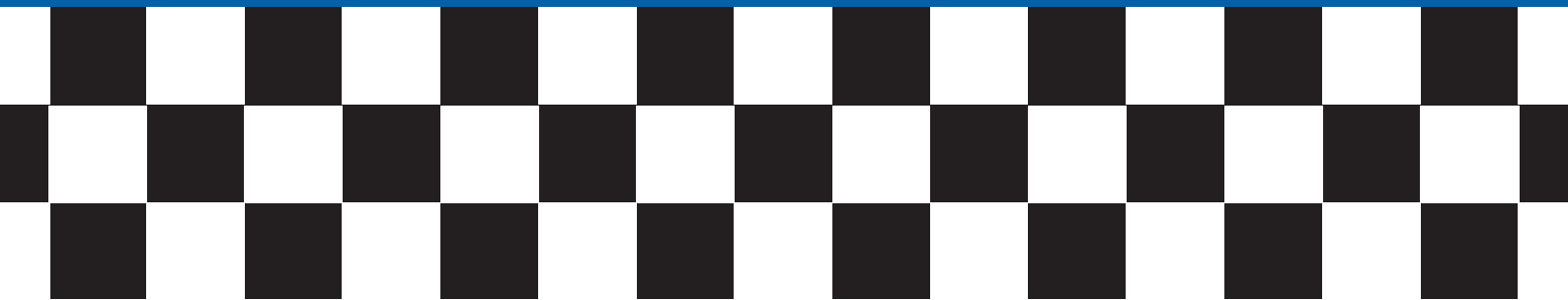


Digest

October 2012

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



The NPIA Digest is a journal produced each month by the Legal Services Team of the Chief Executive Officer Directorate. The 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 NPIA aims to provide fair access to learning and development for all. To support this commitment, the Digest is available in alternative formats upon request.

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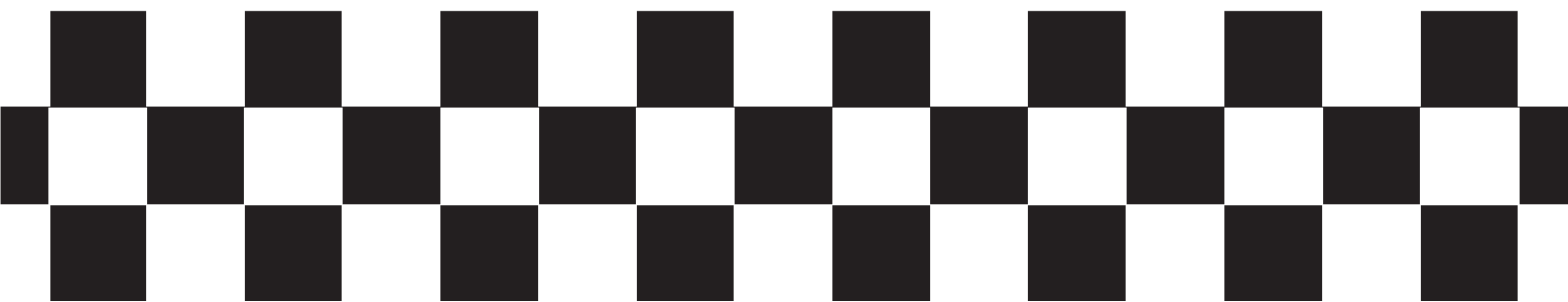
October 2012

Digest

Legal Services

Chief Executive Officer Directorate

www.npia.police.uk/digest



NPIA Digest October 2012

This month's edition of the Digest contains a summary of issues relating to police law, operational policing practice and criminal justice.

There are reports of cases on charging for special police services and on the powers of civil recovery under the Proceeds of Crime Act 2002.

We look in detail at recently published Government and Parliamentary reports and initiatives including the Department of Health's Suicide Prevention Strategy; a forthcoming change to the definition of domestic violence; and local authority guidance on tackling 'beds in sheds'.

Statistical bulletins are covered which detail the operation of police powers under the Terrorism Act 2000 and hate crimes in England and Wales for 2011/12.

Research reports summarised within include the criminal justice joint inspection group report on the use of restorative justice; the baseline assessment on human trafficking in 2011; the experience of black and minority ethnic gay people accessing public services; and the contribution of financial investigation to tackling organised crime.

The progress of proposed new legislation through Parliament is examined and statutory instruments published this month summarised.

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Bills Before Parliament 2012/13 - Progress Report

On 9 May 2012, the Queen's Speech unveiled the legislative programme for the 2012-2013 Parliamentary session. Bills introduced in the 2012/13 session included the Crime and Courts Bill.

◆ **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 Coroners and Justice (Amendment) Bill is a Private Members' Bill which had its first reading in the House of Commons on 12 September 2012. Second reading in the House of Commons is scheduled to take place on 19 October 2012.

◆ **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 at its first reading stage on 10 May 2012. Committee stage, the detailed line by line examination of each clause in the Bill, commenced on 18 June 2012. The sixth day of Committee stage took place on 4 July 2012. Amendments discussed covered Clauses 24 - 27 of the Bill. The House of Lords rose for the summer recess on 25 July 2012 and returns on 8 October 2012. The seventh day of Committee stage is scheduled for 9 October 2012.

The progress of Bills in the 2012/13 parliamentary session can be found at

<http://services.parliament.uk/bills/>

Cost Recovery for Policing Football Matches Does Not Extend to Land Outside the Football Ground Which is Not Owned, Leased or Controlled by the Football Club

Leeds United Football Club Ltd v The Chief Constable of West Yorkshire Police [2012] EWHC 2113

A hearing in the High Court of Justice Queen's Bench Division, before the Honourable Mr Justice Eady.

Summary

Recovery of the costs of public order policing and crowd control related to policing football matches is limited to special police services within the football ground itself. In a summary of the present law on special police services the judge remarked that Home Office Circular 09/11 accurately reflects the law in stating that special police services apply to a "defined footprint area including the football ground itself and other land owned, leased, or controlled by the football club (or manager of the event)".

The facts

The central issue in this case was whether West Yorkshire Police (WYP) were able to recover from Leeds United Football Club (the Club) the costs of public order policing and crowd control around the immediate area of the Club's premises, before and after matches, or whether they were restricted to recovering the costs of special police services (SPS) on land owned, leased or directly controlled by the club.

The charging practice between the parties changed in 2009-10, when WYP changed from just recovering SPS costs, and began claiming for the costs of policing within an area of land in the vicinity of the stadium (the footprint). This extra charge was without regard to whether the land in the footprint was owned or controlled by the Club. The change in charging practice was made under the advice of the Association of Chief Police Officers (ACPO) following the judgment in *Chief Constable of Greater Manchester Police v Wigan Athletic AFC Ltd* [2007] EWHC 3095 (Ch) (the Wigan Athletic case).

The Club challenged WYPs ability to charge for the extra costs. It argued that by charging for policing beyond land owned or controlled by the Club, WYP was impermissibly seeking payment for the discharge of normal policing law duties which fall within the common law duty to keep the peace.

WYP argued that the charge could be made under section 25 of the Police Act 1996 which permits charging for SPS in the footprint, because the services benefit only the Club and those

attending the match. They are separate from normal policing duties and have been implicitly invited to provide the services by the Club.

The judgment

The judge considered previous cases where section 25 of the Police Act 1996 had been considered, including *Harris v Sheffield United Football Club Ltd* [1988] QB 77 and *West Yorkshire Police Authority v Reading Festival Ltd* [2006] 1 WLR 2005 (the Reading Festival case). In the latter case, it was noted that it was impossible to comprehensively define SPS, but in most cases one of two features were likely to be present:

- ◆ “The services will have been asked for but will be beyond what the police consider necessary to meet their public duty obligations”, or
- ◆ “they are services which, if the police do not provide them, the asker will have to provide them from his own or other resources”.

The judge highlighted four points from the previous cases which were relevant to the present case:

- ◆ The ultimate sanction for a promoter who does not request SPS may be that the event should not take place at all;
- ◆ The law does not permit recovery of the additional costs of policing merely because a function will attract a large number of attendees;
- ◆ There is no ‘benefit’ test requiring the court to consider whether the policing services benefit the general public or particular groups of individuals - this would not be practical or sufficiently certain;
- ◆ The present case does not have either of the two key features outlined in the Reading Festival case.

The judge then considered the *Wigan Athletic* case. In that case the police authority was not seeking to recover the costs of policing on public land. The judge was asked to determine the degree of control *Wigan Athletic* held over certain areas of land, and held that there was control and the costs of SPS in those areas could therefore be recovered. In contrast, in the present case WYP was seeking to recover costs on public land (including public highways) and on land owned by third parties. Additionally, the Club had not requested SPS in those areas. The judge therefore determined that the *Wigan Athletic* case was confined to SPS provided on land which the club had leased. It could not be interpreted to allow charging on a wider basis as WYP had argued.

The judge determined that the policing in public areas outside the club fell within the normal common law duty to keep the peace. Officers attending areas outside, including notorious trouble spots, were not there on the request of the Club, and the land was not owned, leased or controlled by the Club. The policing benefited members of the public and was not simply 'policing for the purposes of the match'. Supporters of the Club were also members of the public and were entitled to protection when attending. The services in the footprint were not SPS.

The consequences of this interpretation of the law were considered by the judge. He noted that it was unfortunate for WYP and the public purse. He noted that more recently, Home Office Circular 09/2011 came into force and stated that it reflects the current law accurately. Legislation will be needed if the government should wish to extend SPS beyond what the circular defines as the present scope: a "defined footprint area including the football ground itself and other land owned, leased, or controlled by the football club (or manager of the event)". The use of safety certificates in accordance with sections 1 and 2 of the Safety of Sports Grounds Act 1975 was looked at by the judge; these often have input from the chief officer of police and conditions imposed under the certificates could bring about a reduction in the cost of policing.

The judgment can be found at

<http://www.bailii.org/cgi-bin/markup.cgi?doc=/ew/cases/EWHC/QB/2012/2113.html&query=leeds&method=all>

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Worldwide Property Freezing Order under Part 5 of Proceeds of Crime Act 2002 was Invalid

Perry & Ors v Serious Organised Crime Agency [2012] UKSC 35 and Perry and others No. 2 (Appellants) v Serious Organised Crime Agency

A hearing in the Supreme Court before Lord Phillips, Lady Hale, Lord Brown, Lord Judge, Lord Kerr, Lord Clarke, Lord Wilson, Lord Reed and Sir Anthony Hughes

Summary

Part 5 of the Proceeds of Crime Act 2002 (POCA 2002) makes provision for proceedings, including property freezing orders, in respect of property within the UK, but not outside it: "The High Court of England and Wales has no jurisdiction under Part 5 to make a recovery order in relation to property outside England and Wales."

Disclosure orders under section 357 of POCA 2002 authorise the giving of information notices; these can only be issued to people within the jurisdiction of the court, not to people outside the UK.

The facts

Two appeals to the Supreme Court were heard together. Both appeals arose out of steps taken by the Serious Organised Crime Agency (SOCA) to deprive the first appellant (Mr Perry) and others of the proceeds of criminal fraud for which Mr Perry had been convicted in Israel. SOCA had taken preliminary steps to invoke the High Court's powers of civil recovery under Part 5 of the Proceeds of Crime Act 2002 (POCA 2002).

The first appeal (the Property Freezing Order appeal) relates to a worldwide property freezing order obtained against the appellants. The second appeal (the Disclosure Order appeal) relates to a disclosure order under which disclosure notices were issued to the appellants.

The Property Freezing Order Appeal

SOCA obtained a worldwide property freezing order pursuant to section 245A of POCA 2002 against eight respondents. In one case the order froze certain identified assets, but it froze worldwide all the assets of the other seven defendants. The order also required all the defendants to disclose all their worldwide assets.

Such orders are available against property which can be made subject to a civil recovery order. The appellants argued that, subject to a limited exception, civil recovery orders can only be made in respect of property within the territorial jurisdiction of the court making the order. On that basis they challenged the validity of the order, raising the issue of the extent to which a civil recovery order can be made in respect of property outside the UK.

In previous hearings the order had been upheld. The courts examined the presumption against extraterritoriality but decided that it did not apply.

Property Freezing Appeal Judgment

Lord Phillips' judgment considered the definition of 'property' in POCA 2002 and the presumption against extraterritoriality. It also considered measures which states have taken to depart from customary principles of international law in confiscating proceeds of crime including the 1990 Strasbourg Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime. This Convention provides that courts in country A can purport to exercise powers over property in another country, where that property is the proceeds of criminal conduct subject to the country A's criminal jurisdiction. It requires that to be given effect by confiscation proceedings in the second state, at the request of the first.

Lord Phillips' judgment considered the requirements of that Convention, and the effect of Parts 2, 3, 4 and 5 of POCA 2002. It also considered section 286 of POCA 2002 which relates to Scotland and purports to give the Court of Session jurisdiction to make an order against certain property outside Scotland.

It concluded that Part 5 of POCA 2002 makes provision for proceedings in respect of property within the UK, but not outside it. POCA 2002 accords with the arrangements for giving effect to requests by other states for confiscation of the proceeds of crime. It also accords with the need for a coherent international scheme for confiscation, and with principles of public international law.

Lord Phillips allowed the appellants' appeals: "The High Court of England and Wales has no jurisdiction under Part 5 to make a recovery order in relation to property outside England and Wales. It follows that the court had no jurisdiction to make the worldwide property freezing order that was made in this case."

The property freezing order was to be redrawn. Further comment was made on the order in Lord Phillips' judgment, which explained that section 245A(2)(a) states that a property freezing order specifies or describes the property. The property freezing order was not restricted to specific property and included general directions. The judgement therefore questioned whether the general directions specified or described the property sufficiently. The order also required the appellants to disclose all their worldwide assets. Lord Phillips questioned whether the court had jurisdiction to make this order as disclosure is covered in Part 8 of POCA 2002.

Lady Hale, Lord Brown, Lord Kerr and Lord Wilson agreed with Lord Phillips' judgment. Lord Reed agreed but considered further section 286 of POCA 2002 which relates to the scope of powers in Scotland. Sir Anthony Hughes agreed, noting that had it been possible to construe the provisions to allow limited extraterritorial effect he should have wished to do so. Lord Judge and Lord Clarke did not agree with the majority regarding the property freezing order. They stated that the scheme and language of POCA 2002 do not support the conclusion that Part 5 is limited to property within the jurisdiction, and the control mechanisms within Part 5 ensure that any order may be made subject to conditions which would avoid improper extra-territorial effect.

The Disclosure Order Appeal

SOCA also obtained a disclosure order and addressed notices under that order to the disclosure order appellants, all of whom were at all material times outside the jurisdiction. The notice was communicated to them by letter addressed to a residence that Mr Perry maintains in Mayfair.

The appellants submitted that the authority under a disclosure order only permits disclosure notices to be issued to persons within the jurisdiction. The notices were given to persons who SOCA knew were outside the jurisdiction of the United Kingdom.

Disclosure Order Appeal judgment

Lord Phillips' judgment explained that the disclosure notice places a positive obligation on the recipient to provide information and makes failure to comply a criminal offence. Lord Phillips noted that to confer the authority to impose such obligations on a person outside the jurisdiction would be a 'particularly startling' breach of international law, which generally states that country A cannot criminalise conduct committed abroad by a person who is not a citizen of country A.

His judgment allowed the appeal on this basis: "I consider it implicit that the authority given under section 357 can only be exercised in respect of persons who are within the jurisdiction."

Lord Phillips stated that the appropriate relief was a declaration that the disclosure order does not authorise sending information notices to persons who are outside the United Kingdom.

Lord Phillips also examined the purpose of the order, saying that it appeared to be to allow SOCA to carry out a 'roving commission' to identify any property which might be the proceeds of Mr Perry's crime. Lord Phillips noted that it is questionable whether the authority in a disclosure order extends beyond seeking information about property which has already been identified.

The judgment can be found at
<http://www.bailii.org/uk/cases/UKSC/2012/35.html>

SI 2012/2393 The Value Added Tax (Refund of VAT to Chief Constables and the Commissioner of Police of the Metropolis) Order 2012

In force **15 November 2012**. This Order provides that Chief Constables established under section 2 of the Police Reform and Social Responsibility Act 2011 and the Commissioner of Police of the Metropolis established under section 4 of that Act are specified for the purposes of section 33 of the Value Added Tax Act 1994. This allows them to claim refunds of VAT on supplies to, acquisitions by or importations by them, provided these are not for the purpose of a business being carried out by them.

SI 2012/2374 The Coroners and Justice Act 2009 (Commencement No. 10) Order 2012

This Order brings a number of provisions of the Coroners and Justice Act 2009 into force. This includes the following which are brought fully into force on **8 October 2012**:

- ◆ section 106 (directions to attend through live link);
- ◆ section 107 (answering to live link bail);
- ◆ section 108 (searches of persons answering to live link bail);
- ◆ section 178 (repeals), so far as it relates to the provisions specified below; and
- ◆ in Schedule 23 (repeals), Part 3 (criminal evidence and procedure).

These provisions relate to the use of live video links at preliminary hearings in the magistrates' court, where the accused is in police detention at a police station. Section 106(3) amends section 57C of the Crime and Disorder Act 1998 by requiring that a live link direction may not be given unless the court is satisfied that it is not contrary to the interests of justice to give such a direction. Section 107 makes consequential changes to sections 46ZA and 46A of the Police and Criminal Evidence Act 1984. Section 108 creates new sections 54B and 54C of the Crime and Disorder Act 1998 and a new paragraph 47A of Schedule 4 to the Police Reform Act 2002, which allow the search of a person answering to live link bail at a police station.

SI 2012/2373 The Police and Justice Act 2006 (Commencement No. 15) Order 2012

In force **8 October 2012**. So far as they are not already in force, this Order brings the following sections of the Police and Justice Act 2006 into force:

- ◆ section 45 (attendance by accused at certain preliminary or sentencing hearings); and
- ◆ section 46 (live link bail).

Section 45 inserts section 57C of the Crime and Disorder Act 1998, which enables live video links to be used at a preliminary hearing in the magistrates' court, where the accused is in police detention at a police station. Section 46 amends the Police and Criminal Evidence Act 1984, allowing police to grant bail subject to a duty to return to a police station for proceedings in relation to a live link direction.

SI 2012/2299 The Terrorism Act 2000 and Proceeds of Crime Act 2002 (Business in the Regulated Sector) (No. 2) Order 2012

In force **1 October 2012**. This Order amends the Terrorism Act 2000 and the Proceeds of Crime Act 2002. The effect of the amendments is to include estate agents selling property outside the UK within the types of businesses who must report suspicious activity (and to whom related offences apply) under Part 3 of the Terrorism Act 2000 (terrorist property) and Part 7 of the Proceeds of Crime Act 2002 (money laundering). The Order also requires the Treasury to review and report on the operation and effect of Schedule 3A to the Terrorism Act 2000 and Schedule 9 to the Proceeds of Crime Act 2002.

SI 2012/2279 The Protection of Freedoms Act 2012 (Relevant Official Records) Order 2012

In force **1 October 2012**. This Order is pursuant to the provision in the Protection of Freedoms Act 2012 allowing a person who has a conviction or caution for certain historic offences including buggery or gross indecency between men to apply to the Secretary of State to have the conviction or caution disregarded. On a successful application the Secretary of State will direct the relevant data controller to delete the record (or in certain circumstances, to annotate the record). This Order prescribes which records are to be deleted or annotated, and prescribes the data controller for each record. The chief constable of a police force in England and Wales is prescribed as the data controller for records kept locally by the force for the use of constables.

SI 2012/2278 The Protection of Freedoms Act 2012 (Consequential Amendments) Order 2012

In force **1 October 2012**. This Order makes consequential changes to the Functions of Traffic Wardens Order 1970 and the Removal and Disposal of Vehicles (Traffic Officers) (England) Regulations 2008. The changes are consequential to the change section 55 of the Protection of Freedoms Act 2012 has made to definition of land from which vehicles can be removed, in the Road Traffic Regulation Act 1984. The amendments change the definitions from 'land in the open air' to 'other land'.

SI 2012/2277 The Removal and Disposal of Vehicles (Amendment) (England) Regulations 2012

In force **1 October 2012**. These Regulations amend the Removal and Disposal of Vehicle Regulations 1986, extending the power of a constable in England to require the removal, to remove, or to arrange the removal of vehicles from land other than a public road. The change alters Regulation 3 to allow constables to require the removal of a vehicle from 'other land' as well as roads. When requiring a person to move a vehicle, constables will be able to require that the vehicle shall be moved "to another place which may be a road or other land; or that the vehicle shall not be moved to any such road or other land as may be specified". Regulation 4, the power for constables to remove vehicles, is extended from covering only vehicles on roads or 'land in the open air' to covering vehicles on roads or 'other land'. As with the change made in SI 2012/2278 above, the changes made are consequential to the amendment section 55 of the Protection of Freedoms Act 2012 makes to definition of land from which vehicles can be removed in the Road Traffic Regulation Act 1984.

SI 2012/2271 The Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012

In force **22 November 2012**. These Regulations set out the duties and powers of the police and crime commissioner (PCC) and the police and crime panel (the panel) in relation to precepts, requiring the PCC to propose a precept and the panel to review it. A veto procedure is in place which will prompt a PCC to issue a revised proposal for further consideration by the panel. The Regulations also set out the procedure when the panel have vetoed the PCCs proposed chief constable. Following a veto the PCC shall propose a reserve candidate. The panel review and report on the proposed appointment and the PCC considers the report and either appoints the reserve candidate or proposes another reserve candidate. The procedure is followed again as necessary until a candidate is appointed.

SI 2012/2234 The Protection of Freedoms Act 2012 (Commencement No. 3) Order 2012

This Order brings a number of provisions of the Protection of Freedoms Act 2012 into force. Included are a number of changes to the Criminal Records Bureau (CRB) procedures for issuing CRB certificates. Of particular note is repeal on **10 September 2012** of section 113B(5) of the Police Act 1997 (which allowed police to disclose information directly to the employer without that information appearing on the certificate).

IPCC and ACPO Report on The Abuse of Police Powers to Perpetrate Sexual Violence

The Independent Police Complaints Commission (IPCC) and the Association of Chief Police Officers (ACPO) have published a joint report 'The Abuse of Police Powers to Perpetrate Sexual Violence'. The report draws from examinations by both organisations prompted by recognition that a number of cases are investigated each year which involve sexual exploitation by police officers and staff abusing their powers. The report aims to raise the profile of such cases and details six case studies which illustrate themes common to cases which involve sexual exploitation and abuse of power.

The report concludes that in a number of the case studies, more effective supervision may have identified concern about the officers' conduct. This could include auditing IT use and working pattern records. In some cases the officers' conduct was an issue before they joined their current force or the police service as a whole. To prevent or minimise these cases safeguards are required in vetting, supervision and intelligence, and cases should be reviewed to identify learning. A checklist of questions for the police services on prevention, prediction and investigation is provided in an appendix to the report.

It is recommended that:

- ◆ Police forces examine the checklist and appendix to the report to satisfy themselves that they can satisfactorily prevent, predict and investigate cases;
- ◆ The police service consider creating a short code of conduct setting out standards of behaviour and the responsibilities of supervising officers addressing concerning behaviour;
- ◆ Chief officers ensure cases are referred to the IPCC at the appropriate stage and are alert to referral trends and comparisons with other police forces;
- ◆ Police forces apply the template investigation checklist and formal case review documents produced by the IPCC and ACPO Counter Corruption Advisory Group to relevant investigations.

The report can be found at

<http://www.acpo.police.uk/documents/reports/2012/201209AbPPTPSV.pdf>

Written Ministerial Statement on Reform Design Framework for Police Pensions

Theresa May, the Home Secretary, has laid a written ministerial statement in the House of Commons announcing her decision for the Reform Design Framework for police pensions. The framework sets out the Government's final decision on the parameters to govern new police pension scheme design which will be introduced from April 2015.

Included in the framework are details of:

- ◆ An accrued rights protection guarantee;
- ◆ Statutory based transitional protections for certain categories of members;
- ◆ The main parameters for the new scheme design; with an Annex detailing areas where discussions will continue; and
- ◆ Equalities considerations.

Included in the main parameters for the new scheme design are:

- ◆ That scheme design will be based on career average revalued earnings;
- ◆ Subject to agreement on other outstanding issues, a provisional accrual rate of 1/55.3 of pensionable earnings each year;
- ◆ There will be no cap on how much pension can be accrued;
- ◆ Active members' benefits to have a revaluation rate in line with the Consumer Prices Index (CPI) plus 1.25%;
- ◆ Pensions in payment and deferred benefits will increase in line with the CPI;
- ◆ From April 2015 average member contributions will be 13.7%, with decisions yet to be taken on delivering future increases in 2013-14 and in the new scheme;
- ◆ A scheme normal pension age of 60 with flexible retirement from the minimum pension age of 55;
- ◆ Regular review of the normal pension age (also considering the early retirement provision);
- ◆ Deferred pension age will equal the individual's State Pension Age;
- ◆ An optional lump sum at a commutation rate of £12 for every £1 per annum of pension;

- ◆ Ill-health retirement benefits will be based on the arrangements in the 2006 pension scheme;
- ◆ An employer cost cap and floor.

More information on pension reform, including the written ministerial statement, the Reform Design Framework, a pension calculator and worked examples can be found at <http://www.homeoffice.gov.uk/police/police-pensions/pension-reform/>

Department of Health Launches Suicide Prevention Strategy

The Department of Health has launched a cross-government strategy, with the objectives of reducing the suicide rate and improving support for those bereaved or affected by suicide. The strategy document 'Preventing Suicide in England: A Cross-government Outcomes Strategy to Save Lives' identifies six key actions to support the objectives:

- ◆ Reduce the risk of suicide in key high-risk groups;
- ◆ Tailor approaches to improve mental health in specific groups;
- ◆ Reduce access to the means of suicide;
- ◆ Provide better information and support to those bereaved or affected by suicide;
- ◆ Support the media in delivering sensitive approaches to suicide and suicidal behaviour; and
- ◆ Support research, data collection and monitoring.

Those in contact with the criminal justice system are specified in the strategy as a group with a high risk of suicide. National action to support local approaches to reducing the risk includes a programme to provide police custody suites and criminal courts with access to liaison and diversion services by 2014, being run by the Health and Criminal Justice Transition Programme Board. These services will provide early information of individuals, allowing police to understand as much as possible about the person and inform offender management.

As part of tailoring approaches to improve mental health, police are noted as a group which can identify and support vulnerable people who may be at risk of suicide. The strategy encourages groups such as police to join up to maximise the effectiveness of services and support.

Police involvement to reduce access to the means of suicide is detailed in the strategy. British Transport Police (BTP) is

noted as working in partnership with other groups to reduce suicides on the rail and underground network. BTP have developed a suicide prevention plan which is completed for every 'determined' attempt at suicide to provide an opportunity for intervention to prevent future attempts. In responding to new methods of suicide the strategy suggests local services may need to devise ways to ensure they are provided with prompt information from police about the circumstances and methods of suicides.

The strategy, along with supporting documents and information, can be found at

<http://www.dh.gov.uk/health/2012/09/suicide-prevention>

Statistical Bulletin on the Operation of Police Powers under the Terrorism Act and Subsequent Legislation

Home Office Statistical Bulletin 11/12 'Operation of police powers under the Terrorism Act 2000 and subsequent legislation: Arrests, outcomes and stops and searches - Great Britain 2011/12' has been published. It presents information based on live data, which are likely to change as investigations progress and trials are held.

Data on terrorism arrests and outcomes includes findings that:

- ◆ There were 206 terrorism arrests in 2011/12 (an increase on the previous year's figure of 126);
- ◆ Of these arrests, 35% resulted in a charge;
- ◆ Of the charges, 53% were terrorism-related (excluding Schedule 7 Terrorism Act 2000 charges);
- ◆ 50 persons were arrested under section 41 of the Terrorism Act 2000;
- ◆ Of these arrestees:
 - Half were held in detention for less than two days before charge;
 - All but three were held in detention before charge for seven days or less; and
 - Those held for longer were held for no more than twelve days and were charged;
- ◆ At the time of publication 41% of those charged with terrorism-related offences in 2011/12 had been convicted, with 44% awaiting trial;
- ◆ Of the 23 trials for terrorism-related offences completed in 2011/12, 18 resulted in defendants being convicted;

- ◆ At 31 March 2012 118 people were in prison custody in Great Britain for terrorism-related offences.

Data on stops and searches under the Terrorism Act 2000 includes findings that:

- ◆ In 2011/12 there were no stops and searches made under section 47A of the Terrorism Act 2000 (in previous years there were 9,744 in 2010/11 and 102,504 in 2009/10, all made under section 44, the precursor legislation);
- ◆ 819 stops and searches were carried out in 2011/12 by the Metropolitan Police under section 43 of the Terrorism Act 2000, a fall of 29% on the previous year;
- ◆ 63,902 examinations were carried out at ports in Great Britain under Schedule 7 to the Terrorism Act 2000 in 2011/12, a fall from the previous year's 65,684 examinations;
- ◆ 680 detentions resulted from Schedule 7 examinations;
- ◆ 32 police cordons were set up under section 33 of the Terrorism Act 2000, a fall from the 2010/11 figure of 41.

The statistical bulletin can be found at <http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/counter-terrorism-statistics/hosb1112/>

Call for Evidence on Innovation in Policing

The NPIA, in partnership with the Association of Chief Police Officers, is seeking case studies and examples highlighting new ways to improve services and make communities safer. This will be used to develop a guide of ideas and case studies to help officers and staff develop approaches to improve services.

The call for evidence asks for short case studies demonstrating approaches to meeting one or more of the following challenges:

- ◆ Generating fresh ideas and learning from others;
- ◆ Selecting and developing new approaches that challenge business-as-usual;
- ◆ Making change happen and promoting it across organisational barriers.

Responses are sought by 7 October.

More information, including a link to the call for evidence, can be found at <http://www.npia.police.uk/en/19438.htm>

Police Superintendents' Association of England and Wales: Annual Report

The Police Superintendents' Association of England and Wales has published its Annual Report for 2011/2012. The report includes the National Secretary's Report highlighting the work of the association and summarises the 2011 national conference, as well as explaining the role of the associations' business areas. The National Treasurer's Report covers the associations' financial accounts.

The report, along with the audited accounts, can be found at <http://www.policesupers.com/psaew-annual-report/>

Baseline Assessment of Human Trafficking in 2011

The Serious Organised Crime Agency has published an intelligence assessment 'UKHTC: A Baseline Assessment on the Nature and Scale of Human Trafficking in 2011'. The assessment is intended to inform UK and international law enforcement along with national and devolved government, other organisations and the public about the nature and scale of human trafficking in the UK.

Key findings in the assessment are:

- ◆ In 2011 intelligence suggests 2077 potential victims of trafficking were identified, over half of whom have not been referred to the National Referral Mechanism;
- ◆ The most common countries of origin of potential victims were identified as Romania, Slovakia, Nigeria, Poland and the Czech Republic;
- ◆ Romania is a prominent country of origin across many types of exploitation types;
- ◆ The two most prevalent exploitation types reported were sexual exploitation (31%) and labour exploitation (22%);
- ◆ Two potential victims reported they were trafficked specifically for organ harvesting;
- ◆ 99 UK citizens were trafficked within the UK. 52 were trafficked for sexual exploitation of whom more than 80% were female children. 38 were males trafficked for labour exploitation by members of the UK traveller community;
- ◆ Some potential victims are being incorrectly identified as suspects not potential victims, particularly those subjected to criminal exploitation.

The intelligence assessment, along with National Referral Mechanism data, can be found at <http://www.soca.gov.uk/about-soca/about-the-ukhtc/national-referral-mechanism/statistics>

Government Announces Change to the Definition of Domestic Violence

Nick Clegg, the Deputy Prime Minister, has announced that by March 2013 a new definition of domestic violence will be implemented. The change to the definition will lower the age from 18, so victims aged 16 and 17 will be included. The new definition of domestic violence and abuse will be:

“Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality. This can encompass but is not limited to the following types of abuse:

- ◆ Psychological;
- ◆ Physical;
- ◆ Sexual;
- ◆ Financial;
- ◆ Emotional.

Controlling behaviour is: a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

Coercive behaviour is: an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.”

More information on the change can be found at <http://www.homeoffice.gov.uk/media-centre/news/domestic-violence-definition>

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Squatting in a Residential Building becomes Criminal Offence

On 1 September 2012 a new offence of squatting in a residential building came into force. The offence, contained in section 144 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, applies throughout England and Wales. The statutory instrument implementing this change is the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Commencement No 1) Order 2012 (SI 2012/1956).

The Ministry of Justice have issued Circular No. 2012/04 which explains the elements of the offence and the relationship between it and other trespass offences. It also encourages joined-up working between the police, local authorities and homelessness service providers. The circular sets out the points to prove for the offence, the penalties on conviction and the relationship of the offence to other offences including section 7 of the Criminal Law Act 1977 (adverse occupation of residential premises). A section is included on support for homeless and vulnerable people. This suggests police liaise with local housing authorities and other partner organisations to develop protocols

applicable when police action affects people who are or may be homeless.

The circular can be found at

<http://www.justice.gov.uk/legislation/bills-and-acts/circulars/commencement-of-offence-of-squatting-in-a-residential-building>

Statistics on Hate Crimes in England and Wales for 2011/12

The Home Office has released statistics on hate crimes recorded by the police in England and Wales over the period 2011/12. For the purposes of the statistics 'hate crime' is defined as "any notifiable offence committed against a person or property that is motivated by hostility towards someone based on their disability, race, religion, gender-identity or sexual orientation, whether perceived to be so by the victim or any other person". A single incident can be classed as more than one hate crime depending on the circumstances, such as where a race hate crime is also a religion hate crime.

In 2011/12 police recorded 43,748 hate crimes. Of these:

- ◆ 82% (35,816 crimes) were race hate crimes;
- ◆ 4% (1,621 crimes) were religion hate crimes;
- ◆ 10% (4,252 crimes) were sexual orientation hate crimes;
- ◆ 4% (1,744 crimes) were disability hate crimes; and
- ◆ 1% (315 crimes) were transgender hate crimes.

The statistical news release, along with further information on hate crimes in England and Wales, can be found at <http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/crime-research/hate-crimes-1112/?view=Standard&pubID=1072570>

Summary of Powers for Dealing with Illegal and Unauthorised Encampments

The Department for Communities and Local Government has published a summary document 'Dealing with Illegal and Unauthorised Encampments: A Summary of Available Powers'. The document is intended to be an accessible overview of the powers available to local authorities and their partner agencies, to enable the timely reclamation of land and property.

The leadership role for local authorities in tackling illegal and unauthorised encampments is highlighted. That local authorities may have to work collaboratively with partners including the police is acknowledged. The appropriateness of collaborative

working will depend on where the powers to deal with such encampments are held.

For planning and responding, the document explains that local authorities should work with police to identify vulnerable sites, and identify sites where protests could be directed or permitted. Local authorities, it is suggested, will want to consider issues such as:

- ◆ Whether the police know who in the local authority they should notify, when they are made aware of unauthorised encampments on local authority land;
- ◆ Whether there is a clear decision making process, including liaison with the police, which applies when persuasion has not resulted in people leaving the land.

Summaries are given of local authority and police powers, along with post site clean up powers.

The summary document can be found at <http://www.communities.gov.uk/publications/planningandbuilding/unauthorisedencampments>

Research on the Experience of Black and Minority Ethnic Gay People Accessing Public Services

Stonewall and the Runnymede Trust have published 'One Minority at a Time', a research report examining the experiences of black and minority ethnic gay people accessing public services. The researchers spoke to over 50 black and minority ethnic lesbian, gay and bisexual people using focus groups and in-depth interviews.

The research finds that when accessing public services there is 'an overwhelming assumption' that black and minority ethnic people are heterosexual. In addition there is little opportunity to disclose sexual orientation and people who have experienced discrimination based on ethnicity are often reluctant to disclose their sexual identity. A common concern was a perceived lack of awareness and training among public sector staff on the issues facing black and minority ethnic lesbian, gay and bisexual people. The report summarises that more open discussion would be encouraged if there was increased visibility of black and minority ethnic gay people within public services.

A variety of public services are examined including education, health and social care, and the media. The criminal justice system is examined in Chapter 4 of the report. The report summarises that:

- ◆ Black and minority ethnic lesbian, gay and bisexual people are unlikely to report homophobic hate crime;
- ◆ Police appear to have limited understanding of issues relating to ethnicity and sexual orientation; and
- ◆ A lack of confidence and trust in the criminal justice system is created by assumptions about identity.

The research report can be found at http://www.stonewall.org.uk/what_we_do/research_and_policy/sexual_orientation__equality_strands/8027.asp

Changes to the Home Office Ministerial Team Announced

Following a government reshuffle, changes have been made to the Home Office ministerial team. Teresa May MP remains the Home Secretary and James Brokenshire MP remains as Security Minister. Damian Green MP stays with the Home Office, becoming the Minister for Policing and Criminal Justice (jointly with the Ministry of Justice). Mark Harper MP joins the Home Office as Immigration Minister, Jeremy Browne MP joins as Minister for Crime Prevention, and Lord Taylor of Holbeach becomes Lords Minister and the Minister for Criminal Information.

Information on the Home Office ministerial team can be found at <http://www.homeoffice.gov.uk/about-us/our-organisation/ministers/>

Consultation: Review of the Operation of Schedule 7 of the Terrorism Act 2000

The Home Office has launched 'Review of the Operation of Schedule 7: A Public Consultation', which is open until 6 December 2012. The consultation document explains the powers contained in Schedule 7 of the Terrorism Act 2000 (Schedule 7), which enable an examining officer at a port or border to stop, search, question and detain a person travelling through a port or border. These powers are available to determine whether that person is, or has been, involved in the commission, preparation or instigation of terrorism.

The Home Office is reviewing the operation of Schedule 7 because there are concerns it can operate unfairly. David Anderson QC, the Independent Reviewer of Terrorist Legislation, acknowledged that in some Muslim communities Schedule 7 has had a negative effect, and made recommendations that could improve its operation. Options for change have been identified, many of which are in line with the recommendations made by David Anderson QC.

The potential changes are:

- ◆ To reduce the maximum legal period of examination;
- ◆ To require a regular review of the necessity of continued examination or detention, to be carried out by a supervising officer;
- ◆ To require training and accreditation for examining officers to use Schedule 7 powers;
- ◆ To give those examined at ports the same rights to publicly funded legal advice as those transferred to police stations;

- ◆ To require suspicion and a supervising officer's authorisation to conduct a strip search; and
- ◆ To repeal the power to take intimate DNA samples from a detained person.

19 questions are asked in the consultation document. Responses can be sent using an online portal, by email or by post. The feedback from the consultation will be considered and the results collated and published on the Home Office website. A decision will then be taken on how any changes will be introduced.

The consultation runs until 6 December 2012. The consultation document and details on how to respond can be found at <http://www.homeoffice.gov.uk/publications/about-us/consultations/schedule-7-review/>

Welsh Government Consults on Improving Services for Children and Young People In or At Risk of Entering the Youth Justice System

The Welsh Government has published a Green Paper, 'Proposals to Improve Services in Wales to Better Meet the Needs of Children and Young People who are at Risk of Entering, or are already in, the Youth Justice System'. The consultation runs until 11 December 2012.

The aim of the consultation is to seek views on proposals for informing youth justice services in Wales, and also to identify if a bill is needed to implement the changes. The current landscape, a summary of proposals, and consultation questions are set out in relation to: prevention; diversion; community; custody; exit from community or custodial sentence; and providing support from devolved services at all points in the youth justice system.

The Green Paper, along with information on how to respond to the consultation and details of consultation events, can be found at <http://wales.gov.uk/consultations/housingcommunity/gpyouthjustice/;jsessionid=nkxqYsh6vhqr22kjdFQ8JtsPIGR1TQkLJFVvpR9vGpZXJk4DvTI!1148730305?lang=en>

Hillsborough Independent Panel Report Published

The Hillsborough Independent Panel (the Panel) has published its report into the Hillsborough Disaster. The Panel was established to oversee and manage full public disclosure of government and local information about the disaster, to

consult with the Hillsborough families, to prepare options for establishing an archive of Hillsborough documentation and to produce a report explaining the work of the Panel. The report is in three parts. It provides an overview of what was known at the time the Panel first met in February 2010. It gives a detailed account, over 12 chapters, of what the disclosed documents and other material adds to public understanding of the context, circumstances and aftermath of the disaster. It also provides recommendations for establishing and maintaining a permanent archive.

The report, along with information about the Panel, the disclosure process, and the disclosed material can be found at <http://hillsborough.independent.gov.uk/>

Joint Inspection on Use of Restorative Justice

The Criminal Justice Joint Inspection (CJJI) group has published 'Facing Up to Offending: Use of Restorative Justice in the Criminal Justice System'. The CJJI group comprises HM Inspectorate of Constabulary, HM Inspectorate of Prisons, HM Inspectorate of Probation and HM Crown Prosecution Service Inspectorate.

The report looks at the current use of restorative justice and concludes that it is being used effectively in the criminal justice system, but not all victims, offenders and communities are benefiting because of variations in take-up across different agencies and inconsistent application. The report notes that restorative justice can be used at all stages in the criminal justice system and includes informal resolutions on the street by police.

The key findings of the report are:

- ◆ There are good examples of all levels of restorative justice being used in a range of settings; but take-up varied across criminal justice agencies;
- ◆ There are benefits to using restorative justice which are understood by victims, offenders, practitioners and (with some reservations) the public;
- ◆ There were inequalities in the service provided to victims and offenders; and
- ◆ More could be done to involve victims and communities in the process.

Recommendations are made in respect of these findings. Of particular relevance to policing include recommendations to take the following action:

- ◆ The Ministry of Justice, Home Office and the Association of Chief Police Officers (ACPO) should consider developing a consistent approach in their development of the national out-of-court disposals framework on how informal resolutions or restorative justice outcomes are used;
- ◆ The NPIA (or in future the College of Policing) should conduct more research on the impact of informal resolution on both victim satisfaction and the reduction of offending, to develop an evidence base to assist forces choose the most appropriate response. Training and awareness material for forces should be rationalised and should reflect that evidence;
- ◆ Police forces should ensure that quality assurance processes for community resolutions are sufficiently rigorous. These should include analyses of victims' views, and consultation and liaison with criminal justice partners;
- ◆ ACPO policies on the use of RJ and Community Resolution should make the status of informally resolved cases clear. The position on disclosing the outcome of informally resolved cases should be clarified;
- ◆ Police forces should consider using the media to ensure wider public awareness and engagement. The views of the public should be sought in developing local policy; and
- ◆ There should be a national information sharing agreement between ACPO and the National Offender Management Service, to facilitate prisons' contact with victims.

The report can be found at <http://www.hmic.gov.uk/publication/facing-offending-restorative-justice/>

Report on UK Implementation of Convention Against Trafficking in Human Beings

The Group of Experts on Action against Trafficking in Human Beings (GRETA) has published 'Report Concerning the Implementation of the Council of Europe Convention on Action Against Trafficking in Human Beings by the United Kingdom: First Evaluation Round'.

The Council of Europe Convention on Action Against Trafficking in Human Beings (the Convention) came into force in 2008, and is a legally binding instrument which defines trafficking as a human rights violation and an offence to the dignity and integrity of human beings. The Convention covers a wide range of forms of exploitation including sexual exploitation, forced labour, slavery and the removal of organs. It contains provisions placing obligations on states in prevention, protection of victims' rights and prosecution of traffickers.

GRETA is part of the system set up to monitor states' implementation of the obligations in the Convention, and is composed of fifteen independent and impartial experts. GRETA's evaluation reports contain an analysis of action taken to combat trafficking in human beings and suggestions on how to strengthen implementation of the Convention.

The evaluation report states that the UK has taken important steps towards combating trafficking, including co-ordinating anti-trafficking policy, publishing the UK Government's Strategy on Human Trafficking in July 2011, and setting up a Strategic Board to oversee progress. However it notes that the legal and institutional framework is complex, due to devolution giving varying powers to legislate in areas such as criminal law, and the piecemeal development of the criminal law in relation to trafficking.

The awareness-raising measures taken to prevent trafficking are welcomed by GRETA, although the report suggests that more is done to raise awareness on internal trafficking and more effort be made to discourage demand for the services of trafficked people amounting to domestic servitude and labour exploitation.

Concern is raised that some victims of trafficking are not referred to the National Referral Mechanism, because of a fear that victims would not be positively identified as victims and would be removed from the UK as a result. More should be done to ensure that all victims of trafficking are identified and proposals for action are set out in the report. The report explains that there is a need for more measures to make sure potential and actual victims of trafficking are given adequate support and assistance.

The British authorities are urged to do more to improve the identification of child victims, following reports that 'a significant number' of unaccompanied children placed in the care of local authorities go missing. All unaccompanied children who may be victims of trafficking should be assigned a legal guardian and should have safe accommodation and adequately trained supervisors or foster parents.

The British authorities are urged to adopt a clear framework for the return of victims, having regard to their rights and the need to avoid them being re-trafficked or re-victimised. More measures are needed to facilitate and guarantee access to compensation schemes available to victims.

The Convention contains a non-punishment provision. Reports that victims are being prosecuted for immigration offences concern GRETA, which urges that prosecutors should consider trafficking as a serious violation of victims' rights, when assessing the public interest in prosecuting victims. The authorities should also ensure that no punishment for

immigration offences should take place while the process of identifying someone as a victim of trafficking is in progress.

There is a gap between identified victims of trafficking and the number of people prosecuted for trafficking offences. Prosecution services are encouraged to take steps to improve evidence collection and thus ensure successful prosecution, and authorities urged to improve protection for victims.

The authorities should continue to improve their partnership working at national and international level and within the UK.

The report can be found at
http://www.coe.int/t/dghl/monitoring/trafficking/Docs/Evaluation_Reports/default_en.asp

Local Authority Guidance on Tackling 'Beds in Sheds'

The Department for Communities and Local Government has published 'Dealing with Rogue Landlords: A Guide for Local Authorities'. The guide encourages local authorities to prioritise tackling rogue landlords and to take swift and decisive action. Rogue landlords are highlighted as a significant and growing problem. By placing tenants in overcrowded or poorly maintained accommodation such as outbuildings, the guide explains that rogue landlords have an impact on the tenants and the local neighbourhood. The guide notes that in some areas rogue landlords have targeted migrants, including those who are in the UK illegally.

Measures local authorities can take to identify the nature and extent of the problems caused by rogue landlords in their area are explained. Local authorities are advised that they will need to work with other agencies including the UK Border Agency, the fire and rescue service, Her Majesty's Revenue and Customs and police.

The guidance advises local authorities that it may be appropriate to involve the police where more widespread criminal activity may be associated with criminality by landlords. It notes that the police have powers of search and arrest for a number of relevant offences including immigration offences. The guidance also highlights that as part of a local partnership plan the police could assist local authorities in conducting joint visits to premises. This partnership working would help build a local profile of the problem and inform decision-making, risk management and prioritising activity to tackle crime.

The guide can be found at
<http://www.communities.gov.uk/documents/housing/pdf/2206919.pdf>

Protection of Freedoms Act 2012 Enables Applications to Delete Historic Convictions for Consensual Gay Sex from Records

From 1 October 2012, people with historic convictions (including cautions, warnings and reprimands) for consensual gay sex will be able to apply to have the record of the conviction deleted or disregarded. This will mean the conviction will not be disclosed on criminal records certificates or be referred to in future court proceedings.

For an application to be successful it must comply with the conditions in Part 5, Chapter 4 of the Protection of Freedoms Act 2012. Full details of the application process are to be published by the Home Office.

The statutory instrument enabling this change is the Protection of Freedoms Act 2012 (Relevant Official Records) Order 2012 (SI 2012/2279) (see page 16).

The text of Part 5, Chapter 4 of the Protection of Freedoms Act 2012, as originally enacted, can be found at <http://www.legislation.gov.uk/ukpga/2012/9/part/5/chapter/4/enacted>

Research Report on the Contribution of Financial Investigation to Tackling Organised Crime

Home Office Research Report 65, entitled 'The Contribution of Financial Investigation to Tackling Organised Crime: A Qualitative Study', has been published. The report draws on interviews with professionals involved in the investigation and prosecution of 60 organised crimes to examine the use of financial investigation and asset recovery to tackle organised crime. 'Financial investigation' for the purposes of the report refers to the collection, analysis and use of financial information by law enforcement organisations. 'Asset recovery' refers to the process of depriving a person of assets which are derived from criminal activity, including cash seizure, cash forfeiture and confiscation orders under the Proceeds of Crime Act 2002.

The aim of the research was to describe the contribution financial investigation and asset recovery makes to tackling organised crime, examining the implications for policy and practice of how the techniques sit alongside other investigative tools.

Of the 60 cases studied, financial investigation techniques were used in more than half during the pre- and post-arrest investigation and case building phase. Where it was used, financial investigation contributed to case building, including by

identifying organised criminality; locating assets; linking people to criminality; and identifying additional offences and offenders. Evidence from financial investigation was considered to have influenced the prosecution case in half of the 60 cases studied, by either making a conviction possible, by demonstrating the offender was involved in a greater level of criminality, by revealing other offenders, or by bringing additional offences into the prosecution.

The research suggests that financial investigation has the potential to add value at all stages of an investigation. It also suggests that powers such as cash seizure could be used to disrupt organised crime where full enforcement investigations may not be possible, although they should not replace full investigations. Challenges to the effectiveness of financial investigations were identified, including difficulties preventing people from selling assets, challenges in presenting complex financial information to juries, and tactics used by offenders which frustrate confiscation.

The research report can be found at <http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/crime-research/horr65>

Report on Child to Parent Violence

Adfam (a national organisation working to improve quality of life for families affected by drug and alcohol use) and AVA (Against Violence and Abuse, a national service working to end violence against women and girls) have published a joint report 'Between a Rock and A Hard Place: How Parents Deal with Children Who Use Substances and Perpetrate Abuse'.

The report explains the project undertaken by the services to consult parents affected by child to parent violence using nine focus groups. Parents' experiences of seeking support were discovered to identify areas of deficiency in support and recommend ways to address the deficiencies. The report concludes that existing policy and service frameworks are failing to meet the needs of parents experiencing child to parent violence; partly due to the definition of domestic violence not including perpetrators under the age of 18.

Of particular relevance to policing is the finding that support provided by services including the police was varied. Some families in the focus groups reported that police were supportive and understanding and, in some cases, able to signpost parents to dedicated support services. Some families reported feeling unfairly judged or dismissed. Parents viewed contacting police as different to contacting other services, with police involvement seen as punishment as opposed to being potentially helpful to the child.

The report can be found at
<http://www.adfam.org.uk/news/265>

European Parliament Endorses Minimum Rights for Crime Victims Across the EU

The European Parliament has endorsed a draft directive which will provide minimum standards on the rights, support and protection of victims of crime. The directive has to be approved by the Council of the European Union. When the directive is adopted, member states which decide to apply the rules will have three years to create national laws to bring them into force. The United Kingdom has notified its wish to take part in the adoption and application of the directive.

The purpose of the directive is to 'ensure that victims of crime receive appropriate information, support and protection and are able to participate in criminal proceedings'. Victims include a person who has suffered harm directly caused by a criminal offence, and family members of a person whose death was caused by a criminal offence, where the family member has suffered harm as a result of the death. The rights are to apply to victims in a non-discriminatory manner. Where the victim of crime is a child, the child's best interests are to be a primary consideration. The rights are grouped into categories:

- ◆ Provision of information and support (including rights to information, rights to interpretation and translation and the right to access victim support services);
- ◆ Participation in criminal proceedings (including the right to be heard, rights in the event of a decision not to prosecute, and rights to safeguards when participating in restorative justice processes); and
- ◆ Protection of victims and recognition of victims with specific protection needs (including the right to avoid contact between victim and offender, protection of privacy, and the requirement that victims receive a timely assessment of their specific protection needs).

The text of the draft directive as endorsed so far is available at <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2012-0327+0+DOC+XML+V0//EN&language=EN>

The procedure file, explaining the progress the directive has made towards being adopted, can be found at [http://www.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2011/0129\(COD\)&l=en](http://www.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2011/0129(COD)&l=en)



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