

To increase confidence, stay the course

Michael Howard, a former Home Secretary, gives his perspective of what it takes to make the criminal justice system effective.

Restoring and maintaining confidence in our criminal justice system is not an easy task. It will not be achieved by chasing headlines or by concentrating on eye catching initiatives. It requires ceaseless work, attention to detail and a readiness to focus on the hard grind, and often boring business, of government. What is needed is a comprehensive approach, an appreciation of what needs to be changed and reformed and a determination to see that those necessary changes and reforms are properly implemented and followed through.

This is not easy either. There will be many temptations to change course. And many pressures will need to be resisted. One of the many difficulties is that everyone is interested in almost everything the Home Office does. And almost everyone believes that they could be a better Home Secretary than the Home Secretary, whoever the current incumbent might be.

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This means that any mistakes the Home office makes are unlikely to go unnoticed. Every government department does of course, make mistakes. Often this will take place in dark corners, away from the glare of the media spotlight. No-one will notice them. There are very few dark corners in the Home Office. So any mistakes are likely to hit the headlines. There is nothing any Home Secretary can do about this. It just increases the difficulty, and also the necessity, to stick to your chosen course.

When I became Home Secretary in 1993. I resolved to put in place a comprehensive series of reforms to the criminal justice system I inherited. I wanted to increase the extent to which the system deterred those who might be tempted to commit crime, make it more likely that those who did commit crime would be caught, increase the extent to which the guilty were convicted, without undermining essential safeguards for the innocent, and encourage courts to punish those who were convicted in a way that gave the greatest protection to the public.

The measures I adopted included a huge increase in the number of closed-circuit television cameras, the introduction of the first national DNA database in the world, changing the rules of evidence, including modifying the so-called 'right to silence', and encouraging the courts to send persistent criminals, and those who were guilty of serious offences, to prison. As a result crime fell, over the four years of my watch, by 18 per cent. In 1997 nearly a million fewer crimes were committed than was the case in 1993.

Thirteen years later, I fear that much of what I did in 1993 needs to be done again. In the intervening period it has become easier to get away with crime – detection rates have fallen significantly – and the task of the police in tackling crime has become more difficult. Of course these consequences were not intended. But they were the predictable, and in many cases predicted, result of action taken by the present government.

A few examples will suffice. The obligations placed upon police officers to record details of everyone they stop (not stop and search – when the requirement is longstanding and reasonable) has made the day to day business of keeping order on our streets much more difficult. Some of the provisions of the *Regulations of Investigating Power Act* (or RIPA as it has unaffectionately become known) place unwarranted obstacles in the way of the ability of the police to keep criminals under surveillance.

And the *Human Rights Act* has had quite far reaching consequences.

For example, when the police were recently engaged in the task of recapturing foreign ex-prisoners who should have been deported but had gone on the run they did not issue 'Wanted' posters on the grounds that to do so might breach the *Human Rights Act*.

The Association of Chief Police Officers says in its guidance to forces: "Article 8 of the *Human Rights Act* gives everyone the right to respect for

their private and family life... and publication of photographs could be a breach of that”.

This guidance was interpreted, not unreasonably, to mean that this was not something that police forces should do. These inhibitions on the ability of the police to tackle crime effectively should be removed. Inhibitions on the ability of the courts to punish criminals appropriately should also be dealt with. Here the constraint arises out of the pressure on prison accommodation. If the tough talk of successive Labour Home Secretaries since 1997 was meant to be taken seriously many more prison places should have been provided. Whether the failure to do so is a consequence of a refusal by the Treasury to make the necessary funds available or of the failure by the Home Office to use the money it had is a matter of keen controversy within government. What is undeniable is that more prison places need to be provided, not least because it becomes impossible to make any real attempt to rehabilitate, through help on literacy and reducing drug dependency, when prisons are overcrowded as they are today.

This brings me to the causes of crime, the second part of the now infamous sound-bite which did so much to create Tony Blair's early reputation. We certainly do need more to identify at an early stage, those youngsters who are likely to be particularly vulnerable to the temptations of crime. They should be helped and all local agencies, together with the voluntary bodies which have so much to offer in this field, must be encouraged to work together to meet this challenge. Much more, too, needs to be done to help people overcome their addiction to drugs – something which we all know is at

the root of so much crime.

The challenges facing any Home Secretary are always formidable. As John Reid has acknowledged, the failures of his immediate predecessors have made his task even more difficult. He has not made a very promising start. But, for all our sakes, it is vital that he should succeed.

The Rt Hon Michael Howard QC, MP for Folkestone and Hythe, was Home Secretary from 1993-1997, and more recently was Leader of the Conservative Party.

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