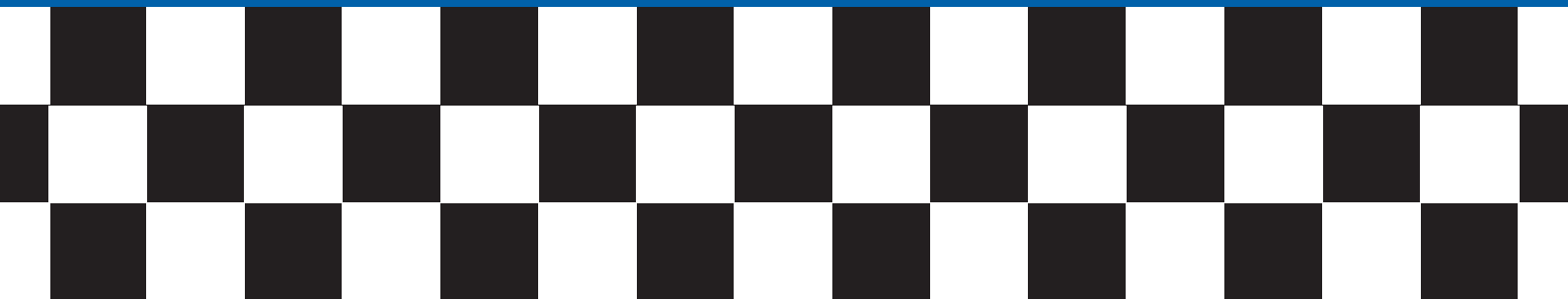


Digest

September 2011

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.

Please email digest@npia.pnn.police.uk or telephone +44 (0)1480 334542.

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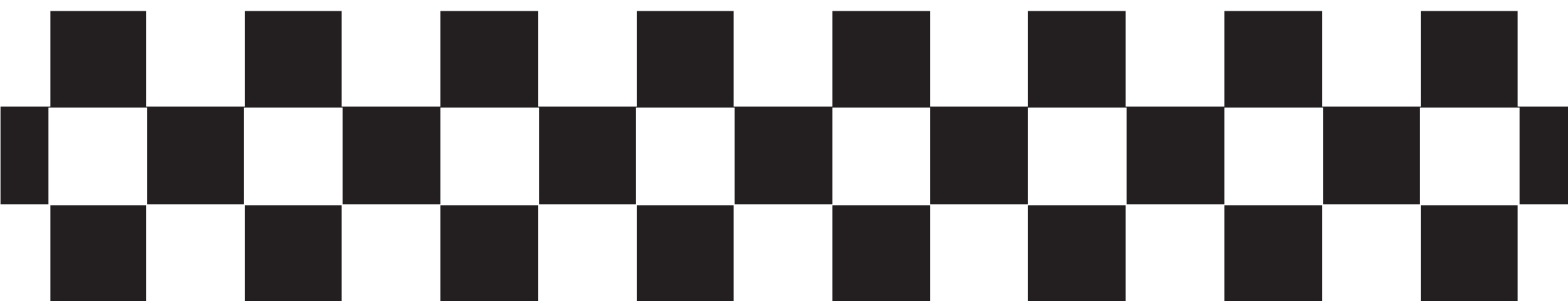
September 2011

Digest

Legal Services

Chief Executive Officer Directorate

www.npia.police.uk/digest



NPIA Digest September 2011

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 fear of violence by harassment, the admissibility of hearsay evidence and disclosure of evidence.

We look at the recently published Legal Aid, Sentencing and Punishment of Offenders Bill, the launch of government strategies on organised crime and human trafficking, the Ministry of Justice protocol for tackling witness intimidation from prisons and a new cross-government consultation on preventing suicide.

The fourteenth bulletin of the Learning the Lessons Committee which explores the learning from investigations carried out by the Independent Police Complaints Commission (IPCC) into the police use of force is also discussed.

Statistical bulletins are covered which detail the extent of, and trends in, illicit drug use in England and Wales, as well as statistics on police strength across the 43 forces in England and Wales and the British Transport Police.

There are also articles on the Corporate Manslaughter and Corporate Homicide Act 2007, the annual Intellectual Property crime report, new CPS guidance on reporting restrictions in youth cases, Home Office Research Report 56 exploring organised crime at the local level and the Joint Committee on Human Rights' Report on the Terrorism Prevention and Investigation Measures Bill.

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

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Bills Before Parliament 2010/11 - Progress Report

The following Bills from the 2010/11 session have progressed as follows through the parliamentary process:

- ◆ **Police Reform and Social Responsibility Bill** - The Bill covers five distinct policy areas: police accountability and governance; alcohol licensing; the regulation of protests around Parliament Square; misuse of drugs; and the issue of arrest warrants in respect of private prosecutions for universal jurisdiction offences. The Bill:
 - Replaces police authorities with directly elected Police and Crime Commissioners, with the aim of improving police accountability;
 - Amends and supplements the Licensing Act 2003 with the intention of 'rebalancing' it in favour of local authorities, the police and local communities;
 - Sets out a new framework for regulating protests around Parliament Square. Relevant sections of the Serious Organised Crime and Police Act 2005 would be repealed and the police would be given new powers to prevent encampments and the use of amplified noise equipment;
 - Enables the Home Secretary to temporarily ban drugs for up to a year, and removes the statutory requirement for the Advisory Council on the Misuse of Drugs to include members with experience in specified activities; and
 - Introduces a new requirement for private prosecutors to obtain the consent of the Director of Public Prosecutions prior to the issue of an arrest warrant for 'universal jurisdiction' offences such as war crimes or torture. The Government's aim in introducing this change is to prevent the courts being used for political purposes.

The Bill was presented to Parliament on 30 November 2010.

Final amendments were made to the Bill during the third reading on 20 July 2011.

The date of the next stage - Ping Pong - is yet to be announced.

- ◆ **Protection of Freedoms Bill** - The Bill:
 - Provides for the destruction, retention, use and other regulation of certain evidential material;
 - Imposes consent and other requirements in relation to certain processing of biometric information relating to children;

- Provides for a code of practice about surveillance camera systems and for the appointment and role of the Surveillance Camera Commissioner;
- Provides for judicial approval in relation to certain authorisations and notices under the Regulation of Investigatory Powers Act 2000;
- Provides for the repeal or rewriting of powers of entry and associated powers and for codes of practice and other safeguards in relation to such powers;
- Makes provision about vehicles left on land;
- Provides for a maximum detention period of 14 days for terrorist suspects;
- Replaces certain stop and search powers and provides for a related code of practice;
- Amends the Safeguarding Vulnerable Groups Act 2006;
- Makes provision about criminal records;
- Disregards convictions and cautions for certain abolished offences;
- Makes provision about the release and publication of datasets held by public authorities and to make other provision about freedom of information and the Information Commissioner; and
- Repeals certain enactments.

The Bill was presented to Parliament on 11 February 2011.

The Public Bill Committee last met on 17 May 2011. This Bill is awaiting its report stage on the floor of the House on a date to be announced.

- ◆ Terrorism Prevention and Investigation Measures Bill - The Bill proposes to abolish control orders and make provision for the imposition of terrorism prevention and investigation measures.

The Bill was presented to Parliament on 23 May 2011.

The Bill completed its committee stage on 5 July 2011.

The Bill is due to have its report stage and third reading on 5 September 2011.

- ◆ Legal Aid, Sentencing and Punishment of Offenders Bill - The Bill:
 - Reverses the position under the Access to Justice Act 1999, whereby civil legal aid is available for any matter not specifically excluded;

- Abolishes the Legal Services Commission;
- Makes various provisions in respect of civil litigation funding and costs, taking forward the recommendations of the Jackson Review and the Government's response to that review;
- Makes changes to sentencing provisions, including giving courts an express duty to consider making compensation orders where victims have suffered harm or loss; reducing the detailed requirements on courts when they give reasons for a sentence; allowing courts to suspend sentences of up to two years rather than 12 months; and amending the court's power to suspend a prison sentence;
- Introduces new powers to allow curfews to be imposed for more hours in the day and for up to 12 months rather than the current six;
- Repeals provisions in the Criminal Justice Act 2003 which would have increased the maximum sentence a magistrates' court could impose from six to 12 months;
- Makes changes to the law on bail and remand, aimed at reducing the number of those who are unnecessarily remanded into custody. Under the new "no real prospect" test, people would be released on bail if they would be unlikely to receive a custodial sentence;
- Makes provision to ensure that, where a person aged under 18 has to be remanded into custody, in most cases they would be remanded into local authority accommodation;
- Amends provisions relating to the release and recall of prisoners;
- Gives the Secretary of State new powers to make prison rules about prisoners' employment, pay and deductions from their pay. The intention of these provisions is that prisoners should make payments which would support victims of crime;
- Introduces a penalty notice with an education option and provision for conditional cautions to be given without the need to refer the case to the relevant prosecutor;
- Creates a new offence of threatening with an offensive weapon or an article with a blade or point thereby creating an immediate risk of serious physical harm. A minimum sentence of 6 months' imprisonment would normally be given to persons over 18 found guilty of this offence.

The Bill was presented to Parliament on 21 June 2011 and had its second reading debate on 29 June 2011.

The Public Bill Committee met on 14 and 19 July 2011, scrutinising the Bill line by line. The Committee is expected to report to the House by 13 October 2011.

The progress of Bills in the 2010/11 parliamentary session can be found at:

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

Fear of Violence by Harassment

Haque v R [2011] EWCA Crim 1871

Following conviction for an offence of putting a person in fear of violence by harassment, contrary to section 4(1) Protection from Harassment Act 1997, the defendant appealed against his conviction.

It was submitted that, in line with the decisions of *R v Curtis* [2010] EWCA Crim 123 and *R v Widdows* [2011] EWCA 1500, a prosecution under section 4 of the Act required proof of harassment in addition to proving the following statutory elements of the offence; that:

- (i) there had been a course of conduct on the part of the defendant;
- (ii) that course of conduct had caused the complainant to fear, on at least two occasions, that violence would be used against him, and
- (iii) that he knew or ought to have known that his course of conduct would cause the complainant to fear violence on each of those occasions.

As the prosecution had failed to prove harassment, and the judge had failed to direct the jury accordingly, the conviction was unsafe.

On appeal, the Court agreed with the decisions of *Curtis* and *Widdows*; that a prosecution under section 4 of the 1997 Act requires proof of harassment, and that in addition to the statutory requirements, the prosecution must also prove the requirements as identified in the case of *Thomas v News Group Newspapers Ltd* [2001] EWCA Civ 1233:

- ◆ That the conduct was targeted at an individual;
- ◆ That the conduct was calculated to produce the consequences described in section 7, namely alarming the person or causing the person distress. Conduct would be calculated to produce the consequences described in s 7 if the defendant intended to alarm the complainant or cause him distress (or, perhaps, was reckless as to the consequences). Section 4 of the Act required proof that the defendant knew or ought to have known that his course of conduct would cause the complainant to fear violence; and
- ◆ That the conduct was oppressive and unreasonable.

The court held that on the facts of the case, the first requirement that the conduct was targeted at an individual, did not add anything to what the prosecution had to, and did prove.

In relation to the second requirement, the court asked whether the conviction was safe if the jury had not been directed, in accordance with *Curtis*, that they must be sure the defendant intended to alarm the complainant or cause him distress. The Court found that it was. It was inconceivable that the jury, given their other conclusions, would not have been sure that the appellant intended to alarm or distress the complainant.

With regard to the third requirement, the court found that the appellant's conduct must, on the jury's findings, have been oppressive. It was submitted by the defence that the prosecution must prove that the conduct was unreasonable, however the court held that this could not be right, in light of section 1 of the Act, which provides that the defendant must show that his conduct was reasonable.

The defence also submitted that the jury would have been entitled to find an absence of the additional, non-statutory requirements, due to the alleged provocation on the part of the complainant. The Court found however, that whilst provocation might possibly have been relevant to the issues of causation and reasonableness, both of which were left to the jury, it did not have any further relevance at trial stage.

The ground of appeal failed.

The judgement can be read in full at:

<http://www.bailii.org/ew/cases/EWCA/Crim/2011/1871.html>

Admissibility of Hearsay Evidence

Burton v R [2011] EWCA Crime 1990

This appeal followed the conviction of the Appellant of Sexual Activity with a Child. The sole ground of this appeal was that the judge in the original case should not have allowed the hearsay evidence referred to below to go before the jury.

The facts

In January 2010, the mother of X, aged fourteen at the time of the alleged offence, found a number of items in her daughter's bedroom. These included pregnancy test kits and a number of letters, which appeared to be from the Appellant, who had previously been in a relationship with X's older sister and was between the age of 26 and 27 at the time of the alleged offence. When confronted by her mother, X refused to speak to her and her mother contacted the police.

A female police officer spoke with X and made a record of their conversation in her notebook. X refused to provide a statement or a video interview to the police. The Appellant was arrested and in interview appeared to suggest that he and X were in a relationship.

The application to the judge

The prosecution applied to adduce the hearsay evidence of what X said to the officer, under section 114(1)(d) of the Criminal Justice Act 2003. Section 114(1)(d) permits the admissibility of hearsay evidence if the court is satisfied that it is in the interests of justice for it to be admissible. The defence objected on the ground that the provision was being used to circumvent the restrictions on hearsay evidence in section 116.

The judge held that the evidence was in the interests of overall justice and should be admitted. It was not the sole or decisive evidence in the case and in effect said no more than the defendant had said in interview.

Appeal

The sole ground of appeal was that the judge erred in allowing the hearsay evidence of what X had said to the police officer to go before the jury.

The prosecution argued that the judge had been right to allow the evidence before the jury and that he was right not to require the prosecution to compel X to attend court. It was in the interests of justice that the evidence go before the jury, particularly since it was important that those who prey sexually on young persons should be prosecuted and, if appropriate, convicted.

The defence submitted that the prosecution had sought to avoid the limitations on hearsay evidence and that the prosecution could and should have called X.

Judgement

The Court of Appeal noted that this was an exceptional case. The judge was correct to have been reluctant to require the prosecution to call X, who was still a child, and who had refused to provide a statement and appeared to harbour a degree of affection towards the Appellant. The prosecution intended to use the statement to confirm the accuracy of the admissions made in interview, and not as the sole or primary evidence in the case. The consideration that children need to be protected from their own feelings towards older persons who exploit them, was one that the Court felt needed addressing carefully and cautiously.

If either the prosecution or the defence had called X, it was likely that the hearsay statement in question would have gone before the jury. If called by the prosecution, X would have refused to incriminate the Appellant and been treated as hostile and cross examined on the statement. If she had been called by the defence, and denied there was any sexual element to the relationship, she would have been cross examined by the prosecution on her statement to the police officer.

The Court quoted the case of Z[2009] EWCA Crim 20, in which it was said at paragraph 25:

“The Court of Appeal will not readily interfere with a trial judge’s decision to admit evidence under section 114(1)(d). It will do so, in general, only if his decision is marred by legal error, or by a failure to take relevant matters into account or it is such that the judge could not sensibly have made. The Court will be more willing to interfere with his decision if he has not taken into account, or has not shown that he took into account, relevant matters listed in subsection (2).”

In the present case, the judge had taken into account the matters listed in subsection (2). His ruling was not marred by legal error and the sole ground of appeal was therefore not made out. The Appellants conviction was safe.

The full judgement is available at:

<http://www.bailii.org/ew/cases/EWCA/Crim/2011/1990.html>

Disclosure of Evidence

Barkshire & Ors v R. [2011] EWCA Crim B3

In December 2010, 20 appellants were convicted of conspiracy to commit aggravated trespass in relation to a political protest at a power station. The prosecution evidence was unchallenged and the essential facts were not in dispute. Each of the defendants admitted to all of the acts necessary for the prosecution to prove the offence against them.

The defence put forward was 'justification and necessity'. Each defendant was innocent of the offence if they reasonably believed, even if mistakenly, that their actions were necessary to avoid the imminent threat of serious injury to themselves or another, or that in the circumstances as that they believed them to be, their actions were reasonable and proportionate.

Failure to comply with disclosure duties

The appeal concerned aspects of the trial process, particularly the duty on the prosecution to ensure the disclosure, under section 3 of the Criminal Procedure and Investigations Act 1996 (CPIA), of any evidence which might reasonably be considered capable of undermining the case for the prosecution, or assisting the case for the accused.

The primary failure of the prosecution to comply with its disclosure obligations centred on a police officer, PC Kennedy. Under an assumed name, he was authorised to act undercover and to infiltrate extreme left wing groups in the UK. As part of the role, he made contemporaneous notes and recordings of various meetings he attended.

The prosecution argued that the main objective of the protestors was 'publicity' for their cause, rather than a genuine, if mistaken, attempt to address any imminent problem arising from carbon emissions. The transcripts of recordings made by Kennedy, however, tended to show that it was not merely a publicity stunt, but was to bring about a reduction in carbon emissions by keeping the power station closed for seven days. The importance of safety, non violence and the avoidance of criminal damage to property were also outlined. These transcripts were unknown to both the judge and the jury at trial.

Following his arrest, Kennedy signed a police statement which, consistently with the recordings, appeared to provide a similar measure of support for the defence. Again this was not disclosed until after the trial.

In addition to the failure of the prosecution to comply with the duties of disclosure under the CPIA, the Court of Appeal also found that Kennedy was involved in activities that went much

further than the authorisation he was given. He participated in briefings and was one of those responsible for checking the surrounding area for police activity. The Court agreed with the submission of the defence that he played a significant role in assisting, advising and supporting the activity for which the appellants were prosecuted. The Court stated that his actions appeared to show him as an enthusiastic supporter of the proposed occupation of the power station, and arguably, an agent provocateur.

Summary

The convictions were quashed because of the failure of the Crown to make proper disclosure of material relating to the role and activities of the undercover police officer, as well as of materials which had the potential to provide support for the defence case, or to undermine the case for the prosecution. The materials were pertinent to a potential submission of abuse of process by way of entrapment and in any event they had the capacity to support the defence of necessity and justification. The trial was rendered unfair and the convictions are unsafe.

Reviews of the investigation

- ◆ Nottinghamshire Police completed a review of the disclosure and compliance with the provisions of the 1996 Act between the Police, the CPS and the defence, and the conduct of the inquiry and its management;
- ◆ Nottinghamshire police commissioned an investigation by the IPCC;
- ◆ A review by HMIC was announced relating to the operational accountability of undercover police work and how the gathering of intelligence activity is authorised;
- ◆ SOCA announced a review into the deployment of Kennedy;
- ◆ CPS conducted an independent review of the way the police investigation was handled.

The full transcript of the case can be accessed at:
<http://www.bailii.org/ew/cases/EWCA/Crim/2011/B3.html>

SI 1737/2011 The Supreme Court Fees (Amendment) Order 2011

This Order, which came into force on **5 August 2011**, amends the Supreme Courts Fees Order 2009 (SI 2131/2009) to increase the fee for an application for permission to appeal to the Supreme Court from £800 to £1,000.

SI 1754/2011 The Violent Crime Reduction Act 2006 (Specification for Imitation Firearms) Regulations 2011

The Regulations came into force on **11 August 2011**.

These Regulations prescribe the specifications that imitation firearms must conform to, pursuant to section 39(1) of the Violent Crime Reduction Act 2006 (the 2006 Act). The underlying purpose is to prevent imitation firearms from being converted into functioning firearms.

Under section 39(2) of the 2006 Act, a person is guilty of an offence if they:

- ◆ Manufacture an imitation firearm which does not conform to the prescribed specifications;
- ◆ Modify an imitation firearm so that it ceases to conform;
- ◆ Modify a firearm to create an imitation firearm that does not conform; or
- ◆ Import into Great Britain an imitation firearm which does not so conform.

Regulation 4 sets out the specifications for blank-firing imitation firearms. Regulation 6 sets out the specifications for blank firing imitation revolvers.

Regulation 7 sets out an exemption, the effect of which is to create a defence for a person charged with importing an imitation firearm which does not conform to the specifications, if their conduct was only for the purpose of making the imitation firearm available for specific purposes, including those of a museum or gallery, a theatrical performance, the production of films and television programmes, the organization of historical enactments, or the purposes of functions that a person has in his capacity as a person in the service of Her Majesty.

SI 1761/2011 The Legislative Reform (Epping Forest) Order 2011

This Order came into force on **1 August 2011**.

This Order amends the Epping Forest Act 1878 to allow the Metropolitan Police Authority or the Commissioner of Police of the Metropolis (the Commissioner) to construct a Muster,

Briefing and Deployment Centre in the area of Epping Forest known as Wanstead Flats for policing purposes for the 2012 Olympic and Paralympic Games.

The Order removes the criminal offence that would otherwise attach to this construction and exclusive temporary possession for a specified time - from 23 June 2012 to 20 September 2012. The Order furthermore enables the Conservators of Epping Forest to grant permission to the Metropolitan Police Authority or the Commissioner to construct such a Centre.

Article 3 of the Order widens the description of the term "Metropolitan Police Authority" to cover any other body required by an Act to "secure the maintenance of the metropolitan police force" - a duty of the Mayor's Office for Policing and Crime conferred by Chapter 2 of Part 1 of the Police Reform and Social Responsibility Bill currently before Parliament.

SI 1867/2011 The Corporate Manslaughter and Corporate Homicide Act 2007 (Commencement No. 3) Order 2011

This Order brings into force section 2(1)(d) of the Corporate Manslaughter and Corporate Homicide Act 2007, in England and Wales and in Scotland, on **1 September 2011**.

Section 2(1)(d) sets out the duty of care owed to a person in custody etc. which is a relevant duty of care for the purposes of the Act.

SI 1868/2011 The Corporate Manslaughter and Corporate Homicide Act 2007 (Amendment) Order 2011

This Order amends section 2(2) of the Corporate Manslaughter and Corporate Homicide Act 2007 by inserting the further categories of persons held in custody to the list of those to whom a relevant duty of care is owed by reason of section 2(1)(d) of the Act. From 1 September 2011, a relevant duty of care will be owed to those detained in custody areas at offices of the UK Border Agency, and those detained in service custody premises which are the responsibility of the Ministry of Defence. Article 2(4) of the Order amends section 2(7) of the Corporate Manslaughter and Corporate Homicide Act 2007 by inserting definitions for "customs premises" and "service custody premises". The amendments came into force on **1 September 2011**.

SI 1938/2011 The Terrorism Act 2000 (Designated Ports) Order 2011

This Order came into force on **1 September 2011**.

The Order amends the table of designated ports at the end of Schedule 7 to the Terrorism Act 2000. Paragraph 12 of

Schedule 7 applies to a journey between Great Britain and Northern Ireland, the Republic of Ireland or any of the Islands and between Northern Ireland and the Republic of Ireland or any of the Islands. Under that paragraph a ship or aircraft that is employed to carry passengers for reward on such a journey may only call at a port in Great Britain or Northern Ireland for the purposes of disembarking or embarking passengers if that port is a designated port or if an examining officer approves the arrangement.

This Order amends the Table of designated ports to add the port of Loch Ryan and to remove the port of Stranraer.

Home Office Circular 007/2011: Schedule 7 (TACT 2000) Revised TACT 2 form

This circular acts to amend the TACT 2 form in the Code of Practice for Examining Officers, in respect of the eligibility to publicly funded advice for those detained under Schedule 7 of the Act.

Regulation 7 of the Criminal Defence Service (General) (No2) Regulations 2001 provides for the provision of legal aid to those detained under Schedule 7 of the Terrorism Act 2000. In light of this, the Code of Practice for Examining Officers is incorrect in stating that 'Consultation with a Solicitor will not be provided at Public Expense'. To rectify this formally, a revised Code of Practice will be laid before Parliament. In the interim, a revised TACT 2 form is attached to the circular, advising all those detained under Schedule 7, whether detained at a police station or not, that they may consult with a solicitor and that this may be provided at public expense.

Home Office Circular 007/2011: Schedule 7 (TACT 2000)

Revised TACT 2 form is available at:

<http://www.homeoffice.gov.uk/about-us/corporate-publications-strategy/home-office-circulars/circulars-2011/007-20111/>

Home Office Circular 009/2011: Charging for policing football matches

This circular replaces chapter 13 of Home Office circular 34/2000. The earlier circular sets out Home Office guidance on football-related legislation, and chapter 13 relates to charging for policing football matches, specifically the statutory position, requests for special police services, the extent of the charges and charging and deployment policies.

Home Office circular 34/2000: Home Office guidance on football - related legislation is available at:

<http://webarchive.nationalarchives.gov.uk/20031220221854/>

<http://www.homeoffice.gov.uk/docs/hoc3400.html>

Home Office Circular 009/2011: Charging for policing football matches is available at:

<http://www.homeoffice.gov.uk/about-us/corporate-publications-strategy/home-office-circulars/circulars-2011/009-2011/>

Statistics on Police Service Strength Published

Statistics on police strength for the 43 police forces of England and Wales and the British Transport Police, have been published for the financial year ending 31 March 2011. As at that date there were 139,110 full-time equivalent (FTE) police officers

across the 43 forces. This is a decrease of 3.2 per cent, or 4,625 officers, compared to the previous year.

There were 6,615 FTE minority ethnic officers across the forces, representing 4.8 per cent of the total strength; an increase on last year by 0.2 per cent. FTE police staff numbers (excluding PCSOs, traffic wardens and designed officers) decreased by 7 per cent to 74,010. The number of PCSOs fell 6.5 per cent to 15,820 and the number of special constables increased by 18.8 per cent to 18421.

Overall there were 233,255 FTE officers and staff working in the 43 forces across England and Wales.

'Police Service Strength, England and Wales, 31 March 2011' is available in full at:

<http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/police-research/hosb1311/hosb1311?view=Binary>

Strategy on Human Trafficking Launched

The Government has launched a new strategy on human trafficking, setting out a renewed focus on preventing human trafficking overseas, while maintaining and improving care arrangements for adult victims at home.

'Human trafficking: the government's strategy':

- ◆ Confirms the commitment to improving victim care arrangements;
- ◆ Focuses on disrupting trafficking networks before they reach the UK;
- ◆ Establishes a basis for smarter multi-agency action at the border;
- ◆ Aims to improve coordination of law enforcement efforts in the UK;
- ◆ Seeks to strengthen intelligence-gathering and sharing through the new National Crime Agency;
- ◆ Places emphasis on raising awareness of child trafficking and ensuring child victims are safeguarded and protected from re-trafficking.

Response to Combating Human Trafficking

The strategy will aim to tackle trafficking from recruitment to exploitation, ensuring agencies have the right tools and intelligence to reduce the threat, and maintaining effective victim support.

Improved Victim Identification and Care

The strategy will aim to identify victims of trafficking and provide support tailored to the victims needs. This will be done by improving the National Referral Mechanism and implementing a more flexible contracting model in England and Wales to identify and support victims.

Enhancing ability to act early

The strategy aims to deter and disrupt trafficking overseas and to make the UK a less attractive target for criminals. This will be done by sharing intelligence across boundaries, targeting traffickers before they reach the UK and communicating the risks to potential victims.

Smarter action at the border

Border controls and policing will be strengthened to prevent traffickers entering the country. The creation of the National Crime Agency in 2013 with a new Border Policing Command will

further strengthen the response at the border. Further guidance will also be given to frontline border staff so they understand what information is relevant to human trafficking, how it should be shared and how this can be done quickly.

More coordination of law enforcement efforts in the UK

The strategy will aim to strengthen the response to traffickers through the creation of the National Crime Agency and the Organised Crime Coordination Centre. This will lead to better identification of organised criminals and a more coordinated response.

Child victims of human trafficking

The government will continue to work closely with partners to raise awareness of child trafficking and to ensure that child victims are safeguarded and protected from re-trafficking. The core guidance 'Safeguarding children who may have been trafficked (2007)' will be updated to ensure practitioners are fully equipped to better aid in the identification and safeguarding of victims. In addition, opportunities to promote the child trafficking toolkit, developed by the London Safeguarding Children Board, will be identified. This will enable early identification of trafficked children by local authorities and support quicker protection.

'Human trafficking: the government's strategy' can be accessed in full at:

<http://www.homeoffice.gov.uk/publications/crime/human-trafficking-strategy>

Intellectual Property Crime Report Published

The Annual Intellectual Property (IP) Crime Report has been published, highlighting current and emerging threats surrounding counterfeiting and piracy. The report also raises awareness around the diverse nature of fake goods and contains statistical data and enforcement activities from enforcement agencies such as trading standards, police and HM Revenue and Customs.

The IP Crime Report is published by the IP Crime Group, which was founded in 2004 by the Intellectual Property Office. The Group brings together experts from industry groups, enforcement agencies and government to work in collaboration on issues relating to IP crime.

The work of the IP Crime Group has led to several developments over the past year:

- ◆ The production of a toolkit that describes how counterfeit products can enter the genuine supply chain and how businesses can enforce their IP assets;

- ◆ The development of an electronic guide that describes to business how intellectual property can be infringed in the workplace;
- ◆ Continued coordination of training and awareness activities that support group members, industry bodies and law enforcement officials.

The report looks at the impact of IP crime and provides information on the range of products that are being illegally counterfeited, that have a direct affect on the consumer's wellbeing. It also focuses on what is being done to counter IP crime. There is ongoing and increased partnership working between law enforcement, industry and government. The UK IP Crime Strategy, which was launched in 2004 and was updated in 2006, provided a focus on practical activity to improve the 'on the ground' response to counterfeiting and piracy. It encouraged an environment of intelligence led enforcement and targeting, raising awareness, improving the skills capacity and developed the coordination of networks and best practice. The Strategy is being updated in line with new challenges that are being faced.

The IP Crime Report for 2010/2011 can be accessed in full at: <http://www.ipo.gov.uk/ipcreport10.pdf>

Statistical Bulletin on Drug Misuse Published

This annual National Statistics bulletin examines the extent of, and trends in illicit drug use among 16 to 59 year olds residing in England and Wales. Figures are based on self reported drug use data from the 2010/11 British Crime Survey (BCS).

The 2010/11 BCS estimated that 8.8 percent of adults in England and Wales had used an illicit drug in the last year. This was a slight increase on the previous year (estimated at 8.6 per cent), however overall levels of illicit drug use remained at around their lowest level since measurement began in 1996. The decline in drug usage is primarily a result of falls in the use of cannabis and amphetamines. Despite falls in levels of use however, cannabis remained the most commonly used illicit drug with 6.8 per cent of adults, around 2.2 million people, having used it in the last year. This was followed by powder cocaine, used by 2.1 per cent in the last year, and ecstasy, used by 1.4 per cent.

Class A drug usage amongst adults was 3 percent, with the general trend in Class A drug use remaining relatively flat since the 1996 survey. There was a slight decrease in the use of powder cocaine (from 2.4 per cent to 2.1 per cent) and a slight increase in the use of Methadone (up from 0.1 per cent to 0.2 per cent). For other types of drugs, usage in the last year remained at similar levels to the 2009/10 BCS.

Mephedrone

Supplementary questions were added to the BCS in April 2010 about the use of mephedrone. The 2010/11 BCS showed that 1.4 per cent of those aged 16 to 59 had used mephedrone in the last year. For younger adults aged 16 to 24, mephedrone usage was at 4.4 per cent; a similar level to powder cocaine which is the second most used drug in this age group.

Variations in drug use by personal, household and lifestyle factors

Amongst adults aged 16 to 59, the level of illicit drug use in the last year was highest amongst those aged 16 to 19 (23 per cent). Class A drug use was higher in the 20 to 24 age group, at 7.8 per cent, than in all other age groups. As in previous years, levels of drug use for men were twice as high as those for women, with a higher level of drug use for single adults (18.1 per cent) in the last year than any other marital status groups. Levels of drug use were higher amongst those adults who frequently consumed alcohol or regularly visited nightclubs or pubs. Of those adults that consumed alcohol on three or more days a week, 12.3 per cent has used an illicit drug in the last year, compared with 6.1 per cent who drank on less than one day a week.

Attitudes to the acceptability of drinking and drug taking

In the 2010/11 BCS, adults aged 16 to 59 were asked for their views on how acceptable it was for people in their age group to get drunk or take certain drugs (cannabis, cocaine and heroin). Findings show that only a minority of people thought it was ever acceptable to take these drugs. Nearly two-thirds of adults (65 per cent) thought it was never acceptable to take cannabis with just 3 per cent thinking it was acceptable to take cannabis frequently. Around nine in ten people (91 per cent) thought it was never acceptable to take cocaine and a vast majority (98 per cent) thought it was never acceptable to take heroin. In relation to alcohol, around three quarters of adults (74 per cent) thought it was acceptable to get drunk occasionally and 20 per cent thought it was never acceptable. The remaining 6 per cent thought it was acceptable to get drunk frequently.

'Drug Misuse Declared: Findings from the 2010/11 British Crime Survey' can be accessed in full at:

<http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/crime-research/hosb1211/hosb1211?view=Binary>

Public Given More Crime Prevention Advice

The NPJA, ACPO and the Home Office have joined forces to add crime prevention advice to <http://www.police.uk> the website that provides the public in England and Wales with information about crime and policing in their area. Information is also provided about the new single non-emergency number 101. As a result, those visiting the site will be able to access expert crime prevention advice; covering internet safety, fraud, child abuse, business security, neighbourhood watch and Crimestoppers.

The website can be accessed at <http://www.police.uk>

Revised Set of Counting Rules Published

A revised set of Rules for counting and classifying crime as at July 2011 has been published. The Counting Rules for Recorded Crime includes a full copy of the National Crime Recording Standard, which was introduced nationally on 1 April 2002 with the aim of promoting a greater consistency between forces in the recording of crime, and to take a more victim orientated approach to crime reporting.

A full copy of the revised Counting Rules for Recorded Crime can be accessed at:

<http://www.homeoffice.gov.uk/science-research/research-statistics/crime/counting-rules/>

Learning the Lessons Bulletin Published

The fourteenth bulletin of the Learning the Lessons Committee has been published, exploring the learning from investigations into the police use of force in situations, including:

- ◆ Spontaneous incidents involving the deployment of firearms officers;
- ◆ Stopping and searching people and vehicles;
- ◆ Restraining violent people including suspects and people in police custody.

Cases are featured on using stop and search powers effectively, the importance of clear communication, recording and booking out kit.

Risk in police decision-making and accountability in operational policing

The bulletin also outlines the position of the IPCC, setting out its expectations of police officers when they make decisions:

- ◆ Police officers and staff are accountable for the decisions and actions they take and are expected to provide a rationale for those decisions when questioned;
- ◆ The IPCC recognises that police operational decisions involve taking risks and in assessing decision making, they focus on whether the decision was reasonable and proportionate in all the circumstances as they existed at the time;
- ◆ When considering the decisions and actions of individual officers, the IPCC recognises that police operational decisions often need to take into account competing objectives, timescales and limited resources;
- ◆ Policies and/or Standard Operating Procedures are a vital tool for police officers, but only where they are appropriately evidence-based and embedded in frontline policing. Compliance with policies and SOPs is not a substitute for reasonable discretion and professional judgement;
- ◆ The IPCC will apply these principles as part of the process to determine whether there are any conduct matters which require investigation;
- ◆ The IPCC will seek to ensure that learning from adverse incidents is disseminated for the benefit of future policing, and that the recommendations made are reasonable and proportionate.

Using stop and search powers effectively

The bulletin highlights the IPCC's position in relation to the effective use of stop and search powers. It states that experience shows complaints are often not about the stop itself, but about the failure of the officer to explain why it was necessary, or the way in which it was carried out.

- ◆ Each officer who uses stop and search powers must be able to answer the question: "Why did you stop me?" It is not enough to say "Because I can", or "I don't have to give a reason". The officer should be able to respond by explaining the reasons;
- ◆ Regardless of the purpose for which stop and search powers are used, the police should be able to demonstrate effectiveness of these powers through regular monitoring;
- ◆ Local police commanders need to ensure that the most appropriate powers are used to achieve policing objectives. They must also ensure that their officers can differentiate between, and have a good understanding of, the different powers available to them;
- ◆ Local police commanders need to inform communities about how stop and search powers are being used in their area, and give them the opportunity to share their experience of how powers are being used and discuss any other concerns they may have about crime in their area;
- ◆ Police authorities should monitor their force's use of the powers and play a proactive role to ensure that public confidence is not damaged as a result of that use.

The fourteenth bulletin of the Learning the Lessons Committee can be accessed in full at:

<http://www.learningthelessons.org.uk/Pages/Bulletin14.aspx>

Home Office Research Report 56

Home Office Research Report 56 explores tackling organised crime through a partnership approach at the local level. It summarises the findings of a process evaluation of the 12 pilot sites included in the 2010 Home Office initiative to engage Community Safety Partnerships in exploring how local partnership working could be used to more effectively tackle organised crime.

Approach to evaluation:

The aims of the evaluation were:

- ◆ To understand and describe how partnerships were established;

- ◆ To identify key elements of the partnership approach to tackling organised crime and describe how they were undertaken;
- ◆ To explore stakeholders' perceptions of the mechanisms necessary for information sharing.

Key findings:

- ◆ Local organised crime problem predominantly described by areas as being made up of gang activity and drug supply;
- ◆ Prior to the implementation of the pilots, it was perceived that tackling organised crime was a police led activity;
- ◆ In the majority of areas the police were described as being responsible for driving the pilots forward. Common perception was that for sustainability, an equal balance of responsibility needed to be achieved across partners;
- ◆ General approach adopted to develop partnership arrangements fell into four categories:
 - Adapting existing partnership structures;
 - Introduction of new partnership arrangements designed to specifically tackle organised crime;
 - Building partnerships around existing approaches to tackling organised crime;
 - Building around existing arrangements for Integrated Offender Management.
- ◆ There was a strong and consistent view that a 'one model fits all' approach was not appropriate when developing responses to such a complex crime area. As a result approaches varied, however each broadly covered the following components:
 - Identification of organised crime targets;
 - Engagement of partners;
 - Sharing of information between partners; and
 - Partnership activity based on information that was shared.

Conclusion

The evaluation suggests that it is possible to set up a multi-agency approach to tackling organised crime at local levels and identifies how barriers can be overcome to develop more joined up processes which address individuals and organised crime groups. Areas felt that if implemented effectively, a partnership approach could be more effective in tackling organised crime, than a solely police-based response.

Recommendations

- ◆ A toolkit should be developed for partnerships outlining the roles that different partners can play in tackling organised crime at the local level;
- ◆ A standardised information-sharing protocol template should be designed and agreed at the national level which can be adapted for use by local areas;
- ◆ Consideration should be given to undertaking further research to understand how the pilot will be implemented when a partnership approach is rolled out across force areas.

Home Office Research Report 56: Tackling organised crime through a partnership approach at the local level: a process evaluation, can be accessed in full at:

<http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/crime-research/horr56/horr56-report?view=Binary>

Guidance on Reporting Restrictions in Youth Cases Published

The CPS has published guidance on imposing and lifting reporting restrictions in cases involving youths who are convicted. The statutory framework regulating reporting restrictions is set out in the Children and Young Persons Act 1933, in particular in section 49 which automatically imposes extensive reporting restrictions in the Youth Court. Any publication in contravention of these restrictions is an offence.

Section 49A of the Act allows the court to dispense with any reporting restrictions following conviction if it is 'in the public interest to do so'. The court will not exercise this discretion without providing each party with the opportunity to make representation and without taking those into account. The power must be exercised with great care, caution and circumspection and any decision to lift restrictions should be necessary, proportionate and there must be a pressing social need for it.

The following cases, set out in the CPS guidance are examples of circumstances where it will be appropriate for the prosecutor to make representations that there is a strong public interest in favour of listing the restrictions. In all cases, the prosecutor must carefully consider the welfare of the convicted offender, particularly in respect of those children who are especially young.

- ◆ Significant public disorder where the public will rightly need to be satisfied that offenders have been brought to justice and there is a need to deter others;
- ◆ Serious offences which have undermined the public's confidence in the safety of their communities;
- ◆ Hate crime which can have a corrosive impact on the confidence of communities.

Children and young persons may appear in the magistrates' or Crown Court where they are jointly charged with a 'grave' crime. Section 39 of the Criminal Justice and Young Persons Act 1933 allows the court to impose similar reporting restrictions as under section 49. The judge must balance the interests of the public with the welfare of the children or young persons, when deciding whether to lift the reporting restrictions.

The guidance sets out the appropriate circumstances in which the prosecutor, following conviction, should make representations that there are strong public interest grounds in lifting reporting restrictions:

- ◆ Significant public disorder;

- ◆ Serious offences which undermine the public's confidence in the safety of their communities; and
- ◆ Hate crimes.

The CPS Guidance on Imposing and Lifting Reporting Restrictions in cases involving Youths who are Convicted, can be accessed in full at:

http://www.cps.gov.uk/legal/p_to_r/reporting_restrictions_-_cases_involving_convicted_youths/

Ministry of Justice Protocol for Tackling Witness Intimidation from Prisons

The Ministry of Justice has published an inter-agency protocol between the police, CPS, courts and prisons, which outlines procedures to help prevent witness intimidation by unconvicted prisoners. The 'Protocol for Tackling Witness Intimidation from Prisons' will commence on 1 September 2011 and will apply to all remand in custody applications on and after that date. The aim of the protocol is to ensure that information on prisoners, who are identified as being at risk of intimidating victims and witnesses, is communicated to prison governors. This will enable them to restrict a defendant's communications upon arrival at the prison and will reduce the risk of delay in putting such procedures in place.

The Protocol sets out clear procedures which will:

- ◆ Enable CPS to identify, via advice from the police, any defendant who, whilst on remand, may attempt to threaten or intimidate any victim and/or witness;
- ◆ Provide early notification of any risk of intimidation to prison governors so that arrangements can be made to monitor the incoming and outgoing mail and telephone calls of any unconvicted prisoner and prevent unauthorised contact with any victim or witness;
- ◆ Ensure that incidents of intimidation are appropriately and effectively addressed where these procedures fail to prevent unwanted contact by the defendant with any victim or witness in their case, or any third party, such as a relative of the victim or witness.

Ministry of Justice: Protocol for Tackling Witness Intimidation from Prisons, can be accessed in full at:

<http://www.justice.gov.uk/downloads/guidance/protecting-the-vulnerable/vulnerable-witnesses/witness-intimidation-from-prisons-guidance.pdf>

Ministry of Justice Circular 2011/06 on the Protocol can be accessed at:
<http://www.justice.gov.uk/publications/bills-and-acts/circulars/circular-2011-06-witness-intimidation.htm>

Prison Service Instruction PSI 46/2011 relating to this Protocol is available at:
<http://www.justice.gov.uk/guidance/prison-probation-and-rehabilitation/psipso/index.htm>

Corporate Manslaughter Offence Extended to Custody Providers

The Corporate Manslaughter and Corporate Homicide Act 2007 received Royal Assent on 26 July 2007. On 1 September 2011 section 2(1)(d) of the Act was appointed; bringing the Act fully into force.

Under Section 1 of the Act, an organisation to which the section applies is guilty of an offence if the way in which its activities are managed or organised:

- (a) Causes a person's death, and
- (b) Amounts to a gross breach of a relevant duty of care owed by the organisation to the deceased.

From 1 September 2011, a duty that is owed because a person is being held in detention or custody will be regarded as a relevant duty of care for the purposes of the Act. There are various forms of custody or detention that are covered by this:

- ◆ Being detained in a custodial institution, such as a prison, young offenders institution or a secure training centre;
- ◆ Being detained in a custody area at a court, police station or customs premises;
- ◆ Being detained in service custody premises;
- ◆ Being held or transported under immigration or prison escort arrangements;
- ◆ Being placed in premises used to accommodate children and young people on a secure basis; and
- ◆ Being detained under mental health legislation.

If an organisation is found guilty of an offence under section 1, it is liable for a fine and may also be ordered by the court to remedy the breach and/or to publish details of the conviction.

The Act can be accessed in full at:
<http://www.legislation.gov.uk/ukpga/2007/19/contents>

Ministry of Justice guidance on the Act can be accessed at:
<http://www.justice.gov.uk/guidance/making-and-reviewing-the-law/corporate-manslaughter-and-corporate-homicide-act-2007.htm>

Consultation on Preventing Suicide Launched

A new consultation on preventing suicide has been launched by the Government. The 'Consultation on Preventing Suicide in England; A cross-government outcomes strategy to save lives' sets out a new suicide prevention strategy, which focuses on improving care for families who have been bereaved by suicide. The purpose of the draft strategy is to bring together knowledge about groups at higher risk of suicide, evidence around effective interventions and to highlight the resources available.

The Government has recently updated the 'Help is at Hand book', which gives vital information to families who have lost a loved one to suicide, and has called on the Royal College of GPs, the Coroners Society and ACPO for the book to be publicised and distributed more widely. As part of the consultation, GPs, coroners and police have been asked to find new ways to ensure families get essential emotional support and practical advice following a suicide.

The consultation calls for views on six areas of action:

- ◆ Reduce the risk of suicide in key high risk groups such as prisoners;
- ◆ Tailor approaches to improve mental health in specific groups such as veterans and people with depression or alcohol addiction;
- ◆ Reduce access to the means of suicide in order to reduce the number of suicides;
- ◆ Provide better information and support to those bereaved or affected by a suicide;
- ◆ Support the media in delivering sensible and sensitive approaches to suicide and suicidal behaviour; and
- ◆ Support research, data collection and monitoring.

The 'Consultation on Preventing Suicide in England; A cross-government outcomes strategy to save lives' closes on 11 October 2011 and can be accessed in full at:
http://www.dh.gov.uk/en/Consultations/Liveconsultations/DH_128065

Help is at hand: a resource for people bereaved by suicide and other sudden, traumatic death can be accessed at:
http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_115629

Legal Aid, Sentencing and Punishment of Offenders Bill

The Legal Aid, Sentencing and Punishment of Offenders Bill was introduced in the House of Commons on 21 June 2011.

The Bill consists of four parts, namely:

- ◆ Part 1: Legal Aid;
- ◆ Part 2: Litigation Funding and Costs;
- ◆ Part 3: Sentencing and Punishment of Offenders;
- ◆ Part 4: Final provisions.

Part 1: Legal Aid

Part 1 of the Bill abolishes the Legal Services Commissions and places a duty on the Lord Chancellor to secure the availability of civil and criminal aid. It makes provision for individuals in custody at a police station or facing criminal investigation to be able to secure the provision of advice, assistance and representation. It also provides for individuals to be provided with representation for criminal proceedings.

Part 2: Litigation funding and costs

Part 2 of the Bill contains provisions to implement reforms to the existing arrangements for civil litigation funding and costs. It also amends the Prosecution of Offences Act 1985 to restrict the powers of the courts to order payment of costs out of central funds.

Part 3: Sentencing and Punishment of Offenders

Chapter 1 of Part 3 sets out the changes to some of the general sentencing provisions contained in the Criminal Justice Act 2003 and in other legislation, including:

- ◆ Imposing a duty on the courts to consider the imposition of compensation orders for certain types of offence;
- ◆ Simplifying the provision setting out the court's duty to give reasons for and to explain the effect of a sentence imposed by the court;
- ◆ Amending the court's power to suspend a prison sentence by increasing the length of sentences that can be suspended.

Chapter 1 also makes a number of changes in relation to community orders for adults and offenders under the age of 18 years. It clarifies when community orders end and makes amendments to certain requirements, in particular curfew requirements and mental health, drug rehabilitation and alcohol treatment requirements. It also creates a new power to prohibit foreign travel as part of an order.

The sentencing provisions of the Powers of Criminal Courts (Sentencing) Act 2000 are amended, enabling a court to impose a penalty for breach of a Detention and Training Order, even when the Order has finished its term. This chapter also repeals a number of provisions in the Criminal Justice Act 2003 which have remained unimplemented, including those relating to 'Custody Plus'.

Chapter 2 makes a number of changes to restrict the powers of the court to remand adult defendants in custody, where it is apparent that there is no real prospect of a custodial sentence if convicted. In addition the definition of a 'young person' under the Bail Act 1976 is amended to include 17 year olds.

Chapter 3 creates new custodial remand provisions for those under the age of 18, who are charged with or convicted of a criminal offence, or are concerned in extradition proceedings. It repeals the existing framework in the Children and Young Persons Act 1969 and removes the provisions under which 17 year olds are remanded in prison. The Chapter also makes provision for all those under the age of 18 who have been refused bail to be remanded in custody according to the same tests.

Chapter 4 makes a number of amendments to the Criminal Justice Act 2003, relating to the release and recall of prisoners. As amended the Act will apply to all sentences to be imposed for offences committed after 4 April 2005.

Chapter 5 gives the Secretary of State the power to make rules in respect of the employment and payment of prisoners and persons in young offender institutions aged 18 or over. It also amends provisions of the Repatriation of Prisoners Act 1984 relating to the transit of prisoners through the UK and the protection of those transferred to the UK under international prisoner transfer agreements.

Chapter 6 amends legislation under which constables may issue a penalty notice for disorder and under which authorised persons may give conditional cautions. It also creates a new youth caution and amends youth conditional cautions by making them more flexible.

Chapter 7 creates a new offence of threatening with an offensive weapon or an article with a blade or point thereby creating an immediate risk of serious physical harm. The minimum sentence for persons over 18 found guilty of the offence will be 6 months imprisonment, unless this would be unjust in the circumstances.

The full text of the Bill is available at:
<http://services.parliament.uk/bills/2010-11/legalaidsentencingandpunishmentoffenders.html>

Joint Committee on Human Rights Report on the Terrorism Prevention and Investigation Measures Bill

The Joint Committee on Human Rights has published a report on the Terrorism Prevention and Investigation Measures Bill, which is awaiting Report stage in the House of Commons. The Bill abolishes the system of control orders, which were established under the Prevention of Terrorism Act 2005, and replaces it with a new regime designed to protect the public from terrorism. The new regime, based on Terrorism Prevention and Investigation Measures (TPIMs) follows the Government's Review of Counter-Terrorism and Security, in which it was recommended that the current system of control orders be repealed and replaced with a system of less restrictive and more focused measures.

The Committee, while expressing some significant human rights concerns about the proposed regime under the Bill, welcomed the aspects of the Bill that modify the current control order regime. These include:

- ◆ Raising the threshold for imposing measures from reasonable suspicion to reasonable belief;
- ◆ The maximum time limit for the measures will be 2 years, unless there is fresh evidence;
- ◆ The restrictions imposed will be less severe in a number of respects; there is to be a renewed emphasis on investigation and prosecution.

The Committee stated that the overriding priority of public policy in this area should be the criminal prosecution of those suspected of involvement with terrorism and expressed concern at the significant fall in the number of successful prosecutions for terrorist offences in the last few years. They continued to regard the admissibility of intercept as an important part of the measures that will lead to more successful prosecutions in relation to terrorism.

The Committee welcomed the Government's restatement of its commitment to the priority of prosecution, however noted that as currently drafted, the Bill's overriding purpose is prevention, not investigation and prosecution. In his Report on the Government's review of counter-terrorism powers, Lord Macdonald argued that restrictions on the freedoms of terrorist suspects can only be justified if they are part of a continuing criminal investigation into their activities. The Committee shared his concerns that TPIMs do not go far enough to bring the restrictions back into the domains of criminal due process.

Unlike the control orders regime that the Bill will replace, the TPIMs regime is not subject to annual renewal by Parliament and is instead intended to be permanent. While the Committee recognised that the TPIMs regime is less severe than its predecessor, it stated that it was an extraordinary departure from the ordinary principles of due process. As a result, and to ensure that there is an annual opportunity for Parliament to scrutinise and debate the measures, the Committee recommended that the Bill be amended to require annual renewal.

Amendments proposed by the Committee in the report include:

- ◆ When imposing TPIMs, the DPP (or relevant prosecuting authority) should be satisfied that criminal investigation into any individual's involvement in terrorism-related activity is justified, and will not be impeded by any of the measures imposed;
- ◆ Provision for judicial supervision in relation to the ongoing criminal investigation;
- ◆ Further restrictions on some of the measures in the Bill to ensure that they do not impede or discourage evidence gathering with a view to conventional prosecution;
- ◆ The court's function at the permission stage of imposing TPIMs should determine whether the conditions for imposing them appear to have been met; the review hearing should determine whether those conditions were and continue to be satisfied;
- ◆ The Secretary of State should be required at the outset to provide the individual who is the subject of the TPIMs notice with sufficient information about the allegations to enable him to give effective instructions in relation to those allegations;
- ◆ A requirement for annual review of the regime, rather than permanency.

In March 2011 the current control order regime was renewed until the end of December 2011. The Government wants TPIMs to be available by the time the current legislation on control orders lapses.

The report on the Terrorism Prevention and Investigation Measures Bill can be accessed in full at:
<http://www.publications.parliament.uk/pa/jt201012/jtselect/jtrights/180/18002.htm>

Consolidation and Review of the Misuse of Drugs Regulations 2001

The Government has launched a consultation on proposals to consolidate the Misuse of Drugs Regulations 2001 and to review specific provisions under the regulations. The objective of the consultation is to ensure that the regulations are comprehensive and fit for purpose and that they reflect current policy on controlled drugs. The consultation also includes proposals relating to the Government's response to the remaining Shipman Inquiry recommendations.

The Consultation on the 'Proposed Consolidation of the Misuse of Drugs Regulations 2001' will close on 28 October 2011 and can be accessed at:

<http://www.homeoffice.gov.uk/publications/about-us/consultations/misuse-drugs-regulations/>



NPIA
National Policing
Improvement Agency

Legal Services
Chief Executive Officer Directorate
www.npia.police.uk

