

Briefing Note

NEW MEASURES TO TACKLE CRIME

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The Police and Criminal Evidence Bill

The Conservative Party is committed firmly to the preservation of Law and Order. During the last 3 years, the police have been strengthened and their pay improved, wider and more effective sentencing has been introduced, and new measures are now being put forward to tackle crime on our streets more effectively.

On 30th November 1982 the House of Commons gave a second reading to the Police and Criminal Evidence Bill, based on the report of the Philips Royal Commission on Criminal Procedure. The Home Secretary, Mr. William Whitelaw, said: "The Bill is part of the Government's policy to deal with crime ... it seeks to attain that end by complementing powers with safeguards. It recognises that the effectiveness of the police depends ultimately not only upon the support that they are given, but upon the support that they are able to win" (Hansard, 30th November 1982, Col.161).

Rationalization of Stop and Search Powers. The Bill provides for the replacement of other existing powers by a single provision allowing the police to stop and search for stolen or prohibited goods, on reasonable grounds of suspicion. This power already exists in London, but not in other parts of the country, and is important to combat street crime. The Bill imposes safeguards, such as the duty to tell the person what is being looked for, and to record what took place, which in the main reflect what is already good police practice. Mr. Whitelaw stressed: "The Bill creates no new offences; it simply enables the police to establish, by means of a quick search, whether the person concerned has on him something whose possession is already of itself an offence" (Hansard, 30th November 1982, Col. 156).

Entry and Search of Premises. The police will be given powers to obtain evidence of a serious arrestable offence. Magistrates will be empowered to issue warrants authorising police to search premises for such evidence; and circuit judges will be empowered to issue an order requiring the production of evidence held on a confidential basis by a third party. The Bill also builds new checks into the search warrant procedure and states precisely the powers of the police to seize articles of use as evidence found during a lawful search. These powers are urgently needed to deal effectively with cases, particularly of fraud, where at present it is difficult to get the evidence needed for a conviction.

Detention. The Bill introduces a new scheme making detention lawful only if specific conditions apply. It proposes that a uniformed police officer at each police station be designated to have overall responsibility for people detained there, and for their treatment while under detention.

Period of Detention. A person in detention should not normally be held without charge for more than 24 hours. In exceptional cases, the Bill proposes that, firstly, detention beyond 24 hours and up to 48 hours will require the authority of a single magistrate; and secondly, beyond 48 hours it will require the authority of a full magistrate's court. There will be an absolute limit of 96 hours on detention without charge. An important safeguard will be that, before authorising detention, the magistrates must be satisfied that the offence under investigation is a serious case of an arrestable offence and that the relevant detention condition is satisfied.

The Rights of Suspects. The Bill entitles detained persons to have access to legal advice, although in serious cases a delay of up to 48 hours may be permitted - subject to safeguards. The Bill retains the "right to silence" and also the principle that a confession statement must be voluntarily made if it is to be admissible as evidence. The burden of proof that such a statement was not obtained by oppression or other circumstances likely to make it unreliable, will rest with the prosecution.

The Police Complaints Procedure. The Bill proposes to replace the current system with a three-tier system, operating according to the seriousness of the case. Minor matters will be dealt with locally by informal resolution, with an element of conciliation. More substantial complaints will be investigated and independently considered as at present. The most serious complaints will be investigated by a senior police officer, normally from an outside force, under the supervision of an independent element throughout the process of investigation. As Mr. Whitelaw stressed: "I believe that the new arrangements ... will help to reinforce good relationships between the police and the public" (Hansard, 5th November 1982, Col. 226).

Police Consultation. The Government firmly believes in the importance of policing with the consent of the community. The Bill places an emphasis on making a reality of community involvement in crime prevention. It will impose a duty upon police authorities to make suitable arrangements for public consultation on police matters. This will be a requirement of a general nature, recognising that, in the words of the Home Secretary, "it is important that consultation machinery should meet local needs. Those needs will vary from place to place, and so will the actual arrangements." (South Yorkshire, 19th November 1982). The Labour-controlled GLC Police Committee has spent thousands of pounds of ratepayers' money on groups dedicated to destructive criticism rather than constructive support, with the object of achieving political control of the police. Mr. Whitelaw has repudiated this. "We in the Conservative Party guarantee the political impartiality of the police. Without it, the public would have no confidence in them." (Brighton, 6th October 1982). He has also emphasised: "Of course the police must be accountable. Our job and theirs is to make the criminal accountable too." (Harrogate, 26th March 1982).

LAW AND ORDER: A CONTINUING RECORD OF EFFECTIVE ACTION

Police strength in England and Wales was up to 120,323 officers, an all-time record, by the end of September 1982.

Prisons and Prison Officers. 8 new prisons are being started over the next 4 years to provide 5,000 new places - the largest prison building programme of the century. £350 million will be spent over the next 10 years on improving existing prisons. There are some 1,500 more prison officers, and further recruiting is taking place.

Attendance Centres. 41 new attendance centres, where young criminals can be sent, have been opened since the Government took office.

Sentencing. Mr. Whitelaw has said "The level of violent crime in our society ... is something that we cannot and must not tolerate." (Hansard, 20th January 1982, Col. 298). To help resolve this problem, sentencing, especially for grave and violent crimes, has been made much stiffer through the Criminal Justice Act of 1982.

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