

How do the 'law and order' policies of the main parties compare? **Lucy Corrin** examines the manifestos

Manifest differences

WITH A GENERAL ELECTION LOOMING, a criminal lawyer's thoughts turn to the post-election political landscape; what will become of the criminal justice system? The Labour government launched a legislative juggernaut on the nation. According to a review in 2008, a total of 3,605 offences have reached the statute book since May 1997 – an average of about 320 a year.

The British Crime Survey suggests that overall crime has fallen by more than 40 per cent since 1995, with youth reoffending levels at their lowest since 2000, yet there is a growing feeling that crime is rising.

Sir Alan Beith, chair of the Commons Justice Committee, and the committee's report 'Cutting Crime: The Case for Justice Reinvestment' pithily encapsulated the dilemma facing politicians: "Whoever forms the next government, they face a choice between unsustainable 'business as usual' in the criminal justice system, and making some radical decisions."

The following is a timely overview of what the parties intend to do if they win power.

Sentencing and prisons

The Conservative manifesto promises to redevelop the prison estate and increase prison capacity. Their approach to clarifying sentencing is likely to have public appeal by making the process more transparent. However, proposals to give some categories of offender minimum and maximum sentences, with prisoners who want to be released after serving the minimum having to earn their release through participation in education, rehabilitation and work programmes, remain vague and lacking in any detail.

Their call for post-release support is something that many agencies will welcome; however, the details of how it will be paid for are conspicuously absent.

Labour and the Conservatives seem to be adopting a 'business as usual' strategy. Given that there are no votes to be won in prison, it may well be a successful approach with the electorate.

The Liberal Democrats draw heavily on the Commons Justice Committee report, highlighting that, in 2007, prisons in England and Wales had almost double the number of

prisoners compared with their Western European counterparts; 153 prisoners per 100,000 population. With the average prison place costing £41,000 a year (plus further capital costs and additional health and education expenditure), the government's new prisons would cost, on current estimates, up to £4.2bn over the next 35 years.

The Liberal Democrats endorse the committee's call for renewed investment in local education, health, drug, alcohol and community programmes in targeted areas based on analyses of where offences occur – described as 'justice reinvestment'.

In similar terms, the Green Party are committed to reducing the number of criminal offences on the statute books and reducing our dependency on prison places.

The Human Rights Act

More dramatically, the Conservatives propose to tear up the Human Rights Act and replace it with a UK Bill of Rights, citing a desire to strengthen our core freedoms without defining what they might be. Their policy is either ominously ill-defined or simply confused. Repeal is no doubt a response to criticism of the Act while simultaneously trying to secure the respect of civil liberties groups. Conservative proposals to roll back Labour's surveillance state, curtail powers of entry for state officials and introduce new protections over the use of personal data will need to be fleshed out. The Liberal Democrats are equally concerned to restore civil liberties, having set out the full text of their proposed Freedom Bill some time ago which would successfully reverse most of Labour's legislative progress over the last decade. Labour's idea of 'rights and responsibilities' arguably risks dilution of sacred and fundamental principles by separating them into enforceable rights and 'symbolic rights'.

DNA

DNA will need to be addressed by whoever comes to power in this post-*Marper* era. The Conservatives propose to reform Labour's DNA system with the Scottish system as their model allowing a large number of people to apply for removal from the database. They also propose to allow people with historic



convictions for consensual gay sex to have those convictions removed from their criminal records.

The Liberal Democrats have always advocated removal of the DNA profiles of all people who are arrested or charged but not convicted, with an exception for violent or sexual offences.

Labour still argue that the Conservatives would weaken the ability to arrest and convict criminals putting the public at greater risk.

Children

Only the Liberal Democrats and the Green Party appear to have grasped the nettle on this topic. The Liberal Democrats have described the criminalisation of children as a "source of national shame".

Nick Clegg has focused on restorative justice programmes, expanding the current Community Justice Panel scheme to every town to deal with minor offences and anti-social behaviour.

Under the Liberal Democrats, there will be fewer ASBOs and more ABCs (acceptable behaviour contracts). The party will also seek to give police and local authorities far greater scope for imposing immediate sanctions on young offenders (such as graffiti etc.). However, Labour continues to support the ASBO as a valuable tool of crime prevention.

The Green Party go further, proposing to raise the age of criminal responsibility to 14. They would double the current investment in young people, an increase from the current £98 spent per person aged 13 to 19 per annum on out-of-school services to just under £200.

Certainly the Liberal Democrats and the Green Party have accepted the gauntlet laid down by Sir Alan Beith, but for Labour it remains more of the same. The Conservatives are proving more difficult to pin down on the detail of their policies. Those seeking a more radical criminal justice agenda know where to turn.

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