal Aid, Sentencing and Punishment of Offenders Act 2012'. The consultation, which runs until 11 December 2012, is aimed at individuals, groups or professional bodies who work or have an interest in the criminal justice system in England and Wales, including police.

The consultation is intended to offer an opportunity to consider proposals to improve the overall effectiveness of Crown Court Means Testing (CCMT), which from 1 April 2013 will be governed by the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO). The proposals for the operation of CCMT under LASPO focus on:

- ◆ The provision of evidence and sanctions where a defendant fails to comply with requests for evidence;
- ◆ The range of triggers which may lead to re-assessment of a defendant's liability once it has been established they are liable for an income contribution order; and
- ◆ The collection and enforcement of payments under income contribution orders and capital contribution orders, to include powers to order clamping and sale of a defendant's motor vehicle.

The consultation paper, along with details of how to respond, can be found at [https://consult.justice.gov.uk/digital-communications/crown-court-means-testing/consult\\_view](https://consult.justice.gov.uk/digital-communications/crown-court-means-testing/consult_view)

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## **New Government Website on Government Services and Information**

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The Government has launched a new website, GOV.UK which replaces the Directgov and Business Link websites. The cross-government website includes a section on crime, justice and the law which includes information on legal processes, courts and the police in five sections:

- ◆ Courts, sentencing and tribunals;
- ◆ Prisons and probation;
- ◆ Reporting crimes and getting compensation;

- ◆ Young people and the law; and
- ◆ Your rights and the law.

The website can be accessed using the following link  
<https://www.gov.uk/>

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## **Ofsted Report on Young People's Views on Running Away from Care**

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The Office for Standards in Education, Children's Services and Skills (Ofsted) has published its report 'Running Away'. Ofsted invited children and young people in care or living away from home in residential accommodation for their views on the subject of running away. The report identifies key messages on the views and experiences of those children and young people. The views and experiences relating to the police are summarised below.

One of the reasons for running away listed by children and young people was running away to escape police. The reports findings include that sometimes young people are said to have run away when in fact they had stayed out longer than they were supposed to, and noted that some young people in care reported that "some staff tried to control young people by threatening to call the police and report them missing whenever someone stayed out late".

The views of the children and young people were sought about what they might do or feel once they had run away. Some children and young people reported that if they ran away and didn't know anyone to go to, they may agree to be taken in by a person they meet after running away. The report notes that this can result with that person being charged with abduction.

One of the groups Ofsted spoke to summarised what people may do as "Hide from police, window shopping, thieving, hiding in a hole". Some reported feelings of being scared once they had run away, with some having a fear of being caught by the police.

The views and experiences included whether people meant to run away for good, or whether they intended to return. Most reported an intention to return. Reports showed that police find those who have run away and return them whether they intended to return or not; the views included suggestion that the reason some people return is because the police make them go back. On their return, the views of some of the children and young people were that staff should ask why they left, not just what they did while they were away; talking about the experience was reported by some as more difficult if staff were congregated around them or the police.

Some of the children and young people spoken to reported the risk of rough treatment by the police as one of the dangers of running away. When asked who would be likely to worry about someone who had run away, the police were listed by some as people who would worry and in some cases be especially worried. When asked what staff or carers could do to help make a child or person who had run away safer, some reported that staff should have a plan; one suggestion was that this should include calling the police after a certain time. When asked what messages should be included in the report, some of the groups reported that children and young person should turn off their mobile phone to prevent the police from tracking it.

The report can be found at  
<http://www.ofsted.gov.uk/resources/running-away-2012>

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## **INQUEST Report on Learning from Deaths in Custody**

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The charity INQUEST has published 'Learning from Death in Custody Inquests: A New Framework for Action and Accountability'. This report considers that the coronial service makes a vital contribution to the prevention of deaths and the conditions of safe custody, but argues that lives could be saved if more effective use were made of narrative verdicts and Coroners Rule 43 reports (Rule 43 reports). Coroners Rule 43 allows coroners to make reports where the coroner believes action should be taken to prevent future deaths.

The report argues that the learning opportunities from narrative verdicts and Rule 43 reports are lost too frequently. Five key recommendations are made in the report:

- ◆ A consistent approach should be taken to the use of narrative verdicts and Rule 43 reports by coroners and others engaged in the inquest system;
- ◆ A publicly accessible database of narrative verdicts and Rule 43 reports should be compiled and maintained;
- ◆ A specialist custody death database should be established;
- ◆ A permanent institution should be created which has an obligation to conduct comprehensive research and analysis of the verdicts and reports; and
- ◆ Narrative verdicts and Rule 43 reports should be sent directly to all relevant bodies.

The report can be found at  
[http://inquest.gn.apc.org/pdf/reports/Learning\\_from\\_Death\\_in\\_Custody\\_Inquests.pdf](http://inquest.gn.apc.org/pdf/reports/Learning_from_Death_in_Custody_Inquests.pdf)

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## Howard League Research on Deaths on Probation

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The Howard League for Penal Reform has published 'Deaths on probation: An analysis of data regarding people dying under probation supervision'. The report considers data obtained from probation trusts under Freedom of Information legislation about the number of adults who have died under probation supervision. The data is examined in the report which raises questions about who should take responsibility for trying to prevent those deaths.

Recommendations are made in the report, including:

- ◆ An 'ethics of care' is recommended to reflect the responsibility taken for the care of those under probation supervision;
- ◆ To prevent deaths under probation supervision it is important to reflect on whether things could have been done differently;
- ◆ Probation staff need more support in order to prevent deaths;
- ◆ More information is needed about deaths, for example about whether other agencies beyond the Probation Service were aware of the vulnerabilities of those under supervision and whether they were involved at the time of death;
- ◆ The National Offender Management Service may wish to reconsider the wording on the forms it uses to record deaths under probation supervision, to improve recording and aid analysis; and
- ◆ Further research is recommended which takes into account probation perspectives.

The report can be found at  
<http://www.howardleague.org/deathsonprobation/>

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## Notes

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**College of  
Policing**

**Legal Services**  
**[www.college.police.uk](http://www.college.police.uk)**