

## Conservative-Liberal Democrat coalition government: Law and order

This Criminal Justice Alliance briefing summarises what we know to date about the Conservative-Liberal Democrat coalition government's priorities on crime and criminal justice, and the relevant personnel.

It also looks at some further possible areas of agreement and then restates analysis from our earlier briefing examining the contents of the two parties' election manifestos.<sup>1</sup>

Personnel (as of 13 May 2010)

### Cabinet

**Rt Hon Kenneth Clarke QC MP** (Conservative) is the Lord Chancellor and Secretary of State for Justice. Before the election he was Shadow Secretary of State for Business (since January 2009). He is a barrister and became a QC in 1980. He was Home Secretary from 1992 to 1993 and Chancellor from 1993 to 1997. In December 2005 he was appointed head of the Conservatives' Democracy Task Force. He has said in a BBC interview that he is "completely out of date" on justice issues (the interview is online at [http://news.bbc.co.uk/1/hi/uk\\_politics/8677914.stm](http://news.bbc.co.uk/1/hi/uk_politics/8677914.stm)) but has since added: "The department handles a number of the issues that I was previously responsible for when I was Home Secretary. I know the importance the public place on a number of these issues: ensuring we have a criminal justice system that protects them and that they can trust, and a court and legal system that meets their needs. This role will mean making difficult decisions but I am looking forward to working to meet the challenges ahead." Joshua Rozenberg discusses the appointment at <http://www.guardian.co.uk/law/2010/may/13/ken-clarke-ministry-of-justice> and Clarke has also been interviewed on the BBC's 'The World at One' (<http://www.bbc.co.uk/programmes/b00s8k9c> at 27.49).

**Rt Hon Theresa May MP** (Conservative) is the Home Secretary and Minister for Women and Equality. Before the election she was Shadow Secretary of State for Work and Pensions (since January 2009) and Shadow Minister for Women. She had previously been: Shadow Secretary of State for Education and Employment (1999-2001); Shadow Secretary of State for Transport, Local Government and the Regions (2001-2002); Shadow Secretary of State for Transport (2002); Chairman of the Conservative Party (2002-2003); Shadow Secretary of State for Environment and Transport (2003-2004); Shadow Secretary of State for the Family (2004-2005); Shadow Secretary of State for the Family and for Culture, Media and Sport (2005); and Shadow Leader of the House of Commons (2005-2009). The *Guardian* discusses her appointment at <http://www.guardian.co.uk/commentisfree/2010/may/12/theresa-may-nobodys-stooge> and profiles her at <http://www.guardian.co.uk/politics/2010/may/12/profile-theresa-may-home-secretary>

**Rt Hon Dominic Grieve QC MP** (Conservative) is the Attorney General, and will be invited to attend Cabinet meetings when required. Before the election he was Shadow Secretary of State for Justice (since January 2009). He was appointed Shadow Attorney General in 2003 and became Shadow Home Secretary in June 2008. The *Guardian* discusses the appointment at <http://www.guardian.co.uk/politics/2010/may/12/coalition-dominic-grieve-attorney-general-profile>

### Ministers

**Nick Herbert MP** (Conservative) is jointly a Minister of State at the Ministry of Justice and the Minister of State for Police Reform in the Home Office. Before the election he was Shadow Secretary of State for the Environment, Food and Rural Affairs (since January 2009). He had previously been Shadow Minister for Police Reform from December 2005 to June 2007 and Shadow Secretary of State for Justice from June 2007 to January 2009. Prior to his election in May 2005, he was the Director of the think-tank Reform.

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<sup>1</sup> The earlier briefing on the election manifestos is available at <http://www.criminaljusticealliance.org/electionmanifestosbriefing.pdf> - there are also background briefings available on the Conservatives' policies ([www.criminaljusticealliance.org/conservativepolicybriefing3.pdf](http://www.criminaljusticealliance.org/conservativepolicybriefing3.pdf)) and the Liberal Democrats' policies ([www.criminaljusticealliance.org/libdemspolicybriefing2.pdf](http://www.criminaljusticealliance.org/libdemspolicybriefing2.pdf)).

**Rt Hon Lord McNally** (Liberal Democrat) is a Minister of State at the Ministry of Justice. Before the election he was Leader of the Liberal Democrats in the House of Lords (since 2004). He was elected as a Labour MP in 1979 and joined the Social Democratic Party in 1981. He left parliament in 1983 and in 1995 he was appointed a Life Peer. Following the 1997 General Election he became spokesman on Home Affairs and in 2001 was elected Deputy Leader of the Liberal Democrats in the Lords.

**Edward Garnier QC MP** (Conservative) is the Solicitor General. Before the election he was Shadow Attorney General (since September 2009). He was a member of the Home Affairs Select Committee between 1992 and 1995, and from 1997 to 1999 he was the Opposition Front Bench Spokesman for the Lord Chancellor's Department. From June 1999 to September 2001 he was Shadow Attorney General and in May 2005 he was appointed as a Shadow Minister for Home Affairs. In July 2007 he was appointed as a Shadow Minister for Justice.

More ministers will be announced soon.

### Policy

A document setting out agreements reached between the Conservatives and Liberal Democrats on a range of issues was published on 12 May. It contains very little information on criminal justice, but the contents that are relevant to the Criminal Justice Alliance's work are summarised below.

On **Civil Liberties** they will "implement a full programme of measures to reverse the substantial erosion of civil liberties under the Labour Government and roll back state intrusion". This will include:

- A Freedom or Great Repeal Bill.
- The scrapping of the ID card scheme, the National Identity register, the next generation of biometric passports and the Contact Point Database.
- Outlawing the finger-printing of children at school without parental permission.
- The extension of the scope of the Freedom of Information Act to provide greater transparency.
- Adopting the protections of the Scottish model for the DNA database.
- The protection of historic freedoms through the defence of trial by jury.
- The restoration of rights to non-violent protest.
- The review of libel laws to protect freedom of speech.
- Safeguards against the misuse of anti-terrorism legislation.
- Further regulation of CCTV.
- Ending of the storage of internet and email records without good reason.
- A new mechanism to prevent the proliferation of unnecessary new criminal offences.

On **Immigration** they will end the detention of children for immigration purposes.

On **Relations with the EU** they will:

- Examine the case for a United Kingdom Sovereignty Bill to make it clear that ultimate authority remains with Parliament.
- Approach forthcoming legislation in the area of criminal justice on a case by case basis, with a view to maximising the country's security, protecting Britain's civil liberties and preserving the integrity of the criminal justice system.
- Britain will not participate in the establishment of any European Public Prosecutor.

The agreement is available at:

[http://www.libdems.org.uk/latest\\_news\\_detail.aspx?title=Conservative\\_Liberal\\_Democrat\\_coalition\\_agreements&pPK=2697bcdc-7483-47a7-a517-7778979458ff](http://www.libdems.org.uk/latest_news_detail.aspx?title=Conservative_Liberal_Democrat_coalition_agreements&pPK=2697bcdc-7483-47a7-a517-7778979458ff)

Liberty's assessment of the agreement is available at: <http://www.liberty-human-rights.org.uk/pdfs/policy10/liberty-response-to-the-con-lib-coalition-agreement.pdf>

This agreement will be followed in due course by a final coalition agreement, covering the full range of policy and including domestic policy issues not covered in this document.

## Areas of agreement

As well as the above policy areas, the election manifestos of the two parties suggest the following areas of agreement:

- Both parties want to introduce elections into the management of police forces to increase accountability. The Conservatives proposed making the police accountable to a directly-elected individual, while the Liberal Democrats wanted to introduce the direct election of police authorities. In a talk to Home Office staff, Home Secretary Theresa May said that directly-elected police commissioners would be introduced (<http://www.youtube.com/watch?v=QmJRmQDCkRc>), and she later confirmed that work on this would begin immediately (<http://www.homeoffice.gov.uk/media-centre/top-stories/home-sec-meets-police>).
- Both parties promised to reduce police bureaucracy. In an interview Theresa May said that cutting police bureaucracy will be a priority, but would not guarantee that police numbers will not be cut ([http://news.bbc.co.uk/1/hi/uk\\_politics/8678999.stm](http://news.bbc.co.uk/1/hi/uk_politics/8678999.stm)).
- Both parties advocated reducing the criminalisation of young people. The Conservatives proposed a series of early intervention measures, including grounding orders, while the Liberal Democrat manifesto proposed setting up Neighbourhood Justice Panels.
- Both parties supported prioritising the deportation of foreign national prisoners.
- Both parties proposed allowing prisoners to carry out paid work for 'real' wages, with deductions to be paid into a fund for victims.
- Both parties have advocated greater use of restorative justice.

## The manifestos

The parties' election manifestos covered the following issues related to criminal justice.

### **Policing**

- The **Conservative** manifesto included proposals for making the police accountable to a directly-elected individual who will set policing priorities for local communities, with responsibility for setting the budget and the strategy for local police forces. It also promised to reduce police paperwork, including reducing the paperwork around stop and search by abolishing the stop form altogether and by having police "radioing in" reports of searches rather than filling in paperwork. Other proposals included returning charging discretion to the police for minor offences; amending the health and safety laws that "stand in the way of common sense policing"; giving the police the power to identify offenders in order to protect the public and prevent crime; processing offenders more quickly by video-linking custody cells and courts; and obliging the police to publish detailed local crime data statistics every month, in an open and standardised format.
- The **Liberal Democrat** manifesto proposed putting 3,000 more police on the beat, reducing bureaucracy at police stations through the use of technology and a review of the terms and conditions for police officer employment. It also proposed introducing the direct election of police authorities and giving more power to these elected police authorities, including the right to sack and appoint the chief constable, set local policing priorities, and agree and determine budgets. Hospitals were also to be made to share non-confidential information with the police so they know where gun and knife crime is happening and can target stop and search in gun and knife crime hot spots.

### **Antisocial behaviour**

- The **Conservative** manifesto proposed introducing a series of early intervention measures, including grounding orders, to allow the police to use instant sanctions to deal with antisocial behaviour without criminalising young people unnecessarily. It also included a number of measures to tackle problem-drinking, including measures to give the police and local authorities more powers to remove licences from problematic premises.
- The **Liberal Democrat** manifesto proposed giving people a direct say in how petty criminals and those who engage in antisocial behaviour are punished by setting up Neighbourhood Justice Panels (like the one run by Liberal Democrats in Somerset).

## Sentencing

- The **Conservative** manifesto proposed introducing a system where the courts can specify minimum and maximum sentences for certain offenders. It also proposed making it clear that anyone convicted of a knife crime can expect to face a prison sentence; extending the length of custodial sentences that can be awarded in a Magistrates' Court from six to twelve months; giving courts the power to use abstinence-based Drug Rehabilitation Orders; and examining the case for greater Parliamentary scrutiny of sentencing guidelines.
- The **Liberal Democrat** manifesto proposed introducing a presumption against short-term prison sentences of less than six months - replaced by rigorously enforced community sentences - and ensuring that time and resources are not wasted on the unnecessary prosecution and imprisonment of drug users and addicts (with the focus instead on getting addicts the treatment they need). It also proposed championing restorative justice programmes and giving people a direct say in how petty criminals and those who engage in antisocial behaviour are punished by setting up Neighbourhood Justice Panels. Their manifesto also proposed turning the National Policing Improvement Agency into a National Crime Reduction Agency with a wider remit to also test what sentences work and spread best practice across the criminal justice system.

## The prison population

- The **Conservative** manifesto promised that they would redevelop the prison estate and increase capacity as necessary to ensure that early release would not be introduced again, but did not give a specific number of places that would be provided. It also proposed extending the early deportation of foreign national prisoners.
- The **Liberal Democrat** manifesto argued that they would be able to cancel the Government's billion-pound prison-building programme and proposed moving offenders who are drug addicts or mentally ill into more appropriate secure accommodation. It also said that the deportation of criminals should be prioritised.

## Rehabilitation and resettlement

- The **Conservative** manifesto proposed introducing payment-by-results in using the private and voluntary sectors to train and rehabilitate people leaving prisons; allowing prisoners to carry out properly-paid work (with deductions to be paid into the Victims' Fund<sup>2</sup>); and piloting a scheme to create Prison and Rehabilitation Trusts so that one organisation is responsible for preventing reoffending. It also proposed reviewing the criminal records and 'vetting and barring' regime and scaling it back to "common sense" levels.
- The **Liberal Democrat** manifesto proposed increasing the number of hours prisoners spend in education and training, as resources allow, and making prisoners work and contribute from their prison wages to a compensation fund for victims.

## Youth crime and youth justice

- The **Conservative** manifesto proposed introducing a series of early intervention measures, including grounding orders, to allow the police to use instant sanctions to deal with antisocial behaviour without criminalising young people unnecessarily. It also pledged to engage with specialist organisations to provide education, mentoring and drug rehabilitation programmes to help rehabilitate young offenders and to introduce payment by results into the youth justice system. It also proposed allowing councils and the police to shut down permanently any shop or bar found persistently selling alcohol to children and doubling the maximum fine for under-age alcohol sales to £20,000.
- The **Liberal Democrat** manifesto proposed strengthening the Youth Service by making it a statutory service, and encouraging local authorities to provide youth services in partnership with young people and the voluntary sector.

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<sup>2</sup> Although Channel 4 News' FactCheck website has queried whether it would raise a significant amount of money: <http://blogs.channel4.com/factcheck/2010/04/13/conservative-manifesto-2010-inheritance-tax-crime-unemployment/>

### Drugs and alcohol<sup>3</sup>

- The **Conservative** manifesto proposed giving courts the power to use abstinence-based Drug Rehabilitation Orders; introducing a system of temporary bans on new 'legal highs' while health issues are considered by independent experts; and engaging with specialist organisations to provide drug rehabilitation programmes to help young offenders go straight. It also proposed a number of measures to tackle problem drinking, including overhauling the Licensing Act to give local authorities and the police much stronger powers to remove licences from any premises that are causing problems and raising taxes on those drinks linked to antisocial drinking.
- The **Liberal Democrat** manifesto proposed ensuring that financial resources, and police and court time, are not wasted on the unnecessary prosecution and imprisonment of drug users and addicts, with the focus instead on getting addicts the treatment they need. The police would instead concentrate their efforts on "organised drug pushers and gangs". It also stated that the Liberal Democrats would always base drugs policy on independent scientific advice and would make the Advisory Council on the Misuse of Drugs completely independent of government.

### The DNA database

- The **Conservatives** have opposed the extent of the National DNA Database. They chose not to block the passage of the *Crime and Security Act 2010* in the last parliament, but did say that: "A Conservative government will legislate in the first session in order to make sure that our DNA database will only include permanent records of people who are guilty, instead of those who are innocent."<sup>4</sup> Their manifesto stated that "the indefinite retention of innocent people's DNA is unacceptable", adding that they would "legislate to make sure that our DNA database is used primarily to store information about those who are guilty of committing crimes rather than those who are innocent. They also promised to "collect the DNA of all existing prisoners, those under state supervision who have been convicted of an offence, and anyone convicted of a serious recordable offence" and to "change the guidance to give people on the database who have been wrongly accused of a minor crime an automatic right to have their DNA withdrawn."
- The **Liberal Democrats** have also proposed ending the permanent retention of innocent people's DNA. Their manifesto stated that they would "Remove innocent people from the police DNA database and stop storing DNA from innocent people and children in the future, too". Henry Porter has said that "by far the best undertakings on liberty come in the Liberal Democrat manifesto".<sup>5</sup>

### The manifestos in full - party by party

This section lists in full the manifesto proposals on law and order of the Conservative party and the Liberal Democrats.

#### **Conservative Party**

The Conservative Party manifesto stated that they would fight back against the crime and antisocial behaviour that blights our communities; take steps to reduce the causes of crime, like poverty and broken families; put the criminal justice system on the side of responsible citizens; take tougher measures against knife criminals and crack down on the binge-drinking that leads to violence; cut paperwork to get police out on the street and give people democratic control over local policing; and introduce honesty in sentencing and pay voluntary and private providers to reduce reoffending.

Their proposals were:

- *Targeted measures to reduce the causes of crime*
  - Overhauling the Licensing Act to give local authorities and the police much stronger powers to remove licences from, or refuse to grant licences to, any premises that are causing problems.
  - Allowing councils and the police to shut down permanently any shop or bar found persistently selling alcohol to children.
  - Doubling the maximum fine for under-age alcohol sales to £20,000.

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<sup>3</sup> Transform Drug Policy Foundation has analysed the party manifestos' commitments on drug policy on their blog at <http://transform-drugs.blogspot.com/>

<sup>4</sup> <http://www.guardian.co.uk/politics/2010/apr/07/dna-database-reform-alan-johnson>

<sup>5</sup> <http://www.guardian.co.uk/commentisfree/henryporter/2010/apr/14/liberal-democrats-lead-liberty>

- Raising taxes on those drinks linked to antisocial drinking, while abolishing Labour's new 'cider tax' on ordinary drinkers.
- Banning off-licences and supermarkets from selling alcohol below cost price.
- Permitting local councils to charge more for late-night licences to pay for additional policing.
- Introducing a series of early intervention measures, including grounding orders, to allow the police to use instant sanctions to deal with antisocial behaviour without criminalising young people unnecessarily.
- *Putting the criminal justice system on the side of the public*
  - Making it clear that anyone convicted of a knife crime can expect to face a prison sentence.
  - Introducing mobile knife scanners on streets and public transport.
  - Extending the length of custodial sentences that can be awarded in a Magistrates' Court from six to twelve months.
  - Ensuring that victims and their families are better informed about the progress of criminal proceedings and release of offenders.
  - Examining the case for greater Parliamentary scrutiny of sentencing guidelines.
  - Carrying out a fundamental review of legal aid to make it work more efficiently.
  - Changing the law so that anyone acting reasonably to stop a crime or apprehend a criminal is not arrested or prosecuted.
  - Giving householders greater legal protection if they have to defend themselves against intruders in their homes.
  - Implementing the *Prisoners' Earnings Act 1996* to allow deductions from the earnings of prisoners in properly paid work to be paid into the Victims' Fund.
  - Using the Victims' Fund to deliver up to fifteen new rape crisis centres and give existing rape crisis centres stable, long-term funding.
  - Ensuring that the school curriculum includes teaching young people about sexual consent.
- *Reforming the police*
  - Reducing police paperwork, starting by scrapping the stop form and reducing the burden of stop and search procedures.
  - Amending the health and safety laws that stand in the way of common sense policing.
  - Giving the police the power to identify offenders in order to protect the public and prevent crime.
  - Returning charging discretion to the police for minor offences.
  - Processing criminals more quickly by video-linking custody cells and courts.
  - Making the police accountable to a directly-elected individual who will set policing priorities for local communities.
  - Obliging the police to publish detailed local crime data statistics every month, in an open and standardised format.
  - Creating a dedicated Border Police Force, as part of a refocused Serious Organised Crime Agency, to enhance national security, improve immigration controls, and crack down on the trafficking of people, weapons and drugs.
  - Working with police forces to strengthen arrangements to deal with serious crime and other cross-boundary policing challenges, and extending collaboration between forces to deliver better value for money.
- *Prisons with a purpose*
  - Redeveloping the prison estate and increasing capacity as necessary, to ensure that early release will not be introduced again.
  - Extending the early deportation of foreign national prisoners.
  - Introducing a system where the courts can specify minimum and maximum sentences for certain offenders.
  - Using the private and voluntary sectors, under supervision, to train and rehabilitate people leaving prisons. Providers will be paid using payment-by-results. This will also be applied to the youth justice system.
  - Giving courts the power to use abstinence-based Drug Rehabilitation Orders.
  - Introducing a system of temporary bans on new 'legal highs' while health issues are considered by independent experts.
  - Engaging with specialist organisations to provide education, mentoring and drug rehabilitation programmes to help young offenders go straight.

- Piloting a scheme to create Prison and Rehabilitation Trusts so that just one organisation is responsible for helping to stop a criminal reoffending.
- *Restoring our civil liberties*
  - Legislating to make sure that the DNA database is used primarily to store information about those who are guilty of committing crimes rather than those who are innocent.
  - Collecting the DNA of all existing prisoners, those under state supervision who have been convicted of an offence, and anyone convicted of a serious recordable offence.
  - Changing the guidance to give people on the database who have been wrongly accused of a minor crime an automatic right to have their DNA withdrawn.
  - Reviewing the criminal records and ‘vetting and barring’ regime and scaling it back to common sense levels. The manifesto states that “Labour’s new system goes too far”.
  - Replacing the *Human Rights Act* with a UK Bill of Rights.

The full manifesto is available at:

[http://media.conservatives.s3.amazonaws.com/manifesto/cpmanifesto2010\\_hires.pdf](http://media.conservatives.s3.amazonaws.com/manifesto/cpmanifesto2010_hires.pdf)

### Liberal Democrats

The Liberal Democrat’s manifesto stated that they would “focus on what works to cut crime”, arguing that “Labour and the Conservatives posture on penalties, which do not deter criminals” and that “once a criminal has been caught, it is vital that the punishment they are given helps to turn them away from crime, and set them back on the straight and narrow”.

Their proposals were:

- *Cutting crime with more and better police*
  - Putting 3,000 more police on the beat, paid for by cutting other spending, such as scrapping ID cards.
  - Reducing time-wasting bureaucracy at police stations with better technology that can be deployed on the streets.
  - Introducing the direct election of police authorities. Authorities would still be able to co-opt extra members to ensure diversity, experience and expertise.
  - Giving far more power to elected police authorities, including the right to sack and appoint the chief constable, set local policing priorities, and agree and determine budgets.
  - Strengthening the Youth Service by making it a statutory service, and encouraging local authorities to provide youth services in partnership with young people and the voluntary sector.
  - Reforming the police, with a full review of the very restrictive terms and conditions for police officer employment.
  - Turning the National Policing Improvement Agency into a National Crime Reduction Agency with a wider remit to test what policing techniques and sentences work and spread best practice across police services and the criminal justice system.
- *Practical steps to make you safer*
  - Making hospitals share non-confidential information with the police so they know where gun and knife crime is happening and can target stop-and-search in gun and knife crime hot spots.
  - Bringing in stop-on-request for night buses, so that the driver can let passengers off between stops so they are as close to home as possible.
  - Requiring better recording of hate crimes against disabled, homosexual and transgender people, which are frequently not centrally recorded.
  - Ensuring that financial resources, and police and court time, are not wasted on the unnecessary prosecution and imprisonment of drug users and addicts; the focus instead would be on getting addicts the treatment they need. The police would concentrate their efforts on organised drug pushers and gangs.
  - Always basing drugs policy on independent scientific advice, including making the Advisory Council on the Misuse of Drugs completely independent of government.
- *Making the justice system work to rehabilitate criminals and reduce crime*
  - Making prisoners work and contribute from their prison wages to a compensation fund for victims.
  - As resources allow, increasing the number of hours prisoners spend in education and training.

- Introducing a presumption against short-term sentences of less than six months - replaced by rigorously enforced community sentences which evidence shows are better at cutting reoffending.
- Moving offenders who are drug addicts or mentally ill into more appropriate secure accommodation.
- Cancelling the Government's billion-pound prison building programme.
- Giving people a direct say in how petty criminals and those who engage in antisocial behaviour are punished by setting up Neighbourhood Justice Panels (NJPs), like the one run by Liberal Democrats in Somerset where 95% of offenders have been turned away from further crimes.<sup>6</sup>
- Championing restorative justice programmes, like NJPs, which make offenders confront their behaviour and are more successful at reducing crime than traditional forms of punishment.
- *Firm but fair immigration*
  - Prioritising deportation efforts on criminals, people-traffickers and other high-priority cases.
- *Restoring your freedoms*
  - Removing innocent people from the police DNA database and stopping storing DNA from innocent people and children in the future.

The full manifesto is available at:

[http://network.libdems.org.uk/manifesto2010/libdem\\_manifesto\\_2010.pdf](http://network.libdems.org.uk/manifesto2010/libdem_manifesto_2010.pdf)

Criminal Justice Alliance  
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[www.criminaljusticealliance.org](http://www.criminaljusticealliance.org)

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<sup>6</sup> Although Channel 4 News' FactCheck website has queried this reoffending rate:

<http://blogs.channel4.com/factcheck/2010/04/14/lib-dem-manifesto-2010-planes-poverty-football/>