

Police, Crime, Sentencing and Courts Bill

AMENDMENTS TO BE MOVED IN COMMITTEE OF THE WHOLE HOUSE

Clause 1

LORD COAKER
BARONESS HARRIS OF RICHMOND

Page 2, line 3, at end insert –

“(ba) the support needed by such persons on their retirement from the police workforce, including access to training courses,”

Page 2, line 4, after “families,” insert “including mental health support,”

Clause 2

THE LORD BISHOP OF GLOUCESTER

Page 3, line 46, at end insert –

“(3) In section 3 of the Assaults on Emergency Workers (Offences) Act 2018 (meaning of “emergency worker”), in subsection (1)(e) omit “of a corresponding kind to those carried out by a prison officer”.”

Member’s explanatory statement

This amendment would expand the definition of “emergency worker” to include all prison staff, not just prison officers and those carrying out functions of a corresponding kind to those of a prison officer.

After Clause 9

BARONESS NEWLOVE

Insert the following new Clause –

“Training on child criminal exploitation and serious youth violence

- (1) The Secretary of State must prepare and publish a document setting out a strategy for providing specialist training on child criminal exploitation and serious youth violence for professionals delivering section 7 (duties to collaborate and plan to prevent and reduce serious violence).
- (2) In preparing a strategy, the Secretary of State must consult –

After Clause 9 - continued

- (a) bodies with expertise in providing relevant training;
- (b) any other persons whom the Secretary of State thinks it appropriate to consult.”

Member’s explanatory statement

This probing amendment would require the Secretary of State to prepare and publish a strategy for providing specialist training on child criminal exploitation and serious youth violence.

Insert the following new Clause –

“National Serious Violence Oversight Board

- (1) The Secretary of State must appoint a board to be known as the National Serious Violence Oversight Board (“the Board”).
- (2) The Board is to be comprised of the Secretary of State, who will chair the Board, and such other people as the Secretary of State considers appropriate.
- (3) The duties of the Board are –
 - (a) to review local serious violence strategies,
 - (b) to share relevant data relating to such strategies, and
 - (c) to share good practice in the preparation and implementation of those strategies.
- (4) The Secretary of State must lay before Parliament a report prepared by the Board on the progress of section 7 (duties to collaborate and plan to prevent and reduce serious violence) within the period of two years beginning on the day on which this Act is passed, and every two years thereafter.”

Member’s explanatory statement

This probing amendment would introduce a national serious violence oversight board chaired by the Secretary of State to review local serious violence strategies and share relevant data and good practice.

Clause 12

LORD BROOKE OF ALVERTHORPE

Page 13, line 12, at end insert “including all violence which results in emergency hospital treatment or grievous bodily harm,”

After Clause 54

LORD PADDICK

Insert the following new Clause –

“Misuse of Drugs Act 1971: power to search for possession of drugs for personal use

- (1) The Misuse of Drugs Act 1971 is amended as follows.
- (2) In section 23 (powers to search and obtain evidence), after subsection (2) insert –

After Clause 54 - continued

- “(2A) The constable conducting a search under subsection (2) must explain to the suspected person the grounds for suspicion and must record the explanation.
- (2B) Subsection (2) does not apply if the constable also has reasonable grounds to suspect that the drug is—
- (a) in the possession of the person for that person’s personal use only, or
 - (b) in the vehicle or vessel for a person’s personal use only.”

Member’s explanatory statement

This amendment would remove the power of the police to search a person or vehicle for possession of controlled drugs for personal use only.

Insert the following new Clause—

“Duty of candour

- (1) The Secretary of State must within 12 months after this Act comes into force—
 - (a) consult such persons as they consider appropriate, and
 - (b) lay before both Houses of Parliament a report regarding the matters in subsection (2).
- (2) Those matters are means of achieving a culture of transparency in police forces and prosecuting authorities in England and Wales including a statutory duty of candour in their dealings with the victims of crime and the relatives of victims of crime.
- (3) The proposed duty is subject to any exemption required in the interests of national security.”

Member’s explanatory statement

This amendment is based on a recommendation from the Report of the Daniel Morgan Independent Panel, to create a statutory duty of candour to be owed by law enforcement agencies to victims and their families.

BARONESS HAYMAN

Insert the following new Clause—

“Voyeurism: breastfeeding

- (1) Section 67A of the Sexual Offences Act 2003 (voyeurism: additional offences) is amended in accordance with subsections (2) and (3).
- (2) After subsection (2), insert—

“(2A) A person (A) commits an offence if—

 - (a) A records an image of another person (B) while B is breastfeeding;
 - (b) A does so with the intention that A or another person (C) will look at the image for a purpose mentioned in subsection (3), and
 - (c) A does so—
 - (i) without B’s consent, and
 - (ii) without reasonably believing that B consents.”

After Clause 54 - continued

- (3) In subsection (3), for “subsections (1) and (2)” substitute “subsections (1), (2) and (2A)”.

After Clause 164**EARL ATTLEE**

Insert the following new Clause—

“Training for offenders

- (1) The Sentencing Code is amended as follows.
 (2) After section 276, insert—

“276A Detention for Training at Her Majesty’s pleasure for offenders aged at least 18 but under 27

- (1) A sentence of Detention for Training at Her Majesty’s pleasure is available to a court dealing with an offender for an offence where—
 (a) the offender is aged at least 18 but under 27 when convicted,
 (b) the offence is punishable by that court with imprisonment in the case of a person aged 21 or over,
 (c) the court is not required to pass a sentence of—
 (i) detention during Her Majesty’s pleasure (see section 259),
 or
 (ii) custody for life (see sections 272 and 275), and
 (d) the court is satisfied the offender would benefit from the training that would be provided.
 (2) The power of the court to impose such a sentence is not subject to section 230 (threshold for imposing discretionary custodial sentence).
 (3) Section 244 of the Criminal Justice Act 2003 (duty to release) is not applicable to a sentence of Detention for Training at Her Majesty’s pleasure.

276B Term of sentence of Detention for Training at Her Majesty’s pleasure

- (1) The maximum full term of Detention for Training at Her Majesty’s pleasure that a court may impose for an offence is the same as the maximum term of imprisonment that it may impose for the offence in the case of a person aged 21 or over.
 (2) The minimum term of a sentence of Detention for Training at Her Majesty’s pleasure is 12 months.
 (3) The term of a sentence of Detention for Training at Her Majesty’s pleasure must be the term (not exceeding the permitted maximum) that in the opinion of the court is commensurate with—
 (a) the seriousness of the offence,
 (b) providing enough time for the three stages of Detention for Training at Her Majesty’s pleasure to be effective, and
 (c) providing a sufficiently strong incentive for the offender to be motivated to meet the improvements in conduct, training, education and performance determined under section 276C in order to move onto Gradual and Safe Release under section 276I.

After Clause 164 - continued

- (4) In forming its opinion for the purposes of subsection (3), the court must take into account all the information that is available to it about the circumstances of the offence, or of it and the associated offence or offences, including any aggravating or mitigating factors.
- (5) The pre-sentence report requirements in section 30 apply to the court in relation to forming that opinion.
- (6) See section 232 for additional requirements in the case of an offender suffering from a mental disorder.
- (7) The court may impose a sentence of Detention for Training at Her Majesty's pleasure only if it is satisfied that the offender would benefit from it.

276C Improvements in conduct, training, education and performance

- (1) When imposing a sentence of Detention for Training at Her Majesty's pleasure, subject to subsection (2), the court must determine what objectively measured improvement in conduct, training, education and performance is to be achieved by the offender before being considered for the final stage of training (gradual and safe release).
- (2) When making the determination mentioned in subsection (1) the court must set improvement requirements that—
 - (a) are demanding but achievable,
 - (b) can be objectively measured using the system mentioned in subsection (3),
 - (c) take into account the capacity of the offender to improve, given sufficient incentive,
 - (d) take into account the seriousness of the offence in question,
 - (e) take into account the needs of the offender,
 - (f) take into account the availability of training offered by the Secretary of State, and
 - (g) significantly improve the chances of the offender exclusively engaging in legitimate employment.
- (3) The Secretary of State must devise and implement an objective system for measuring the offender's improvement in education, training and conduct.

276D Location and security of training and electronic communications

- (1) The Secretary of State must locate the necessary training centres in rural locations sufficiently remote to—
 - (a) sever the trainees from malign gang influences,
 - (b) eliminate trainees' access to illegal substances,
 - (c) eliminate trainees' access to mobile phone signals and illegal electronic equipment,
 - (d) provide the necessary security by means of remoteness rather than physical security, and
 - (e) minimise expenditure on physical security.
- (2) Subject to subsections (3) and (4) the Secretary of State may—
 - (a) direct telecommunication companies to take steps to have the effect of electronically isolating trainees, and

After Clause 164 - continued

- (b) make a drone exclusion order and emit electronic signals designed to cause any drone to crash or to come under the control of the Secretary of State.
- (3) Before making any direction under subsection (2), the Secretary of State must individually consult every adult resident directly affected by the requirements of any such direction.
- (4) The Secretary of State may offer inducements and compensation to residents adversely affected by directions made under subsection (2).
- (5) The Secretary of State may conduct the training mentioned in sections 276G and 276H in such locations as he or she sees fit.

276E Training teams

- (1) The Secretary of State may arrange for trainees to undertake their training as part of a team.
- (2) The Secretary of State may arrange for training teams to be composed with trainees from multiple regions.
- (3) The Secretary of State may arrange that the teams are competing against each other, especially in exercises.
- (4) The Secretary of State may arrange that a team can be disadvantaged in terms of privileges and conditions for the team if—
 - (a) the team does not predominate in a training exercise, or
 - (b) a member of the team commits misconduct.

276F Components of Detention for Training at Her Majesty's pleasure

- (1) There are to be three stages of Detention for Training at Her Majesty's pleasure—
 - (a) Basic Compliance Training;
 - (b) Employability Training;
 - (c) Gradual and Safe Release.
- (2) Trainees must be required to pass out on each stage of training before attempting a later stage of the training.

276G Basic Compliance Training

- (1) The Secretary of State must structure Basic Compliance Training to instil—
 - (a) hope,
 - (b) pride, and
 - (c) discipline.
- (2) The components of Basic Compliance Training must include, but are not limited to—
 - (a) hope for the future,
 - (b) appearance, dress and bearing,
 - (c) teamwork,
 - (d) nutrition and cooking,
 - (e) basic literacy and numeracy,
 - (f) map reading,
 - (g) first aid training,
 - (h) personal conduct and anger management, both theory and practice, and
 - (i) field craft and camping.

After Clause 164 - continued

- (3) The purpose of Basic Compliance Training is to allow the Secretary of State to take greater risks with the trainee and to give the trainee increased personal responsibility for his or her actions.

276H Employability Training

- (1) Employability Training must be composed of trade training, education and personal development.
- (2) The Secretary of State must structure Employability Training to minimise the probability of re-offending and maximise the offender's chances of securing permanent good quality legitimate employment.
- (3) The components of Employability Training must include, but are not limited to—
 - (a) hope for the future,
 - (b) dress and bearing,
 - (c) teamwork,
 - (d) nutrition and cooking,
 - (e) basic literacy and numeracy,
 - (f) map reading,
 - (g) first aid training for a First Aid at Work Certificate,
 - (h) personal conduct and anger management, both theory and practice,
 - (i) adventure training,
 - (j) training in basic fire fighting,
 - (k) training in safe operation of hand-held power tools,
 - (l) training in basic risk assessment,
 - (m) training to acquire a basic construction skills certificate,
 - (n) training to operate a forklift truck,
 - (o) training to erect a prefabricated aluminium access tower, and
 - (p) training exercises both long and short, to test and practise skills.

276I Gradual and Safe Release

- (1) The Secretary of State must structure Gradual and Safe Release to minimise the probability of re-offending and maximise the offender's chances of securing accommodation and permanent good quality employment.
- (2) The components of Gradual and Safe Release must include, but are not limited to—
 - (a) arrangements for safe accommodation, not necessarily in the area where the offender was previously resident,
 - (b) arrangements for employment to suit the capability of the offender,
 - (c) requirements not to visit designated areas or places,
 - (d) curfew requirements,
 - (e) abstinence from substance abuse requirements, and
 - (f) tagging requirements.

276J Release on temporary licence for offenders Detained for Training at Her Majesty's pleasure

After Clause 164 - continued

- (1) The Secretary of State may grant Release On Temporary Licence (ROTL) to any offender serving a sentence of Detention for Training at Her Majesty's pleasure subject to the conditions in subsection (3).
- (2) When granting ROTL the Secretary of State may require the offender to—
 - (a) wear an approved tag,
 - (b) adhere to geographical limits,
 - (c) adhere to sobriety requirements,
 - (d) not engage in substance abuse,
 - (e) not use an unauthorised mobile phone or other types of electronic equipment, and
 - (f) not meet or communicate with certain persons or classes of persons.
- (3) The conditions mentioned in subsection (1) are—
 - (a) an offender who has not passed out on Basic Compliance training can be granted ROTL only in exceptional circumstances,
 - (b) ROTL can be granted for weekend leave,
 - (c) ROTL can be granted to enable an offender to travel from one training location to another, and
 - (d) when the offender is on the final stage of Gradual and Safe Release, ROTL can be granted to attend work or live away from prison facilities for extended periods.

276K Effect of non-compliance or not engaging with training

- (1) Where the conditions mentioned in subsection (2) are met, the Secretary of State may apply to the court to have the remaining part of the offender's sentence converted to a sentence of imprisonment for the remaining portion of the sentence.
- (2) The conditions mentioned in subsection (1) are that the offender sentenced to be Detained for Training at Her Majesty's pleasure consistently—
 - (a) fails to make reasonable efforts to comply with the training requirements,
 - (b) makes little or no attempt to address areas for improvement identified by the court under section 276C, or
 - (c) fails to honour the terms of ROTL under section 276J.

276L Appointment of mentor for offenders Detained for Training at Her Majesty's pleasure

- (1) The Secretary of State must appoint a mentor to each offender Detained for Training at Her Majesty's pleasure.
- (2) The role of the mentor is to provide—
 - (a) a positive male role model for the trainee,
 - (b) a lay person with the necessary skills to look after the interests of the trainee,
 - (c) a person to whom the trainee can complain about any mistreatment, perceived or real,
 - (d) a person who can skilfully deal with bureaucracy on behalf the trainee when on Gradual and Safe Release, and
 - (e) a person who can attend any passing out or other events.

After Clause 164 - continued

- (3) The Secretary of State and prison governors must engage constructively with any mentor appointed under this section when the mentor is undertaking these duties.””

After Clause 170

BARONESS COUSSINS
THE LORD BISHOP OF LEEDS
LORD PANNICK

Insert the following new Clause—

“Spoken word interpreters: minimum standards

Spoken word interpreters appointed to a court or tribunal must—

- (a) be registered on the National Register of Public Service Interpreters (“NRPSI”),
- (b) possess a Level 6 Diploma in Public Service Interpreting, or comply with NRPSI Rare Language Status protocols, and
- (c) have completed the requisite number of hours’ experience of court interpreting commensurate with the category of case complexity, as agreed by the Secretary of State in conjunction with relevant professional bodies.”

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14 October 2021
