



DEBATE PACK

Number CDP-2016/0200, 31 October 2016

POLICE OFFICER SAFETY

Opposition Day Debate
Commons Chamber
Wednesday 2 November 2016

This debate pack has been prepared ahead of the Opposition Day debate on Police Officer Safety on Wednesday 2 November 2016. The following is the text of the Motion:

This House notes with concern the estimated 23,000 assaults on police officers in England and Wales each year; and calls on the Government to implement statutory guidance on sentencing uniformly across the country which reflects the seriousness of the issue, to accurately record the number of assaults on police officers in England and Wales and, noting the fall in numbers of police officers by 20,000 since 2010, to ensure that police officer numbers and funding are not cut further.

This briefing contains recent press and parliamentary material and links to further reading.

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Contents

1. Background	2
1.1 Police funding	2
Funding for 2016/17	2
Police safety	2
Body worn video	2
1.2 Sentencing	3
2. Parliamentary materials	5
2.1 PQs	5
2.2 Debate	9
3. Media Articles	12
4. Further reading	13

1. Background

1.1 Police funding

A guide on how police funding is allocated can be found in the HC Library Briefing Paper: [Police funding](#).

The briefing explains the existing funding arrangements for police forces. It focuses on revenue funding for the territorial police forces of the United Kingdom and Police forces receive separate grants for capital purposes.

The briefing also examines proposals for new funding formula for police forces in England and Wales (now delayed until 2017/18) and briefly considers the reductions in funding experienced by forces since 2010/11.

Funding for 2016/17

The full *Police Grant Report England & Wales 2016/17* is available on the Gov.uk website: www.gov.uk/government/publications/the-police-grant-report-england-and-wales-2016-to-2017

The Written Statement (HCWS510) accompanying the report (made by Mike Penning on 4 February 2016) shows the change in total direct resource funding for each Police Force between 2015/16 and 2016/17: www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2016-02-04/HCWS510/

Further information on Police Finance is available on the Gov.uk website: www.gov.uk/government/collections/police-finance

Police safety

The latest statistics on the number of police officers assaulted broken down by Police Force are available in [Statistics on the number of police officers assaulted in 2015 to 2016, England and Wales](#) which is available on the Gov.uk website: [Police workforce, England and Wales, 31 March 2016](#)

Body worn video

Full background on Parliamentary Office of Science and Technology, [Body Worn Video in UK Policing](#) POSTbrief Number 14, September 2015.

Since that POSTbrief was compiled, in November 2015, the College of Policing, MOPAC and the Metropolitan Police published the results of the Met's pilot of body worn cameras: [Police, Camera, Evidence: London's cluster randomised controlled trial of Body Worn Video](#). The report summarised its findings as follows:

Overall the findings suggest there are potential benefits of Body Worn Video (BWV), although those related to criminal justice outcomes were not fully realised during the timescales of the trial and need the support of criminal justice partners to be achieved.

- BWV can reduce the number of allegations against officers, particularly of oppressive behaviour. Complaints related to interactions with the public also reduced and, although it did not reach statistical significance, the trend in overall complaints was consistent with these findings.
- There was no overall impact of BWV on the number or type of stop and searches conducted. In addition, there were no differences in officers' self-reported behaviour relating to how they conducted stops.
- No effect was found on the proportion of arrests for violent crime. When an arrest had occurred, there was a slightly lower proportion of charges by officers in a BWV team.
- There was no evidence that BWV changed the way police officers dealt with victims or suspects.
- The Public Attitude Survey found, in general, London residents are supportive of BWV, with their opinions of the technology positively associated with their views of how 'procedurally just' the police are, and their confidence in the MPS.
- Officers reported a range of innovative uses of BWV, including professional development; use of intelligence;

See also:

- College of Policing Press Release, [Mayor on track to roll out body cameras](#), 24 November 2015.
- University of Cambridge, [Use of body-worn cameras sees complaints against police 'virtually vanish', study finds](#), September 2016
- College of Policing, [College response to new body-worn video report](#)

1.2 Sentencing

The [Sentencing Council](#) is an independent, non-departmental public body of the Ministry of Justice and replaced the Sentencing Guidelines Council and the Sentencing Advisory Panel in April 2010. The primary role of the Sentencing Council is to issue guidelines on sentencing which the courts must follow unless it is in the interests of justice not to do so.

Sentencing guidelines for assault are set out in the Sentencing Council's [Assault: Definitive Guideline](#) (2011). These cover two specific offences related to assaults on police officers: assault with intent to resist arrest contrary to section 38 of the *Offences Against the Person Act 1861* and assault on a police constable in the execution of his duty contrary to section 89 of the *Police Act 1996*.¹ The guidelines also cover various general assault offences, any of

¹ Sentencing Council, pp15-22, Assault: Definitive guideline

which are equally capable of being committed against a police officer as against a member of the public.

When sentencing an offender for any of the offences covered by these guidelines, the court **must** follow the guidance set out in them unless it considers it would be contrary to the interests of justice to do so. Note that the guidelines only apply to offenders aged 18 or over.

Under the sentencing guidelines, the court will follow a number of steps to arrive at the sentence for any particular individual:

Identify the category of the offence concerned by considering the degree of seriousness involved.

Identify the “starting point” sentence for that category of offence.

Consider further aggravating and mitigating factors and adjust the sentence to become more or less serious. The resulting sentence should fall within the “range” of sentences for that category of offence.

Apply any discount for a guilty plea. This may result in the final sentence falling outside the lower end of the range of sentences suggested in the guidelines

The [Assault: Definitive Guideline](#) also sets out sentencing guidelines for the following ‘generic’ assault offences:

- causing grievous bodily harm or wounding with intent (section 18 of the *Offences Against the Person Act 1861*);
- inflicting grievous bodily harm or unlawful wounding (section 20 of the 1861 Act);
- assault occasioning actual bodily harm (section 47 of the 1861 Act);
- common assault (section 39 of the *Criminal Justice Act 1988*).

The general approach to sentencing an offender for any of these generic assault offences would involve the same steps as outlined above, using the starting points and sentence ranges set out in the [Assault: Definitive Guideline](#). Note that for all of these offences (as well as for assault with intent to resist arrest and assault on a police constable in the execution of his duty), one of the aggravating factors listed in the guidance that might result in a higher sentence is where the offence was committed “against those working in the public sector or providing a service to the public”.

2. Parliamentary materials

2.1 PQs

Assaults on Police

Asked by: Mr David Hanson

To ask the Secretary of State for Justice, what average length of sentence has been given to people prosecuted under section (a) 89(1) and (b) 89(2) of the Police Act 1996 in each year since 2010.

Answered by: Mr Sam Gyimah | Department: Ministry of Justice

The number of defendants proceeded against at magistrates' courts and offenders found guilty and sentenced at all courts, including those specifically sentenced to immediate custody, with average custodial sentence length, of offences under Section 89(1)&(2) of the Police Act 1996, in England and Wales, from 2010 to 2015, can be viewed in the table.

Defendants proceeded against at magistrates courts and found guilty and sentenced at all courts for offences under Section 89 (1) (2) Police Act 1996 , England and Wales, 2010 to 2015 (1)(2)(3)

Offence	Outcome	2010	2011	2012	2013	2014	2015
Assault a constabl e	Proceeded against	10,3 51	11,099	10,20 1	9,43 2	8,93 0	9,055
	Found guilty	8,69 5	9,424	8,592	7,84 0	7,48 6	7,629
	Average custodial sentence length for those offenders sentenced to immediate custody (3)	2.5	2.4	2.4	2.3	2.2	2.2
Resist / obstruct a constabl e	Proceeded against	6,89 4	6,395	5,260	4,82 3	4,74 8	4,294
	Found guilty	5,48 6	5,054	4,116	3,77 2	3,71 5	3,424
	Average custodial sentence length for those offenders	0.7	0.7	0.7	0.8	0.7	0.7

		sentenced to immediate custody (3)					
Assault / resist a person assisting a constable	Proceeded against	102	83	99	80	86	93
	Found guilty	76	62	67	59	65	67
	Average custodial sentence length for those offenders sentenced to immediate custody (3)	2.6	2.1	*	*	*	1.8

(1) The figures given in the table relate to persons for whom these offences were the principal offences for which they were dealt with. When a defendant has been found guilty of two or more offences it is the offence for which the heaviest penalty is imposed. Where the same disposal is imposed for two or more offences, the offence selected is the offence for which the statutory maximum penalty is the most severe.

(2) Every effort is made to ensure that the figures presented are accurate and complete. However, it is important to note that these data have been extracted from large administrative data systems generated by the courts and police forces. As a consequence, care should be taken to ensure data collection processes and their inevitable limitations are taken into account when those data are used.

(3) Average custodial sentence length is displayed in months, and excludes life and indeterminate sentences.

Source: Justice Statistics Analytical Services - Ministry of Justice.

Ref: PQ
48336-
48337

20 Oct 2016 | 48337

Assaults on Police: Sick Leave

Asked by: Hanson, Mr David

To ask the Secretary of State for the Home Department, how many days of police time were lost in sick leave as a result of assaults on police officers in each constabulary in each year since 2010.

Answered by: Brandon Lewis | Department: Home Office

The Home Office does not hold all of the data requested. Data that are held are provided in the accompanying tables. These statistics

have been supplied to the Home Office from police forces' live operational systems. As such, the numbers may change as information on those systems is updated.

Published data for 2014/15 and 2015/16, along with notes can be found here: <https://www.gov.uk/government/collections/police-workforce-england-and-wales>

None of the current data sources provide a complete measure of assaults, and the Home Office is currently working with police forces to improve this data.

Information on the number of working days lost by police officers as a result of sickness due to assault ceased to be collected from 2012/13 due to significant issues with the completeness and quality of the data.

The number of working days lost by police community support officers as a result of sickness due to assaults is not held centrally by the Home Office.

20 Oct 2016 | 48335

Assaults on Police: Sentencing

Asked by: Holly Lynch

To ask the Secretary of State for the Home Department, what assessment she has made of the effect of the severity of sentencing on deterring assaults of police officers; and if she will take steps to ensure that people who assault police officers receive the toughest possible sentences.

Answered by: Brandon Lewis | Department: Home Office

I want to be clear that an assault of any kind on a police officer or police community support officers is wholly unacceptable. Chief Constables, working with directly elected police and crime commissioners, have a duty to manage and support the police workforce effectively, ensuring the welfare of all officers and staff.

The College of Policing develops standards and guidance for policing and works with forces to manage and prevent assaults.

Last year we published figures on assaults on police officers for the first time since 2009/10 and developed this further in 2016. We continue to work with forces to improve the data.

Sentencing guidelines already provide for assault on a police officer to be treated more severely in appropriate cases. The courts need to be able to take into account all the circumstances of each case.

16 Sep 2016 | 46126

Police safety

Asked by: Holly Lynch

To ask the Secretary of State for the Home Department, what assessment she has made of the effect on police safety of the distinction between the offences of assault on a police officer or police community support officer and resisting arrest.

Answered by: Brandon Lewis | Department: Home Office

I want to be clear that an assault of any kind on a police officer or Police Community Support Officer is wholly unacceptable. The choice of which is the most appropriate offence to charge an offender with is one that the Crown Prosecution Service must take.

Sentencing guidelines already provide for assault of a police officer to be treated more severely in appropriate cases. The courts need to be able to take into account all the circumstances of each case.

10 Oct 2016 | c 46387

Asked by: Whittaker, Craig

To ask the Secretary of State for the Home Department, what progress the West Yorkshire police force has made on piloting and evaluating the use by police officers of body-worn cameras.

Answered by: Brandon Lewis | Department: Home Office

We know that the majority of forces in England and Wales use Body Worn Video (BWV) to some extent. The deployment of BWV is an operational decision for chief officers. However, we are aware that West Yorkshire Police are operating a phased rollout of body worn video cameras to frontline officers following an initial pilot, with officers in the Bradford and Calderdale districts already equipped.

07 Sep 2016 | 44439

Asked by: Holly Lynch

To ask the Secretary of State for the Home Department, what steps she is taking to ensure the protection of single crew police officers.

Answered by: Brandon Lewis | Department: Home Office

Individual chief constables are best placed to assess the risks to their force and decisions about patrol policy must remain with them. Chief Constables, working with directly elected police and crime commissioners, have a duty to manage and support the police workforce effectively, ensuring the welfare of all officers and staff. Chief constables keep their patrol policies under regular review and decide how best to respond to their local circumstances.

16 Sep 2016 | 46128

Asked by: Thangam Debbonaire

To ask the Secretary of State for the Home Department, what progress the Metropolitan Police Service has made on piloting and evaluating the use by police officers of body-worn cameras; and if she will make a statement.

Answered by: Mike Penning | Department: Home Office

The Metropolitan Police Service, working with the College of Policing and the Mayor's Office for Policing and Crime conducted a trial last year.

The published study 'Police Camera Evidence: London's cluster randomised control trials of 'Body Worn Video' can be found on the College of Policing's website at:

<http://www.college.police.uk/News/College-news/Documents/BWV%20report%20Nov%202015.pdf>

05 Jul 2016 | 41479

Asked by: Thangam Debbonaire

To ask the Secretary of State for the Home Department, what recent assessment she has made of the adequacy of provision of frontline police officers to ensure public safety; what steps she is taking to monitor that provision; and if she will make a statement.

Answered by: Mike Penning | Department: Home Office

Decisions on the size, composition and deployment of a police force's workforce are operational matters for individual chief constables, taking account of local needs and circumstances.

Overall, the Government delivered a good settlement for policing through last year's Spending Review, protecting overall police spending in real terms over the course of the Spending Review period, when local income is taken into account – an increase of up to £900 million in cash terms by 2019/20.

The public should therefore be in no doubt that the police will have the resources they need to keep the public safe and to respond to new threats rapidly and effectively.

27 Jun 2016 | 40430

2.2 Debate

There was a recent an adjournment debate in the Commons Chamber on [Police Officer Safety](#) (HC Deb 11 October 2016 cc275-284).

Opening the debate, Holly Lynch (Labour) described her recent experiences with West Yorkshire police:

On Friday 5 August during the summer recess, I joined West Yorkshire police for a 2 pm till 10 pm shift to get the front-line experience, and to see just how the demands on local policing

are changing. I spent the afternoon with neighbourhood policing officer PC Kim McCloskey, visiting community projects and seeing some of the great work going on at the grassroots Ovenden Phoenix football club, before spending the evening with response officers reacting to 999 calls. West Yorkshire Police Federation chair, Chief Inspector Nick Smart, had only recently been to see me to raise concerns about an increase in assaults on police officers, and to outline how depleted numbers are impacting on front-line capabilities (...)

With those concerns in mind, I was keen to see for myself just how well police officers on the front line are coping with cuts of £160 million over five years, resulting in the loss of 1,200 police officers—a reduction of 20% of the force.²

Having described incidents which occurred, Ms Lynch went on:

An assault on a police officer is an assault on society. It is totally unacceptable that public servants, working in their communities to protect people and help the vulnerable, are subject to assaults as they go about their jobs. Make no mistake, these are tough jobs, and while most officers will tell you that they understand there are risks, being a punching bag should never be part and parcel of the job. In West Yorkshire alone, there were 991 recorded assaults on police officers last year, with an estimated 23,000 across the country. In addition, many attacks are going unreported or are being side-lined in the pursuit of other charges, making it extremely difficult to understand the true scale of the problem.³

She also raised the issue of sentencing:

I appreciate that the Minister will most likely stress the independent nature of the Sentencing Council, which I understand, but when sentencing has the potential to be such a significant part of the package of measures used to deter those from using violence against police officers, as the hon. Member for Colne Valley (Jason McCartney) said, I am asking the Minister to consider any and all means available to him to work with his colleagues in the Department for Justice to ensure that we use sentencing as a means of offering the police all the protection we can. In addition, there are no two ways about it, and as we have already heard, the cuts have had consequences. The danger of assault is heightened when officers are on the front line with diminished support due to pressures on officer numbers.⁴

For the Government, the Minister for Policing and the Fire Service, Brandon Lewis, said:

It is important that we have a good understanding of the scale of the issue, so that chief officers can do everything in their power to keep their officers safe. We have been working for some time to improve the data available. As a first step, it was right that provisional statistics of officer assaults were published in July, despite the limitations of those data. The figures indicated that in 2015-16, there were an estimated 23,000 assaults on officers across all forces. The data also indicated that there were nearly 8,000 assaults involving injury reported

² c275

³ c276

⁴ c279

by officers, and 270 reported by police community support officers.

We will continue to build on that work, and we need to make it clear that it is completely unacceptable to commit an offence against a police officer. It is not good enough for people to say that such incidents are part of the cost of a police officer going about their business. That is simply not the case, and we need to put a stop to it. We need to ensure that the public understand that a police officer is to be respected and is there to serve the community. They keep us all safe.

I can assure the hon. Lady that sentencing guidelines already provide for an assault on a police officer to be treated more severely in appropriate cases. There are also two offences specific to assaults on police officers where there is little or no physical harm. Assaults resulting in more serious injuries would result in a charge of actual bodily harm or a more serious offence. In those cases, sentencing will largely be guided by the level of harm and offender culpability. In the most serious cases, where an individual is convicted of the murder of a police officer in the course of duty, a whole life order will now be the sentencing starting point, thanks to the work of the previous Home Secretary, as laid out in the Criminal Justice and Courts Act 2015. That was a landmark change, and one that the Police Federation had campaigned long and hard for on behalf of their members. It is right, as the hon. Lady outlined, that the courts still have the discretion, through the independence of the judiciary, to take account of all the circumstances of each case in determining the appropriate sentence. It is right for them to have that ability to assess in any given case, based on the facts of the case, what is the most appropriate sentence. She is also quite right to say that the Sentencing Council has a role to play in the sentencing guidelines, and that it is an independent body.

The hon. Lady touched on resources. I remind her that there has been a good deal for policing with direct resource funding to police and crime commissioners, including the precept, being protected this year. Ultimately, all decisions about local policing resources and roles are for chief constables, held to account by their locally accountable PCCs.

Single-crewing falls into the operational duty and decisions of local chief constables. Chiefs and PCCs have a duty to manage and support the police working effectively, ensuring the welfare of all officers and staff.⁵

⁵ cc283-4

3. Media Articles

Birmingham Mail

27 October 2016

[Twenty assaults on West Midlands Police officers every week](#)

Guardian

24 October 2016

[Glasgow police officers seriously hurt after being hit by car in attack](#)

Times

31 August 2016

[Carnival is now a battleground, say police](#)

Times

3 August 2016

[Police 'at breaking point' as numbers fall and budget cuts loom](#)

Telegraph

16 May 2016

[Police officers with body worn cameras are more likely to be assaulted](#)

Independent

5 April 2016

[Rise in number of police officers taking sick leave due to 'stressful' work](#)

Independent

1 March 2016

[How the police's body-worn camera technology is changing the justice system](#)

Guardian

15 October 2015

[How many police officers are harmed in the line of duty?](#)

4. Further reading

Police and Crime Commissioner (West Yorkshire) - [Body worn cameras increase safety 'focus'](#) (8 Aug 2016)

Police Federation of England and Wales (PFEW) [Life should mean life for cop attackers](#), 12 August 2016

Home Office - [Statistics on the number of police officers assaulted in 2015/16, England and Wales](#)

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