

Public Order Bill

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Whole-life order appeals

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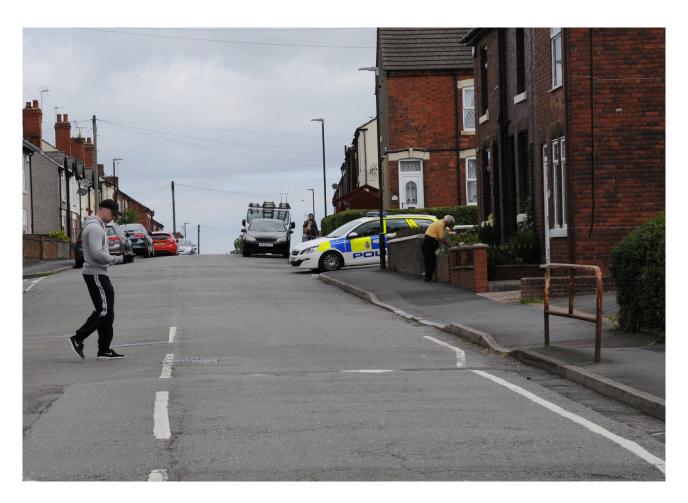
Domestic abuse prevention

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ISSUE 6 | JUNE 2022

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



Police, Crime, Sentencing and Courts Act 2022 **Mental health** turning a corner

Crime types latest statistics published

Home secretary addresses PolFed conference

The College of Policing Brief is a scanning publication intended to capture and consolidate key criminal justice issues, both current and future, impacting on all areas of policing.

During the production of the Brief, information is included from governmental bodies, criminal justice organisations and research bodies. As such, the Brief should prove an invaluable guide to those responsible for strategic decision making, operational planning and police training.

The College of Policing is also responsible for Authorised Professional Practice (APP). APP is the official and most up-to-date source of policing practice and covers a range of policing activities such as: police use of firearms, treatment of people in custody, investigation of child abuse and management of intelligence. APP is available online at **app.college.police.uk**

Any enquiries regarding this publication or to request copies in accessible formats please contact us at brief@college.pnn.police.uk

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Editorial

Dear readers.

Welcome to the June edition of Brief, your monthly update of what's new in the policing and criminal justice field, produced by the Legal Services team at the College of Policing.

Within this month's edition:

- Police, Crime, Sentencing and Courts Act 2022
- 'Talking is a huge key to turning a corner with mental health'
- Crown Prosecution Service (CPS) publishes latest statistics on all crime types

To find out more about the College and what we do, including information on the Policing Education Qualifications Framework (PEQF) training, please visit the **College of Policing website**.

We hope that our publication supports police officers and staff in their work. We are always looking for ways to get better at what we do, so please **get in touch** if you have any feedback or ideas for future content.

Thank you for reading,

The Legal Services Team

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For subscription requests, further information or to send us ideas about what you would like to see in upcoming editions, please email us at:

brief@college.pnn.police.uk

College news

New mental health resources available at the National Police Library

The National Police Library has a number of new mental health resources in various formats.

The resources were selected by clinical psychologists and police staff working within the Mental Health Service at the Police Service of Northern Ireland (PSNI), and were funded by the PSNI and Movember charity.

It is hoped that the resources will support those with mental ill health and work-related trauma, which is more common in policing than in the general population.

Read more: Mental health resources in the National Police Library | College of Policing

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New episode of the podcast explores 'What makes a good cop?'

In episode three of the monthly Inside policing podcast, former police officer and innovation lead Rob Flanagan discusses what makes a good cop.

Rob speaks with Louise Hodgson; Head of Workforce Development at the College; Sergeant Richard Horton of Lancashire Police; PC Michelle Wright of Greater Manchester Police; and Marcus Griffiths, Policing Standards Manager for Ethics, Integrity and Professional Standards at the College.

Louise Hodgson discusses why there is no such thing as the perfect police officer, and Sergeant Richard Horton explores the knowledge that is expected.

Read more: Inside policing episode three - What makes a good cop?

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Legal updates

Bills

Public Order Bill

This Bill makes provision for new offences relating to public order, stop and search powers, the delegation of police functions relating to public order, serious disruption prevention orders and connected purposes.

The Bill will increase police powers to tackle dangerous and highly disruptive tactics employed by protesters.

This includes provisions to protect major transport projects and key national infrastructure from being targeted by protesters, causing significant delays to the travelling public, preventing the distribution of critical goods such as fuel, and causing costly delays in construction.

The Bill is in three Parts. Part 1 creates a number of new offences relating to 'locking on', obstructing major transport works and interfering with the use or operation of key national infrastructure, including rail, road and air networks, printing presses, oil and gas refineries and power stations. The bill will make a criminal offence to 'lock on' or come equipped with the intention to 'lock on' and cause serious disruption, and to obstruct the construction of major transport networks. This Part also gives the police preventative powers to search for, and seize, articles related to protest-related offences. Finally, it equalises between police forces in London and those in the rest of the country the rank of senior officer to whom the exercise of certain powers under the Public Order Act 1986 may be delegated.

Part 2 provides for a new preventative court order, the Serious Disruption Prevention Order, to disrupt the activities of repeat offenders.

Part 3 contains general provisions, including in relation to extent and commencement.

The Bill was introduced to the House of Commons and given its first reading on Wednesday, 11 May 2022. Its second reading was on Monday, 23 May 2022.

Read more: Public Order Bill

Statutory Instruments

The Special Constables (Membership of the Police Federation etc.) (England and Wales) Regulations 2022

This statutory instrument enables special constables to join the Police Federation of England and Wales and allows the Police Federation to advise special constables in the same way that regular constables are advised in proceedings covered under the Police Federation (England and Wales) Regulations 2017, the Police (Complaints and Misconduct) Regulations 2020, the Police (Performance) Regulations 2020 and the Police (Conduct) Regulations 2020.

This instrument also amends the Police Regulations 2003 to enable special constables' attendance at certain meetings of the Police Federation to be treated as occasions of police duty. Furthermore, it also amends the Special Constables Regulations 1965 to clarify that candidates can apply to the special constabulary at the age of 17, bringing the age of application in line with that of regular constables.

Read more: <u>The Special Constables (Membership of the Police</u>
<u>Federation etc.) (England and Wales) Regulations 2022 - Explanatory Memorandum</u>

Acts

Police, Crime, Sentencing and Courts Act 2022: overarching factsheet

The Police, Crime, Sentencing and Courts Act 2022 (PCSCA) received Royal Assent on 28 April 2022. It aims to:

- support officers and staff by providing them with the powers and tools to keep themselves and the public safe
- introduce harsher sentences for serious crimes and end automatic halfway release from prison for some crimes
- improve the efficiency of the court and tribunal system by modernising existing court processes

The Act, among other things, introduces a serious violence duty on specified authorities to work together to prevent and reduce serious violence, including domestic abuse and sexual offences, and increases the maximum penalty from 12 months to two years in prison for anyone who assaults, or commits an offence of battery against, an emergency worker.

The Police, Crime, Sentencing and Courts Act 2022 (Commencement No. 1 and Transitional Provision) Regulations 2022 outlines when specific provisions of the PCSCA will come into force. On 12 May 2022, provisions on the code of practice about the extraction of information from electronic devices and the wilful obstruction of a highway came into force. On 28 June 2022, several provisions are due to come into force, including the Police Covenant report, voyeurism, breast-feeding, increased time limit for prosecution of common assault or battery in domestic abuse cases, and assaults on those providing a public service. On 29 June 2022, provisions on football banning orders are due to come into force.

However, concerns have been raised by numerous groups across the country, who have argued that the Act could result in worrying consequences due to the far-reaching legal powers, which could have an impact on communities that are already affected by over-policing and could erode human rights.

Read more: Police, Crime, Sentencing and Courts Act 2022

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The Domestic Abuse Act 2021 amendments

Amendments to the Domestic Abuse Act 2021 will come into force on 7 June 2022, introducing a new criminal offence of non-fatal strangulation or suffocation.

Section 70 of the Domestic Abuse Act 2021 will amend the Serious Crime Act 2015, introducing sections 75A and 75B.

The new offence will apply where a person intentionally strangles another person, or does any other act that affects their ability to breathe and constitutes battery of that person.

While a person consenting to strangulation or another such act is a defence, it will not apply if serious harm is caused, if the perpetrator intended to cause serious harm or if the perpetrator was reckless as to whether serious harm would be caused.

The offence will be triable in either the magistrates' court or the crown court.

The offence will also apply when strangulation or suffocation has been committed abroad by a British national or a person who is habitually resident in England and Wales, as if the offence had occurred in England and Wales.

Read more: <u>Strangulation and suffocation</u> and <u>The Domestic Abuse Act</u> <u>2021 (Commencement No. 4) Regulations 2022</u>

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Policing

News

The NPCC reflect on the late retired Chief Constable Simon Cole's contributions to policing

The NPCC have reflected on the significant contributions that retired Chief Constable Simon Cole made to policing before he sadly passed. Simon Cole, who was a friend and respected colleague to many, undertook various significant roles throughout his career.

Before returning to Leicestershire Police in 2010 to become the Chief Constable, he had worked as Assistant Chief Constable and Deputy Chief Constable for Hampshire Constabulary.

Some of the other positions that he held include national lead for the Prevent programme, Senior Responsible Officer for Digital Public Contact and lead of the NPCC's local policing committee.

During these roles, he oversaw the development of Vulnerability Support Hubs, where mental health experts work with counter terrorism policing. He also oversaw the introduction of the single online home, now used by 30 forces, allowing the public to report non-emergency crime online.

During his time leading the local policing committee from 2012 to 2019, the first national neighbourhood guidelines were produced with the College of Policing. The standards have enhanced neighbourhood policing across England and Wales.

In 2015, he advised government and police forces in respect of best practice in the use of interpreters and translators.

He has also chaired PSUK Tennis, British Police Cricket and British Police Men's Rugby Section.

NPCC Chair Martin Hewitt said:

'Aside from the enormous impact that Simon had in Leicestershire, Hampshire, and West Midlands Police, he played a significant role on the national stage to improve policing, to keep people safe, and to provide the best possible service to the public.

'I know I speak for my fellow chief officers when I say we will always be grateful he chose a career in policing, that we had the opportunity to know him and for the significant positive contribution he made as a public servant.'

Read more: Retired Chief Constable Simon Cole made a tremendous contribution to national policing before his sad death

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Home Secretary addresses the annual conference of the Police Federation of England and Wales

The Home Secretary addressed the annual conference of the Police Federation of England and Wales.

The Home Secretary announced her intention to relax all five conditions, stipulated under section 60 of the Criminal Justice and Public Order Act 1994, necessary for conducting stop and search. This measure is in line with the government's commitment to reduce knife crime.

The Secretary also announced that special constables would be authorised to carry and use electroshock weapons (Tasers). The government believes these measures will help police officers to further guarantee public safety.

The Home Secretary also discussed the Harper's Law Bill. When passed, this Bill will make life imprisonment mandatory for people who kill an emergency worker while committing a crime. The government will also introduce amendments to increase the maximum penalty for assaults on police officers and other emergency workers.

The Home Secretary also touched on pay and pensions, strongly urging the Federation to engage with the Home Office and the Police Renumeration Review Body directly and to all work together.

Read more: <u>Home Secretary's speech to the Police Federation annual</u> conference

'Talking is a huge key to turning a corner with mental health'

To mark Mental Health Awareness Week, Ian Fearsey (Facilities Manager at the Police Federation's headquarters in Leatherhead) and Sergeant Sue Honeywill (Devon and Cornwall Police, Federation representative) discussed their struggles with anxiety and post-traumatic stress disorder (PTSD) in separate blog posts.

To read the blog posts, please click on the links below.

Read more: 'Talking is a huge key to turning a corner with mental health' and 'Don't be frightened to admit you are struggling'

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Home Secretary backs police to increase stop and search

The Home Secretary, Priti Patel, has permanently lifted restrictions on the police's use of stop and search in areas where they anticipate serious violence to happen. Following on from the removal of restrictions, more officers can authorise section 60, the powers can be in place for longer and the powers can be used when police anticipate that serious violence 'may' occur, rather than 'will' occur.

The Home Office states that this will give officers full operational flexibility and the confidence they need to use the tool, which will help to rid the streets of dangerous weapons and save lives.

Permanently relaxing the conditions means:

- reducing the threshold that must be met for a section 60 authorisation to be given, from reasonably believing that serious violence 'will' occur to believing that it 'may' occur
- lowering the rank of officer able to give an initial section 60 authorisation from senior officer to an officer of the rank of inspector or above
- increasing the maximum period in which a section 60 authorisation can remain in place, without extension, from 15 hours to 24 hours
- lowering the rank of officer required to extend an authorisation from senior officer to superintendent or above

- increasing the maximum period to which an authorisation can be extended from 39 hours to 48 hours
- section 60 authorisations no longer need to be publicly communicated to communities in advance

Liberty, a civil liberty organisation, has stated that 'not only are section 60 stops not effective at detecting and reducing knife crime, they disproportionately affect people of colour, particularly Black people. Removing the S60 safeguards will worsen existing divisions between police and communities at a time when public trust and confidence in the police is at a serious low.'

Read more: Home Secretary backs police to increase stop and search

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Home Secretary stands firm on tackling guerrilla protest tactics

Announced in the Queen's Speech, the Home Secretary introduced a new Public Order Bill on 11 May 2022 with a range of proposals to protect the integrity of transport networks and fuel supply in England and Wales, making it a criminal offence to interfere with key national infrastructure.

Police will be given the power to proactively stop and search people and to seize items intended to cause disruption by 'locking on'.

The public order bill will make it a criminal offence to:

- interfere with key national infrastructure including rail, road and air networks, printing presses, oil and gas refineries and power stations
- 'lock on' or come equipped with the intent to 'lock on' and cause serious disruption
- obstruct the construction of major transport networks

The bill will give the police the power to stop and search:

 individuals where there is a reasonable suspicion that they may be carrying items intended to cause serious disruption by locking on and other public order offence anyone within a tightly defined area for items that could be used to commit locking on and other public order offences

Read more: <u>Home Secretary stands firm on tackling guerrilla protest</u> tactics

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Metropolitan Police Service officer faces a further three charges

Further charges have been authorised in respect of Metropolitan Police Service officer David Carrick. Mr Carrick was previously charged with 41 offences, including rape and sexual assault, involving 11 women. He is now charged with a total of 44 offences, with the additional three charges involving a further woman.

The additional three charges of rape are alleged to have been committed between 2008 and 2009.

A court hearing will take place in relation to the new charges on 13 May at Westminster Magistrates' Court.

Read more: <u>David Carrick: CPS authorises three further charges | The Crown Prosecution Service</u>

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PSA survey indicates low morale and motivation among its members

Each year, the Police Superintendents' Association (PSA) surveys its members, seeking their insight on pay, morale and motivation. The most recent survey, conducted between November 2021 and January 2022, indicated low morale and motivation among its members.

Almost 80% of the respondents reported low morale across the service and only 40% reported high personal morale. Other responses included 39% reporting that they would recommend joining the service to others, while 41% of the respondents felt valued. These are the lowest figures since the survey began in 2015.

Read more: <u>Pay Survey 2021: Headline report</u> and <u>PSA survey shows</u> 'concerning wellbeing picture' of policing's senior leaders

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Reports

Police officer uplift, quarterly update to 31 March 2022

The Home Office has published a release containing information on progress towards the recruitment of an additional 20,000 police officers in England and Wales by March 2023.

Key findings show that:

- there were 142,526 officers in the 43 territorial police forces in England and Wales as of 31 March 2022
- this was an increase of 14,073 officers on the adjusted baseline of 128,453

Of these additional officers:

- 13,576 have been recruited from funding for the Police Uplift Programme and contributed towards the target of 20,000 by March 2023
- a further 497 additional officers have been recruited through other funding streams
- of the 13,576 additional uplift officers, 345 had been deployed to Regional and Organised Crime Units
- since April 2020, more than four in ten new recruits (42.4%)
 were female and 11.7% of those who stated their ethnicity
 identified as being from an ethnic minority group (excluding
 White minorities)
- 200,006 applications to become a police officer have been received since October 2019

Read More:	Police	officer	uplift	statistics
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Report confirms that Cheshire Constabulary demonstrated good child protection work with improvements still needed

A report produced by Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) has confirmed that Cheshire Constabulary has shown examples of good work surrounding child protection, although improvement is still needed.

The positives identified by the report include prioritising domestic abuse incidents, being proactive in arresting suspects and making safeguarding referrals when children are present.

The improvements needed include making sure that officers who attend incidents where children are involved have the relevant skills and knowledge, and preventing children with complex needs being taken into custody if it is not necessary.

Her Majesty's Inspector of Constabulary, Matt Parr, said:

'Cheshire Constabulary recognises that it isn't providing the level of response and quality of service that children in Cheshire require, and the leadership team is clearly committed to improving.

'We are encouraged by how quickly Cheshire Constabulary responded to areas of concern identified in our inspection and we will continue to work closely with the force to monitor its progress.'

Read more: Cheshire Constabulary is committed to child protection, but improvement is needed

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Child protection improvements made by the City of London Police

The City of London Police has made improvements since a report was produced in 2019 by HMICFRS. However, HMICFRS' recent report highlights that further improvements are still needed, including surrounding the training of staff, to recognise vulnerability and protect children. The ability of officers to deal with all forms of online child abuse was highlighted as a further area for improvement, including appropriate adults arriving in time to support detained children.

Her Majesty's Inspector of Constabulary, Matt Parr, said:

'City of London Police has acted to address most of the recommendations from our most recent child protection inspection in 2019.

'We have highlighted several areas for improvement which, if acted on, will help improve outcomes for children in the City of London. We will continue to work closely with the force to monitor its progress.'

Read more: City of London Police has improved child protection, but more work is needed

Criminal justice news

CPS publishes latest statistics on all crime types

The CPS published the **Q3 Performance data** in May 2022, covering the three-month period from 1 October to 31 December 2021.

The CPS report the following:

- 3.2% increase in police referrals across all crime types, from 48,178 to 49,719
- 23.7% increase in pre-charge rape referrals from the police, up from 887 to 1,097 (this includes both cases referred for early advice and requests for charging decisions)
- 4.6% increase in the volume of suspects being charged for rape, from 526 to 550
- slight reduction in the proportion of suspects charged (out of all legal decisions) from 69.2% to 66.6%.
- 14.7% increase in the volume of convictions for rape, from 407 to 467
- 2.9 percentage point increase in the rape conviction rate, from 67.8% to 70.7%
- 4.2% reduction in the volume of completed prosecutions for all crime types, from 107,327 to 102,777

Read more: <u>CPS publishes latest statistics on all crime types showing</u> steady increase in rape convictions

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Home Office consider improvements to the sharing of information to prevent domestic abuse

In line with the aim of early prevention of abuse, as set out in the government's Tackling Domestic Abuse Plan, the Home Office began a consultation period on 7 May 2022. Proposed new guidance will be scrutinised before potentially being set out in the Domestic Abuse Act 2021.

The guidance relates to the Domestic Violence Disclosure Scheme, also known as Clare's Law. The scheme enables an individual or a relevant third party to request the police to check and share information with them regarding their current partner or ex-partner's violent or abusive past. This is known as the 'right to ask' under the scheme. The second element is the 'right to know', which provides police with the ability to share the information, should they hold any.

The proposed new guidance would mean that information is disclosed within 28 days instead of the current 35. The guidance also sets out how online applications should be managed, including signposting the requester to relevant domestic abuse services.

Read more: Faster information for victims of domestic abuse

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Consultation for sentencing guidelines for animal cruelty offences published

The Sentencing Council is consulting on revised sentencing guidelines for animal cruelty offences, following changes brought in by the Animal Welfare (Sentencing) Act 2021.

Proposed changes include a new guideline for the most serious offences of animal cruelty, including tail docking and animal fighting, following on from the maximum penalty being raised from six months' to five years' custody. To reflect the new maximum penalty, these offences are eligible to be tried in the magistrates' court and the crown court.

The Sentencing Council is also proposing changes to the existing sentencing guideline surrounding breach of duty of person responsible for animal welfare, to ensure that the guideline takes into account the circumstances of offending.

Read more: Consultation for sentencing guidelines for animal cruelty offences published - Sentencing

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University of Birmingham: Who is protecting the protectors?

Research from the University of Birmingham highlights the negative impact that exposure to distressing material can have on professionals working in intelligence, research and analytical roles within the criminal justice system.

Dr Fazeelat Duran and Professor Jessica Woodhams from the University of Birmingham are currently conducting surveys and interviews with staff employed in these roles. So far, they have found that analysts and secondary investigators exposed to a high dosage of distressing materials are reporting PTSD-type symptomology of hypervigilance, intrusive thoughts, excessive cautionary behaviour and avoidance. They also reported having no time to make use of wellbeing services due to high workloads.

Read more: Who is protecting the protectors?

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Court of Appeal considers whole-life order appeals

A whole-life order is imposed in cases where there has been an 'extreme level of offending'. A five-judge bench in the Court of Appeal, on 4 May 2022, considered the jail terms of five murderers, including Wayne Couzens, the former Metropolitan Police Service officer who murdered Sarah Everard.

Couzens' lawyers, in appealing his whole-life order, argued that a whole-life order was 'wrong in principle as it had the effect of expanding the categories expressly considered by parliament as warranting such an exceptionally punitive sentence'.

The bench is considering references brought by the attorney general, who is seeking a whole-life order in two other cases, firstly, for Jordan Monaghan, and secondly, for Emma Tustin, as well as appeals by four offenders seeking a reduction in their sentences.

At the conclusion of the hearing, the Lord Chief Justice, Lord Burnett, said the court would 'take time to consider our decisions in these very difficult and tragic cases'.

Read more: Court of Appeal considers whole-life order appeals

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Queen's Speech: Bill of Rights and Brexit freedoms

On 10 March 2022, the government outlined its legislative agenda for the 2022-23 Parliamentary session. In all, 38 Bills were announced, including:

- a Public Order Bill to introduce new police powers over protests
- the National Security Bill to give new powers to security services and overhaul current provisions related to official secrets
- a draft Victims' Bill to create new rights for the victims of crime
- a draft Protect Duty Bill to introduce legal duties to consider the risk of terror attacks in public places
- the introduction of a Bill of Rights
- the Economic Crime and Corporate Transparency Bill, to strengthen powers to tackle illicit finance and reduce economic crime
- the Boycotts, Divestment and Sanctions Bill to prevent public bodies engaging in boycotts that undermine community cohesion
- the Conversion Therapy Bill to ban conversion therapy

Excluding modern slavery reforms, most of which apply only to England and Wales, the new legislation will apply to all of the UK.

Read more: Queen's Speech: Bill of Rights and Brexit freedoms

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Announcement of London Drugs Commission

The Mayor of London, Sadiq Khan, announced that the London Drugs Commission will be introduced, consisting of independent experts and relevant individuals from criminal justice, public health, politics, community relations and academia. The Commission's primary focus will be cannabis. However, the laws in relation to drugs in general will be examined. It is confirmed that class A drugs will not be considered.

The establishment of the Commission follows the highest number of deaths being recorded in relation to drug poisoning in England and Wales in 2020.

The Commission will be chaired by former Lord Chancellor and Justice Secretary Lord Charlie Falconer QC, and will look at evidence from around the world as to other countries' approaches. The Commission hopes to identify the most effective methods of prevention and criminal justice responses.

The announcement was made by Sadiq Khan during his recent visit to Los Angeles, where he met members of the Los Angeles Police Department, individuals from the government and public health. He also visited licensed retailers and those who grow cannabis.

Sadiq Khan said: 'I am delighted to announce that Lord Charlie Falconer QC will be the chair of the first-ever London Drugs Commission. As a widely respected QC and former Justice Secretary, Lord Falconer brings decades of experience.

'The illegal drugs trade causes huge damage to our society and we need to do more to tackle this epidemic and further the debate around our drugs laws. That's why I am here today in L.A. to see first-hand the approach they have taken to cannabis.

'We must learn from others when considering our approach, and by examining the latest evidence from around the world and the world-class research from UCL, Lord Falconer and the Commission will make recommendations to improve our approach to cannabis to help tackle drug related crime, protect Londoners' health and reduce the huge damage that illegal drugs cause to our communities.'

Read more: Mayor announces chair of first-ever London Drugs
Commission

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New protections for victims of sexual offences available

On 12 May 2022, a new measure was introduced to prevent victims of sexual offences from being cross-examined in court. The scheme allows victims and witnesses of crimes, such as rape and modern slavery, to have their cross-examination video-recorded and played later during trial.

The recording will take place as close to the time of the offence as possible. It will take place outside of the courtroom, to reduce further stress and trauma. From 12 May 2022, the measures became available immediately in 14 crown courts, including Sheffield, Doncaster, Southampton, Bristol and Truro. The government are committed to rolling the scheme out nationwide by September 2022.

Both the defence and prosecution lawyers will be present in court during the pre-recording, as will the judge and defendant.

Read more: New protections for rape victims available at more Crown Courts

About the College

We're the professional body for the police service in England and Wales.

Working together with everyone in policing, we share the skills and knowledge officers and staff need to prevent crime and keep people safe.

We set the standards in policing to build and preserve public trust and we help those in policing develop the expertise needed to meet the demands of today and prepare for the challenges of the future.

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