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LAW AND ORDER: A NEW RESOLVE

A Paper by the Rt Hon William
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WW/DH/NET/JM

Protection of the Citizen

LAW AND ORDER: - A NEW RESOLVE

1. The Party of freedom must be the Party of order. If free choice is to be encouraged, property and its obligations upheld and growing prosperity widely shared among all our people; it follows that we must seek also a world in which that free choice can be confidently exercised under the law, in which property is naturally respected and prosperity enjoyed without threat to physical safety from either persons or groups.

We therefore need have no hesitation about standing four-square for the maintenance of law and order, and for policies and attitudes which are aimed both at the root causes of crime and lawlessness and at their detection and prevention.

2. These policies should be presented as a coherent programme drawing together the two categories of measures needed to increase respect for the law and to reduce crime and violence.

3. In the first category come:-

Economic Policies which will offer creative occupation particularly for young people, and which will help to build up personal ownership, give people a stake in the community and thus a sense of belonging;

Social Policies which will give incentive to work and effort, strengthen the family bond, emphasise the personal, as against the collectivist, foundations of a law-abiding society, encourage voluntary services and participation at all levels in community work;

Educational Policies which uphold values at school and concentrate on standards of education;

Planning Policies which favour speedy, human scale restoration of city centre life in place of municipal deserts;

Housing Policies which encourage individual home ownership in place of mass tenancies on soul-less council estates;

Combined Policies and Attitudes which emphasise and reward the inherent virtue in smaller enterprise, community and charity work and responsible citizenship, which reject all

manifestations of violence and public disorder, however "justified" or "inevitable", which emphasise good race relations and command the resources to back up this aim.

4. In the second category of measures, come our commitments to a stronger and better-paid police force, sharper sentences where appropriate, the establishment of corrective institutions where these sentences can be applied, and restored power to Magistrates' Courts and Crown Courts to administer effective sentences. The components of this part of our policy are as follows:-

a) A Strong Police Force

← K Conservatives are committed to back our police service unequivocally. The Edmund Davies enquiry is likely to recommend substantial pay increases and we shall support these. In the long term police pay should be linked to national average earnings in a relationship guaranteed by the Government. The special problems of the police in metropolitan areas merit a special weighting of pay. M

At the same time the police should cease to pursue their claim of the right to strikes.

A high priority will be given to overcoming police manpower shortages. The police have failed to attract sufficient numbers of graduates and other young people of exceptional ability. A low status in society, inadequate pay and poor conditions have contributed to these problems.

We need to reduce the number of resignations amongst experienced officers, and, once pay and conditions have been greatly improved, to respond to requests from Chief Constables that we should raise police establishments by up to 20 per cent, giving a target for the total police force of 140,000 against the present 116,380. In 1977 5,857 males joined the police and 7,936 left. 2,146 females joined and 1,344 left, the latter on average after only three years.

We will review aspects of the criminal justice system which are vexing to the police force, notably the present ready availability of bail to violent offenders and the right of a defendant not to have revealed in court his refusal at time of arrest to answer questions relevant to his offence.

The involvement of local authorities in the financing of police pay and their responsibility for the adequate policing of the various police authority areas will be maintained.

We will resist any plans for the creation of a national police force.

We intend to expand that part of police duties which involves them in community work, such as their work in helping and rehabilitating young people in trouble and young offenders through their Juvenile Bureaus.

b) Sentencing Offenders

We are dissatisfied with present policies on the sentencing of offenders. It is right to continue the move towards treating the bulk of offenders through non-custodial sentences (see below), but non-custodial sentences must be supervised by people of sufficient experience and responsibility if they are to be effective.

We wish to see sentencing policy developed in four aspects:-

1) The Shorter Sentence is the Better

From the deterrent point of view we believe that the major impact of a prison sentence is in the initial period. For this reason alone we support the greater use of short sentences - although not for serious crimes of violence, armed robbery, terrorist offences or murder.

It is also the case that shorter sentences would ease the serious over-crowding in British prisons and that prolonged imprisonment is an enormously expensive treatment (it now costs £96 a week to keep someone in prison).

But our main argument remains that the deterrent and reformative effect, if any, of prison will in most cases be felt in a short period. There is evidence that long sentences create persistent and hardened offenders and recidivists.

ii) Sentencing of Young Adult Offenders

We wish to apply the short sentence approach to young offenders in particular and to make the sentence a sharp one. To do this we propose the conversion of at least one detention centre for use as a 'glasshouse' institution, run on a tightly disciplined but constructive regime. For the future we hope to use a number of these centres as the last resort for persistent young offenders before a full custodial sentence is passed on them. (See Limitations on the Courts below.)

iii) Custody and Control

The Younger committee recommended a mixed sentence for certain offenders, partly in prison, partly under careful control - something more than prison aftercare - outside for a fixed period. The Probation service argued for a more 'supervised' and less controlled after prison period, but partly through the failure of the Prison service and the Probation service to agree on details the idea has languished. We wish to see it revived and tried out as a partial alternative to a full custodial sentence.

iv) Non-Custodial Alternatives

We want to encourage the use of compulsory attendance centres at junior and senior levels. The junior attendance centre treatment would be well suited to under 17 year old football hooligans. The Labour Government is not committed to the attendance centre idea and is proposing to close down the two existing senior centres. We shall reverse this approach.

We also welcome the greater use of community service orders and work focus programmes - schemes under which offenders are organised into full-scale work teams to carry out agreed community projects under professional management.

We believe that it may be possible to combine the idea of compulsory attendance - possibly each week-end - with the idea of work team projects or community service activities, again as an alternative to prison. In South London a number of serious motoring offenders are employed on a compulsory attendance basis in a large motor repair and rebuilding workshop, instead of being kept in prison. We want to see projects of this kind greatly extended.

c) The Role of Magistrates

We will amend the 1969 Children and Young Persons Act to restore to magistrates the power to impose custodial sentences and secure care orders on young offenders.

We wish to re-involve magistrates fully in decisions about the sentencing of young offenders. This does not mean ending the important work of social service departments in making recommendations about the treatment of offenders. Magistrates should clearly give due weight before sentencing to the judgment of experienced social workers and probation officers.

We wish magistrates to receive proper training in sentencing policy. Punishment and treatment must not only fit the crime but also the offender. Courts should have available to them as wide a range of methods for dealing with offenders as possible - fostering, community homes, community service orders, all have a role to play in leading offenders away from crime.

d) Sentencing by the Courts

We are concerned about the limitation on the Courts in imposing custodial sentences on 17 - 21 year olds. Under Section 3 of the 1961 Criminal Justice Act sentences are restricted to six months or less, or three years or more. The original argument for this was to discourage courts from passing heavy sentences on younger criminals except in circumstances so bad that a long sentence was totally justified. But we doubt whether this works

in practice and wish to see greater flexibility restored. We will consider reducing to sixteen the age of criminal responsibility.

e) Prisons and Probation

Changes in sentencing policy will be one factor helping to alleviate the serious overcrowding in prisons. When resources are available we will provide funds for capital spending to relieve overcrowding, which affects the ability of prison and probation staff to work towards the rehabilitation of offenders.

We will support a bail hostel programme to provide for the 'no-fixed abode' type of offender who at present has to be held in remand prisons like Brixton for pointlessly long periods while awaiting trial.

We propose, too, the establishment of special detoxification centres for the treatment of alcoholics.

We are considering the idea of removing the prison department from the Home Office and putting it under the control of prison commissioners reporting directly to the Home Secretary.

f) Obscenity and Public Standards

We will support action to prevent the display of indecent books, magazines and advertisements in public places.

We will also support the Private Member's Bill introduced by the Conservative MP, Mr. Cyril Townsend, designed to put an end to the exploitation of young children by photographers and publishers in pornographic magazines.

g) Capital Punishment

We believe that judgment of capital punishment must remain a matter of conscience and of principle for all individuals. We could not, therefore, seek to introduce legislation on party lines. We will however allow time for discussion and free vote in

Parliament on any Bill introduced by a Private Member for the purpose of restoring capital punishment.

5. We cannot emphasise too strongly the need to present these policies as a whole in Opposition, and not to allow our themes to be broken down and compartmentalised either by Labour propaganda or by traditional Home Office habits of dealing with issues in isolation from each other.

We must make it understood that to uphold law and order means in our terms, to promote a whole set of economic, social community and organisational measures, to help raise personal standards, reduce the opportunity for crime, speed up detection, strengthen deterrents, and increase the chances of lasting rehabilitation.

We need a new resolve to beat crime and we need to present our intentions not as a "law and order" parrot cry, but as a combined programme to be pursued on all fronts, to beat back crime and improve the whole quality of life and its surroundings, particularly within inner urban areas and decaying city centres.

NET/JM

23rd February 1978