

THE POLICE BILL

The Police and Criminal Evidence Bill, just finishing its passage through the House of Commons, is at long last running into serious opposition. But the nature of that

opposition is a sad reflection on the response to repressive government legislation after three and a half years of Tory rule.

If any single government measure has earned that title, it is the Police Bill. In one fell swoop, the admittedly tarnished image of the friendly bobby or the 'citizen in uniform' is demolished. The police are given drastic powers unheard of hitherto in legal textbooks, if not on the streets.

This is not only because new powers are created and old ones extended. It is also that, for the first time in the history of English criminal law, the police are to have powers against individuals which do not have to be justified by reference to an offence of which the individual is suspected. Thus police may set up roadblocks by reference to 'the pattern of crime' in an area, may search peoples' homes for 'evidence' regardless of whether they are suspected of anything and are given draconian powers of arrest for the most trivial of offences, out of all proportion to their seriousness.

The new powers in the Bill are intimately connected with the policing strategies expounded by Sir Kenneth Newman, the Metropolitan Police Commissioner, in a recent statement. Traditional crime detection is to be abandoned in favour of the 'targetting and surveillance' of potential petty criminals by reference to types and 'patterns' of crime rather than to specific offences. The criteria for such 'targetting' is necessarily objectionable and involves the stereotyping of black, young, working class and gay people out on the streets. Subsequent surveillance can only amount to institutionalised harrassment and for this purpose, the new Bill will legitimise and condone the random and indiscriminate use of police power. So what are the main features of the proposed legislation?

The Bill allows effectively random stop and searches and roadblocks. For the first time, cars as well as people can be stopped to carry out searches by force. In the Newman policing plan, these initiatives will be carried out by the Instant Response Units (renamed District Support Units) in what he describes as a new active role, which they will perform in addition to their public order duties. At the same time, it legalises arbitrary arrest for even the most trivial offences on grounds such as failure to give correct name and address, obstruction of the highway or creating an 'affront to public decency'. Thus you may be arrested for parking on a yellow line if you've forgotten to tell the Vehicle Driving Licence Centre of a recent change in



address or for throwing a cigarette packet on the ground if you're gay and having a cuddle. These powers, described by Minister of State Patrick Mayhew MP as 'fire-brigade action', give official encouragement to the tendency by police to rush in and arrest at the slightest hint of 'trouble' rather than trying to calm down tricky situations.

The Bill sanctions police raids on innocent people's homes. There are increasing numbers of stories in the press about armed police invading houses in the middle of the night and terrorising innocent people. Yet the Bill makes it much easier than it is now for police to obtain a warrant from a magistrate, by removing existing requirements that the magistrate be satisfied that occupants are reasonably suspected of an offence.

In the police station, the Bill sanitises police assault on suspects by giving power to take compulsorily body samples and fingerprints. Even more abhorrently, it allows police assault on suspects' vaginas and anuses or 'body orifices', as the Bill euphemistically terms them in a new power to carry out 'intimate body searches'. This amounts to legalised rape and will be highly dangerous where the suspect does not consent, as in that case, doctors have said they will refuse to carry out the power and it will have to be done by a police officer, of the same sex.

The Bill gives official parliamentary licence for suspects to be held without charge for up to 96 hours. There will be no independent review of detention or absolute right of access to a lawyer for the first 36 hours. At this time a magistrates court

will review the detention and consider whether it should continue. These provisions are another attack on a fundamental concept of English law, that of the right to silence. Any suspect held in custody for long periods of time is subjected to intense psychological pressures to please his or her questioners. Such pressures lead to miscarriages of justice such as in the Confait case where confessions made by three youths were subsequently discredited.

The Bill supposedly balances new and increased powers with safeguards, following the approach of the widely criticised Report of the Royal Commission on Criminal Procedure. Yet the safeguards are even weaker than they recommended and most of the increased powers they sanctioned have been extended still further. The Royal Commission naively thought that requiring police to write down reasons for exercise of powers would somehow act as a check. However they did say that increased powers should only be available to combat specific 'grave offences'. But the powers in the Bill, such as detaining without charge, are instead applicable to 'serious arrestable offences', defined as offences which the police officer exercising the power in each case, thinks to be a serious arrestable offence.

For all too long the press were more or less silent about the Bill's worst provisions. But recently professional organisations have joined ranks to protest about the part of the Bill which affects them. Clause 10 allows police access to or search of information or files held by professionals in confidence. The clause is subject to considerably more safeguards (hearings on notice by a circuit judge) than Clause 9 which allows search of ordinary people's homes. Nevertheless it is still a wholly objectionable invasion of confidentiality. The doctors, social workers, journalists, probation officers, clergy, and advice workers have all been complaining bitterly. Professional organisations and bishops have a lot of clout in the House of Lords where the Bill is due next and the signs are that the Government may have to cave in and withdraw the offending Clause 10. But if that is all that happens, the Home Office may well think it has got off lightly. One Law Lord recently gave his view that the whole of the Bill was unacceptable. Professionals and ordinary people alike would do well to follow his example and look long and hard at the rest of the bill. Where is the mass campaign with the slogan: 'This Bill cannot be amended: it must be beaten!?' Let's not rely on Law Lords to lead it!

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