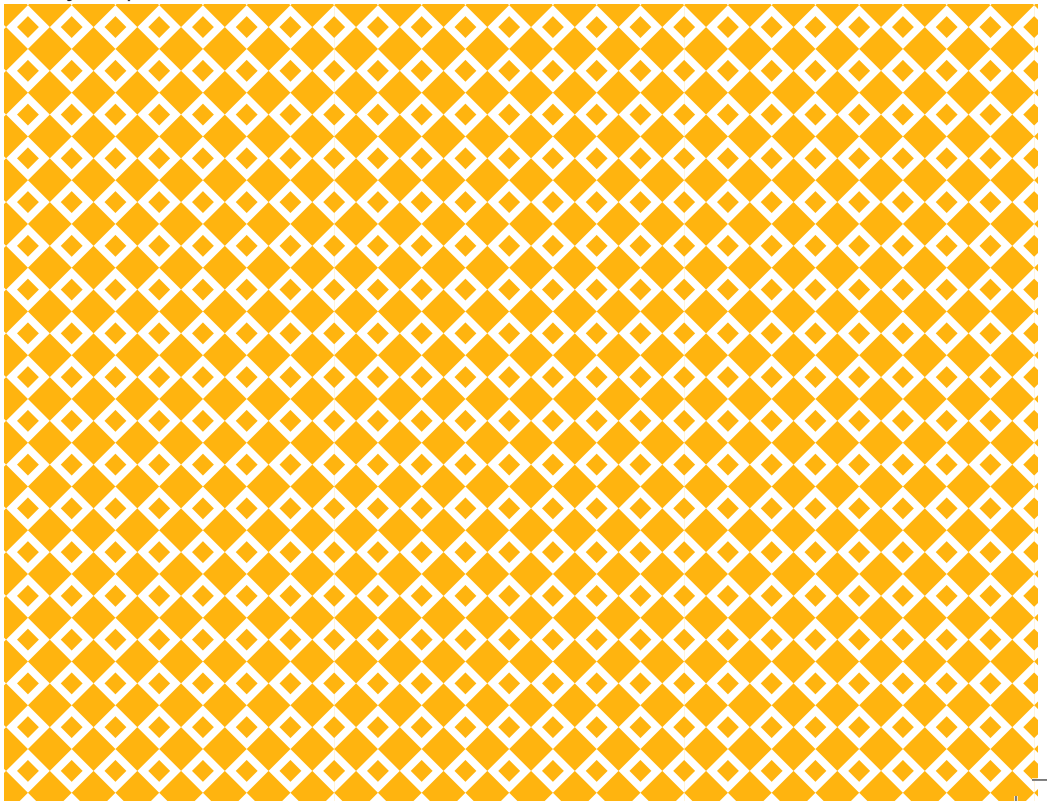


# Doing What Works to Cut Crime

**Crime and criminal justice policy paper**  
Policy Paper 118

**Autumn  
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*Crime and criminal justice  
policy paper*

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## Key principles

To Liberal Democrats, a successful Criminal Justice System would:

1. Reduce crime and build communities that feel safe by focusing on what works;
2. Be close to the local community, involve it as far as possible, and be responsive to local needs;
3. Work with a diverse range of providers to achieve its objectives;
4. Be consistent and ensure the public can hold politicians to account in this policy area;
5. Be sufficiently well resourced to meet its objectives and to ensure that neither prosecution nor defence was disadvantaged in relation to the other;
6. Robustly and efficiently investigate allegations of criminality, be sensitive to the needs of those affected by crime, and keep victims updated as to the progress of their cases;
7. Command public respect by ensuring that trials are fair and that only those proven to be guilty by the prosecution are convicted;
8. Impose sentences that are proportionate and transparent, in which the public can have confidence and understand;
9. Work to reduce re-offending and create fewer victims of crime in the future by prioritising sentences, where appropriate, that involve restorative justice and robust measures to rehabilitate offenders in the community;
10. Recognise that crime can only be tackled successfully if the health and social issues associated with it are also dealt with in conjunction with other public services.

These features underpin our policy proposals.

# Executive summary

## Crime prevention

Liberal Democrats will:

- Ensure services working in crime prevention are more joined up to prevent more crimes from occurring (1.1.1)
- Focus on early intervention and diversion from crime using targeted and effective programmes to break the cycle of offending, these include neighbourhood based justice panels; Restorative Justice in schools and children's care homes; working with youth peer groups to influence positive behaviour; and ensuring mental health issues are considered and diverted to the right treatment (1.2.1)
- Make it harder for those who want to commit offences by designing out crime in both building and technology design (1.3.1)
- Move the lead on drugs policy to the Department of Health (1.4.2)
- Legislate to make the Advisory Council on the Misuse of Drugs (ACMD) independent in setting the classification of illegal drugs and unregulated chemical highs (1.4.3)
- Subject to further work adopt the Portuguese model whereby those who possess drugs for personal use are diverted into treatment services (1.4.5)
- Concentrate resources on tackling illegal drug suppliers and organised crime (1.4.6)
- Establish a review to assess the effectiveness of schemes such as those in Colorado and Uruguay of a regulated cannabis market (1.4.7)

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- Continue to work in Europe to prevent crime and uphold justice as crime does not stop at borders (1.5.1)

## Victims of crime

Liberal Democrats will:

- Make it easier for victims of sexual offences to get help by creating a National Helpline to provide support and encourage wider reporting (2.1.1)
- Implement a single point of contact for all victims' complaints under the Victims' Code (2.1.2)
- Introduce a modern 'Policing Pledge' requiring all forces to have a Call Handling Plan<sup>1</sup> (2.1.3)
- Act on hate crimes by making legal provision for those targeted because of a protected characteristic under the Equality Act 2010, allowing harsher sentencing for the perpetrators (2.2.2)
- Broaden the use of Restorative Justice to ensure nationwide coverage, making it a choice available for victims of crime should they wish (2.3.1)
- Introduce mandatory victim focused Continued Professional Development for criminal justice professionals (2.4.1)
- Continue to work to end Female Genital Mutilation (FGM) within a generation (2.5.1)
- Ensure FGM, domestic violence and other violence against women and girls properly features on the National Curriculum (2.5.3)
- Issue guidance to prosecutors to prevent those who retract evidence against a partner for domestic violence from being prosecuted for making false allegations (2.5.4)

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<sup>1</sup> Focus on the Victim. Home Office (2012).

## Policing

Liberal Democrats will:

- Increase the use of crime maps in the fight against crime (3.2.2)
- Introduce a Crime Harm Index to gauge not only the volume of crime but the effect it has on people (3.1.3)
- Introduce nationwide Restorative Policing to ensure crimes that are lower down the scale are dealt with more effectively for local communities (3.1.4)
- Introduce further trials of body-worn cameras for police which have been shown already to assist with domestic violence investigations for example (3.2.5)
- Tighten up the Codes of Practice under the Police and Criminal Evidence Act 1984 that deal with stop and search (3.3.5)
- Require applications for the designation of Section 60 areas to be authorised by a judge on a time limited basis (3.3.6)
- Remove the perverse incentives for police to stop and search people for low-level drug possession which will only ever result in a warning and yet counts as a ‘solved crime’ (3.3.9)
- Support and facilitate pairing and the sharing of assets, functions, technology and procurement between forces wherever possible, whilst maintaining each force’s local badge, and, where local communities want it, full mergers between forces (3.4.3)
- Evaluate the current mental health liaison and diversion schemes and implement the most appropriate one (3.5.4)
- Expand the current pilots of having mental health professionals, drug workers and other relevant



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- professionals situated in police station custody areas (3.5.4)
- Replace the position of Police and Crime Commissioners with more democratic and locally accountable Police Boards, returning the governance of the police to local oversight (3.6.1)
- Tackle police corruption with a range of measures and take steps to make people confident that police complaints will be dealt with quickly, fairly and independently (3.7.1)
- Place limits on the amount of time that suspects can spend on police bail (3.8.1)
- Enact a statutory test requiring high level authorisation for 'kettling' to be used by police (3.9.2)
- Legislate to ensure that deployment and terms of reference of undercover police are subject to judicial authorization and scrutiny at regular intervals (3.9.4)

## **Criminal justice system**

Liberal Democrats will:

- Create a national body involving all relevant stakeholders to consider evidence of what works and to spread best practice to reduce crime (4.1.1)
- Replace Preliminary Hearings in courts with more cost effective video and telephone hearings (4.2.1)
- Launch an aggressive recruitment drive to improve the diversity of the Magistracy (4.3.2)
- Seek to counteract the effect of Legal Aid cuts by securing alternative sources of funding for criminal legal aid over and above that presently provided by the taxpayer (4.5.2)
- Repeal section 41(4) and 41(5) of the Proceeds of Crime Act 2002 (4.5.3)

- Make it compulsory for particular categories of company directors to take out legal insurance ceasing them to be eligible for legal aid in fraud prosecutions (4.5.4)
- Conduct a full review of criminal sentencing placing all offences on a linear scale, arranging them in a logical order relative to harm and relative to each other (4.6.3)
- Review procurement in the Ministry of Justice to improve process and contracts (4.7.1)
- Separate the delivery of rehabilitation and training services from other elements of provision in prisons and split the contracts for each (4.8.2)
- Improve prisoner 'through the gate provision' to prevent reoffending by working further with third sector providers (4.8.4)
- Devolve the part of the Ministry of Justice budget spent in Wales to the Welsh Assembly (4.9.1)

## Rehabilitation

Liberal Democrats will:

- Establish a Woman's Justice Board to oversee key issues around prevention, custody and rehabilitation (5.1.2)
- Seek to legislate for the best interests of the children of women prisoners to be considered when determining sentencing options (5.1.3)
- Pilot alternatives to prisons for non-dangerous women offenders (5.1.4)
- Invite the Sentencing Council to make the question of whether an offender represents a risk of harm to the public a major factor for the court to consider when sentencing offenders (5.2.2)
- Encourage the courts to make more use of deferred sentences (5.2.2)

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- Require courts to adopt a presumption against short-term prison sentences (of less than 6 months duration) because the length of those sentences makes effective rehabilitation impossible. Tough community sentences should be used instead in those cases (5.2.3)
- Seek to extend the housing of prisoners near to their homes wherever possible (5.2.4)
- Pilot a range of intermittent custody models including curfews and GPS tagging (5.2.5)
- Ensure prison premises have full access to educational resources and reading materials to assist rehabilitation (5.2.7)
- Custody for young people should only be an option in cases where there is genuinely no alternative (5.3.1)
- Devolve the entire custody (not just the remand) budget for youth justice to local authorities (5.3.2)
- Involve the families of young offenders from the outset in the rehabilitation process (5.3.4)
- Incentivise and achieve access to traineeships for young offenders where appropriate (5.3.5)
- Commit to reducing the numbers of young people from black and minority ethnic communities in custody (5.3.6)

## Cybercrime

Liberal Democrats will:

- Encourage organisations, businesses and schools to provide users with appropriate information and risk management training and will look to increase the resources already available for this (6.1.2)
- Encourage and promote personalised storage and secure storage of information (6.1.4)
- Recruit and train more dedicated cybercrime detectives by diverting resources (6.2.2)

- Commit to reduce the bulk mining of data on innocent people (6.2.3)
- Align the basis of criminal liability for threatening words and behaviour under section 1 of the Malicious Communications Act 1988, section 5 of the Public Order Act 1986 and section 127 of the Communications Act 2003 (6.3.2)
- Ensure that the named person in schools with responsibility to assist the victims of crime have a duty to be proactive in dealing with cyber-bullying (6.4.2)
- Legislate to make it a criminal offence for an individual to knowingly disclose a photograph, film, videotape, recording, or other reproduction of the image of another, identifiable person whose intimate parts are exposed or who is engaged in a sexual act, when the individual knows or should have known that the person depicted did not consent to such disclosure and under circumstances in which the person has a reasonable expectation of privacy (6.4.3)
- Encourage both police and organisations to take minor offences of cyber fraud seriously (6.5.3)

## Introduction

This paper concentrates on crime and the criminal justice system. It is about:

- Doing what works to prevent crime and reform those who commit it,
- Adopting what has proven to be effective, whilst pushing back against counter-productive dogma and ideology,
- Relentlessly pursuing an evidence-based approach to protect society as a whole, as opposed to just issuing soundbites.

More crimes prevented mean fewer victims; a lower human cost and a lower cost to the taxpayer. 'Prevention is better than cure' is the core approach of the Liberal Democrats.

With crime in most categories having fallen to an all-time low, Liberal Democrats have proven how effective they can be in reducing crime. Far from being complacent, Liberal Democrats know that this work has only just begun, and we are dedicated to rolling out this evidence-based, 'what works' approach across the whole criminal justice system.

Crime prevention is central to our plans. We will make it harder for those who want to commit offences by 'designing out crime' in both building and technology design. We have also placed great emphasis on the importance of rehabilitation in order to cut persistently high reoffending rates, which accounts for the majority of crime: three-quarters of crimes are committed by previous offenders, with 33% of crimes being committed by offenders with 15 or more previous offences. Many criminals would rather not confront their offending behaviour, and short custodial sentences are notoriously ineffective. Restorative justice, on the other hand,

forces offenders to face the consequences of their actions and help make redress to victims of crime. For those cases where Restorative Justice is appropriate, it is one of the most effective means of reducing re-offending. Liberal Democrats would therefore extend its use throughout the criminal justice system, including cases where the suspect is not prosecuted.

The Youth Justice Board has proven effective in reducing the number of young people in custody. Based on this model we will create an equivalent board for women offenders, which will focus on established rehabilitation practices that provide support to both women and their dependents.

For those serious and dangerous offenders who need to be incarcerated, we will ensure a renewed focus on pre-release planning, to help manage the personal circumstances of ex-prisoners and reduce re-offending. Such measures include securing appropriate accommodation and assisting the ex-prisoner get into employment or employment programmes. Targeting these personal circumstances significantly reduces re-offending rates, is cost-effective, and helps stop the cycle of crime. This type of proactive approach is essential to preventing innocent people from becoming victims of crime in the future. As ever, the Liberal Democrats are being proactive in tackling crime, not just reactive.

Despite our progress on reducing crime, many victims of crime still have a negative experience when dealing with the criminal justice system. We will help victims of crime by making certain offences easier to report and by providing them with a single point of contact throughout the system. We particularly want to help the victims of sexual offences and will ensure there is nation-wide access to a 24-hour specialist help line.

The Criminal Justice System must always respect the fundamental freedoms of the individual. Liberal Democrats

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have long been the party most committed to the preservation of our civil liberties. For more than a decade, Labour sought to curtail these freedoms against continued opposition from the Liberal Democrats. In coalition, the Liberal Democrats have fought hard to maintain civil liberties by introducing the 2012 Protections of Freedoms Act. Policies on civil liberties are embedded throughout this paper, examples including kettling (Section 3) and jury trials (Section 4).

Far too many innocent people are subjected to Stop and Search, which is often based on crude stereotyping of minorities. We will tighten up the rules on Stop and Search considerably, whilst eradicating the perverse target-driven incentives given to police which cause high instances of Stop and Search. We will make authorisation for area-based Stop and Search subject to judicial approval.

Liberal Democrats will redirect funding away from wasteful 'sound-bite' initiatives towards practical measures which are proven to work. Police and Crime Commissioners (PCCs), as proposed by the Conservative Party, were elected on a low turnout at great cost to the taxpayer and represent an unacceptable concentration of power. We will abolish PCCs and restore democratic oversight to local government. We will increase the efficiency and optimisation of the police through the improved sharing of resources between forces. We will merge forces where there is local support and bring in a presumption in favour of shared back-room operations and asset sharing subject always to retaining the strong local link between the police and the communities they serve.

We will promote joined-up working between agencies. Too often, the criminal justice system devotes scarce resources towards dealing with problems that other public services should take the lead on. One example is mental health. Liberal Democrats will ensure that the NHS works more closely with the police to guarantee that those who come into contact with

the police receive appropriate treatment rather than becoming lost in the Criminal Justice System.

Resources spent tackling problematic drug and alcohol abuse needs to be focused on getting more effective results rather than just locking people up. Liberal Democrats believe that the challenge of tackling entrenched drug and alcohol addiction is primarily a health and mental health issue. Liberal Democrats will make sure that the focus reflects this reality by moving the Government lead on drugs policy to the Department of Health and, where necessary, diverting problematic and chaotic drug users at risk of committing crime into treatment. This approach is more demanding and challenging for people addicted to drugs and alcohol, but it is also far more effective than simple prison sentences. By tackling drug addiction and its causes through the use of health professionals we can ensure that crime rates continue to fall. Proactively helping victims of drug addiction will prevent more victims of crime, and this approach will also free up valuable resources to tackle the major route into addiction: the dealers, the gangs and their links to organised crime. By tackling the drugs issue at its source, we will be treating the cause rather than the symptoms.

We will make changes to the Criminal Justice System to embed an evidence-based approach. A new overarching body will spread best practice and evidence of what works throughout the system, (see Section 4). We will stop political interference by making some decisions of the Advisory Council on the Misuse of Drugs binding. We will implement a more effective way of measuring crime which will focus resources on the harms that crimes cause, rather than endlessly chasing hollow numerical targets.

In the courts, we will streamline procedure, tackle inefficiency and abolish needless administrative court hearings. We will pioneer ways of getting more non-taxpayer money to fund



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areas of criminal legal aid, which is presently under a huge and unacceptable strain, better resourcing the system and saving the Taxpayer's money.

Crimes do not stop at national borders. Working closely with our partners in Europe and the wider world is essential if we are to tackle cross-border and organised crime such as fraud, terrorism and people-trafficking.

Together these policies set out a uniquely Liberal Democrat approach towards policing, crime and criminal justice: one that works.

# 1. Crime prevention

1.0.1 Liberal Democrats want to see fewer crimes, and fewer victims of crime. As Nick Clegg has said, we need firm, practical solutions that address “the root causes of crime and stop people offending in the first place”.

1.0.2 The key approaches to crime prevention include ‘designing out crime’ to reduce the opportunities for crime to occur; diverting people at risk of offending away from criminal activity; proactively tackling issues such as mental health, family breakdown and drug addiction; and intervening early to break the cycle of crime.

## 1.1 Joined up services

1.1.1 The causes of crime are complex and multifaceted. To tackle these problems we need to ensure services are joined up and capable of responding to the different needs of local communities across the UK. The piloting of double crewing between the police and mental health professionals for example, diverts people away from the criminal justice system and into appropriate support from other service providers.

1.1.2 A more joined up approach between children, family, and adult services, for example, will improve the identification of those who may be at risk of committing offences in later life, and improve support services during the transition between ‘child’ and ‘adult’ which can otherwise vanish overnight. Given the statutory duty to reduce offending by young people, a move away from working in silos can only help to achieve this objective.

1.1.3 Public Social Partnerships (PSPs): The expertise of third sector organisations has the potential to transform crime

prevention. The 'Developing Markets for Third Sector Providers' programme is working well in Scotland and has developed a particular model of joint working – Public Social Partnerships (PSPs) . PSPs place people who use services – both directly and indirectly – at the heart of the design process and work together to deliver successful crime prevention services based on their needs. Critically, PSPs are people-centred, with service users involved throughout the commissioning process. This allows greater flexibility over the services provided; it helps maximise the impact on an individual's rehabilitation and reduces the likelihood of reoffending. Additionally, individuals will have less need to access other public services allowing for either a saving to the public sector or the more efficient re-direction of resources.

**1.1.4 Liberal Democrats would extend to England and Wales this model of using PSP schemes that reduce reoffending to England and Wales, bringing in the experience, knowledge and innovations of the third sector – those who are closest to our local communities and understand what matters most to them.** An initial fund of £10 million would allow for the piloting of the scheme in 10 regions, with the detailed evidence gathering being used to grow the programme sustainably thereafter.

1.1.5 Further Innovative Models of Delivery. We recognise that innovation does and will increasingly play a key role in solving the challenges facing the criminal justice system and Social Impact Bonds (SIBs) are one such initiative. SIBs enable funding for innovative services and are designed to remove financial risk to government while trialling and gathering evidence on new programmes. They are funded by investors who wish to play their part in helping society whilst receiving a possible return on their investment if they are successful.

1.1.6 Investors, be they organisations or individuals, can fund more innovative, new ways of delivering services. Providers are funded upfront and pilots with successful outcomes will receive payment by results, another form of alternative delivery provision. **We will continue to foster an environment that has seen advances in funding and delivery models whilst measuring successes, alongside the Transforming Rehabilitation programme.**

## 1.2 Diversion from crime

1.2.1 Early intervention and diversion are crucial in preventing those who are already in the Criminal Justice System from offending again. Short custodial sentences are notoriously bad at preventing first time and persistent offenders from committing further crimes. Diverting these people towards targeted and effective programmes and support to address the drivers of their behaviour can – and does – break this cycle. It is also far more cost-effective, not just in terms of crimes prevented, but also in terms of the net cost to the taxpayer.

1.2.2 Neighbourhood Justice Panels are resident led and empower local communities to deal with low level crimes, such as antisocial behaviour, outside of the court system. They often involve Restorative Policing whereby police refrain from arresting a perpetrator and instead bring them, their families (in the case of youth offenders), their victims and community members together for a restorative justice conference. The offender then works within the community to repair any physical damage caused. Such conferences frequently lead offenders to fully appreciate the consequences of their actions for the victims, whilst allowing the community to understand that such behaviour can be due to thoughtlessness rather than malice. At the end of this process, communities tend to become more engaged with

each other as they have a better understanding of each other's lives.

**1.2.3 We will increase the provision of neighbourhood-based justice panels as a means of diverting people away from the Criminal Justice System.** This will be achieved by building on the work of the Liberal Democrats in Coalition Government though expanding the numbers and use of such panels. Initial pilots have shown up to a 70% success rate in terms of acceptable behavioural contracts being adhered to.

**1.2.4 We aim to endorse the Restorative Service Quality Mark, as proposed and put to consultation by the Restorative Justice Council as 'The Standard' for the sector and a mandatory pre-requisite for providers when commissioning restorative justice services.**

1.2.5 A disproportionate number of children who have been in care or have been excluded from school often end up in the criminal justice system. Early intervention is therefore vital for these children to reduce their risk of becoming another crime statistic. In appropriate situations, RJ in the children's care home system can have a positive impact and can prevent some children from entering the criminal justice system altogether. This is particularly true of situations where, had they occurred in a family home, would not have resulted in criminal proceedings. **We will fully establish and encourage its adoption wherever possible, and promote and build a restorative culture in schools and care homes for children.** We will also issue guidance to discourage staff from contacting the police in respect of behaviour which would not lead to that result if it took place in the context of a family unit.

1.2.6 This has the potential to significantly reduce offending for children and young people in care, and will enable them to get through a chaotic period in their life without carrying the burden of a criminal record which can have a lasting impact

on their future prospects. A report by Goldsmiths University of London on 'The use and effectiveness of anti-bullying strategies in schools' found that 'developing a restorative ethos and culture that supports the development of social and emotional skills and the adult modelling of positive relationships were given the highest rating of effectiveness'.

**1.2.7 We will seek to embed restorative justice in alternative provision schools specifically for young people who have been excluded or subject to managed moves and will encourage its use where appropriate.** Children in that situation often face challenges that others do not and prosecuting them where there is a viable and more effective alternative can make a bad situation worse.

**1.2.8 The Liberal Democrats believe relevant peer groups can and should influence positive behaviour.** Peers can change mind sets and help to prevent both first time offending and reoffending. Whilst in Coalition Government the Liberal Democrats have continued the push for encouraging ex-gang members to speak to young children who are at risk of joining – or are already part of – gangs. This is an effective strategy which involves young people visiting schools, attending A&E departments where someone has been injured as a result of gang-related crime, and other settings to talk about their experiences and the dangers of becoming involved in gangs.

**1.2.9 The Home Office is funding 33 areas in tackling gangs and violence among young people and we would extend this nationally to all areas where there is a need.**

**1.2.10 We will also require the Director of Public Prosecutions to issue guidance to prosecutors so that any mental health issues are properly considered and taken into account when a decision to prosecute a suspect is taken. It may be that there are public interest considerations that militate in favour of a**

decision not to prosecute but to divert the suspect into treatment instead.

## 1.3 Designing out crime

1.3.1 How buildings and local developments are designed has proved to be a key element in crime prevention.

‘Designing out crime’ can vastly reduce the risk of burglary and anti-social behaviour; Designing out crime initiatives have been shown to cut the risk of crime by up to 75%<sup>2</sup> in both residential and non-residential properties and environments. Simple changes in the design of new housing – costing an average of £150 extra per house built– can have a significant impact on reducing the fear of crime, anti-social behaviour and burglaries. With regards to existing buildings sharing knowledge between, for example, housing associations on what works can cut crime and make residents feel safer. The simple removal of a disused outhouse is a good example.

1.3.2 A number of councils now enforce ‘Secured by Design’ standards for new developments and many housing associations have their own crime prevention managers. However to ensure national implementation **we will bolster Building Regulations to incorporate these standards, or equivalent, for physical security.** These standards are based on well-tested principles and have support in the building and construction industry for mandatory inclusion, as they additionally help to prevent undercutting by others with poor design. This would only represent a minor change to the existing building regulations and a small up-front cost to business, and can be included in any other policy that brought about a change to the existing regulations. We will also implement training for councillors on planning committees to understand the importance of designing out crime.

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<sup>2</sup> <http://www.securedbydesign.com/>

1.3.3 Greater Manchester Police have pioneered the use of Crime Impact Statements (CIS) to ‘ensure that design decision-makers consider crime, disorder and fear of crime before determining whether to proceed with new project’. **We will make the use of Crime Impact Statements compulsory and make local police statutory consultees for all medium and large-scale developments** (i.e. developments of 10+ dwellings or 1000sqm+ commercial developments).

1.3.4 Constabularies and public bodies provide information on crime prevention measures including mobile device security, personal, vehicular and cyber security. **We will build on these with a public awareness campaign on mobile security measures and advise how changing user behaviours can help prevent in particular theft.**

1.3.5 We will also launch a public information campaign encouraging people to take advantage of the security measures already available in mobile telephone handsets and other portable devices, whilst working with industry to promote anti-theft software, and remote phone-tracking and erasing of personal data.

## **1.4 Protecting individuals and communities from drug and alcohol harms**

1.4.1 Responsibility for policy on drugs in England and Wales is currently held by the Home Office. A significant number of issues relating to drugs, however, especially dependency, are health and mental health issues. There is a desperate need for other government departments which are better equipped to deal with this issue to take the lead.



**1.4.2 We will keep law enforcement within the jurisdiction of the Home Office but move the lead on drugs policy to the Department of Health. We will also review the role of the Department for Education, ensuring awareness and prevention are embedded in schools and colleges. That would apply particularly, for example, to education for young people on alcohol misuse and unregulated chemical highs.**

**1.4.3 We will legislate to make the Advisory Council on the Misuse of Drugs (ACMD) independent in setting the classification of drugs, whilst remaining accountable to Parliament and the wider public.** ACMD is currently an advisory non-departmental public body of the Home Office. We will realign it to the Department of Health although its members will be appointed independently from Government.

1.4.4 The dealing of illegal drugs underpins organised crime and is rightly a serious offence. The penalties for those who manufacture, import and/or deal in illegal drugs must remain severe and be stringently applied. Whilst the focus must remain on arresting and prosecuting those people, the main priority for those who possess drugs for personal use should be to provide them with support, education and treatment in order to stop.

1.4.5 For that reason and, subject to further work on implementation, we will adopt the model used in Portugal where those who possess drugs for personal use will be diverted into other services. The primary decision as to whether a person is a dealer or not would be, as now, for the police. If an arrested person is thought not to be a drug dealer but rather an abuser and dependent, that person would be directed towards appropriate treatment in the Health Service, and possibly supervision by the probation service under civil court orders. Failure to engage may trigger further civil penalties. Those thought to be a non-problematic

user of drugs would be diverted towards programmes designed to encourage them to stop such as those run successfully by drug workers in the community. In some cases, particularly for repeat offenders, Fixed Penalty Notices might be appropriate. We would pilot different options in order to identify the most effective interventions in terms of reducing drug use and the harms associated with drug use.

1.4.6 Until our diversion policy is fully implemented, Liberal Democrats would make an immediate change to the law to stop imprisoning people for the possession of drugs for personal use. This will allow resources to be directed towards tackling suppliers and organised crime.

1.4.7 Liberal Democrats welcome the establishment of regulated cannabis markets in Washington state, Colorado, and Uruguay. These innovative approaches are still in their infancy, and the data that would allow us to determine their impact are not yet available. We will establish a review to assess the effectiveness of these schemes in relation to public health (in particular the impact on children) and criminal activity. If the findings are positive, we would ask the review to consider potential frameworks for a strictly controlled and regulated cannabis market with tight controls on quality and strength. The potential advantages of such an approach include a reduction in organised crime; the ability to address the impact of 'skunk'; and the redeployment of public revenues into treatment for those addicted to harder drugs as well as the education of young people about the dangers of cannabis, tobacco and alcohol.

## **1.5 Working in Europe to prevent crime and uphold justice**

1.5.1 Liberal Democrats have always been an internationalist party. Crime does not stop at borders and nor should our efforts to tackle it. Our membership of the European Union and our work with our partners in the area of policing and criminal justice (Europol and Eurojust in particular) has proved hugely beneficial in tackling serious and organised crime, fraud and people-trafficking. For example, a 3-year Europol investigation culminating in 2011, Operation Rescue, broke the world's largest online child pornography network making 184 arrests (121 in Britain) and rescuing 230 children (60 in the UK). Approximation of criminal definitions and penalties for the most serious crimes helps ensure that major criminals cannot escape being brought to book by exploiting differences between jurisdictions.

1.5.2 Cooperation of police and prosecutors is supported by EU legislative measures to ensure mutual recognition of judicial decisions. The European Arrest Warrant (EAW) has been of great assistance in bringing offenders to justice in the United Kingdom. It takes an average of three months to secure extradition under the EAW and an average of ten months from countries not covered by the EAW. In 2010, 145 individuals were extradited to the United Kingdom from other EU member states. Reform is required to the EAW and we welcome the work of Liberal Democrats in the European Parliament towards securing features such as an EU-wide proportionality test and human rights safeguard clause to prevent miscarriages of justice and avoid unnecessary pre-trial detention. In the meantime we welcome measures in section 157 of the Anti-Social Behaviour, Crime and Policing Act 2014 to allow UK courts to take into account matters of proportionality such as the seriousness of the offence and likely sentence when taking decisions on extradition. The

recently agreed European Investigation Order will help streamline exchanges of evidence and witness statements and also help avoid unnecessary use and costs of an EAW.

**1.5.3. Liberal Democrats also strongly support the use of EU law when appropriate to improve the observance of human rights, fair trials and victims' rights across the EU.**

While acknowledging that EU law must be careful to accommodate the specific characteristics of national legal systems, we encourage UK participation to the fullest extent possible in EU 'procedural rights' measures to ensure that defendants are treated fairly across Europe.

1.5.4 Liberal Democrats were opposed to the United Kingdom opting-out of co-operation in areas of crime and criminal justice. **Liberal Democrats are committed to playing our full part in Europe and the wider world in order to reduce crime and bring perpetrators to justice.**

## 2. Victims of crime

2.0.1 The criminal justice system exists to protect the public from crime – where crime does occur victims are our first priority. We need to make sure they, and their families, are supported both in the aftermath of crimes and throughout the justice system.

### 2.1 Making it easier to get help

2.1.1 Helplines provide an invaluable service to victims of crime. They can give trusted, confidential help and advice and often be the first place victims of sexual and violent crimes turn to. There is currently no national government 24 hour helpline for victims of sexual and violent sexual crimes. Instead, third sector organisations run their own self-funded helplines, much of which is voluntary. **We will create a national helpline service to provide vital support to the victims of sexual offences, encourage wider reporting and lead to more convictions.**

2.1.2 Single point of contact for victims in the Criminal Justice System: The experiences and rights of victims of crime have to be at the heart of the criminal justice system. As it stands, if a victim feels their ‘entitlements have not been met or that any service provider has not delivered their duties under the Victims’ Code’, there are a number of stages and different contacts they need to deal with before an issue can be resolved. For victims who have cause to complain, that situation only adds to their distress and may make the process a daunting prospect. **We propose to change and simplify this procedure under the Victims’ Code by implementing a single point of contact for all victims’ complaints.**

2.1.3 **Police Call Handling:** The police handle millions of calls a year from the public. How these calls are handled can have a significant impact on police effectiveness, from cutting 999 response times to tackling anti-social behaviour (ASB) more efficiently by swiftly identifying and dealing with high risk callers. Case studies have shown that a 'focus on the victim' approach to ASB brought better identification of vulnerable and repeat victims, improved service to callers, and improved multi-agency handling of high-risk cases. Forces that have re-organised telephony systems have brought improvements in call handling service rates of between 30-100%. **We will introduce a modern Policing Pledge that requires all forces to have a Call Handling Plan in place to implement call handling best practice as set out by the Home Office in *Focus on the Victim* (2012), and will deliver to all parts of the country a call handling service rate of 90%, which is already being achieved by several forces.**

2.1.4 As part of our desire to make services more streamlined and joined up for potential and actual victims of crime **we will encourage schools and colleges to implement good practice by providing a named person in those institutions to whom victims of crime can turn.** This will help to support young victims of crime giving them increased access to support.

2.1.5 We will also develop a national website setting out the rights of victims of crime in the Criminal Justice System together with contact details of support groups, and guides to as to what to expect from the process.

2.1.6 Currently those who allege that a crime has been committed against them have the right to a review where the Crown Prosecution Service declines to prosecute a suspect. **We would widen that right to include cases where the police decline to investigate an alleged offence.**

## 2.2 Acting on hate crimes

2.2.1 Hate crimes are abhorrent and can have huge emotional and physical impacts on their victims. We need to do more to prevent and support victims of such crimes.

2.2.2 Since 2003 crimes aggravated by hostility to disabled, gay, lesbian and transgendered people attract harsher sentences within the range of sentences set for the offence than those that are not aggravated in that way. This is a welcome provision. For race and religion the law goes further allowing a harsher range of sentences for those who commit such crimes. **Liberal Democrats believe that hate crimes against all minority groups should be treated in the same way. We would therefore make legal provision for hate crimes against those with a protected characteristic under the Equality Act 2010, who were targeted because of that characteristic, to be aggravated offences, allowing harsher sentencing for perpetrators. That would include offences against people with disabilities as well as gay, lesbian and transgendered people.**

2.2.3 Supporting the victims of hate crime will be a key element of the Continuing Professional Development programme we are proposing for criminal justice professionals which in turn will enable more of these crimes to be reported and the perpetrators brought to justice.

2.2.4 We will also include specific provision for the recording of crimes against those with protected characteristics on the basis of those characteristics in the National Crime Survey where that does not exist currently.

## 2.3 Restorative justice

2.3.1 Liberal Democrats in Government are proud of our achievements with restorative justice provision. The 2012 amendment to the Crime and Courts Act brought in the right to restorative justice. It has meant that the criminal justice system is no longer centred on the offender and has given victims more of a voice and more rights.

2.3.2 Restorative justice (RJ) gives victims the chance to confront criminals face to face with the very real consequences of their crimes. For offenders, it is a hard pill to swallow, taking responsibility for their actions; but more than that, it has been proven to be the most effective method of reducing reoffending. It stops the young offenders of today becoming the hardened criminals of tomorrow.

2.3.3 RJ places the victim at the heart of the rehabilitation process and a spotlight on the offender. The success of RJ is unquestionable. It allows victims of crime to explain the impact on them and it can also provide them with some comfort. A victim of burglary who might have thought that they were targeted specifically can come to understand that most burglary is opportunistic. For the offender they come face to face with the consequences of their actions making what was abstract into a shameful reality.

2.3.4 There are many third sector providers who provide RJ courses in prisons. These are staffed and supported substantially by strong volunteer networks receiving funding from many sources for example corporate social responsibility contributions. The outcome statistics from many of the larger providers are already very positive. **The Liberal Democrats will broaden the use of such courses to ensure national coverage.**



2.3.5 Pre-Sentencing Provision: Amendment 155EZA (2012) to the Crime and Courts Act allows for 'deferring the passing of sentence to allow for restorative justice'. This pre-sentence stage procedure has a huge impact not only on both the offender and victims' lives but also on the cost implications of preventing the offender entering further into the criminal justice system. **We strongly support this change. It is important to note that restorative justice is always a choice for the victim to make, and that it is rarely, if ever, appropriate for victims of particular offences such as rape or sexual violence.**

2.3.6 Benefits: Restorative justice has already shown to reduce costs in the criminal justice system and it has the potential to further by:

- Intervening early to stop offending behaviour before it escalates;
- Reducing the use of courts where there is diversion away from prosecution or sentencing, thus saving considerable money for the taxpayer; and
- Reducing the use of prisons for offenders whose imprisonment is not required to protect the public.

2.3.7 Evidence supports the assertion that restorative justice offers excellent value for money. At the average cost per annum of £35,000 for each UK prison place, one offender kept out of prison for one year would cover the costs of more than 50 restorative justice conferences.

## **2.4 Victim focused training**

2.4.1 Continuing Professional Development (CPD): Crucial to improving services throughout the criminal justice system is the provision of ongoing training and CPD for criminal justice professionals. Victims of crime need support from the moment they come into contact with the Criminal Justice

System. With the victim firmly at the forefront, we will continue to support the training for police being introduced by the College of Policing. We would introduce mandatory CPD for prosecutors, with a particular emphasis on mental health issues, people with learning difficulties, vulnerable and minority groups. We will embed even further the importance of ensuring professionals keep their skills and knowledge up to date by working with the regulators in the legal services sector and with the police and Crown Prosecution Service.

## **2.5 Violence against women and girls**

2.5.1 Liberal Democrats are committed to tackling violence against women and girls. Considerable progress has already been made by the Liberal Democrats in government for example in tackling female genital mutilation (FGM) but there is more work to be done.

2.5.2 Many of the policies in this paper will have a direct effect on tackling violence against women and girls. An example is the national helpline for the victims of sexual offences. The 'Continuing Professional Development' that we would require for criminal justice professionals such as the police, prosecutors and the judiciary will ensure that such offences are dealt with properly and that front line staff have the ability to spot the signs that offending is taking place. A named staff member in schools to help victims of crime will also assist. The wider use of police body worn cameras for officers responding to domestic violence offences will ensure that the best evidence is obtained of the effect of such offending immediately at the scene, thus improving the conviction rate considerably.

**2.5.3 We will work with the Department for Education to ensure that FGM, domestic violence and other violence**

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**against women and girls properly features on the National Curriculum.**

**2.5.4 We will also issue guidance to prosecutors and judges to prevent those suffering from domestic violence, who have retracted their evidence against their partner because of fear and intimidation, from being prosecuted for making false allegations.**

## 3. Policing

3.0.1 England and Wales is currently served by 43 police forces comprising of police officers, police staff, police community support officers (PCSO), designated officers and special constables. Under the Coalition Government, crime has fallen despite a reduction in police funding for England and Wales between 2012 and 2013.

3.0.2 However, if we are to maintain a high standard of policing, we must ensure that police officers are of the highest calibre, with access to the best data and technology that can be provided. To do this, the internal budget will have to be managed efficiently whilst reinforcing the overall goal of providing visible, responsive and accountable policing by empowering the public and freeing up the police to fight crime.

### 3.1 Evidence based approaches to policing will reduce crime

3.1.1 Crime in the UK is primarily recorded by volume. This allows us to make comparisons of crime rates between areas and broad types of crime. What it does not record is the severity of the crime. This is significant because by knowing the types of crimes committed, and categorising and ranking them by harm we can help achieve a smarter, more targeted form of policing, continuing the reduction in crime that has been seen with the Liberal Democrats in government.

3.1.2 The crime statistics have been ‘found not to meet the required standard for designation as National Statistics’<sup>3</sup>, and have been given requirements to meet. Inaccurate recording

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<sup>3</sup> <http://www.ons.gov.uk/ons/rel/crime-stats/crime-statistics/period-ending-december-2013/sty-de-designation.html>

has a clear knock-on effect in terms of how police target crime. **To address this we will establish a better way of recording crime alongside the existing model. That will allow us to adopt an evidence-based approach to prevent those crimes that cause the most harm. We will use a crime harm index to gauge not only the volume of crime but the effect it has on people. This will allow police officers to be deployed strategically to focus on investigating and preventing crimes which have the most impact and are the most harmful.**

3.1.3 A crime harm index, like the one introduced in Canada in 2009, is an analytical tool which weights crimes by type and severity. It enables crime trends to be evaluated according to the impact and severity of the offences reported to the police. The weighted statistics may also highlight areas of under reporting of certain crimes (such as hate crimes). The weight given to an offence is determined principally by the sentence that is most commonly passed in respect of it. Offences that have the greatest impact on people are weighted highly whilst those that have less of an impact, are weighted less so. That way, society can know the impact that crime is having in any one year and can meaningfully measure whether the harmful effects of crime are reducing over time. A massive drop in low-level criminal damage and a murder rate that remains constant would register as a lower drop in the harm caused by crime than it would if the numbers were the other way round.

3.1.4 **We will introduce nationwide restorative policing ensuring those crimes that are lower down the scale are dealt with more effectively for local communities.**

Restorative policing uses the principles of restorative justice to solve policing problems. By involving and engaging the local community it builds trust, and helps to find 'real long

term solutions for victims, communities and offenders'<sup>4</sup> Restorative policing cuts red tape and time for officers, allowing their time to be utilised more efficiently. The impact it has on first time offenders in particular and the effects their actions have on their victims and the community can vastly reduce reoffending rates and successfully divert them away from prisons.

## 3.2 Keeping pace with change

3.2.1 Changes in technology and the increasing use of digital solutions should be embraced by the police and not seen as a threat, despite challenges that may be encountered along the way. Many constabularies are actively implementing new technologies and adapting their policing accordingly and **we will encourage them to build on this.**

3.2.2 Crime maps are a great tool for the police in the fight against crime. They can be automatically compiled using data from many sources and they assist the police in targeting high and low level crimes alike. **We would encourage the sharing of non-sensitive data by organisations with commercial and retail properties to assist with crime mapping for offences such as pick pocketing.** These types of crimes often go unreported but can cause distress as well as loss to those affected. Crime mapping can also allow better information to be provided to the public, for example, by encouraging them to be vigilant in certain places.

3.2.3 Crime maps generated on the basis of the crime harm index can be combined with GPS data from police cars, which is another example of realising the potential of using technology and data. This scenario would see, based on

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<sup>4</sup> [http://www.iirp.edu/pdf/mn02\\_lofty.pdf](http://www.iirp.edu/pdf/mn02_lofty.pdf)

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effective analysis, forces switching from a reactive to a more proactive, targeted approach using maps to deploy officers where the crime hotspots are. This concentration and better use of resources will promote visibility alleviating many of the concerns which may be held by the community and acting as prevention for prospective criminals in the area. **We will support an increase in the use of GPS data as an enabler for smarter policing to reduce the numbers of crimes committed. Under that model, police will be deployed in a more intelligent way in order to prevent crime.**

3.2.4 Compatible Technology: Police forces in England and Wales currently have no standardised back-end technology. Different systems are not always compatible which leads to barriers in a number of areas including data collection, analysis and sharing. Those barriers serve to inhibit performance in other areas including the collection of crime statistics, the wider criminal justice system and associated services. **The Liberal Democrats would seek to implement technology solutions to enable compatibility between forces and will put in place a roadmap for this by the end of 2015.**

3.2.5 The use of body worn cameras is being trialled in a number of police forces in England and Wales. Under the pilot guidelines, people will be informed they are being filmed and victims will be able to request the camera is turned off (although the request itself must be filmed). These cameras are intended to cut the time that officers spend on administration and paperwork (for example, the completion of notebooks), lead to fewer complaints against the police and an increase in the number of guilty pleas in court. Unused data from the cameras will be stored for one month then destroyed. **We welcome the introduction of further trials of body worn cameras for police and the gathering of evidence as to their role and potential effectiveness. If the trials do establish their effectiveness, we are committed**

**to increasing their use. In the first instance, we will ensure that all officers armed with firearms, members of Territorial Support Groups, and those who are deployed with them wear such cameras, followed by response officers dealing with domestic abuse cases (for which current trials have produced positive results).**

### **3.3 Stop and search**

3.3.1 The effectiveness of police Stop and Search is highly contested. There is a power under the Police and Criminal Evidence Act 1984 (PACE) for the police to stop and search those where there is a reasonable suspicion that they have committed an offence. Under section 60 of the Criminal Justice and Public Order Act 1994, a senior officer can designate a particular area in which the police can stop and search anyone without any suspicion – reasonable or otherwise. This power was designed to be used sparingly and in response to a high level of perceived threat in a tightly defined area, such as in the case of organised football hooliganism. Over time, however, its use has grown far beyond its original intent.

3.3.2 The 2013 inquiry by Her Majesty’s Inspectorate of Constabulary into stop and search reported that in the case of those stops carried out under PACE some 27% of records it examined did not disclose reasonable grounds for suspicion despite many of the searches being endorsed by supervising officers.

3.3.3 Statistics gathered by the inquiry revealed that more than 250,000 stops carried out under the PACE last year could have been illegal. People from black and minority ethnic communities are up to six times more likely to be stopped and searched by the police than if they are white, and only about 10% of stops results in an arrest.



3.3.4 We support the backing of Liberal Democrats in government for **the upcoming College of Policing review into the national training of stop-and-search. That review will lead to the development of higher professional standards for officers and the production of a 'best use of stop-and-search' scheme which will facilitate an assessment of how well forces are interpreting the 'reasonable grounds for suspicion' requirement of PACE. It will also bring about the online publication of stop and search data.**

3.3.5 We would go further by **tightening up the PACE Codes of Practice that deal with stop and search.** We will ensure that 'reasonable suspicion' is better defined so that there is a specific focus on known criminals or, in identification cases, those matching accurate first descriptions (taken on a standardised form unlike at present) and not racial groups or age groups.

3.3.6 Areas in which stops can be carried out under Section 60 are currently authorised by senior police officers. To restrict the use of that power so that it better reflects what was originally intended, **we will require applications for the designation of Section 60 areas to be authorised by a judge on a time limited basis,** subject to a pilot in certain areas. This will not cause any time delays should an application be made as there is a duty judge available 24 hours a day. We would also expect the police to know in advance whether the power is needed in most cases.

3.3.7 Given that the power to stop and search under section 60 was enacted to deal with a particular problem of organised football hooliganism that is less prevalent now, it is possible that it is no longer needed at all. For that reason, we will pilot its suspension in two pre-selected areas and evaluate the evidence of the pilot.

3.3.8 We are concerned by the number of people police stop and search for suspected low-level drug possession. In 2011/12 half of all stop and searches carried in England and Wales were for drug possession. That is one of its key drivers. Arrest outcomes are very low indeed<sup>5</sup> but the fact of the stop and search can have a huge impact on those wrongly searched. Currently, the police have an incentive to stop and search people for low-level drug possession. Warnings can be issued for those carrying cannabis, and whilst not constituting a criminal record or justifying a prosecution, those warnings however do count as a 'solved crime', thus artificially improving the clear-up rate for the police force concerned.

3.3.9 **The Liberal Democrats will address this by removing that perverse incentive.** Police will then be able to better utilise their time by concentrating on targeted, intelligence led-arrests. This will improve community relations by reducing the disproportionate number of stop and searches of people from black and other ethnic minority communities.

3.3.10 Given the number of potentially illegal stop and searches undertaken, we will ensure that Safer Schools Officers and community police officers educate people in the requirements that must be observed by the police thus making it more likely that illegality will be challenged.

## 3.4 Sharing of assets by the police

3.4.1 The Liberal Democrats believe localism must be enshrined at the heart of policing policy, guided by a grass roots system of engagement, scrutiny and accountability, from ward/village level to city/country level. The merger and subsequent creation of a centralised force, Police Scotland,

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<sup>5</sup> [http://www.stop-watch.org/uploads/documents/StopWatch\\_consultation\\_final.pdf](http://www.stop-watch.org/uploads/documents/StopWatch_consultation_final.pdf):

has not filled many local communities with confidence, although it has generated savings. An alternative model, and one which is supported by the evidence, is where police forces work together by pairing to share resources.

3.4.2 With police forces looking to make savings, the merger of back office functions whilst maintaining the local badge and identity of the forces concerned offers a practical way towards efficiency yet retain a strong connection with the local community. Pairing of police forces can provide significant savings by joining procurement, training, equipment and much more.

3.4.3 Some forces are already paired, the logistics of which are far easier than implementing asset sharing in four or five constabularies in one go. Once a pairing has been embedded there is scope for further collaborations between these paired forces and other paired forces, which could eventually achieve a regional force carefully crafted over time, as opposed to being bolted together despite an incompatibility. **We will review county police forces and support and facilitate pairing and the sharing of assets, functions, technology and procurement between forces wherever possible, whilst maintaining each force's local badge. There would be a presumption in favour of the sharing of major resources such as dog units and police helicopters and a presumption in favour of joint procurement and shared back office functions in the first instance. Later, where appropriate and where local communities want it, we will facilitate a full merger between forces. We will undertake a review as to where that might be possible, such as in the case of some of the smaller county forces, but would not proceed unless the proposal had significant local backing.**

## 3.5 Mental health provision and policing

3.5.1 The Liberal Democrats in Government have placed great emphasis on improving access to mental health services. We recognise the significance of joined up service provision in ensuring that those affected by mental health issues get the right assistance.

3.5.2 Recent ‘street triage’ pilot schemes, some funded by the Department of Health and some by individual forces, of ‘double crewing’ have been producing encouraging results. Double crewing is where both police officers and mental health professionals are deployed together in one unit. The nine pilots are based on varying models; some consist of a double crew in police vehicles during the critical times of 4pm to midnight. This practice enables people who may be suffering from mental health issues who come into contact with the police to receive the right treatment. It diverts them away from police custody, which often only increases and exacerbates their problems. Other models consist of a mental health professional based in the police operations room to liaise and advise officers over the phone.

3.5.3 The pilots have so far shown a reduction in the number of detentions that occur under section 136 of the Mental Health Act. Fewer people are being held in police custody as a so-called ‘place of safety’. It is also freeing up police time with the resulting drop in processing of paperwork. **We will evaluate the pilots and find a model that works best, both in terms of mental health provision and in cost effectiveness. If the evidence indicates such effectiveness, we would extend this practice throughout England and Wales.**

**3.5.4 The Liberal Democrats would also expand the current pilot project of having mental health professionals, drug workers and other relevant professionals situated in police station custody areas where they can provide direct assistance to suspects when they may be at their most receptive.** Subject to positive evidence from the liaison and diversion pilot schemes we would introduce this throughout England and Wales and protect its funding stream, thereby ensuring that all custody areas benefit from it as soon as possible.

3.5.5 We will also stop the use of police cells as a ‘place of safety’ for those with mental health problems.

3.5.6 Critical to many of the policies we are proposing is that of ongoing training and Continuing Professional Development (CPD) for the police and criminal justice system professionals. The area of mental health and issues of learning disability are no exception and it is vital they are dealt with as part of the mandatory CPD we are proposing.

**3.5.7 We will also ensure that the Sentencing Council has at least one member who is a specialist in mental health issues.**

## **3.6 Police and Crime Commissioners**

**3.6.1 The Liberal Democrats are in favour of the accountability of the police. It was intended that Police and Crime Commissioners (PCCs) would increase accountability, but we are not convinced that their expense and the concentration of power in the hands of one person is the way to achieve this goal. Liberal Democrats would replace the position of Police Crime Commissioners with more democratic and locally**

**accountable Police Boards – returning the governance of the police to local oversight.**

3.6.2 It is estimated that the cost of the PCC elections was £75 million<sup>6</sup>. This is money which could have been better spent on extra police and community safety initiatives. In addition to this, the annual cost of the PPCs nationally is over £50 million. Turnout was a record low in the PCC elections – just 15% on average. A November 2013 YouGov poll showed only 9% of those polled thought PCCs had contributed to a fall in crime in their area.

**3.6.3 We would abolish PCCs and ensure through the new Police Boards that each police area holds its police to account via a representative body composed primarily of local authority members.** Those ‘Police Boards’ will not be the same as the old Police Authorities. The powers of the Police Boards would include those currently held by PCCs namely appointing and dismissing the chief constable, establishing the priorities for the force and setting the police precept and the police force budget.

3.6.4 The new system of Police Boards would require each relevant upper tier authority in the police area to appoint their relevant lead councillor for Community Safety as a member, ensuring the new body has a clear and strong link with grassroots crime prevention. In addition, other members would be appointed so that there is representation from the rehabilitation providers and clear political proportionality across the police area. Each board member would have a specific area of responsibility (for example tackling domestic violence) and be expected to report back on this regularly.

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<sup>6</sup> <http://www.electoral-reform.org.uk/blog/pcc-elections-what-price-democracy>

**3.6.5 Meetings would be open to the public, questioning of Board members would be permitted and we will publish details of these meetings so as to ensure openness and accountability.** We will also give councils the option of establishing a joint overview and scrutiny committee. Boards will have a compulsory duty to report to all local authorities and guarantee representation and attendance at meetings where they are required, a duty that does not currently apply to PCCS. We will ensure that Police Boards are under a statutory duty to work to build effective local partnerships.

3.6.6 Police Boards will provide a more ‘joined up’ use of public money in crime fighting and crime prevention, rather than responsibilities being spread across two different public sector organisations.

## **3.7 Tackling corruption**

3.7.1 Corruption in any institution, and particularly in our police forces, is totally unacceptable. People must feel confident that complaints will be dealt with quickly, fairly, and independently of the police force being complained about.

### **3.7.2 We will ensure that:**

- The independence, powers, and authority of the IPCC are strengthened;
- All major decisions relating to corruption investigations are made independently of the police forces concerned;
- That officers facing misconduct hearings are not permitted to resign to avoid them,
- Police forces continue their work to develop robust, transparent and consistent systems of recording, reporting and investigating complaints, across forces and ranks;

- Mandatory CPD for all police officers includes training in preventing corruption (for example, through awareness of its links to inappropriate associations, financial pressures, welfare and substance misuse); and
- That progress in these areas is reported annually to Parliament.

3.7.3 We recognise the shocking problems of police behaviour identified in the Hillsborough Independent Panel, the multiple convictions of public servants (including police officers) in connection with journalists making corrupt payments, the multiple resignations from the Metropolitan Police over the flawed investigation into phone-hacking in 2006-7 (Operation Caryatid) and the very serious allegations of police corruption presaged in Part 1 of the Leveson Inquiry.

3.7.4 We remain committed to ensuring that an Independent Panel is set up into the repeated failures of the Daniel Morgan murder investigation, and we will ensure that Part 2 of the Leveson Inquiry takes place as soon as possible after the current trials have completed.

## **3.8 Speeding up police investigations**

3.8.1 Many people remain on police bail without charge for lengthy periods, sometimes subject to Restraint Orders. **Liberal Democrats will place limits on the amount of time that people can spend on police bail subject to extension by a court only if there is a good and sufficient cause and the police have acted with all due expedition.**



## 3.9 Policing and civil liberties

3.9.1 Liberal Democrats have done more than any other party to champion civil liberties. Nowhere is it more important to respect civil liberties than in policing.

3.9.2 ‘Kettling’ is a tactic available to the police designed to deal with large-scale protests. It involves anyone who is found in an area in which protest is taking place being kept in that area and not allowed to leave. Liberal Democrats recognize that there are exceptional cases where, in the interests of public safety, kettling is legitimate but it must be used as a last resort and where it is the only step that can maintain order. **We will enact a restrictive statutory test requiring high level authorisation.** We are, however, concerned that there have been too many instances of innocent people being trapped within police lines without refreshment or toilet facilities.

3.9.3 For that reason, **we would place an obligation on the police to allow those who are obviously not part of any protest and/or do not present any danger to public safety to leave the cordon.** Examples might include school-age children, workers wishing to leave their place of employment or the elderly.

3.9.4 There has been widespread recent public concern over the activities of undercover police officers and their infiltration into particular groups. Liberal Democrats share that concern. We would legislate to ensure that the deployment of such officers and their terms of reference and periods of activity are subject to judicial authorization and scrutiny at regular intervals. The police are required to obtain judicial authorization for the search of premises and the seizure of material and there is no reason in principle why the same should not be true for undercover officers.

## 4. Criminal justice system

### 4.1 Embedding an evidence-based approach to reduce offending

4.1.1 The Criminal Justice System operates in silos and suffers from inefficiencies where a failure to follow best practice or other problems in one area can impact severely on another. A failure to produce prisoners at court, for example, causes serious knock-on effects across the system. A failure to pass the most appropriate sentence for effective rehabilitation has much wider social costs if that offender goes on to offend again. The sharing of evidence and best practice is not currently coordinated at a national level.

Focussing on what works and disseminating this will require organisation if it is to make a significant impact for change.

**Liberal Democrats would look, in the medium term, to create a single national body to bring together the expertise of the College of Policing, Probation College, Justice Data Lab and other key stakeholders in one place to consider evidence of what works, spread best practice and ultimately fulfil our main aim – to reduce crime.**

4.1.2 Part of doing what works to reduce crime involves understanding where things go wrong. Re-offending rates tell us how many people have reoffended, how long their sentences were and in some instances what assistance they received. However, to be able to use this information more effectively it is essential to understand why the reoffending occurred. To that end, Liberal Democrats would develop robust analysis as to levels of re-offending, the type of sentence passed, the nature of the support offered and the court centre that passed the relevant sentence. Through the use of such ‘destination data’, it will then be possible to see which courts are most effective at reducing crime. **That data**

**would be published, court centre by court centre and resident judges would be responsible and accountable for the performance at their court.**

4.1.3 To implement more effective sentencing will require improved training and Continuing Professional Development for judges and magistrates. Our judiciary must be equipped with the knowledge as to why certain sentences work and when to apply them. Interaction between rehabilitation providers and those issuing sentences is therefore key to making this work and we will direct the Probation Institute to provide training on what sentences work most effectively.

## **4.2 Streamlining court procedure**

4.2.1 Court procedure in the Crown Court has become too cumbersome. A plethora of needless hearings has developed including for example, Preliminary Hearings, which cost money but often achieve very little that could not be done administratively. **Liberal Democrats will abolish such hearings and conduct more business via videoconferencing or telephone hearings.**

4.2.2 In the Magistrates Court, enormous pressure is put on the defence to make progress at the first hearing. Often, however, there is no guarantee of Legal Aid being in place and papers are not provided in a timely fashion. Liberal Democrats will ensure that the Crown Prosecution Service improves its performance in providing case papers sufficiently in advance of the first hearing in order that meaningful progress can be made. We will require the Legal Aid Agency and the local court centres to speed up the processing of Legal Aid claims to allow this to happen.

## 4.3 The Magistracy

4.3.1 The Magistracy is less diverse now than in 1999. On average, magistrates are older and less representative of our ethnic minority communities, with 55% aged 60 and over. The proportion of magistrates from black and minority ethnic groups has grown (to 8.4%) but the black and ethnic minority population of the country has grown at a much greater rate (to 14.1%). Magistrates are now not representative of their national or, in most cases, their local BAME population. For example, 91.7 % of magistrates are white compared to 85.9% of the population. Magistrates of Asian origin are particularly under-represented with 4.3% compared to 6.8% in the population. In addition, the socio-economic profile of magistrates is poorly measured and what little evidence there is suggests magistrates are still disproportionately middle class.

4.3.2 There is clearly a need to make the magistracy more diverse and more reflective of modern Britain. **Liberal Democrats will launch an aggressive recruitment drive to improve the diversity of the Magistracy.**

4.3.3 Many victims and witnesses have to wait a disproportionate amount of time for cases they are involved in to come to court. We will consider whether there are buildings other than conventional court centres where cases that do not require extensive security (such as contested driving cases for example) can be heard. Examples might include civic centres and other public buildings that are often not used at certain times.

4.3.4 There has been a recent move towards administrative justice where uncontested cases are dealt with in private and away from courtrooms that are open to the public. Liberal Democrats are committed to open justice and

would reverse that policy. Such cases could equally be dealt with in buildings that are open to the public at the same cost.

## 4.4 Jury trials

4.4.1 Jury trials form the bedrock of our criminal justice system in the Crown Court. The Liberal Democrats would retain the right to trial by jury in all cases where it currently exists and will oppose any moves to restrict it, either directly or through changes to the powers of the lower courts or classification of offences.

## 4.5 Criminal legal aid

4.5.1 Criminal Legal Aid has a vital part to play in a democracy in which people are presumed innocent until proven guilty. An inadequately funded system can directly cause miscarriages of justice, erode public confidence in the criminal justice system and make the courts less efficient and more expensive to run. **The Liberal Democrats will ensure that everyone charged with a criminal offence is entitled to representation by suitably skilled and appropriately experienced lawyers drawn from a diverse market of providers, large and small, including those close to the communities they serve.**

4.5.2 The amount spent on criminal legal aid has fallen considerably in recently years partly as a result of government cuts but also as a result of falling crime levels. Recognising the pressure on resources, **Liberal Democrats would seek to counteract the effect of the cuts by securing alternative sources of funding for criminal legal aid over and above that presently provided by the taxpayer.**

4.5.3 **Liberal Democrats would repeal section 41(4) and 41(5) of the Proceeds of Crime Act 2002, which prevents**

**those subject to Restraint Orders from undertaking legal expenditure in relation to the offence for which they are under investigation or being prosecuted.** This will bring criminal law in line with civil Freezing Orders, whilst reducing the burden on criminal legal aid.

4.5.4 Serious fraud cases take up a disproportionately large amount of the criminal legal aid budget. Many defendants in these cases are or were company directors. **Liberal Democrats would make it compulsory for particular categories of company director to take out legal expenses insurance to cover them in respect of criminal proceedings arising out of their directorship with such people ceasing to be eligible for legal aid.**

4.5.5 Liberal Democrats are very concerned at the effect of recent changes to legal aid on the market of independent solicitors, many of which are small High Street businesses. No further reductions to the legal aid rates paid to solicitors should be undertaken without a full impact assessment of the reductions on the viability of a vibrant, competitive and diverse market of providers.

## **4.6 Review of sentencing**

4.6.1 Liberal Democrats welcome the fact that current sentencing is broadly consistent region by region, and judge by judge in respect of identical offences. However, we are concerned that there are serious inconsistencies between the maximum sentences and the sentencing range available for different types of offences, even if their impact is similar.

4.6.2 There is no process for comparing the maximum sentence available for new offences with those that exist for current offences. In the same way, it appears that no consideration of the harm or outcomes of the new crime is

taken into account when setting the maximum sentence. For example, one would have to steal roughly four times as much from the public purse (for example in a benefit fraud or revenue fraud) in order to receive a similar sentence to that for theft from an employer.

**4.6.3 Liberal Democrats will conduct a full review of criminal sentencing. That process would involve placing all offences on a linear scale, similar to the fixed scale system used for fines, arranging them in a logical order relative to harm and relative to each other.** Future offences can then logically and fairly be placed within this scale. The Crime-Harm Index that we propose is the necessary starting point for that rationalisation of sentencing (refer to 3.1.2). As creating a crime-harm index is no small task, **we will instruct either the Law Commission or a Royal Commission, to review and research the issue, consulting with experts both within and outside of government whilst engaging the public and other stakeholders in the process.**

## **4.7 Procurement within the courts**

4.7.1 Liberal Democrats are concerned at some recent examples of poor procurement within the Ministry of Justice. The Justice Select Committee has been scathing about a number of such exercises including the contract for the provision of court interpreter services, which appears to be costing more money and yet has reduced service delivery to an unacceptably low level. There are also investigations underway into the contracts for the tagging of offenders and there are too many reports of the prison transportation contracts running in an unsatisfactory manner. Any delay in the production of prisoners or the attendance of interpreters wastes money in the courts and compounds the distress of victims. **Liberal Democrats will undertake an urgent review of procurement within the Ministry of Justice with the aim**

**of improving the process of procurement, the nature of the suppliers selected and the structure of the contracts.**

## **4.8 Prisons and probation**

4.8.1 The Liberal Democrats are committed to reducing the number of people in prison by reducing re-offending. However, prison places will always be necessary to protect the public from serious and dangerous offenders.

4.8.2 In recent years, private sector provision in prisons has grown. This provision covers all services in one institution from accommodation, food, security and transport to rehabilitation and it is carried out by one large provider who is contracted to operate the whole establishment. Third sector providers are generally unsuitable to run custodial establishments because they are smaller in size but they often have more local and specialist knowledge of what works to reduce re-offending. **In private sector prisons, whenever new contracts are let, we will separate the delivery of rehabilitation and training services from the other elements of provision and split the contracts for each.** This separation would effectively allow third sector providers to enter the rehabilitation market if successful in the bidding process.

4.8.3 Enabling the entrance of these organisations allows for the offer of a more tailored programme for rehabilitation thus increasing the likelihood for success. It may be that the same operator that provides rehabilitation services outside of the prison secures the contract to do so inside. That would allow a real alignment between the two and proper through-the-gate support that is often lacking in the present structure.

4.8.4 Liberal Democrats in Government have already overseen and championed better through-the-gate-planning



as part of the Transforming Rehabilitation programme. That includes assisting prisoners to maintain effective family contact and providing access to help with finding work and training. **We will endeavour to continue to improve this facility by working with third sector organisations who concentrate on assisting offenders prior to and for a substantial period of time after release. We will ensure that the last few months of a custodial sentence are devoted to job-seeking, the securing of accommodation and the creation of the foundations for a law-abiding life post-release. It is unacceptable for ex-prisoners ever to be released with no accommodation or support. We will promote the practice of rehabilitation workers meeting released people at the prison gate where appropriate.**

4.8.5 The ‘Troubled Families’ initiative is working well and demonstrating that having a single caseworker to give continuity for both the families involved and the public sector services that work with them can deliver real results. We will pilot and encourage the practice of ex-offenders being assigned a single caseworker from probation or any of the rehabilitation providers with whom they can build a relationship. This will provide continuity and stability, which, in turn, decreases the likelihood of reoffending. We will continue to encourage Prison Officers to befriend and assist those in prison.

## 4.9 Devolution

4.9.1 Liberal Democrats have long been champions of devolution. Accordingly, we would devolve that part of the Ministry of Justice budget that is spent in Wales to the Welsh Assembly as recommended by the Silk Commission. We expect that arrangements would be arrived at to deal with areas in which the Welsh Assembly would require assistance from elsewhere, such as in the provision of custodial places for women.

## 5. Rehabilitation

5.0.1 The re-offending rate remains stubbornly high. Reducing it is a key priority for Liberal Democrats, both in protecting victims of crime and in making sure offenders avoid a cycle of crime. There is no one size fits all solution to rehabilitation, the Liberal Democrats recognise this and will endeavour to apply evidence-based approaches wherever possible in order to ensure that offenders do not go on to re-offend.

### 5.1 Women offenders

5.1.1 Women represent around 5% of the overall prison population in the UK. The majority of female offenders have committed a non-violent offence and a large proportion of them have suffered domestic and sexual violence.<sup>7</sup> Most of them do not represent a danger to the public. Liberal Democrats believe that, for women offenders, alternatives to custody need to be made more widely available and used, not because of dogma but because the evidence suggests that such alternatives work better for many offenders.

5.1.2 The Youth Justice Board for England and Wales (YJB) has been very successful in reducing the numbers of young people in custody. Since the Liberal Democrats have been in Coalition Government the numbers have consistently fallen year on year. Based on this success we will seek to reduce the number of women in prison and establish a Women's Justice Board tasked with overseeing the key issues around prevention, custody and rehabilitation. Like the YJB it will be an executive non-departmental public body with board members appointed by the Ministry of Justice (MOJ).

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<sup>7</sup> <http://www.womeninprison.org.uk/statistics.php>

5.1.3 More often than not when a woman is placed in custody it has far reaching and devastating effects on her family, in particular children, and those who rely on her. The welfare of children is paramount and should be considered when sentencing their carers to custody to prevent their lives becoming more disrupted, aside from the knock on effect it has to related public services. **We will seek to put in place legislation akin to that the New Zealand Government implemented – for the best interests of the children of women prisoners to be considered when determining sentencing options.**

5.1.4 There is a growing shift in how non-violent women offenders are dealt with in criminal justice systems around the world. Research has shown that the benefits of maintaining family and community links, where possible, facilitate rehabilitation more successfully than otherwise. With this at the forefront **we will pilot alternatives to prison for non-dangerous women offenders. Those will include residential centres outside the custodial estate such half-way houses, or, alternatively using tagging or home detention more widely.**

## **5.2 Prisoners and prisons**

5.2.1 The average cost of a prison place is £35,000. Liberal Democrats are committed to an overall reduction in the prison population. That does not mean being soft on offenders: it means aggressively tackling the factors that cause re-offending.

5.2.2 **We will invite the Sentencing Council to make the question of whether an offender represents a risk of harm to the public a major factor for the court to consider when sentencing offenders. We will also encourage the courts to make more use of deferred sentences, adjourning and**

**setting offenders a list of objectives for them to meet if they wish to avoid custody.**

5.2.3 Liberal Democrats have long argued for a presumption against short-term prison sentences (those of less than 6 months duration) because the length of those sentences makes effective rehabilitation impossible. Tough community sentences should be used instead in those cases. **That presumption should continue.**

5.2.4 Evidence has shown that prisoners are much less likely to reoffend if they are housed in prisons near to their home, where appropriate. For men in particular maintaining family relationships is key to successful rehabilitation and being housed nearer to home helps achieve this. **We will seek to extend the housing of prisoners near to their homes wherever possible.**

5.2.5 Many people in prison pose little danger to the public. International examples in countries such as Norway suggest sentences such as intermittent custody can be successful in reducing re-offending. Intermittent custody restricts the liberty of those sentenced to it but it also allows them to maintain the pillars of a law-abiding life – work, family, relationships – and it reduces the likelihood of reoffending and the cost to the tax payer. **We will pilot a range of intermittent custody models whereby liberty is curtailed by curfews, weekend or evening custody and we will seek to identify what works and what is cost effective. In addition, we will make wider use of GPS tagging of offenders.**

5.2.6 Through-the-gate planning is vital in preparing offenders for life outside of prison. Offenders on release can often struggle with finding accommodation, employment and managing money and time. We have set out ways to improve through-the-gate planning in section 4. Offenders who are released from prison are often subjected to conditions on

their licenses. A breach of those license conditions can lead to a recall to prison. Breaches can happen for many reasons. For example women may miss appointments due to childcare commitments or in some instances probation and social care officials cancel a meeting which then gets categorised as a missed appointment. **To support and aid the process of rehabilitation we will issue guidance that those who commit a minor or technical breach of their licenses should not be recalled to prison.**

**5.2.7 We will ensure that prison premises have full access to educational resources and reading materials to assist rehabilitation and that literacy skills are suitably prioritised.**

## **5.3 Young people**

5.3.1 The number of young people in custody is now very low and continuing to fall which is a huge success of the Coalition Government. **The Liberal Democrats would like to see these numbers fall even further. Custody should only be an option in those cases where there is genuinely no alternative.**

5.3.2 The custody budget for youth justice is currently funded from the Ministry of Justice sponsored Youth Justice Board with the remand budget having been successfully devolved to local authorities. Local authorities are better placed to determine and commission providers to care and deal with the needs of young people who have found themselves in the criminal justice system. They know what works in their area and who provides the best services to ensure the maximum possible outcomes with regards to cutting reoffending rates. **We will follow the recommendations of the Justice Select Committee and devolve not only the remand budget but the entire**

**custody budget to enable and encourage local authorities to invest in effective alternatives to custody.**

5.3.3 A startling 73% of young offenders sentenced to custody go on to reoffend. The Justice Select Committee has called for a ‘statutory threshold to enshrine in legislation the principle that only the most serious and prolific young offenders should be placed in custody’. **The Liberal Democrats support this and will ensure that when considering custody for young people the court will be subject to a duty to consider and explore all alternatives. Custody for young people must be imposed only as a last resort.**

5.3.4 Evidence from Northern Ireland has shown that involving young offenders’ families in the rehabilitation process from the outset, in, for example, family based therapy, can vastly decrease the likelihood of re-offending. **We will, subject to successful piloting, extend this model to England and Wales giving young people every encouragement to get back on track and not reoffend.**

5.3.5 Helping young offenders find work and stay in work can drastically reduce the chances of them re-offending. There are some very positive examples of businesses becoming involved in the rehabilitation process. Organisations need to be encouraged to see the benefits of considering rehabilitated offenders who may well prove to be loyal employees. **We will work with companies and NGOs to incentivise and achieve access to traineeships where appropriate.**

5.3.6 **As with the adult population there are more young people from black and minority ethnic communities in custody. We are committed to reducing these numbers and the number of young people who breach the terms of their community sentences.**

## 6. Cybercrime

6.0.1 As technology evolves so we become more dependent on it. That dependency can leave individuals and organisations susceptible to crime – cybercrime. The short definition of cybercrime is ‘the use of any computer network for crime’ and its scale is growing. In the UK it is estimated that 12.5 million people have been a victim of cybercrime in 2012/13 either knowingly or unknowingly. We need to equip current and future generations with the skills and knowledge to prevent it.

### 6.1 Prevention

6.1.1 Conducting transactions, having conversations, accessing and storing data online are all now a way of life. Making sure we can carry these out in a safe environment is paramount. However knowing how to make your data and online communications as secure as possible is not always easy and there is a need for information to be made simpler and more accessible.

6.1.2 In line with the recommendations of the Home Affairs Committee **we will encourage ‘organisations, businesses and schools to provide users with appropriate information and risk management training’ and will look to increase the resources already available for this.**

6.1.3 A by-product of using online facilities is the dissemination of our personal data to the provider. Every purchase online involves the transmission and storage of the customer’s name, credit card details and address. This data is stored to make it easier to conduct a transaction next time

that customer visits the site and for the organisation collecting the data to use it for future marketing purposes.

6.1.4 Short of not storing any data there will always be a threat to its security by either human error or crime, regardless of how secure a database may seem to be. To help minimise risk we will encourage and promote individuals to move towards personalised, secure storage of information, rather than the current method of harvesting and storage by companies, which is then made vulnerable to attacks.

**Personalised storage will have the added long term benefit of economies of scale as attacks on an individual are less 'rewarding' than an attack on a centralised database.** In essence, all our e-eggs should not be stored in one basket.

## 6.2 Channeling resources the right way

6.2.1 The Coalition Government has put in place the National Cyber Security Programme (NCSP) with £650 million of funding committed in 2015. The funding is to 'build on existing projects and also support new investment, enabling the UK to retain its emerging reputation as a leader in the field of cyber security'<sup>8</sup>.

**6.2.2 We will look to direct police resources and recruit and train more dedicated cybercrime detectives to continue to strengthen our expertise in fighting this fast changing crime.**

**6.2.3 Liberal Democrats are committed to a reduction to the bulk mining of data on innocent people.** This is an invasion of privacy and not an effective use of resources, which could be channelled into more targeted cybercrime

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<sup>8</sup> <https://www.gov.uk/government/speeches/uk-cyber-security-strategy-statement-on-progress-2-years-on>



prevention – for example in software and encryptions systems. As the bulk mining of data decreases, so resources will be freed up for other uses, such as more cybercrime detectives.

## 6.3 Criminal liability for social media

6.3.1 There have been a number of high-profile prosecutions of people in relation to the use of social media. Some were undoubtedly justified, such as in cases of cyber-bullying, but other cases involved people who have made remarks over social media platforms which were misconstrued as threatening when they were instead ill judged humour. The standards of criminal liability as between statements made on social media and those made in conversations differ.

6.3.2 We will align the basis of criminal liability for threatening words and behaviour under section 1 of the Malicious Communications Act 1988, section 5 of the Public Order Act 1986 and section 127 of the Communications Act 2003. Currently a person can be criminally liable for a message sent by social media that would not amount to an offence if spoken between two people and vice versa. We will look to standardise the law between them and introduce a single speech based offence to apply to both. With a presumption in favour of free speech, we would not seek to criminalise those engaged in debate or legitimate public discussion, or who merely insulted another person, or who did not intend to cause harassment, alarm or distress. **We will set a high threshold for prosecution in cases where it is said that abusive words were used.**

6.3.3 In line with this, we will ensure that police forces are given clear guidance on the threshold for offences, in order to reduce the instances of over-policing of complaints – relating

to insult, or unintentional distress and alarm – which can have a significant effect on free expression.

## 6.4 Cyber-bullying

6.4.1 With increasing use of new forms of technology there comes new forms of crime involving intimidating and threatening behaviour often referred to as cyber-bullying.

6.4.2 Many instances of bullying in schools now take place over social media. Recent tragic cases have illustrated the power of social media in affecting the lives, particularly of young people. Where bullying might once have stopped at the school gates, now it can pervade a child's home life as well causing potentially devastating effects. **We will ensure that the named person in schools with responsibility to assist the victims of crime (see section 2) have a duty to be proactive in dealing with cyber-bullying, building on the good work that many schools have undertaken already.** We will also encourage schools to educate parents about cyber-bullying and what can be done to prevent it.

6.4.3 'Revenge Porn', the practice of posting intimate photos of ex-partners online is a growing problem, and is likely to be exacerbated with the advent of high-definition video cameras on phones and cameras built into glasses. Such acts of revenge are a violation of the victim's privacy and can have profound and devastating effects on the victim's life, including personal, family and work relationships. We believe that a person who has consented to the possession of an image within the context of a private relationship retains a reasonable expectation of privacy. The challenges to taking such material down from the internet after the event means that prevention will always be better than cure. **We will legislate to make it a criminal offence for an individual to knowingly disclose a photograph, film, videotape, recording, or other reproduction of the image**

**of another, identifiable person whose intimate parts are exposed or who is engaged in a sexual act, when the individual knows or should have known that the person depicted did not consent to such disclosure and under circumstances in which the person has a reasonable expectation of privacy.**

## **6.5 Reporting and detecting cyber-crime**

6.5.1 More of us own mobile phones and tablet devices than ever before. That has inevitably led to an increase in thefts particularly from the person. Collective action from the mobile phone manufacturers, the Police and the government has led to the number of thefts falling for the first time in the second quarter of 2014. Part of the reason for this decline is that manufacturers have made design changes to allow the phone to be tracked if it is stolen. This is another example of how designing out crime can play such a crucial part in crime reduction. **We will continue to ensure all stakeholders work together to tackle such thefts, as evidence shows this method is working.**

6.5.2 Reporting crime is becoming easier with the facility to do so online for non-emergency incidents. This frees up the time of the front line police and is simpler for many of those wanting to report a crime. The Coalition has invested in Action Fraud – the nationwide online reporting website for cybercrime. It needs to be better publicised though. **We will continue to support and develop this website by public awareness initiatives and extending the model to other forces for wider use in the reporting of crime.**

6.5.3 We are in danger of accepting low level, cyber fraud and phishing crimes as inevitable. A small theft can often be seen as an inconvenience, with those affected resigning themselves to it never being recovered. **We will encourage**

**both police and organisations to take ‘minor offences’ seriously.**

## **6.6 Digital offences**

6.6.1 The Data Protection Act 1998 is an important piece of legislation that seeks to protect the confidentiality of personal data and sensitive personal data. It is too often breached. Civil and criminal breaches of the Act can cause inconvenience, such as nuisance calls and the persistent marketing of unwanted products and services on the doorstep. They can also cause great distress where sensitive data is released. Levels of fines for those civil breaches were increased in 2009 and are set out in section 60 of the Act. The penalty for a company is an unlimited fine. The penalty for a criminal breach of the Act (under section 55) was increased by Parliament in the Criminal Justice and Immigration Act 2008 to include the possibility of a custodial sentence and an improved public interest defence, but this has never been brought into effect, despite the recommendations of several Parliamentary Select Committees and the Leveson Inquiry. Liberal Democrats remain committed to the commencement of these provisions.

## **Doing What Works to Cut Crime – Policy Paper 118**

This paper has been approved for debate by the Federal Conference by the Federal Policy Committee under the terms of Article 5.4 of the Federal Constitution. Within the policy-making procedure of the Liberal Democrats, the Federal Party determines the policy of the Party in those areas which might reasonably be expected to fall within the remit of the federal institutions in the context of a federal United Kingdom. The Party in England, the Scottish Liberal Democrats, the Welsh Liberal Democrats and the Northern Ireland Local Party determine the policy of the Party on all other issues, except that any or all of them may confer this power upon the Federal Party in any specified area or areas. The Party in England has chosen to pass up policy-making to the Federal level. If approved by Conference, this paper will therefore form the policy of the Federal Party on federal issues and the Party in England on English issues. In appropriate policy areas, Scottish, Welsh and Northern Ireland party policy would take precedence.

## **Working Group on Crime and Criminal Justice**

Note: Membership of the Working Group should not be taken to indicate that every member necessarily agrees with every statement or every proposal in this Paper.

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