

cjm

update

Enver Solomon reviews recent developments in criminal justice.

Criminal Justice and Immigration Bill

Before departing as Prime Minister, the fifty-fifth Criminal Justice Bill under Tony Blair's premiership was unveiled. The new legislation was introduced at the end of June, days before Gordon Brown took over, appointing Jacqui Smith to replace John Reid at the Home Office and Jack Straw to replace Lord Falconer at the recently created Ministry of Justice.

The government claimed that the new Bill would ease prison overcrowding, eventually cutting the daily prison population by 1,400 once the legislation is fully implemented. It said this would be achieved by limiting the additional sentences served by non-dangerous offenders if they are recalled to prison within 28 days and by removing the power given to courts in the last Criminal Justice Bill to impose suspended sentences for minor offences. However, the Bill also includes measures which are likely to increase prison numbers. In particular, the ending of automatic sentence discounts for offenders re-sentenced with an indeterminate sentence after the initial sentencing decision has been ruled unduly lenient. New powers for the courts to make dangerous offenders given a discretionary life sentence serve a higher proportion of their tariff before being eligible for parole, will have an inflationary effect. In addition plans to introduce Violent Offender Orders, which will allow courts to impose post-sentence restrictions, such as on residence or movement, on those convicted of violent offences, are likely to further increase the numbers that are being recalled to custody.

The Bill adds 19 new offences to the 3,000 already created since Labour entered government 10 years ago. The most notable and striking are a new offence of 'possession of extreme pornography' and a new crime – 'causing nuisance or disturbance on NHS premises'.

Further reforms mostly include initiatives unveiled by Mr Reid during the 15 months he was at the Home Office, including:

- giving magistrates' courts the power to hold trials in the absence of defendants;
- giving the police the power to close down and evict 'neighbours from hell' from their homes;
- capping the compensation awarded to those who have been wrongly jailed in miscarriages of justice at £500,000;
- increasing the deductions that can be taken from them, and introducing a two-year time limit on their claims; and
- changing the law so that the 'plainly guilty' will no longer be able to have their convictions quashed on a technicality.

Finally there are significant changes to the sentencing framework for children.

A new generic Youth Rehabilitation Order has been created replacing all the current community sentences for children and young offenders. Alongside this a new Youth Conditional Caution for young

offenders aged 16 and 17 is being introduced.

A full copy of the new bill is available at: <http://www.publications.parliament.uk/pa/cm200607/cmbills/130/2007130.pdf>.

New Criminal Justice Plan

Following on from a 10 year plan for criminal justice published in 2001 and a five year strategy published in 2004, another was published in August. Cutting Crime A New Partnership 2008-11, sets out the government's focus for the next four years. The plan is very much a continuation of the current criminal justice agenda. There will be a continued focus on anti-social behaviour, prolific offenders, bringing more offences to justice, reducing re-offending and early intervention initiatives. However, there are some notable developments:

- Serious violence – The plan says there will be a 'stronger focus on serious violence' which will be set out in a new violent crime strategy to be published later this year. There will also be a new public service agreement target including specific measures of success for tackling violent and sexual offending. Thus far the PSA target has focused on overall crime levels as measured by the British Crime Survey and volume crimes (burglary, car crime, and robbery).
- Young people – The plan says there has been 'comparatively little focus in the past on the needs of young victims of crime and reducing young victimisation'. A new youth crime strategy is promised that will look at both victims and offenders. The new Department for Children, Schools and Families, which is now jointly co-sponsoring the Youth Justice Board with the Ministry of Justice, will be directly involved in developing the strategy.
- Local partnerships – There is a commitment to hold back the long arm of central control which has characterised the development of Crime and Disorder Partnerships. The plan talks of giving local stakeholders greater discretion and control over shaping tailored policies for their localities. There will be 'fewer targets and great flexibility to respond to local crime priorities'. A commitment is made to ensure information about local crime trends is regularly published. It remains to be seen whether or not this will result in local partnerships operating with genuine autonomy and local direction.

Cutting Crime, A New Partnership 2008-2011 is available at: <http://www.homeoffice.gov.uk/documents/crime-strategy-07/crime-strategy-07?view=Binary>.

Review of crime statistics

On the day in July that the annual crime statistics were published, the government finally published its response to the independent review of crime statistics conducted by Professor Adrian Smith and the Statistics Commission inquiry into crime statistics, both published in autumn 2006.

The Home Office's action plan provides a detailed response to each of the recommendations in the two reviews. A number of changes have already been made to the classification of offences in the annual crime statistics. These include the sub division of violence against the person into two categories and the sub division of the sexual offences group into two categories. Two new groups of 'offences against vehicles' and 'other thefts' are created.

In addition, in response to the Smith review's proposal that the Home Office should use a basket of 'more serious crime' and the Statistics Commission recommendation of a 'weighted crime index' different methods are proposed to develop crime measures to better reflect the 'underlying seriousness of crime'.

Details are available at <http://www.homeoffice.gov.uk/rds/statsrev.html> and responses are being requested from all interested parties by 19 October 2007.