

Policy Statement



REBALANCING JUSTICE

A criminal justice policy for
an independent Britain

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1. Introduction

Crime is out of control in Britain. Crime, especially violent crime, is on the increase. Crime has a serious impact on the lives of its victims, and all communities blighted by criminals. Despite their arrogant boast over ten years ago, Labour has neither been tough on crime, nor on the causes of crime. UKIP believes that victim's rights should come first. We believe that the Human Rights Act has been an unmitigated disaster for fighting crime. Criminals have been able to claim their 'rights' have been 'violated', leading to ever more absurd pro-criminal policies in response. It has also led to a collapse in public confidence in the justice system

The police force has been demoralised by political correctness, bureaucracy and too much central Government control from Whitehall. All of this has interfered with operational effectiveness, and damaged public confidence in the police, as well as leading to a feeling of disillusionment with many serving officers. In spite of this, many police officers continue to work hard to protect the public, and are to be commended for doing so in this current political climate. Nevertheless, they do so in a professional and political climate that is often not conducive to effective policing.

The European Union denies Britain the right to decide who enters the country and under what circumstances. Our borders are no longer our own. As a result, foreign criminals are free to enter Britain and commit crimes. The European Union denies Britain the right to deport these criminals once their sentence is complete, meaning they are free to victimise the public again upon release. European law also prevents the extradition of terror suspects to our allies whose assistance is so critical in a global struggle against extremism. We believe that figures who preach hatred, violence and division have no place in British society.

To that end, we have put together the following policy statement to ensure that the British people will at last have a Government that will punish those who threaten and harm them. We unapologetically believe that victims rights should come first, and that forthright anti-crime policies must be implemented.

2. The Problem: Crime Out of Control in Britain

Over 1 million violent crimes in 2005, double the figure in 1998
(Home Office Research Study <http://www.homeoffice.gov.uk/rds/pdfs/hors217.pdf>)

18,000 crime victims inflicted with life threatening injuries in 2006
(Home Office Crime Statistics 'Violent Crime - Long-term national recorded crime trend'
<http://www.crimestatistics.org.uk/output/page66.asp>)

Sexual offences doubled since Labour came to power
(Home Office Crime Statistics 'Sexual Offences - Long-term national recorded crime trend'
<http://www.crimestatistics.org.uk/output/page24.asp>)

10 million crimes a year committed in Britain double what the Government claims
(British Crime Survey Data for All Crimes <http://www.crimestatistics.org.uk/output/Page54.asp>)

Sex offenders have a 'human right' to hard core pornography in prison
(*Daily Mail* 15/5/06)

Around 200 terrorist cells are currently under MI5 surveillance
(*The Guardian* 8/8/05)

1 in 4 young people committed a crime in the last year
(Youth Crime and Youth Justice: Public opinion in England and Wales 2004)

90% of young offenders re-offend within two years
(*Daily Mail* 19/12/06)

27 teenagers murdered in London in one year
(*The Guardian* 6/1/08)

Offenders on community service 'sleep in' without sanction
(National Audit Office Report)

Scanners put in schools to combat knife crime
(BBC Online 21/1/08)

3. Executive Summary

3.1 The Problem: Crime in Modern Britain

- Crime is out of control in Britain, with up to 130 million crimes a year committed.
- Violent crime is a particular problem, especially sexual offences, violent assaults and knife murders.
- Current approaches to fighting crime are not working.

3.2 EU membership and the Human Rights Act

- UKIP believes that only through EU withdrawal and the repeal of the Human Rights Act, with its Continental model of States granting rights rather than the Anglo Saxon model of natural rights, can sensible crime fighting measures be taken.

3.3 Emerging EU Police State

- EU organisations like EUROPOL can operate in the UK with immunity from prosecution. EUROJUST seeks to gain access to British databases, including DNA records of British citizens.
- European Arrest Warrant strips British citizens of their centuries old protection from unfair arrest and trial.

3.4 Terrorism and Homeland Security

- UKIP would deport radical Imams back to countries where they are wanted for trial in line with existing bilateral prisoner exchange or new treaties.
- UKIP would use treason laws to prosecute British Muslims loyal to our enemies.
- UKIP would review all existing anti-terrorism laws, and would repeal or amend any that it felt were not in keeping with UKIP's values. We strongly oppose the ID card scheme as being illiberal, intrusive, ineffective and wasteful.

3.5 Juvenile Crime

- Up to 25% of young people committed an offence in 2006. UKIP rejects the notion that we should 'hug a hoodie', and would abolish the ineffective and token Anti Social Behaviour Orders (ASBOs).
- UKIP regards the lack of youth centres and other outlets for legitimate activity as a problem that exacerbates the juvenile crime situation.
- UKIP would give schools the choice of whether or not to use corporal punishment.

3.6 Police Effectiveness and Structures

- UKIP would allow more democratic control over the police force, with directly elected Chief Constables and/or police boards.
- UKIP would replace Police Community Support Officers (PCSOs) with fully trained policemen and women over time, and re-introduce 'beat' policing.
- UKIP would scrap the most time wasting forms, and keep red tape to an absolute minimum.

3.7 Home Defence

- UKIP would always support home owners who confront intruders.

3.8 The Criminal Justice System and Sentencing Policy

- UKIP believes that sentences passed must mean what they say – i.e. the sentence given will be the sentence served.
- UKIP proposes a 'three strikes and you're out' style option for sentencing to punish repeat offenders.

- UKIP opposes plea bargaining as a distortion of sentencing which sends the wrong messages.
- UKIP would abolish the Crown Prosecution Service (CPS), and return responsibility for prosecutions to local police forces, hiring local qualified solicitors, overseen by a new national standards body.

3.9 Prisons Policy

- UKIP will double the number of prison places in the UK within 10 years. We will build new prisons, modern fit for purpose prison ships, deport EU national prisoners and provide temporary or low risk prisons quickly to ease overcrowding in the mean time.
- Prison regimes will be tougher and good behaviour rewarded with special treatment, not taken as a human right or expected as a matter of course.
- Rehabilitation courses will be encouraged in prisons, and released prisoners offered immediate assistance with suitable 'workfare' schemes on leaving prison.

3.10 Referenda

- For controversial public issues involving law and order that are outside party politics, UKIP will allow referenda to decide the issues. UKIP's standard criterion is that 5% of the registered electorate must sign a petition within a 6 month national time limit.

3.11 Thought Crimes and Hate Speech

- UKIP supports freedom of speech. All view points should be heard provided they do not call for crime, violence or the overthrow of democracy.
- UKIP would repeal laws that criminalise opinion and belief, and would instead focus police attention on actual crimes, not political ones.

3.12 Miscellaneous

- UKIP would impose tougher penalties for domestic violence, particularly where assaults had occurred in the presence of children.
- Place an original copy of Magna Carta in the Houses of Parliament.
- UKIP is deeply concerned at the number of local pubs, a national institution, that are closing. UKIP would replace the smoking ban with legislation requiring premises owners to provide smoke free areas and/or dedicated internal smoking areas. If not possible, the premises would have to be designated all 'non smoking' or 'all smoking' and advertise this prominently outside.

4. Crime in Modern Britain: Labour – weak on crime

4.1 Tony Blair famously promised that if elected, Labour would be 'Tough on crime, tough on the causes of crime'¹. After ten years of Labour Government, it is now clear to see that this promise was nothing more than a hollow sound bite lacking any real substance. There were over 5 million offences in the financial year 2005/6 according to the Government's own figures². According to the British Crime Survey (BCS), nearly 1 in 4 British people were a victim of crime in the same period, and states that there were over 10 million offences, double the official figures³. The BCS is often regarded as more accurate than Government figures, as it includes crimes that are not reported to the police. However even the BCS under-reports the true situation as it excludes crimes related to illegal drug use, murder, sexual offences, crimes against under-16s, crimes against commercial premises, thefts of commercial vans or trucks and shoplifting. The true figure is closer to 60 million crimes per year as disclosed by the Home Office in a more obscure report⁴. Lord Birt has estimated that the true figure could be as high as 130 million crimes per year⁵.

4.2 The most distressing forms of crime are violent crimes. In 1998, after one year of Labour

Government, there were 600,000 violent offences. By 2005 when Labour won its third consecutive election, there were 1.2 million violent offences, representing a startling doubling in the number of violent crimes since Labour came to power⁶. There were a total of 765 murders in the UK in 2005. This figure could potentially have been even worse: the Government admits that there were an astonishing 18,000 crimes that involved ‘More serious wounding or other act[s] endangering life’ in the 2005/6 financial year⁷.

4.3 Sexual assault is another truly devastating form of crime. Psychologists have demonstrated that being the victim of a sexual assault can have devastating, life long psychological impacts on the victim. Victims have rates of depression, attempted suicide and relationship dysfunction much higher than in the general population⁸. When Labour came to power in 1997, there were around 35,000 sexual offences per annum. By 2004, this number had risen sharply to 60,000 sexual offences per annum⁹. In 1997 there were just over 7,000 ‘rape[s] against a female’ committed. By 2006, this figure had nearly doubled to over 13,000¹⁰.

4.4 In 2001, when Labour won re-election there were 120,000 drug offences. By 2006, this figure had risen sharply to 180,000 offences¹¹. In a report by the Home Office Strategic Policy Team, it was estimated that there are around 250,000 ‘problem drug users’, who committed 50% of acquisitive crime in the UK¹². Furthermore, they spent an average of £16,500 per annum on their habit, 80% of the funds coming from crimes they had committed. Around three-quarters of crack and heroin users claim they commit crime to feed their habit¹³. UKIP acknowledges not all property crime is drug related.

4.5 In a study by the UK Drug Policy Centre, it was found that the size of the UK market for illicit drugs is around £5 billion. Furthermore, it was found that the overall socio-economic cost of drug crime in Britain was around £13 billion, and in 2005, there were 1,644 deaths related to illegal drugs. The report estimated that as many as 1 in 5 arrests in the UK were ‘heroin related’¹⁴. It appears that Labour’s appalling record on crime has no end.

4.6 The UK Independence Party regards freedom from crime as essential, indeed UKIP believes that after freedom to rule ourselves, freedom from crime is the next most important freedom¹⁵. Whilst UKIP acknowledges that the total eradication of all crime is unlikely, UKIP argues that crime would be a fraction of the problem it is now were forthright and sensible measures taken. However, these measures cannot be taken whilst our membership of the European Union (EU) means we can have these decisions over ruled by EU Courts, such as the European Court of Human Rights.

5. EU Membership and the Human Rights Act

5.1 It is difficult to properly enforce meaningful sanctions for criminal activity in light of the European Union-inspired Human Rights Act 1998, which has been a major impediment to law enforcement. This Act was hailed by Attorney General Lord Goldsmith as the Labour Government’s ‘greatest achievement’.

5.2 Thanks to the Human Rights Act, a number of bizarre court rulings have handed more power to criminals, and resulted in a devastating loss of confidence in the justice system amongst the public. For example, nearly 200 drugs addicts won the right to sue the Government for refusing to allow them to use heroin in prison¹⁶. Human rights laws have also been used to allow 9 Afghans who hijacked a plane at gunpoint to remain in the UK rather than face deportation¹⁷.

5.3 The UK Independence Party believes that human rights are a noble concept, which existed in the UK centuries before the EU came along. Since it was incorporated into UK law, the Act has

done nothing but create legal chaos and embolden criminals to make increasingly obscene claims to have their 'rights' upheld.

5.4 UKIP would abolish the Human Rights Act. Unlike the EU, UKIP does not believe that criminals and their victims are moral equals, with equal claim to the same rights.

6. The Emerging European Police State

6.1 The EU already has a direct and menacing state policing presence in Britain. Its agents are immune from prosecution and already have considerable legal powers. The European Union is forever keen to extend its legal tentacles into Britain, often using excuses like 'anti-terrorism' to justify the involvement of EU officials in British law and national security. Despite the official claims that the EU measures are simply aimed at helping co-operation in criminal cases, a more sinister reason lies behind the EU's manoeuvres in police and legal affairs.

6.2 The European Arrest Warrant (EAW) is a major threat to both a sensible criminal justice system and to our freedoms for several reasons¹⁸. Firstly, the EAW means that individuals can be extradited for crimes which do not exist in UK law, including 'thought crimes' like 'xenophobia', and also vague crimes like 'swindling' and 'membership of a criminal organisation', the precise definition of which is significantly wide open to interpretation.

6.3 Secondly, is the fact that there is no need for a prior hearing in a British court to test the prima facie evidence, indeed, the extradition requests under the EAW do not even have to fully detail the substance of the accusation. Thirdly, many destination countries do not have the concept of 'innocent until proven guilty', further prejudicing a defendant's chances in a criminal trial. Finally, the EAW is executed by officials from EUROPOL, the EU's shadowy police force.

6.4 EUROPOL is an organisation that operates under the central command of the EU, not the nation state in which it operates. Even more menacingly, EUROPOL officials have exemption from prosecution, and therefore are free to confiscate and damage property and even kill suspects without any legal consequences. Even at the height of their powers, the secret police forces of various totalitarian states did not enjoy immunity from prosecution. The fact the EU wants such wide reaching and worrying powers should be a cause for alarm amongst any British citizen, regardless of their political background.

6.5 UKIP is also gravely concerned with EUROJUST. This organisation has been given extensive powers to freeze financial assets and seize property, as well as have unrestricted access to British police databases, including DNA databases. EUROJUST now wants powers to issue arrest warrants, seize goods and property and order member states in the EU to carry out prosecutions for a variety of different offences.

6.6 In a position paper seen by *The Daily Telegraph*, EUROJUST, made up of prosecutors, magistrates and senior police officers from each EU member state, is ready to assume the role of a European Public Prosecutor. The EU Commissioner for 'Justice, Freedom and Security', Franco Frattini, also favours creating a Euro-prosecutor capable of directing national police.

6.7 The EU has set up its own armed police unit, the European Gendarmerie Force (EGF), an essentially militarised police. This is a force specifically designed to deal with civil unrest. UKIP questions why such a force is needed when national police forces already have the means and personnel for dealing with civil unrest. UKIP feels that the EGF will not exercise the restraint a national police force would use when policing disturbances in their own country, and thus the potential for serious abuses by the EGF and excessive force is unacceptably high.

6.8 UKIP holds these developments are little more than the foundations of a future police state, with powers far above and beyond what could be considered appropriate for fighting crime.

7. Terrorism and Homeland Security

7.1 On July 7th 2005, Al Qaeda carried out suicide bombings on the London Transport system, killing 53 people and bringing the capital to a standstill. This was the first recorded suicide bombing in British history. The aftermath of these, like the aftermath of the 9/11 attacks in the United States, have ushered in a complicated but urgent reassessment of law and order as it relates to terrorism.

7.2 During the 1990s a large number of radical Imams came to London as asylum seekers, many of whom had been implicated in violent activities in the Middle East¹⁹. London became known cynically as ‘Londonistan’. It would appear that the Government has confused ‘persecution’ with ‘prosecution’: in the former, a person applies for asylum because of unfair Government attention and action, whilst in the latter the Government rightly wishes to punish a wrongdoer. In the former, a person is the object of state attention because of what they *are*, whilst in the latter, a person is the subject of state attention for what they *do*.

7.3 UKIP’s philosophy is based on *uniculturalism*, not the racial/religious collectivism fostered by generations of politically correct thinking known as multiculturalism, which Trevor Philips has bravely described as being a factor in society ‘sleep walking towards segregation’. One survey by *The Times* newspaper reports that 10% of British Muslims regard the July 7th bombers as ‘martyrs’ and that 16% think the bombing was wrong, but the cause nevertheless justified²⁰. UKIP blames multiculturalism for these figures.

7.4 UKIP is deeply concerned at the death threats made to Bishop Nazir Ali, the courageous Bishop of Rochester, and the feeble reaction and false denial by the political establishment of his claims that there are Muslim dominated ‘no-go’ areas in Britain. Anecdotal evidence suggests this is true in certain cities. UKIP would hold a wide ranging public inquiry to establish the truth into claims of ‘no-go’ areas and their causes, if proven. UKIP deeply regrets the unhelpful remarks made by the Archbishop of Canterbury Rowan Williams on the ‘inevitability’ of Sharia law in the UK.

7.5 UKIP is completely opposed to ID cards for several reasons. First, the ID card scheme involves harvesting large amounts of highly sensitive personal data. The Government has repeatedly shown that it cannot keep personal data safe. The British public cannot seriously expect the Government to keep their data safe with an ID card scheme.

7.6 Secondly, UKIP regards the ID card scheme as being an ingredient in an increasingly intrusive surveillance society. The notion of having to carry ID cards at all times also smacks of the authoritarianism of the Continental political systems so alien to the British understanding of the proper relationship between the authorities and the citizenry.

7.7 Thirdly, the UK Independence Party believes that the estimated cost of the ID card scheme is extraordinarily wasteful. The London School of Economics estimates such a scheme would cost an astonishing £18 billion over ten years, around triple what the Government was claiming the cost would be²¹. UKIP believes that this would be infinitely better spent on genuine security measures like more police, building more prisons and more funding for immigration services, all of which would be a fraction of the cost, and significantly more effective.

7.8 UKIP would take a tough line on terrorist sympathisers. Any foreign national resident in the UK who is demonstrably a supporter of terrorism, would be deported, subject to a single appeal. For

British nationals who support terrorism, UKIP cannot tolerate British nationals assisting enemies to kill other British citizens, or to attack British soldiers. UKIP would therefore enforce the rarely used existing Treason Act to prosecute British nationals for treasonous activity or assisting the enemy. UKIP would make serious physical or verbal attacks on serving British service personnel a treasonable offence. UKIP believes that loyalty to the Crown is owed by all British subjects, and all those granted the right to stay in the UK.

7.9 UKIP would abolish Control Orders, as we regard detention without trial as an improper state of affairs. UKIP would also allow the use of phone tap evidence in terrorist cases unless the security forces or police have overriding objections.

8. Juvenile Crime

8.1 The Home Office statement on juvenile crime is that ‘Youth crime harms communities, creates a culture of fear and damages the lives of some of our most vulnerable young people.’ This is a statement that UKIP agrees with, although it disagrees with much of the politically correct dogma concerning juvenile crime, and is contemptuous of the David Cameron-ascribed concept of ‘hug-a-hoodie’. It remains a sad fact that many crimes are committed by young people, and public fear of juvenile crime is quite pronounced, with three-quarters of respondents in a recent survey believing the number of young offenders had risen²². This fear appears to be well founded, with an astonishing one in four young people (25%) committing an offence in 2006²³.

8.2 UKIP recognises that special measures are needed to deal with young offenders. UKIP regards it as foolish to ‘reward’ young offenders with day trips and other treats, whilst non-offending youngsters are deprived of these activities. UKIP feels that this is morally wrong. In our opinion, this could have the effect of incentivising young people to commit crimes in order to have access to these perceived treats and day trips. It also has questionable impact upon tackling re-offending, with an astonishing 90% of young offenders in these ‘treat’ heavy schemes re-offending within two years²⁴.

8.3 The UK Independence Party believes that too many young offenders are given the protection of anonymity where it is not deserved, and the phrase ‘who cannot be named for legal reasons’ has practically entered everyday language. UKIP believes in ‘naming and shaming’ young offenders. It has been shown that these ‘social costs’ of shame and embarrassment are powerful motivating forces that mediate human behaviour, and are possibly more effective than legal sanctions.

8.4 UKIP understands that sometimes creative frontline policing can greatly reduce instances of young offending. UKIP believes that frontline officers should, in the case of petty crimes, accompany the accused youngster and a relevant parent/guardian to meet the persons affected by their crime. The youngster would be expected to apologise unreservedly, and the parent/guardian would be expected to understand the gravity of the situation and act accordingly. However, if the attitude of the child was questionable, then it would be clear that harsher penalties were needed, possibly including arrest and charge.

8.5 UKIP would abolish ‘Dispersal Orders’, which UKIP feels are sometimes used unfairly against groups of young people who are neither committing a crime nor acting menacingly. We are also opposed to the use of ‘Mosquito’ alarms against young people as excessive. Both these measures break down trust between young people and the police, and sometimes has the effect of simply moving a problem elsewhere rather than dealing with it. UKIP is particularly concerned with the lack of universal services such as youth clubs and sports centres in some parts of the country.

8.6 The UK Independence Party believes that much juvenile crime is the result of a wider breakdown in respect for authority that was encouraged by the politically correct classes from the

1960s onwards. UKIP believes that in addition to new laws and police practises, the role of schools *in loco parentis* should be strengthened in the fight on juvenile crime. UKIP believes that school discipline should be strengthened, with individual schools given the final say in what sanctions they wished to employ against disruptive and/or unruly pupils, not local authorities or other outside agents. This should also include the option of corporal punishment. It would be up to individual schools and parents to decide if and how they employed these sanctions.

8.7 UKIP believes that for young offenders, it is important to intervene quickly, and if need be harshly to prevent them from following a criminal career into adulthood. The UK Independence Party believes that one useful intervention may involve ‘boot camp’ style military discipline. These boot camps could be run by ex-servicemen and women and/or former members of the police and prison service, and instil discipline, self-respect and respect for others. As well as giving citizens an important part to play, it would serve an important rehabilitative purpose for young offenders.

8.8 Keeping with this theme, UKIP believes that for some offenders, an option to enter the military or the Merchant Navy should be offered as an alternative to incarceration. UKIP stresses that this would not be for all offenders, only those that were felt suitable, and even then only with the agreement of the armed forces on a case by case basis.

9. Police Effectiveness and Structures

9.1 UKIP strongly opposes EU backed plans to create ‘regional’ police forces for each of the EU defined geographic and political regions of the UK, as proposed by the then Home Secretary Charles Clarke. He arrogantly described this as ‘the only acceptable option’. We oppose this on three grounds: firstly, it erases our county police forces and thus undermines the centuries old identity of these regions and the police forces which serve them. Secondly, we regard this regionalisation of police forces as being an attempt to create an EU defined sub-*demos* within a wider pan-European *demos* envisaged by the EU²⁵. Finally, UKIP regards this centralisation of power as taking power and initiative away from local police forces, and is undemocratic.

9.2 UKIP believes that there is far too much politically correct careerism in the modern force. For example, in the Financial Year 2003/04, the Metropolitan Police spent around £119 million on ‘equalities-related expenditure’, constituting 4.4% of their total budget²⁶. UKIP does not believe that politically correct schemes should be such a huge part of an effective police force’s work and structure, and that these are a serious and dangerous distraction from serious crime fighting. UKIP opposes any form of quota or positive discrimination in police recruitment as being wholly unjust, and patronising and counterproductive to those it claims to aid. Minority candidates should be encouraged to join, but firmly on the basis of merit and equal treatment alone.

9.3 UKIP maintains that a serious reason for problems with modern policing is the lack of civilian democratic control of police authorities. At the present time, this lays mostly with the ‘elites’, who reward politically correct policing that places political dogma over public safety, crime fighting and common sense. However, the current political ‘elite’ are of the opinion that the police’s job is to enforce political orthodoxy, regardless of the negative impact this has on operational police effectiveness.

9.4 To solve this problem, UKIP would set up a County Police Authority (CPA). This CPA would be democratically elected, and its members would be held accountable for the successes and failures of crime prevention. Its members would also be charged with electing or firing the Chief Constable of the force in their country, based on his/her performance. UKIP would also allow the direct election of Chief Constables where there is sufficient local support to do so. This democratic, localised control of policing would prevent central Government interference, involve local citizens

more in their community life and focus the minds of the senior police officers on crime fighting.

9.5 UKIP is opposed to the Government's 'on the spot' fixed-penalty fines, such as marching drunks to cash points to extract fines or equivalent schemes.

9.6 The UK Independence Party would reduce police red tape to an absolute minimum, eliminating repetition and duplication. Time wasting forms for stop and searches would be abolished. Policemen should be out on the street, not confined to bureaucratic form filling in police stations. Currently, there are just 1 in 58 officers patrolling the streets²⁷. UKIP would make greater use of retired police officers and civilians to manage in house paperwork, thereby freeing up police officers to go back on duty.

9.7 UKIP is in favour of abolishing restraints on 'SUS' stop and searches, backed up with a fair and effective complaints procedure if misused. SUS (search under suspicion) allows police officers to search the pockets and bags of potential suspects to check for weapons, drugs, explosives and other illicit materials. We feel that if used sparingly and sensibly, then SUS can be an important part of police work.

9.8 UKIP is aware that DNA databases are a controversial topic. However, we believe that there is a strong case for keeping the DNA records of convicted criminals (fingerprints of burglars, body fluids of sex offenders etc). At the same time, UKIP is concerned that DNA is being taken and stored for those who have not been convicted of an offence. UKIP believes that storing the DNA of convicted criminals only is a fair balance between individual rights and effective police investigative work.

9.9 UKIP believes that the convention that British police officers do not routinely carry guns should be jealously guarded, and that moves to expand the presence of armed officers should be resisted.

10. Home Defence

10.1 UKIP is concerned that a number of home owners have been charged after physically confronting intruders entering their home. UKIP would reiterate the fact that homeowners should always be presumed innocent when defending themselves, their family or their property from criminals. In addition, UKIP would require all intruders to prove that they had good reason for being in the property in question, and if this was not the case, then this would also be taken into consideration if they were then confronted by the home owner and a court case followed.

11. The Criminal Justice System and Sentencing Policy

11.1 UKIP believes that the current system of sentencing is inefficient, and prevents proper sentences from being imposed. We are deeply concerned at the level of unaccountable behaviour by some judges, and will seek appropriate means to obtain accountability over sentencing policy whilst fully respecting the independence of the judiciary. UKIP does not believe in a doctrine of a 'Divine Right for Judges' especially in light of some of their rulings in recent years, which have often been startlingly contrary to natural justice and common sense.

11.2 The UK Independence Party urges that there should be no extension of bail where broken, or where the accused had a previous record of breaking bail. UKIP believes that Magistrates Courts powers should be extended so that they can impose sentences of up to 12 months in jail, and should be able to impose community service sentences of under 40 hours on offenders who cannot afford fines. This community sentence could be flexible, so that offenders already in a job would not run

the risk of losing it. Their sentence could be done at weekends or evenings and public holidays. Community sentences should complement some 'Workfare' schemes (i.e. community work in exchange for benefits).

11.3 UKIP regards the Crown Prosecution Service (CPS) as subject to too much centralised control, not orientated towards making decisions only as a matter of law and is instead motivated by financial and political considerations. For these reasons, UKIP would abolish the CPS and make the police responsible for criminal prosecutions within their local area. In addition, they should have the power to sub-contract to law firms at their discretion. This new system should be subject to inspection through existing mechanisms, such as H.M. Inspector of Constabulary and the Independent Police Complaints Commission, as well as the aforementioned and proposed CPA.

11.4 The UK Independence Party strongly opposes 'concurrent sentencing', whereby offenders are only punished for their most serious offence and thus in effect get any other offences they commit for 'free'. UKIP wishes to abolish this practice, as UKIP believes all offences should be punished individually, and this would make offenders think before they commit additional offences during criminal incidents. UKIP would also like to see juries given the power to recommend a course of action to the judge, although this recommendation would not be binding on the judge. UKIP feels that a jury are significantly more in tune with the 'real world' and common sense, and thus their opinions could be useful to judges.

11.5 UKIP is not opposed to the concept that offenders should receive early release, but that this early release is a privilege, not a right. Only first time, non-violent offenders should be given the possibility of early release, and only then after completing at least 75% of their sentences and showing significant progress in the areas of educational or job skills training, and/or overcoming addiction.

11.6 UKIP also believes that one way to tackle recidivist offending would be to enforce a 'Three strikes and you're out' style policy, which significantly inflates any punishment for repeat offending. UKIP would also like to see more 'inventive' sentences, with the magistrate/judge given more options for reasonable punishment.

11.7 The UK Independence Party would abolish IPPs (indeterminate sentencing for public protection), as these have the ability and authority to keep a person in jail beyond the length of time they were sentenced to, something a number of groups in civil society are concerned about²⁸. UKIP regards it as unfair that 'experts' who make IPP decisions could potentially extend a sentence indefinitely, so would be glad to abolish them once in office.

11.8 UKIP firmly opposes the closure of local Magistrates Courts which have huge detrimental impacts in terms of additional traffic and loss of local access and facilities.

12. Prisons Policy

12.1 UKIP believes that criminals who are in jail cannot possibly commit crimes against the public whilst incarcerated. This 'preventive detention should be a central plank in the UK justice system, which sadly is more obsessed with 'community sentencing'.

12.2 Yet a recent report on community sentencing finds it widely abused and not properly managed or enforced. One report by the National Audit Office found that nearly 1 in 10 criminals sentenced to community service would be let off if they showed up late by claiming to have 'slept in' or 'forgot'. In response to this report, the National Probation Service admitted it did not even

know how much community sentencing cost the British tax payer²⁹. The frequent use of community sentencing is largely driven by the alleged financial savings of not incarcerating offenders, distant judges divorced from common sense and experience of 'real life' and certain pressure groups with an anti-prison agenda.

12.3 UKIP believes that the justice system exists primarily to protect the public, and then as a secondary aim to punish, rehabilitate and reform offenders. We refuse to believe that the solution to prison overcrowding is simply to stop sending offenders to jail so as to ease real or perceived overcrowding. The solution to this is to build more prisons. UKIP plans to double the number of prisons built within 10 years, with an emphasis on facilities suitable for higher priority prisoners, and also to build more state of the art prison ships. UKIP is deeply sceptical about the concept of 'open prisons', an extremely oxymoronic term, and would seek to investigate levels of offenders in such institutions who escape, before deciding on whether or not to abolish the concept altogether.

12.4 Prison overcrowding is not helped by the large number of EU nationals currently held in British prisons. It has been estimated that around 2,000 EU nationals were in prison in the UK in 2006³⁰ largely a legacy of open borders which allow the criminally inclined to enter Britain from Europe. For example, Gheorge Banu from Romania, who was recommended for deportation when he was released in August 2004 after serving a sentence for fraud. Banu remained in the UK where, until February 2005, he led an identity fraud gang, netting £643,000 from the scam, one of the largest such crimes in British history³¹. Given that the estimated cost of keeping a prisoner locked up is around £38,000 per annum, this means that EU nationals in jail cost the UK tax payer around £76 million per year. Once out of the EU, UKIP would deport these criminals back to their countries of origin upon completion of sentence, freeing up prison places and prison overcrowding, and reducing UK crime.

12.5 The statistics for crimes committed by EU nationals are very worrying, especially in London. In the first 6 months of 2007, Polish nationals committed over 2,000 offences, and Romanian nationals carried out 1,000 which represented an eight fold increase in crimes committed by this nationality³². Indeed, around 1 in 5 crimes committed in London are committed by foreign nationals. In response to a written question by Lord Hanningfield in the House of Lords, Baroness Scotland admitted that the nationality of offenders was not always recorded by the police, and therefore these figures could be an underestimate³³.

12.6 UKIP is firmly opposed to 'Titan Prisons' of 1,500 prisoners or more, as driven by cost considerations, not those of security, safe control or rehabilitation.

12.7 UKIP shares the public's concerns about the luxurious state of prisons. Whilst UKIP disputes whether luxury is the accurate term, it is nevertheless a reflection of the perceived lack of punitive austerity in prisons. UKIP believes that an increase in austerity, whilst not becoming too draconian, would help to serve the punitive purpose of incarceration. UKIP believes that there should be no physical contact between inmates and visitors; they should instead speak through screens. This will have the double effect of increasing the sense of privation and punishment, and at the same time make it harder for visitors to smuggle drugs, weapons, mobiles or other illicit material into the prison.

12.8 The UK Independence Party believes in a balance between punishment and rehabilitation and that whilst serving the purpose of chastisement, and protecting the public from offenders, prisons can and should also be places where minds are focussed towards rehabilitation. UKIP would institute compulsory numeracy and literacy tests for new inmates, and those who failed to meet a minimum basic standard would be obliged to attend basic skills courses in prison.

12.9 UKIP would also require inmates to do physical work, as happens in other parts of the world. UKIP believes that physical work and austere living conditions, combined with job skills training, would make prisons much more effective, in that prisoners would be seen to be properly punished, and at the same time offered a chance to change their life upon release. UKIP is keen on the concept of ‘workfare’, and would provide job searching tips and support for released offenders, with phased programmes of day release into the community on workfare schemes to ease the transition on leaving prison, and to allow prisoners to start earning on leaving.

13. Referenda

13.1 For controversial public issues involving law and order that are outside party politics, UKIP will allow referenda to decide the issues. UKIP’s standard criteria is the public may demand a referendum on any issue, at national, local council or parish poll level, providing 5% of the registered electorate signs a petition. For a national issue a time period of 6 months is proposed i.e. the requisite number of signatures must be obtained in this time window

14. Hate Speech and Thought Crimes

14.1 UKIP believes in freedom of speech as being one of the best guardians of a liberal democracy, as well as one of the British people’s most precious fundamental rights and freedoms. Countless British soldiers and civilians have lost their lives in war to preserve these freedoms, and the great price paid for these freedoms is not taken for granted by UKIP. UKIP refuses to recognise that expression and opinion are crimes, unless this involves calls for criminal action or for the overthrow of democratic free societies.

14.2 The UK Independence Party would review all existing politically correct ‘hate speech’ laws. If it was felt a law was nothing more than cynical social engineering disguised in altruistic camouflage and phraseology, then the law would be abolished. UKIP believes that private citizens are perfectly capable of using their speech, and expressing their thoughts and beliefs without interference and threats from the authorities.

14.3 UKIP wishes to stress that it does not tolerate all speech or opinions. Even a party like ourselves has to draw the line somewhere. If individuals expressed opinions and/or published materials which were slanderous, libellous, called for criminal activities or the overthrow of democracy, then appropriate action would be taken. UKIP regards this as being a very sensible course of action for any free society in order to protect itself from those who wish to take advantage of it and maybe even work for its destruction.

15. Miscellaneous

15.1 UKIP believes that Magna Carta is a document of tremendous significance for the political and legal foundations of the English speaking world. Several copies of the original document remain intact, and UKIP would place a copy on prominent display within the Houses of Westminster, most probably in the Central Lobby area, to remind elected officials from all parties and all parts of the UK the legal and political tradition upon which this country and British democracy has been founded.

15.2 This paper has dealt with the extradition of terrorist suspects, but UKIP is concerned about the way a bi-lateral extradition treaty with the USA has been signed. UKIP believes that this treaty is unbalanced in favour of the USA, and thus allows British citizens to potentially face extradition for offences which are not crimes in the UK. This treaty has already been used in the famous case of the Nat West bankers. UKIP would re-negotiate this treaty to make it more fair, or would abolish it

altogether if acceptable terms could not be agreed.

15.3 UKIP is appalled by domestic violence. UKIP believes that to send a clearer message that it is unacceptable, violence in a domestic setting in the presence of children should be charged as an aggravated crime and that the courts should consider that in sentencing.

15.4 UKIP is deeply concerned at the increasing number of local of pubs which are closing. Many of these closures are due to loss of custom from smokers pushed out by the smoking ban, and also owing to under priced supermarket alcoholic drinks. The UK Independence Party regards pubs as a national institution, as well as an important social hub for many communities.

15.5 The UK Independence Party would replace the smoking ban with legislation requiring the owners of premises – such as pubs, restaurants and bingo halls – to provide proper smoke free areas and/or dedicated internal smoking areas with adequate ventilation. If these measures are not possible, the premises would have to be designated all ‘non smoking’ or ‘all smoking’ and advertise this prominently outside.

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