



REPORT FOR THE WEST YORKSHIRE POLICE AND CRIME PANEL OVERVIEW OF THE POLICE, CRIME, SENTENCING AND COURTS BILL 2021

KEY INFORMATION

Date: 18th June 2021

Subject: Overview of the Police, Crime, Sentencing and Courts Bill

INTRODUCTION TO THE BILL

1.1 The Police, Crime Sentencing and Courts Bill 2021 was laid before Parliament for the first time on Tuesday 9th March 2021. The Bill has implications for many the current Police and Crime Plan 2016-2021 priorities including:

- Child sexual abuse and exploitation
- Countering terrorism
- Cyber crime
- Major threat
- Missing people
- Road safety
- Serious violence; and
- Sexual abuse.
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1.2 It also impacts on all four out the outcomes set out in the Police and Crime plan:

- Tackling crime and ASB
- Working to improve criminal justice.
- Safeguarding vulnerable people; and
- Support victims and witnesses.

1.3 The Bill will give effect to proposals set out in the following consultations and white Paper:

- Police Covenant for England and Wales.
- The Law, Guidance and Training Governing Police Pursuits.
- A new legal duty to support a multi-agency approach to preventing and tackling serious violence.
- Serious Violence Reduction Orders: A new court order to target known knife carriers.
- Strengthening police powers to tackle unauthorised encampments.
- Police powers: pre-charge bail.
- A Smarter Approach to Sentencing, which details several proposals covering both youth and adult offenders, aiming to produce a sentencing regime which is robust when faced with the most dangerous offenders, but agile enough to give offenders a fair start on their road to rehabilitation.

GOVERNMENT AIMS OF THE BILL

2.1 The Bill aims to:

- Back the police by equipping officers with the powers and tools they need to keep themselves and all of us safe.
- Introduce tougher sentencing for the worst offenders and end automatic halfway release from prison for serious crimes.
- Improve the efficiency of the court and tribunal system by modernising existing court processes.

HEADLINES OF THE BILL

3.1 The Bill will:

- Protect our police by **enshrining the Police Covenant in law**, enabling special constables to join the Police Federation and introducing a new legal test that will compare a police driver to a peer with a similar level of training. This new test will strike the right balance between giving trained officers the confidence they need to fight crime effectively while holding to account those who drive in an inappropriate manner.

- Increase 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**.
- Introduce a **serious violence duty on specified authorities** to work together to prevent and reduce serious violence.
- Place a duty on **chief officers of police, local authorities and clinical commissioning groups or local health boards to undertake offensive weapons homicide reviews** to learn the lessons from such deaths and help prevent future homicides.
- strengthen the law that governs **digital information extraction** as part of criminal investigations through a statutory power and a code of practice. The statutory power will ensure that **authorities can extract information from digital devices while protecting the privacy of victims of crime and others**.
- The **code of practice** will guide authorities and provide clarity and consistency in **obtaining digital evidence**.
- Reform **pre-charge bail to better protect vulnerable victims and witnesses**.
- **Extend the offence of arranging or facilitating the commission of a child sex offence** to cover a wider range of preparatory conduct in respect of **sex offences committed against children under 13**.
- **Extend the scope of offences in the Sexual Offences Act 2003** relating to the abuse of positions of trust legislation to capture additional roles, such as sports coaches.
- Ensure that the **criminal courts have sufficient sentencing powers where criminal damage is caused to a memorial** so that they can consider all the impacts, not just the monetary value of the damage done.
- **Confer new powers on the police to assist them in locating human remains**, to help provide closure where possible to families with missing loved ones.
- Amend **the Crime (Overseas Production Orders) Act 2019** to ensure that it operates effectively to give the police and prosecutors the power to **obtain faster access to electronic data held overseas**.
- Strengthen **police powers to tackle nonviolent protests** that have a significant disruptive effect on the public or on access to Parliament.
- Strengthen **police powers to tackle unauthorised encampments**, where trespassers cause distress and misery to local communities and businesses.

- Introduce several **road traffic measures to ensure the courts have the powers they need to deal with dangerous and careless drivers**, place on a statutory footing the fees charged under the National Driver Offender Retraining Scheme, remove the legal requirement to surrender their driving license before a person can accept a fixed penalty notice and allow the police in Scotland to issue fixed penalty notices on the spot to people who commit certain minor road traffic offences.
- Deliver on commitments made in the **Sentencing White Paper to reform the sentencing and release framework**, ensuring that we have a system that takes account of the true nature of crimes and protects the public from harm. Serious criminals will receive a tougher punishment and spend longer in prison. As part of this we are ending the automatic halfway release point from prison for an additional cohort of serious sexual and violent offenders; making a Whole Life Order the starting point for the premeditated murder of a child and preventing the automatic early release of prisoners who become of significant public protection concern.
- In addition, ensure that the **system is agile enough to give offenders a fair start on their road to rehabilitation**. Community sentencing should offer an appropriate level of punishment and address the underlying drivers of offending, providing interventions early to deflect people away from future offending. We will **pilot a problem-solving court approach** to provide a robust alternative to an immediate custodial sentence and **improve national consistency for adult Out of Court Disposals**. We will also reduce the time periods after which some criminal sentences become spent, aiding rehabilitation by helping offenders to move on with their lives.
- Wherever **possible children who offend should be diverted from custody**. Our youth justice measures will strengthen alternatives to custody which **promote rehabilitation**, while at the same time ensuring that children who commit serious offences and pose a risk to the public receive sentences that reflect the seriousness of their offending.
- Empower future providers of **Secure Schools**, which represent our vision for the future of youth custody— schools with security, rather than prisons with education, with education, wellbeing and purposeful activity at their heart.
- Introduce **new Serious Violence Reduction Orders**, giving the police stop and search powers to target adults convicted of knife and offensive weapons offences.
- Strengthen the **management of sex offenders**, including by enabling positive obligations and electronic monitoring requirements to be imposed on those who

pose a risk through **Sexual Harm Prevention Orders and Sexual Risk Orders**.

- Strengthen the **management of terrorism risk offenders** on license in the community by introducing new police powers of premises and personal search and an urgent power of arrest.
- **Modernise the delivery of criminal justice and encourage greater use of technology**, where appropriate. It will enable us to make permanent temporary provisions (in the Coronavirus Act 2020) which enable court users to participate in and observe proceedings remotely via video and audio technology to improve the accessibility and efficiency of our criminal courts and reduce the need for participants to travel unnecessarily to court; and to make specific provisions for Prisoner Escort and Custody Service officers to be able to supervise detainees in hearings taking place by way of live link in police stations, in particular Video Remand Hearings. Finally, we are enabling British Sign Language (BSL) interpreters to be present in the jury deliberation room, meaning that profoundly deaf individuals are not prevented from participating in jury service simply because they require the assistance of a BSL interpreter.

IMPLICATIONS

- 4.1 The Police, Crime, Sentencing and Courts Bill is currently at the Committee Stage within the House of Commons for debate and scrutiny. The Bill will potentially have significant implications on partnership working and, in the formation, and development of the new Police and Crime Plan 2021-2024. Of particular note are the following:
- **Work of the Local Criminal Justice Board (LCJB)**, in terms of 'modernising' the courts and enhancing use of technology. The Criminal Justice system has struggled to deal with cases in court during the pandemic which has resulted in a backlog of 2,533 cases within West Yorkshire (last report from March 2021). The magistrates court can deal with approximately 430 per week, with the new cases averaging 300 per week. This work with the LCJB is a priority and focus for both the Mayor and West Yorkshire Police.
 - **Serious violence, the Violence Reduction Unit and partnership working**. The proposed introduction of Serious Violence Reduction Orders (SVROs) and Homicide Reviews. This is a key part of the Government's wider programme of work to prevent and reduce serious violence; taking a whole-system approach to understand the causes and consequences of

serious violence, and a focus on prevention and early intervention. SVROs are a new court order to bear down on known offenders. They will give the police powers to take a more proactive approach and make it easier to target adults already convicted of knife and offensive weapon offences – giving them the automatic right to search these offenders. Every offender issued with a SVRO will face an increased likelihood of being stopped by the police and, if they persist in carrying weapons, they will be sent back to prison or brought before the court. They will help to tackle prolific, high risk offenders, by making it easier for police to search them for weapons. SVROs will also help protect first time offenders from being drawn into further exploitation by criminal gangs.

- The Crime and Disorder Act 1998 will be amended to ensure that tackling **serious violence is an explicit priority for Community Safety Partnerships**. The following authorities will be subject to the duty:
 - o the police,
 - o local authorities,
 - o youth offending teams,
 - o probation,
 - o fire and rescue, and
 - o health authorities.

Educational institutions and prisons/youth custodial institutions will be under a separate duty to co-operate with core duty holders. There will be a requirement for the partnership to consult with all such institutions in their area. The serious violence duty will require organisations to work together to plan, share data, intelligence and knowledge, to generate evidence-based analysis of the problem and solutions to prevent and reduce serious violence in local areas. This compliments the current investment in Violence Reduction Units, in the 18 police force areas most affected by serious violence.

- **Offensive Weapons Homicide Reviews.** Police, local authorities, clinical commissioning groups in England and local health boards in Wales will be required to review the circumstances of certain homicides where the victim was aged 18 or over, and the events surrounding their death involved, or were likely to have involved the use of an offensive weapon. Overarching legal framework which places a duty on review partners, sets notification publication requirements, provides clarity around data sharing regulations.

RECOMMENDATION

5.1 That the Panel:

- Note the headlines of the Bill and acknowledge the wider implications of the Bill on the development and formation of the new Police and Crime Plan.
- Impact the Bill will have on partnership working across crime, policing and criminal justice agenda, particularly in relation to serious violence and the work of the West Yorkshire Violence Reduction Unit.

For more information please contact:

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