



Criminal Justice in Britain

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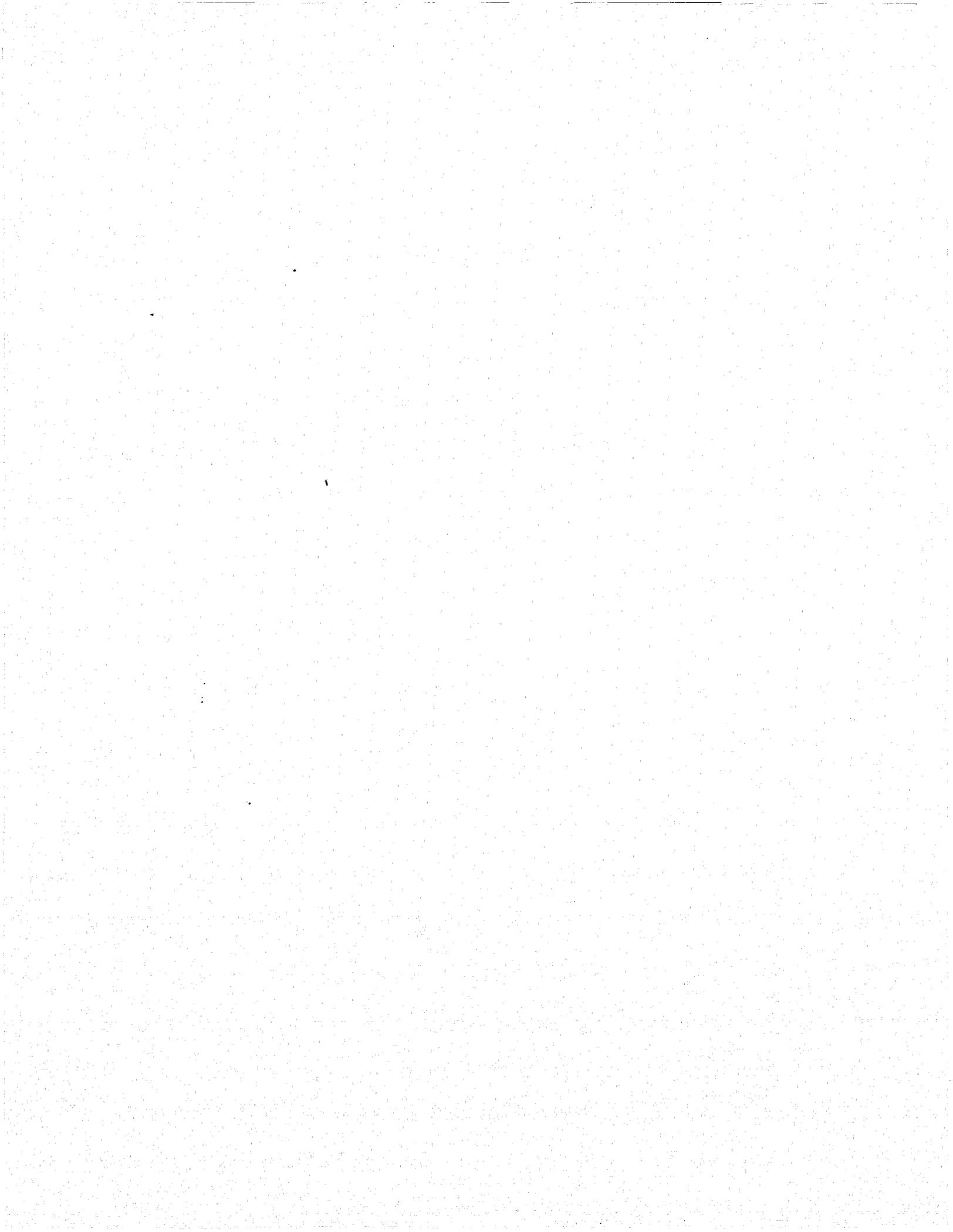
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CONTENTS

	<i>Page</i>
INTRODUCTION	1
THE CRIMINAL LAW	5
CRIME STATISTICS AND RESEARCH	7
CENTRAL ADMINISTRATION	10
THE POLICE AND THEIR POWERS	12
PROSECUTION AND THE CRIMINAL COURTS	22
TREATMENT OF OFFENDERS	31
YOUNG OFFENDERS	44
APPENDIX: LIST OF ORGANISATIONS	50
READING LIST	51



INTRODUCTION

THE AIM of British criminal justice is to protect the community from disorder and anti-social behaviour while ensuring that offenders who break the law are detected and dealt with according to well-defined legal principles. Broadly speaking, there are four stages: the enactment of criminal legislation which defines prohibited acts, establishes criminal courts and provides for the treatment of offenders; the prevention of crime and the enforcement of the law—largely matters for the police service; the determination by the courts of the guilt or innocence of offenders and the selection of appropriate sentences for those found guilty; and the treatment of convicted offenders.

The criminal law deals with wrongful acts harmful to the community and punishable by the State. It largely derives from the common law—the ancient law of the land as deduced from custom and interpreted in court cases by the judges—and from laws made by, or under the authority of, Parliament. In the event of conflict, legislation takes precedence over the common law. European Community law, confined mostly to economic or social matters, stands alongside domestic legislation and the common law and, in the event of conflict, takes precedence over them.

Although the United Kingdom is a unitary state, England and Wales, Scotland and Northern Ireland have their own legal systems, law courts and, to a lesser extent, penal procedures. Substantial similarity exists on many points, but considerable differences remain in organisation and practice. In Northern Ireland the criminal justice system has traditionally resembled that in England and Wales, although recent political violence and terrorism have necessitated the introduction of special temporary measures. This pamphlet deals primarily with England and Wales, but reference is made to Scotland and Northern Ireland where there are substantial points of difference.

Criminal Legislation

The law undergoes constant reform in the courts as established principles are interpreted, clarified or refashioned to meet new circumstances. Substantial changes are the responsibility of Parliament where proposals can be introduced either by the Government or by an individual member of Parliament. In practice most legislation is sponsored by the Government which consults representative organisations of the legal profession, the police, the courts, the prison service and the probation and after-care service; also consulted are independent organisations such as the Howard League for Penal Reform, the National Association for the Care and Resettlement of Offenders, Justice (the British section of the International Commission of Jurists) and the National Council for Civil Liberties. Legislation sponsored by a private member of Parliament may have Government support and may be in part the result of a campaign for change carried out by a pressure group.

Several official bodies advise the Government on the criminal justice system; they include the Law Commission, the Criminal Law Revision Committee, the Advisory Council on the Penal System (in England and Wales) and the Scottish Law Commission. In addition various special committees of inquiry are appointed from time to time.

Enforcement of the Law

Crime prevention, crime investigation, the preservation of the peace and the arrest and bringing to trial of offenders are primarily the concern of the police, although it is recognised that public approval and co-operation are essential to the maintenance of law and order. Police work also involves a broad range of social functions—ranging from juvenile bureaux dealing with young offenders and community relations schemes to involvement with family problems. Policemen, like all citizens, are subject to the rule of law, and are legally responsible for their actions in carrying out their duties.

As in other industrialised countries there has been a rise in the incidence of recorded crime in recent years; the total of indictable crime in England and Wales was more than 2.4 million known offences in 1977, compared with 1.2 million in 1967. The bulk of this total consists of property offences, but there has been a particularly large increase over the past decade in the number of recorded crimes of violence against the person. The number of people tried for indictable offences (the more serious) increased from 250,000 in 1966 to 457,000 in 1976 (England and Wales), and for non-indictable (less serious) offences from 1,269,000 to 1,753,000.

The Judiciary and the Courts

The judiciary is independent of the Government and is not subject to ministerial control. Another safeguard against corruption or prejudice in the administration of the criminal law is provided by the jury system under which a panel of ordinary independent citizens decides the guilt or innocence of people accused of the most serious crimes.

The criminal law presumes a person to be innocent until he has been proved guilty beyond reasonable doubt, and every possible step is taken to deny the prosecution any advantage over the defence. An accused person cannot be compelled to give evidence at his trial; if he remains silent, the prosecution is not allowed to comment on the fact, although the judge may do so. Witnesses normally give evidence in open court. Criminal trials are conducted according to the adversary procedure under which the court reaches a decision on the basis of legal arguments advanced, and facts alleged and proved, by prosecution and defence lawyers who examine witnesses. This contrasts with the procedure common in the rest of Western Europe, under which the judge conducts his own investigations and personally examines witnesses.

Every accused person has the right to employ a legal adviser for his defence. If he cannot afford to pay his legal costs, he may be granted legal aid from public funds. Anyone found guilty of a crime usually has the right of appeal to a higher court either against conviction or against the sentence imposed.

Proceedings in court are normally held in public except in cases involving children (where the child's right of privacy is considered paramount) or matters of State security. Court proceedings are normally reported in the press. Comments may also be published after the end of a trial, but not before, provided that they are not calculated to bring a court or a judge into contempt, or to interfere with the course of justice.

Sentencing and Treatment of Offenders

The criminal courts (see p 23) are responsible for sentencing an offender

found guilty of a criminal offence. The proportionate use of imprisonment and other custodial treatment for people aged 21 and over in England and Wales for indictable offences has fallen from 21 per cent of disposals in 1967 to 14 per cent in 1977; there was a similar fall (from 20 per cent to 15 per cent) for offenders aged between 17 and 20 years. The corresponding figures for those aged under 17 show an increase in the proportion of custodial sentences (borstal training or detention centres—see p 48) from 3 per cent in 1967 to 7 per cent in 1977. This is due in part to the fact that juvenile offenders are more likely to be cautioned rather than tried in court for the less serious indictable offences. Despite the proportionate decline in the use of imprisonment, the prison population has risen as a result of the rise in crime and the large increase in the number of offenders convicted; the average daily population of prisons, borstals and detention centres in England and Wales increased from some 34,000 in 1967 to over 41,570 in 1977. There are systems of remission of sentence and release on parole for well-behaved prisoners.

Most offenders are sentenced to one of several alternatives to custodial treatment. The most common punishment is fines which accounted for 50 per cent of sentences for indictable offences in 1977. Another is probation or, for many young offenders, supervision by a social worker or a probation officer. A recent innovation is a sentence of community service for offenders who might otherwise have been sent to prison; over 11,700 such orders were made in 1977 and the number continues to increase.

Finance

The cost of services in the criminal justice system has increased substantially. From 1971–72 to 1975–76 the cost in England and Wales rose by 18 per cent in constant prices; this was largely caused by increases in police and probation service manpower to meet the pressure on services and public concern about the growth in crime. In the recent period of economic stringency, manpower in all services has been protected at the expense of capital expenditure and of current expenditure elsewhere—for example, on traffic wardens. Expenditure on criminal justice in England, Scotland and Wales was about £1,800 million in 1977–78 which was over 3 per cent of total public expenditure.

Policy Objectives

The general policy objectives of the criminal justice system include the maintenance of public order and public confidence in the rule of law, and the reduction of crime through the deterrent, containment and rehabilitative effects of the system. The aim is to detect offenders; to try accused people, and sentence the guilty, speedily, fairly and without discrimination; to exact penalties economically, effectively and humanely; and to ensure that the scope and content of the criminal law is acceptable to society.

A particular preoccupation of the Government is the protection of society against the dangerous offender, especially those committing crimes of violence and crimes such as the production and supply of dangerous drugs. Another objective is the reduction of offending in general, especially that of children and young people, by improving the effectiveness of preventive and treatment services, and developing alternatives.

Measures to protect society from dangerous offenders have included increased penalties for firearms offences and for the production and supply of dangerous drugs, tighter security for those offenders in custody most likely to present a threat to the public in the event of escape, and increased powers to deal with terrorist offences. Efforts to reduce the incidence of offending have been made by increasing police efficiency, developing measures to discourage re-offending (for example, supervision by the probation service and suspended sentences), assisting the integration of offenders into the community (for example, community service) and relying to the maximum possible extent upon informal methods of handling juvenile offenders.

A key objective is the reduction of the prison population by the increased use of bail (for people awaiting trial on remand), the discouragement by public statement, and some statutory means, of custodial sentences, a wider range of non-custodial penalties (community service orders, and suspended sentences), the development of the probation and after-care service and an extension of the parole system.

A Royal Commission on Criminal Procedure was set up in 1977 to review the criminal justice process in England and Wales from investigation to trial. Its terms of reference are to see whether changes are needed in the powers and duties of the police in respect of the investigation of criminal offences and the rights and duties of suspects and accused people. It is also examining the process of, and responsibility for, the prosecution of criminal offences.

THE CRIMINAL LAW

A FEATURE common to all three legal systems in the United Kingdom is the distinction made between criminal law and civil law. The criminal law is concerned with wrongs affecting the community as a whole and civil law with the rights, duties and obligations of individuals between themselves. Criminal and civil proceedings are separate and take place in different hierarchies of law courts. Some wrongful acts may be both a crime and a civil wrong; for example, reckless driving, a criminal offence, may also give rise to a civil action if it results in injury to, or damage to the property of, other people.

In most cases the criminal law recognises a particular intention or state of mind as a necessary ingredient of a criminal offence. Ignorance of the law on the part of an accused person is, however, never accepted as an excuse. The law punishes not only criminal acts but also—as incitements, attempts or conspiracies—steps towards the commission of a crime which may never take place. A person may be exempted from criminal liability if he has been deprived of his free will and self-control by, for instance, coercion or insanity, or if he is under the age of criminal responsibility.

The Prerogative of Mercy

The administration of justice is one of the prerogatives of the Crown but has long been exercised only through the judiciary and the courts. Since offences against the law are breaches of the Queen's peace and, because the courts dispense the Queen's justice, the right to pardon such offences is vested in the Crown. The prerogative of mercy is an exceptional remedy which may be used where justice or humanity calls for some interference with the strict course of the law. It may be invoked to right a wrongful conviction which cannot otherwise be corrected, or to mitigate sentence. Exercised on the advice of the Home Secretary, the Secretary of State for Scotland or the Secretary of State for Northern Ireland, the prerogative may take the form of the grant of a free pardon, a conditional pardon substituting one form of punishment for another, or a remission reducing a sentence or penalty.

Criminal Injuries Compensation Scheme

The Criminal Injuries Compensation Scheme was established in 1964 to provide *ex gratia* compensation to victims of crimes of violence and people hurt as a result of attempts to arrest offenders and prevent offences. It is administered by the Criminal Injuries Compensation Board comprising legally qualified members appointed by the Home Secretary and the Secretary of State for Scotland after consultations with the Lord Chancellor. Compensation is assessed on the basis of common law damages and takes the form of a lump sum payment. Over £50 million has been paid since the scheme began. A review on the operation of the scheme was published in March 1978 (see Reading List, p 51) which concluded that it had broadly fulfilled its original objective. The Government intends to await public reaction to the report before reaching any conclusions about legislation or changes to the scheme.

The scheme does not apply in Northern Ireland where there is statutory provision in certain circumstances for compensation from public funds for

criminal injuries caused to people and also for malicious damage to property. Compensation for property damage includes losses of profits arising from the damage.

Measures to Combat Terrorism

Various temporary measures to deal with terrorism in connection with Northern Ireland have affected some aspects of the criminal law; under the Prevention of Terrorism (Temporary Provisions) Act 1976, terrorist organisations in the United Kingdom can be banned. The Home Secretary can exclude suspected terrorists from Great Britain. If the person is not a British citizen, he can be excluded from the United Kingdom as a whole. The Act provides for the arrest and detention of suspected terrorists who can be detained by the police for up to two days, and, subject to the consent of the Home Secretary or the Secretary of State for Scotland, for another five days before being charged. In December 1977 the Home Secretary announced that the Act and its effects on civil liberties would be reviewed.

There is also a system of controls at ports on passengers travelling between Great Britain and Ireland.

The Criminal Jurisdiction Act 1975 creates extra-territorial offences under Northern Ireland law so that it is possible to try in the province a person accused of certain offences committed in the Irish Republic. It also enables evidence to be obtained in Northern Ireland for the trial of offences in the Irish Republic. Reciprocal legislation is in force in the Irish Republic.

Trials of terrorist offences in Northern Ireland criminal courts are heard by a judge sitting without a jury. This is done to obviate the possibility of intimidation of jurors.

Law Reform

The criminal law is kept under review in England and Wales by the Law Commission and the Criminal Law Revision Committee. In Scotland this function is the responsibility of the Scottish Law Commission.

The Law Commission is a permanent body consisting of five lawyers of high standing appointed by the Lord Chancellor. Its duty is to scrutinise criminal and civil law with a view to its systematic development and reform including the elimination of anomalies, the repeal of obsolete and unnecessary enactments, and the reduction in the number of separate enactments. Reports are made to the Lord Chancellor. The Scottish Law Commission has a similar constitution to that of the English body and reports to the Lord Advocate.

The Criminal Law Revision Committee, a standing committee of judges and lawyers appointed by the Home Secretary, examines aspects of English criminal law referred to it by him.

Many professional bodies, independent organisations and individuals also publish papers, books and pamphlets advocating changes in the law.

CRIME STATISTICS AND RESEARCH

CHIEF constables in England and Wales have a duty to supply statistics relating to offences, offenders, criminal proceedings and the state of crime in their areas. Crime statistics are published annually by the Home Office, the Scottish Office and the Northern Ireland Office. Further information about crime trends (as well as about police matters) is contained in the annual reports of Her Majesty's Chief Inspector of Constabulary, the Commissioner of Police of the Metropolis, Her Majesty's Chief Inspector of Constabulary for Scotland, and the Chief Constable of the Royal Ulster Constabulary.

The differences in the criminal justice systems of the constituent countries make it impractical to analyse in detail trends in criminality for the United Kingdom as a whole. In considering trends for a single country, it has to be remembered that the number of offences recorded as known to the police does not cover all offences committed since some offences go undiscovered and others are not reported to the police. The proportion of all offences recorded as known to the police may change as a result of several factors such as the public's readiness to report incidents, the general level of tolerance towards certain types of anti-social behaviour and the allocation of police time and resources. Nevertheless, it is clear that, as in Western Europe generally, there has been an upsurge in crime since the early 1950s. Table 1 shows the number of indictable offences per 100,000 population recorded by the police in England and Wales.

Table 1
INDICTABLE OFFENCES RECORDED BY THE POLICE PER 100,000
POPULATION: ENGLAND AND WALES

Offence group	1973	1975	1977
Homicide	1	1	1
Violence against the person (excluding homicide)	124	143	166
Sexual offences	52	48	43
Burglary	800	1,061	1,230
Robbery	15	23	28
Theft	2,031	2,577	3,028
Fraud and forgery	225	250	246
Criminal damage (excluding damage of value £20 or under)	107	160	252
Other offences	16	17	20
TOTAL	3,371	4,280	5,014

Source: Home Office.

Known indictable offences involving the use of firearms totalled some 5,302 in England and Wales during 1977. These include cases where the firearm is fired, used as a blunt instrument to cause injury or damage, or used

as a threat. COI short note *The Control of Firearms in Britain*, SN5991, describes United Kingdom regulations to control firearms.

The success of the police in 'clearing up' the various groups of offence varies from area to area and with the type of offence, as Table 2 shows. Known offences cleared up include those for which a person is arrested, summoned or cautioned; those attributed by the police to children under the age of criminal responsibility (10); those taken into consideration by a court when sentencing an offender found guilty on another charge; and some offences of which a person is known to be, or is suspected of being, guilty but for which he cannot be prosecuted (for example, because of death).

Table 2
INDICTABLE OFFENCES RECORDED BY THE POLICE AND CLEARED UP: ENGLAND AND WALES 1977

Offence group	Number of offences (thousands)	Percentage cleared up
Violence against the person (including homicide)	82.2	79
Sexual offences	21.3	77
Burglary	604.1	31
Robbery	13.7	28
Theft and handling stolen goods ..	1,487.5	40
Fraud and forgery	120.6	82
Criminal damage (excluding damage of value £20 and under)	123.9	30
Other offences	9.7	94
TOTAL	2,463.0	41

Source: Home Office.

Not all apprehended offenders are prosecuted. Instead they can be given an oral caution by, or on the instructions of, senior police officers. Offenders may be cautioned only if they admit to being guilty of the offence concerned. In 1977 for indictable offences, some 84,355 males and 30,629 females were given police cautions. For non-indictable offences, 26,786 males and 7,642 females were given cautions. The proportion aged under 21 cautioned in both categories of offence was about 90 per cent and about 49 per cent respectively.

Over 2 million people were found guilty of offences by the courts in 1977 (see Table 3). About a half of males and a third of females found guilty of indictable offences were under 21 years of age. These proportions were much less for non-indictable offences—about a sixth for males aged under 21 and a tenth for females aged under 21.

Table 3
 PEOPLE FOUND GUILTY BY OFFENCE GROUP:
 ENGLAND AND WALES 1977

Offence group	People found guilty all ages (thousands)*	
	Males	Females
<i>Indictable Offences:</i>		
Violence against the person (including homicide)	35.4	3.3
Sexual offences	6.2	0.0
Burglary	68.1	2.4
Robbery	3.0	0.2
Theft and handling stolen goods	183.8	52.8
Fraud and forgery	16.5	4.5
Criminal damage	39.2	2.9
Other indictable offences	8.6	1.9
TOTAL	360.8	67.9
<i>Non-indictable Offences:</i>		
Motoring offences	1,055.8	91.4
Other	376.1	50.1
TOTAL	1,431.9	141.5
TOTAL FOUND GUILTY	1,792.7	209.4

Source: Home Office.

*Differences between totals and the sum of their component parts are due to rounding.

Criminological Research

A wide range of criminological and other social research is carried out by the Home Office Research Unit and the research branch of the Scottish Home and Health Department. Studies undertaken are mainly concentrated on subjects of direct interest to the departments. The results of the research are published in learned journals, the Home Office Research series and the Scottish Office Social Research Studies series.

Research is also undertaken by university departments, much of it financed by the Government. The principal university criminological research establishment is the Institute of Criminology at Cambridge which, in addition to conducting research, provides a postgraduate course.

CENTRAL ADMINISTRATION

RESPONSIBILITY for administering criminal justice rests with the Lord Chancellor, the Home Secretary and the Secretaries of State for Scotland and Northern Ireland. Also concerned is the Prime Minister who recommends the highest judicial appointments to the Crown. Fuller details of the administration of, for example, the police and the penal systems are given in the appropriate sections of the text.

England and Wales

The Lord Chancellor is the head of the judiciary and sometimes sits as a judge in the House of Lords Appellate Committee which hears appeals to the House. He is a senior member of the Government and is the Cabinet minister responsible for the administration of justice and the running of all courts except magistrates' courts which are the responsibility of the Home Secretary. He is responsible for the appointment of judges and magistrates and of officers of the civil and higher criminal courts of law.

The Home Secretary, also a senior Cabinet minister, is concerned with criminal law (including law reform), the police service, prisons, and the probation and after-care service. The Home Secretary also exercises a general supervision over magistrates' courts and approves the appointment of justices' clerks.

Responsibility for the treatment of offenders under the age of 17 is shared by the Home Office and the Department of Health and Social Security.

In addition, the Home Secretary advises the Queen on the exercise of the royal prerogative of mercy, free pardons and remission of all or part of a penalty imposed by a court.

The Secretary of State for the Environment is responsible for providing accommodation for all the superior criminal courts except for the Central Criminal Court at Old Bailey in London, which is the special responsibility of the City of London Corporation.

The Attorney General and the Solicitor General—known as the Law Officers of the Crown for England and Wales—are the ultimate legal advisers to Government ministers and represent the Crown in appropriate domestic and international cases. Appointed from among senior counsel, they are members of the House of Commons and of the Government, holding ministerial posts. Apart from performing a variety of functions in proceedings of a non-criminal character, the Attorney General has ultimate control over the institution and withdrawal of criminal proceedings. By statute the institution of certain criminal proceedings requires his consent. The Director of Public Prosecutions is responsible to him (all other prosecutions are initiated by the police—see p 22). In carrying out these powers the Attorney General must, by convention, exercise an independent discretion, and must not be influenced by his Government colleagues. The Solicitor General is, in effect, the deputy of the Attorney General.

Scotland

The Secretary of State for Scotland, a Cabinet minister, recommends the

appointment of all judges other than the most senior ones, appoints the staff of the High Court of Justiciary (the highest Scottish criminal court) and is responsible for the composition, staffing and organisation of the sheriff courts.

He is also responsible for crime prevention, the police and the penal system; these responsibilities are exercised through the Scottish Home and Health Department. There is no separate probation and after-care service as local authority social work departments carry out this function.

The Lord Advocate and the Solicitor General for Scotland, also Government ministers, are the Government's chief legal advisers on Scottish questions and are the principal representatives of the Crown for the purpose of litigation in Scotland. The Lord Advocate is closely concerned with legal policy and administration and is responsible for the prosecution of all major crimes (see p 23).

Northern Ireland

The judiciary are appointed by the Queen on the recommendation of the Lord Chancellor. The Northern Ireland Office, under the Secretary of State (a Cabinet minister), deals with the staffing and general organisation of the courts and is responsible for the police and the penal system. The Director of Public Prosecutions in Northern Ireland is responsible to the Attorney General who is, by virtue of his office, also the Attorney General for Northern Ireland; the Director initiates criminal proceedings in certain circumstances, represents the Crown in criminal actions, and prosecutes offences against statutory provisions on behalf of Government departments.

THE POLICE AND THEIR POWERS

CRIME prevention, crime investigation, the preservation of the peace and the bringing to trial of offenders are primarily the concern of the police service. The action of the British police in enforcing the law rests mainly upon common consent, for there are only a small number of officers in relation to the population (roughly one officer to 450 people). Officers do not normally carry firearms (their only weapon is a wooden truncheon), and there are strict limitations on police powers. The service in England, Wales and Scotland is organised in a number of large forces linked with the larger local government authorities and subject to the influence and eventual control of the Home Secretary in England and Wales and the Secretary of State for Scotland.

Forces

There are 43 police forces in England and Wales, eight in Scotland, and one in Northern Ireland. Each force is responsible for law enforcement in its own area but there is constant co-operation between them. Outside London most counties (regions in Scotland) have their own forces, though in the interests of efficiency several have combined forces. In London the Metropolitan Police Force, with headquarters at New Scotland Yard, is responsible for an area within a radius of about 24 kilometres (15 miles) from the centre, but excluding the City of London where there is a separate force.

The strength of the regular police force in England, Wales and Scotland is about 120,000, including about 8,890 policewomen. The size of individual forces depends upon the area and the population which they serve. The strength of the Metropolitan Police Force is over 22,000. In Northern Ireland the Royal Ulster Constabulary has a strength of nearly 5,700.

In addition to the regular police forces, constabularies are maintained by the Ministry of Defence, the United Kingdom Atomic Energy Authority, British Rail and a few other public authorities. Considerable numbers of people are employed by commercial security organisations which are subject to the ordinary law of the land and not to any special legislation; their work involves, for example, the protection of cash in transit, the carriage of important documents, advice on security and the safeguarding of trade secrets.

Police Authorities and Chief Constables

Each of the regular police forces is maintained by a police authority. In England and Wales the authority is a committee consisting of local councillors and magistrates. The Home Secretary is the police authority for the Metropolitan Police Force, and that for the City of London force is the Court of Common Council which usually appoints a standing committee to deal with all police matters on its behalf. In Scotland the police authority is the regional or island council (a joint police committee where there are combined forces). The Police Authority for Northern Ireland, which is responsible for the Royal Ulster Constabulary, is appointed by the Secretary of State for



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Northern Ireland; appointments are made on the basis that membership should as far as practicable be representative of the community.

The primary duty of the police authority is to provide an adequate and efficient police force for its area. The authority's powers, some of which are subject to ministerial approval, include the appointment of the chief constable, deputy chief constable and assistant chief constables of the force and, if necessary, calling upon them to retire; fixing the authorised establishment (maximum permitted strength) of the force; and providing and maintaining buildings and equipment. In the Metropolitan Police area the chief officer of police and his immediate subordinates are appointed by the Crown on the recommendation of the Home Secretary.

Chief constables are responsible for the direction and control of police forces and the appointment, promotion and discipline of all ranks below deputy or assistant chief constable. They are, however, answerable to the police authorities on matters of efficiency and are required to submit a written report every year.

Central Authorities

The Home Secretary and the Secretary of State for Scotland have overall responsibility for the preservation of law and order and are concerned with the general organisation, administration, and operation of the police service. They approve the appointment of chief constables, and may require a police authority to retire a chief constable in the interests of efficiency, call for a report from a chief constable on any matters relating to the policing of his area, or cause a local inquiry to be held. They are also empowered to make regulations, with which all police authorities must comply, covering such matters as police ranks; qualifications for appointment, promotions and retirement; discipline; hours of duty, leave, pay and allowances; and uniform and equipment. Some of these regulations are first negotiable in the Police Council (on which are represented the police authorities, police staff associations and ministers); the others are discussed on representative advisory bodies together with any general questions affecting the police.

In Northern Ireland the Secretary of State has similar responsibilities for the Royal Ulster Constabulary.

Inspectors of Constabulary

All police forces in England, Wales and Scotland (except the Metropolitan Police for which the Home Secretary is directly responsible) are subject to inspection on behalf of the Secretaries of State. Inspectors of constabulary carry out, under Her Majesty's Chief Inspector of Constabulary and Her Majesty's Chief Inspector of Constabulary for Scotland, a formal annual inspection of the forces in their regions, inquiring into efficiency and reporting to the Home Secretary or the Secretary of State for Scotland. Annual reports are published, covering the whole range of police matters. The inspectors also maintain close touch on all matters with the forces for which they are responsible, and have various advisory functions.

In Northern Ireland arrangements are made from time to time for inspections of the Royal Ulster Constabulary by Her Majesty's Chief Inspector of Constabulary.

Finance

The police authorities are financed by central and local government. The central Government contribution, which is one-half of approved expenditure (one-third in the City of London), is conditional upon the Home Secretary or the Secretary of State for Scotland being satisfied that the force is being efficiently administered and maintained.

Officers and Ancillary Staff

In general, entry to the regular police force is open to men and women between the ages of 18½ and 30. A chief constable may approve the appointment of especially suitable older men and women.

The standard police ranks in England, Wales and Scotland (except in the Metropolitan Police and the City of London Police areas) are: chief constable, assistant chief constable, chief superintendent, superintendent, chief inspector, inspector, sergeant and constable. The chief officer in the Metropolitan Police area, the Commissioner of Police of the Metropolis, is assisted by a deputy commissioner and four assistant commissioners. Next in rank are deputy assistant commissioners and then commanders; from chief superintendent the ranks are the same as in the rest of the country. In the City of London the ranks are the same as in the regions except that the chief officer is the Commissioner of Police and the second in command is an assistant commissioner. In Northern Ireland the ranks of the Royal Ulster Constabulary are similar to those in Great Britain.

Police Cadets

Cadet training is designed to prepare young people between 16 and 18½ years of age for a career in the police service. Cadets have no police powers but, in addition to their educational studies and physical training, they are given instruction in elementary police work.

Civilian Staff

In order to release as many uniformed police officers as possible for operational duties, police authorities employ some 40,000 civilians on administrative (pay, records, finance, and other general subjects) and other duties such as fingerprint, scenes of crime and control room work. Some are also employed on catering and domestic duties.

Traffic Wardens

Nearly 5,460 traffic wardens are employed to discharge specified duties connected with road traffic and vehicles, normally undertaken by the police. They may be authorised to serve fixed penalty notices¹ for some minor offences; to man police car pounds (except in Scotland and Northern Ireland); to enforce the vehicle excise laws; and to obtain the names and addresses of people thought to have committed certain types of traffic offences. If the police agree, they may also be employed to direct traffic, to act as parking attendants at street parking places, and as school crossing patrols. Wardens

¹A fixed penalty notice gives the recipient the option of paying a specified sum to the clerk of the appropriate court instead of having his case tried in the ordinary way.

are under the control of the chief constable of the force to which they are attached.

Special Constables

Each force has an attachment of special constables who volunteer to perform police duties without pay in their spare time. In England and Wales they act as auxiliaries to the regular force when required. In Scotland they are employed only in emergencies although they may be assigned to duty for training purposes. In Northern Ireland there is a Royal Ulster Constabulary Reserve, a largely part-time (and paid) body; when on duty its members have the same powers, privileges and duties as those of the regular force.

Status and Duties

A police officer in the United Kingdom is an independent holder of public office. He is an agent of the law of the land, not of the police authority nor of the central Government, and may be prosecuted in respect of any criminal act he may commit in the performance of his duties. A police officer may also be sued for a civil wrong such as false imprisonment.

A police officer cannot belong to a trade union nor may he withdraw his labour in furtherance of a trade dispute. All ranks, however, have their own associations which can make representations to ministers or to police authorities on matters of interest or concern to their members.

Police work ranges from the protection of people and property, road or street patrolling and traffic control to crime prevention, criminal investigation and the arrest of offenders and suspects. In urban areas, particularly, police officers often have to deal with social problems and, when necessary, they bring in other social agencies and expert help. In England and Wales the police also have the tasks of examining evidence and prosecuting accused people; they must often decide whether or not to grant bail (see p 19).

Police Departments

The main departments in all police forces are the uniformed department, the criminal investigation department and the traffic department. Many forces have specialised departments, including river or marine police, mounted police and dog handlers.

The uniformed police are generally responsible for the preservation of the peace, crime prevention, the protection of people and property, and the maintenance of law and order. In most urban areas there is a system of 'unit beat policing', which combines foot patrols using personal radios with police cars, thereby ensuring flexibility in the deployment of manpower. Full use is made of modern communications techniques. The uniformed department is also responsible for inspecting places of public entertainment and investigating reports of lost property. Most police forces have task forces—mobile groups of a dozen or more uniformed officers—which attend serious emergencies, organise widespread searches, provide protection against outbreaks of vandalism, and patrol areas where burglaries are prevalent. Patrol constables are attached to the task forces for short spells and then resume their normal duties.

Criminal investigation departments, whose officers are not usually uniformed, investigate crime, check and classify crime reports, collect information about crime in the district, prepare crime statistics, and take action to prevent or discourage crime.

Traffic departments enforce road safety laws and are concerned with traffic management, road safety and related matters. Traffic patrols also perform any other police work which they may find necessary in the course of their patrols.

The Metropolitan Police have specialised departments dealing with fraud, stolen vehicles, robberies, arts and antiques, obscene publications, drugs, serious crimes, and terrorism. They also provide services for other police forces in Britain (see p 17). The trend towards specialisation has been followed by other forces to deal with crimes concerning, for example, drugs or fraud.

Policewomen have the same powers, pay and conditions of service as men. They work for both the uniformed and the criminal investigation branches, and can be called upon to help in any kind of investigation.

Crime Prevention

There are crime prevention departments in all forces. Their size varies from force to force. Functions include studying methods used by criminals and ways of combating them; advising on ways of carrying cash and valuables, protecting buildings against intruders, preventing fraud, securing vehicles and their contents, and using safes and strongrooms; co-ordinating preventive work among all ranks in the force; training personnel; and organising publicity campaigns, exhibitions and lectures. Most local police headquarters have permanent crime prevention exhibitions. The Metropolitan Police Force has a mobile crime prevention advice centre. National crime prevention campaigns are promoted by the Government using television, the press and leaflets delivered to homes.

The other main police method used to prevent crime is policemen on patrol who are encouraged to look for circumstances offering opportunities to criminals—such as buildings which are not properly secured.

Some 134 crime prevention panels in England and Wales help the police in the fight against crime. The panels bring together police officers and people from all walks of life.

The Home Office Crime Prevention Centre, opened in 1963, runs courses (lasting four weeks) for crime prevention officers. Courses are also attended by police officers from some other countries.

Co-ordination between Forces

There are a number of common services provided by the Government and by arrangements made between forces. The most important of these are: training services; a forensic science service in England and Wales with seven regional laboratories (in addition to the Metropolitan Police Laboratory); telecommunications services which supply and maintain police radio equipment; and central and provincial criminal records available to all forces. Regional crime squads in England and Wales, consisting of teams of detectives from several forces and operating under a committee of chief constables, investigate major crimes involving inquiries in more than one police area. In Scotland the

Scottish Crime Squad assists forces in the investigation and prevention of crime.

Research and Technical Services

Research into technical services takes place in separate units within the Home Office Police Department. These include the Forensic Science Unit and its regional laboratories, a Central Research Establishment staffed by scientists, and a Directorate of Telecommunications with one section of engineers engaged solely on research and development. The Police Scientific Development Branch is staffed by scientists and technicians assisted by police officers seconded from the Police Research Services Unit; both the Branch and the Unit are concerned with operational research into police methods and the development of equipment for police forces. The Economic Planning Unit, composed mainly of economists and accountants, is responsible for the development of a planning-programming-budgeting system for the police: this includes the production of programme accounts and studies of the use of resources.

A national police computer rationalises the keeping of police records and so speeds up the dissemination of information. (Police records are confidential and may only be disclosed to third parties within very strict limits laid down by the central Government.) The application of scientific aids to police work has reached an advanced stage, some £14 million being spent each year on equipment.

Metropolitan Police Force Services

Services provided for other forces by the Metropolitan Police Force include: (1) publication of the *Police Gazette*, which contains particulars of people wanted for crime and details of stolen property, and is supplied to police forces in the United Kingdom and to certain other Commonwealth and foreign forces; (2) organisation and control of the Special Branch of the criminal investigation department at New Scotland Yard, whose duties include the protection of royalty, some ministers and distinguished foreign visitors; and (3) carrying out extradition orders made by the courts.

The Metropolitan Police Force is also available, on request, to assist any other police force in England and Wales in criminal investigations. Similarly, the services of the Fraud Squad, run jointly by the Metropolitan Police Force and the City of London Police, are available throughout England, Wales and Scotland for the investigation of serious company frauds. In addition, the Metropolitan Police Force provides liaison with the International Criminal Police Organisation (Interpol).

Relations with the Public

The sanction of the police in enforcing the law rests to a very considerable extent upon common consent as shown by the small number of police officers in relation to the population (roughly one officer to 450 people), the limitations on their powers, and their lack of firearms. There is, however, a procedure under which a member of the public can make a complaint against the conduct of a police officer.

The law requires the chief officer of each force to record promptly and to

investigate a complaint against a member of his force. The investigation is carried out by a senior police officer who may come from a different force. Statements from the complainant and the officer concerned are taken. The deputy chief constable of a force outside London, or a senior officer in the Metropolitan or City of London Police, is responsible for considering what action to take as a result of the investigation. Since police officers, like everyone else, are subject to the law of the land, a deputy chief constable must send the report of an investigation to the Director of Public Prosecutions, if he is satisfied that a criminal offence has been committed. The Director decides whether criminal proceedings should be brought.

The deputy chief constable decides whether or not a disciplinary charge should be brought as police officers are also subject to a strict disciplinary code. If he decides that such a charge would not be justified, he must send the report to the Police Complaints Board, an independent body appointed by the Home Secretary. The Board may accept the deputy chief constable's decision or recommend that disciplinary charges be brought.

A formal hearing takes place whenever disciplinary charges are brought against a police officer. Usually this is before the chief officer alone, but, in exceptional circumstances, the Police Complaints Board may direct that the charge be heard by a tribunal consisting of the chief officer and two members of the Board. The hearing is in private. If the accused officer does not admit the charge, the complainant has the right to attend and will normally be expected to give evidence.

If the disciplinary hearing finds that the charge is justified, the range of penalties that can be imposed by the chief officer includes caution, reprimand, fine, reduction in rank, requirement to resign, or dismissal from the force. The officer can appeal to the Home Secretary against the finding or punishment, or both.

In Scotland arrangements for investigating complaints against the police are broadly similar. Any complaint alleging that a police officer has committed a criminal offence is, after investigation, referred to the procurator fiscal and any decision to prosecute is taken by the Crown authorities (see p 23). Although there is no independent complaints body, a legislative opportunity is awaited to create one.

In Northern Ireland there is a Police Complaints Board appointed by the Secretary of State. Procedures for investigating complaints are very similar to those in England and Wales.

A false and malicious claim against a police officer may lead to his bringing legal proceedings for defamation.

Police Powers

The powers of the police are complex and governed by statutes, cases decided by the courts, and administrative practices. This section deals mainly with England and Wales and only gives a very rough indication of the nature and extent of some of the more important police powers.

A police officer who exceeds his authority unlawfully or unnecessarily is subject to disciplinary procedure, and possibly to civil or criminal proceedings (see above). Conversely, it is an offence for any member of the public to obstruct or attempt to obstruct an officer in the execution of his duty. It is

also an offence to refuse to assist an officer in making an arrest when called upon to do so in a case of reasonable necessity. Members of the public are also expected to give all possible help to a police officer in tracking down and apprehending a criminal, and to report any crime or suspicious behaviour they may witness.

Police officers are not generally armed, but in an emergency firearms can be issued on the authority of a senior officer to suitably trained men. On normal patrol duties a police officer carries a wooden truncheon, which he may use only in self-defence or to restore order when all other means have failed.

Arrest

There is no general power of arrest and the police have no general powers to detain suspects or witnesses.

Under English law an arrest may be effected either on a warrant issued by a magistrate or without a warrant. If arrested without a warrant, a person must be informed of the grounds on which he is being detained unless the circumstances of the arrest prevent this. Arrest warrants must specify the name of the person to be arrested and details of the alleged offence. A general warrant to search for and arrest an unnamed person is illegal.

Warrants are issued only where the nature of the alleged offence justifies arrest. In other circumstances a summons to appear in court is usually issued; if the person summoned does not appear, a warrant for his arrest can then be issued.

An arrested person is entitled to ask the police to notify a named person, such as a relative or a solicitor, about his or her arrest. The police may delay notification if they think it necessary in the interests of the investigation, the prevention of crime or the apprehension of offenders.

The anti-terrorism laws (see p 6) have affected arrest, search and detention powers.

Bail

When a person is arrested without a warrant, the police may release him on bail and must do so if he cannot be brought before a magistrates' court within 24 hours, unless the offence is serious. If he is detained in custody he must be brought before a magistrates' court as soon as practicable. Under the Bail Act 1976 a person granted bail is placed under a statutory duty to surrender custody to a specified magistrates' court at a time appointed by the police; absconding while on bail is a criminal offence which may be punished by up to a year's imprisonment. Before release on bail a person may be required to provide persons to stand surety for him. The police also have power to grant a person bail on condition that he appears at a police station, if they are not able to prefer a charge until further inquiries are made.

The magistrates' court before which a person appears has discretion to remand him in custody for a period not exceeding eight clear days or to grant him bail. A defendant may be refused bail only if there are substantial grounds for believing that he or she might abscond, commit further offences or otherwise interfere with the course of justice. Where bail is refused or granted on terms unacceptable to the defendant, he may apply to a judge of the High Court. If he is committed for trial at the Crown Court, he is also

entitled to make a bail application to that court. In 1976 some 83 per cent of persons committed for trial were granted bail.

Entry, Search and Seizure

Any person – police officer or private citizen – has the right to enter premises to save life or to prevent serious injury to people or property. There is, however, no general right of entry, search or seizure of property without the consent of the individual concerned or lawful authority. The latter can cover entry under the common law (for example, to prevent a breach of the peace), statute, warrant issued by a judicial authority or, in a few special cases, the written permission of a senior police officer.

Police officers are not allowed, in the absence of written authority, to search a person before arrest in the hope of finding evidence to support charges. A few statutes (some of local extent only) entitle a police officer to stop people who are, for example, suspected of possessing property or drugs unlawfully.

After an arrest a prisoner may be searched where his behaviour makes it prudent to search him for his own protection or that of the police. He may also be searched if it is likely that he possesses, for example, stolen goods, housebreaking tools or other articles which may be useful as evidence. The seizure of articles not material to any criminal charge is not legally justified, and all articles must normally be returned once legal proceedings are over unless a court orders otherwise. Female prisoners are searched by women police officers.

Questioning

The questioning of people who may be tried for a criminal offence is governed partly by a set of rules laid down by judges and partly by rules of evidence (rules of law concerned with the proof of facts). Confessions of guilt are inadmissible during a criminal trial if procured by duress or material inducements. An accused person does not have to give evidence at his trial.

The Judges' Rules do not have the force of law but are for the guidance of the police; statements may, however, be rejected by the trial judge if they have been obtained contrary to the rules. They are designed to ensure that questioning is not oppressive and that statements to the police are made voluntarily. The rules say that a formal caution should be given to a person notifying him that he is not obliged to say anything in answer to questions, first when the police have reasonable grounds for suspecting him guilty of an offence, and again when they charge him or tell him that he may be prosecuted. Once a person has been charged, the police may not put any further questions, save, in exceptional circumstances, to prevent or minimise harm or loss to any person or to the public, or to clear up an ambiguity in a previous answer or statement.

At every stage of a police investigation a suspect must be allowed access to legal advice provided that this is unlikely to impede the processes of investigation or the administration of justice.

Identification

Fingerprints can be taken with the consent of a person once he is charged

with an offence. If consent is not given, a senior police officer may apply to a magistrates' court for an order authorising the taking of fingerprints. Copies of fingerprints taken have to be destroyed if the case is dropped and if the prisoner has not been previously convicted and is later acquitted.

Rules also govern the use of other methods of identification such as identification parades. New guidance on the conduct of parades has been issued to the police and is designed to strengthen safeguards for suspects.

Unlawful Detention

A person detained in custody who thinks that the grounds for his detention are not lawful,¹ may seek a writ of habeas corpus against the person who detained him, this person being required to appear before the court on the day named to justify the detention. An application is normally made to the Divisional Court of the Queen's Bench Division of the High Court either by the person detained or by someone acting on his behalf. If the court is not sitting the application may be made to a High Court judge who may, and in some cases must, direct that it should come before the Divisional Court. An application on behalf of anyone under 18 years of age is always first made to a judge sitting in chambers or in private. A writ may be refused only by the Divisional Court.

Scotland

The police in Scotland have similar powers of arrest to those of the police in England and Wales. The Judges' Rules do not apply, but when anyone is arrested he must be cautioned and have the charge read to him. Thereafter, only his voluntary statements can be used in evidence at his trial, and the court rejects any statement made unless it is satisfied that it has been fairly obtained. When anyone is apprehended he must be brought before a court with the least possible delay. Where a prosecution indictment is contemplated, the accused is brought before a judge for judicial examination; the judge may then commit him for trial or for further examination. Eight days may elapse between commitment for further examination and commitment for trial.

People in custody, except those charged with murder or treason, may be freed on bail by the sheriff. If the offence is within the jurisdiction of another summary court other than the sheriff court, that court or the police may grant bail. Even in the case of murder or treason, bail may be granted at the discretion of the Lord Advocate or the High Court of Justiciary. There is a right of appeal to the High Court by the accused person against the refusal of bail, by the prosecutor against the granting of bail, or by either party against the amount fixed. The writ of habeas corpus does not apply in Scotland, but the High Court of Justiciary has power to release anyone unlawfully detained. Trials must be brought to a conclusion within 110 days of committal to custody.

¹Detention is lawful in pursuance of criminal justice, for contempt of court or of either House of Parliament, and when expressly authorised by Act of Parliament. It is also lawful in the case of persons found to be mentally disordered.

PROSECUTION AND THE CRIMINAL COURTS

Prosecution

In England and Wales prosecution is discretionary and usually the responsibility of the police, who also have powers to issue cautions instead of prosecuting. Private individuals can also initiate criminal proceedings. Many police forces have solicitors' departments which advise forces and handle the legal arrangements of prosecution. In Scotland, the police investigate and report crimes and offences made known to them; the decision whether to prosecute, and the conduct of prosecutions, is the responsibility of the public prosecution service under the control of the Lord Advocate. The police have some discretion to deal with offences by issuing informal warnings instead of reporting them for prosecution.

England and Wales

Some offences can only be prosecuted by, or with the consent of, the Attorney General or the Director of Public Prosecutions, the latter acting under the superintendence of the Attorney General and being responsible to him. Where the consent of the Attorney General is required, the Director in practice prosecutes the case; such cases include crimes like bribery and corruption of officials, and the use and possession of explosives.

The Director is under a duty to prosecute crimes such as treason and murder. The police have to report to him a further list of offences, including serious offences against the person, sedition, criminal offences by police officers, and offences relating to obscene or indecent publications; the Director does not prosecute all such cases referred to him by the police but may do so in any one that appears to be important or where he thinks intervention is necessary. Otherwise the proceedings are conducted by solicitors employed by the police. The Director also considers whether proceedings should be taken in cases reported to him by Government departments. In addition he advises the police and others concerned with the administration of the criminal law.

The Home Secretary and the Attorney General are reviewing the arrangements for prosecutions and the interrelationship between the Director and other prosecutors. The review includes consideration of the offences which have to be referred by the police to the Director and the implementation of the recommendation of the 1962 Royal Commission on the police that every force in England and Wales should have a prosecuting solicitors' department.

Professional officers of the Director's department are barristers or solicitors. Although the former have a right of audience in the higher courts, they do not in practice appear except in magistrates' courts where they and their solicitor colleagues conduct summary and committal proceedings. When cases go for trial, counsel in private practice are instructed to appear on the Director's behalf; at the Central Criminal Court in London, these are drawn from a panel of 'Treasury Counsel' appointed by the Attorney General.

Northern Ireland

In Northern Ireland all prosecutions tried on indictment are conducted by

the Director of Public Prosecutions for Northern Ireland who is responsible to the Attorney General. The Director can also initiate, undertake and carry out prosecutions for such summary offences or classes of summary offence as he considers should be dealt with by him; in broad terms, these include offences which the Director considers to be of a serious nature or which involve public interest questions, including offences of a political or sectarian kind. Minor prosecutions by Government departments (including those of the United Kingdom Government) are conducted by an official of the department concerned; the more serious ones are initiated and conducted by the Director. All other offences are normally prosecuted by the police.

Scotland

The prosecution process in Scotland is different from that in the rest of the United Kingdom. The Lord Advocate (see p 11) is responsible for the prosecution of all crimes but delegates most of the work to the Solicitor General, to ten advocates depute, and to procurators fiscal. The permanent adviser to the Lord Advocate on prosecution matters is the Crown Agent who is head of the procurator fiscal service and is assisted by a staff of civil servants known as the Crown Office. Prosecutions in the High Court of Justiciary are prepared by the Crown Office while crimes before the sheriff and district courts are prosecuted by the procurators fiscal who are lawyers and full-time civil servants. The police investigate offences known to them and report to the procurator fiscal who decides whether or not to prosecute, subject to the discretion and control of the Crown Office. Private prosecutions are extremely rare.

Courts in England and Wales

Magistrates' courts deal with about 98 per cent of criminal cases in England and Wales, and conduct preliminary investigations into the more serious offences. The Crown Court, situated in a number of towns and cities, takes all criminal work above the level of magistrates' courts and trials are held before a jury.

Magistrates' Courts

Magistrates' courts hear and determine charges against people accused of 'summary offences', that is, those that may be legally disposed of by magistrates sitting without a jury. There are some 700 courts served by 23,500 lay magistrates ('justices of the peace') who are advised on points of law and procedure by legally qualified justices' clerks. The courts normally consist of a bench of three lay magistrates. In inner London and some other large urban areas there are about 50 professional 'stipendiary' magistrates who are full-time, salaried and legally qualified.

Magistrates may try certain serious offences which would otherwise be tried on indictment by jury in the Crown Court provided that the defendant has been given the opportunity to choose to be tried by jury, and informed that, if he consents to summary trial, he might, upon conviction, be sent to a higher court for sentence.

On conviction, magistrates cannot, as a rule, impose a sentence of more than six months' imprisonment or a fine exceeding £1,000. They can commit

an offender for sentence at the Crown Court if the offence carries a higher penalty and if, after obtaining information about his character and antecedents, they consider their sentencing power inadequate. They may also 'bind over' a defendant by requiring him to be of good behaviour or to keep the peace, make a community service order, discharge him absolutely or conditionally, or put him on probation (see p 31).

Magistrates' courts also conduct preliminary inquiries to determine whether there is sufficient evidence to justify the committal of the accused for trial in the Crown Court; evidence at these proceedings cannot be reported at the time except at the defendant's request, unless the magistrates discharge him.

The courts sit as juvenile courts when hearing cases involving young people under 17 years of age (see p 44).

The Crown Court

The Crown Court is responsible for the trial on indictment of the more serious offences, the sentencing of offenders committed for sentence by magistrates' courts, and appeals from magistrates' courts. It has about 90 centres and is presided over either by a High Court judge, a full-time 'circuit judge' or a part-time recorder. All contested trials in the court take place before a jury. A circuit judge or a recorder sits with between two and four magistrates for appeals and committals for sentence from magistrates' courts, and may sit with magistrates for the less important trials on indictment. A High Court judge sits alone for the most serious cases.

If an offender is convicted, the Crown Court may order a fine of any amount and, within the maximum penalty determined for the offence by Parliament, any other custodial or non-custodial penalty.

The distribution of Crown Court business is determined by directions given by, or on behalf of, the Lord Chief Justice of England, with the concurrence of the Lord Chancellor; such directions allocate the various classes of offences to High Court judges, circuit judges and recorders.

Appeals

A person convicted by a magistrates' court may appeal against the sentence imposed and, if he contested his guilt, the conviction itself, to the Crown Court. Where the appeal is on a point of law, either the prosecution or the defendant may appeal from the magistrates' court to the High Court which sits in London and some regional centres.

Appeals from the Crown Court, either against conviction or against sentence, are usually made to the Court of Appeal (Criminal Division). Appeals against conviction may be brought to the Court of Appeal by right on any point of law, and with the leave of the trial judge or the court on any question of fact or mixed fact and law. Appeals against sentence come with the leave of the court, provided that the sentence was in the discretion of the trial judge and not fixed by law. The Court of Appeal (Criminal Division) normally consists of three judges who may be Lords Justices of Appeal or judges of the High Court, although the Lord Chief Justice or a Lord Justice of Appeal usually presides.

A further appeal from the Court of Appeal to the House of Lords can be

brought if the court certifies that a point of law of general public importance is involved and it appears to the court or the House of Lords that the point is one that ought to be considered by the House.

A prosecutor or defendant may appeal to the House of Lords from a decision of the High Court in a criminal case.

The Attorney General may seek the opinion of the Court of Appeal on a point of law which has arisen in a case where a person tried on indictment is acquitted. The court has power to refer the point to the House of Lords if necessary. The acquittal is not affected, nor is the identity of the acquitted person revealed without his consent.

Courts in Scotland

In Scotland there are three kinds of criminal court—the High Court of Justiciary, the sheriff court and the district court. The High Court deals with the more serious crimes and the sheriff court with the less serious. District courts deal with minor offences.

Criminal cases are heard either under solemn procedure, when proceedings are taken on indictment and the judge sits with a jury of 15 members, or under summary procedure when the judge sits without a jury. All cases in the High Court of Justiciary and the more serious ones in the sheriff courts are tried by a judge and jury. Proceedings are taken under summary procedure in the less serious cases in the sheriff courts and in all cases in the district courts.

District Courts

The system of lay summary courts is based on the district and islands areas of local government. Judges are justices of the peace, including up to one-quarter of the membership of district and islands authorities who may be nominated as *ex-officio* justices. In Glasgow there are three stipendiary magistrates who are full-time salaried lawyers.

Sheriff Courts

Sheriff courts, which also exercise an extensive civil jurisdiction, are presided over by the sheriff who is legally qualified and sits as judge of the court. He can impose up to two years' imprisonment in cases on indictment and up to six months' imprisonment in summary cases. He can remit cases deserving more serious penalties to the High Court for sentence.

The High Court of Justiciary

The High Court of Justiciary is Scotland's supreme criminal court. It is both a trial and an appeal court. Judges entitled to try cases in the High Court are the Lord Justice General (the head of the court), the Lord Justice Clerk (the next judge in seniority), or any of the other Lord Commissioners of Justiciary. Although the main seat of the court is in Edinburgh, it also sits on circuit in a number of other towns.

Appeals

All appeals are dealt with by the High Court of Justiciary sitting in Edinburgh. In both solemn and summary procedure, an appeal may be brought against conviction, or sentence, or both. The High Court cannot order a retrial if it

sets aside a conviction. Appeals are heard by three or more judges; there is no further appeal to the House of Lords.

Children's Hearings

Lay children's hearings deal with children under 16 accused of committing an offence. They are described more fully on page 46.

Courts in Northern Ireland

Magistrates' courts deal with minor criminal cases and are presided over by a resident magistrate who is a full-time professional judicial officer. They also conduct preliminary inquiries into indictable offences and send alleged offenders for trial at county courts. Juvenile courts are similar to those in England and Wales (see p 44); they consist of a resident magistrate and two lay members drawn from a juvenile court lay panel. Appeals from a magistrates' court may be made to the county court.

County courts can try all indictable offences with the exception of treason, murder and certain other offences specially removed from their jurisdiction by statute. County court trials take place before a judge and jury.

The High Court of Justice has a similar criminal jurisdiction to that of the county courts. Cases such as murder are tried in the High Court only. Certain terrorist offences involving violence or explosives may be tried by a High Court or county court judge sitting alone.

The superior courts comprise the Supreme Court of Judicature and the Court of Criminal Appeal, both of which sit in Belfast. The High Court of Justice forms part of the Supreme Court. The Court of Criminal Appeal deals with appeals in criminal cases tried on indictment. Appeals may then go to the House of Lords.

Government proposals to reform the criminal and civil courts have been passed by Parliament. The main changes proposed are the establishment of a Crown Court for the trial of all criminal cases on indictment, and the abolition of the Court of Criminal Appeal and the transfer of its jurisdiction to the Court of Appeal.

Coroners' Courts

Most of the work of coroners' courts involves the investigation of violent and unnatural deaths or of sudden deaths where the cause is unknown. Cases may be brought to the notice of the local coroner (a senior lawyer or doctor appointed by local government), by doctors, the police, various public authorities or members of the public; it is his duty to hold an inquiry into how, when and where the deceased died. If the death is a sudden one of which the cause is unknown, the coroner need not hold an inquest in court, but may order a post-mortem examination to determine the cause of death. If, however, he has reason to believe that the deceased died a violent or unnatural death in prison or other circumstances provided for by statute, he must hold an inquest. The requirement to summon a jury if the coroner has reason to suspect that death was caused by homicide or by a road traffic accident was abolished by the Criminal Law Act 1977.

In Scotland the office of coroner does not exist. The procurator fiscal inquires into all sudden and suspicious deaths in his district and may report the result of his inquiries to the Crown Agent.

Coroners in Northern Ireland are mostly senior lawyers; the work of their courts is similar to that of coroners' courts in England and Wales.

Trial

Criminal trials in the United Kingdom take the form of a contest between the prosecution and the defence. United Kingdom criminal law presumes the innocence of an accused person until his guilt has been proved. The prosecution, therefore, is not granted any advantage, apparent or real, over the defence. A defendant has the right to employ a legal adviser for his defence and if he cannot afford to pay he may be granted legal aid wholly or partly from public funds. If remanded in custody he may be visited in prison by his legal adviser to ensure that his defence is properly prepared. During the preparation of the case it is customary for the prosecution to inform the defence of any relevant documents which it is not proposed to put in evidence, and to disclose them if asked to do so. The prosecution must inform the defence of any witnesses whose evidence may assist the accused.

England and Wales

Criminal trials in England and Wales are normally held in open court, and the rules of evidence (which are concerned with the proof of facts) are rigorously applied. If evidence is admitted in contravention of the law, a conviction can be quashed on appeal.

The trial consists of opening speeches by the prosecution and the defence, examination and cross-examination of witnesses, and closing speeches with the defence having the last word. (In jury trials the judge then sums up the evidence for the jury.) During the trial the defendant has the right to hear and subsequently to cross-examine (normally through his barrister) all the witnesses for the prosecution; to call his own witnesses who, if they do not attend of their own free will, may be legally compelled to attend the trial; and to address the court either in person or through his barrister. Moreover, the defendant cannot himself be questioned unless he consents to be sworn as a witness in his own defence. When he does testify, he may only be cross-examined about his character or other conduct in exceptional circumstances; generally, the prosecution may not introduce evidence of such matters. Although confessions made in the course of previous judicial proceedings are admissible as evidence if they have been made on oath, no confessions made in any other circumstances are admitted unless it can be proved that they were made voluntarily.

The problem of identification evidence in criminal trials has been the subject of much controversy. In April 1976 a Government committee, under the chairmanship of Lord Devlin, recommended that only in exceptional circumstances should a person be convicted on the basis of identification evidence unsupported by other substantial evidence. Subsequently the Court of Appeal laid down guidelines for the courts along the broad lines of this recommendation, and other administrative steps taken have included the agreement by the Attorney General and the Director of Public Prosecutions of new guidance for the handling of cases involving identification evidence for which the Director is responsible.

Scotland

At summary trials the accused is asked to plead to the charge at the first calling of the case and, if he pleads guilty, the court may dispose of it. Where the plea is 'not guilty', the court may proceed to trial at once or, more usually, may appoint a later date.

In trials on indictment, the 'pleading' proceedings take place in the sheriff court, where the accused person is called upon to plead guilty or not guilty. If he pleads 'not guilty', the case is continued to the 'trial' proceedings in the appropriate court. If he pleads guilty, and the case is to be dealt with in the sheriff court, the sheriff may dispose of it at once. If it is a High Court case, it is continued to the 'trial' proceedings in the High Court of Justiciary.

The trial proceedings are held at least nine days after the pleading proceedings, either before the sheriff or the High Court, with a jury of 15 members. There are no opening speeches by the prosecution or the defence. The trial begins with the presentation of the prosecution witnesses who are subject to cross-examination by the defence. The defence presents its witnesses once the prosecution has closed its case. The trial concludes with closing speeches for the prosecution and the defence followed by the judge's charge to the jury. The judge is not required to 'sum up', his functions being traditionally restricted to directing the jury on the law with particular reference to such facts as he considers to be at issue in the case.

The Jury

In jury trials, the judge determines questions of law, sums up the evidence for the benefit of the jury, and discharges the accused or passes sentence according to the verdict of the jury. Only the jury decides whether the defendant is guilty or not guilty. If the jury cannot reach a unanimous verdict, the judge may direct it to bring in a majority verdict provided that, in the normal jury of 12 people, there are not more than two dissentients. If the jury returns a verdict of 'not guilty', the prosecution has no right of appeal and the defendant cannot be tried again for the same offence. From a verdict of 'guilty' there is a right of appeal by the defendant to the appropriate court.

A jury is independent of the judiciary. Once members are sworn in, they are protected from interference of any kind. Both the prosecution and the defence can object to particular jurors. The minimum age for jurors is 18 and they are drawn from the electoral register.

In Scotland a jury may return a verdict of 'not guilty' or 'not proven', both of which result in acquittal, or they may find the accused 'guilty', in which case the court proceeds to deliver sentence. The verdict may be by a simple majority. With a few minor exceptions, no person can be convicted of a crime without the evidence of two witnesses, or corroboration of one witness by facts and circumstances which clearly implicate the accused in the crime. As in England and Wales jurors are chosen from the electoral register; since the minimum age for jurors is 21, not all those on the register are eligible to serve as the minimum voting age is 18.

In Northern Ireland the jury system is similar to that in England and Wales. Subject to certain disqualifications and exemptions, all electors between the ages of 18 and 70 are eligible for jury service.

Legal Aid and Advice

Advice and Assistance

Before court proceedings are involved, people with limited means can obtain help from a solicitor on any legal matter either free or subject to a contribution. This includes advice, writing letters, obtaining opinions from a barrister and visiting a police station or prison. A solicitor may act for a client until his costs and expenses reach a total of £25, but authority must be obtained for this limit to be exceeded. A person seeking help has to give the solicitor brief details about his income and savings. The income limit laid down by the scheme is reviewed annually.

Aid in Criminal Proceedings

In England and Wales a legal aid order may be made by the court if it appears to be in the interests of justice and that a defendant's means are such that he requires financial help in meeting the costs of the proceedings in which he is involved. An order must be made when a person is committed for trial on a murder charge or applies for leave to appeal to the House of Lords from the Court of Appeal (Criminal Division). No person can be given a custodial sentence for the first time unless he is legally represented.

A criminal legal aid order covers representation of the assisted person by a solicitor and, where appropriate, a barrister in all matters relating to the proceedings, including most applications for bail. If the assisted person is unsuccessful in defending the proceedings, his lawyer can advise on the prospects of an appeal against conviction and/or sentence. The applicant may be required by the court to make a financial contribution towards his costs.

The arrangements for aid in Scotland and Northern Ireland are similar, but in Scotland there is a statutory duty solicitor scheme for accused people in custody in sheriff and district court cases and the 'interests of justice' test applies only in summary cases.

The Judiciary

The courts of the United Kingdom are the Queen's Courts since the Crown is the historic source of all judicial power. The Queen, acting on the advice of ministers, is responsible for all appointments to the judiciary (see p 10).

Full-time judges do not engage in politics, except for the Lord Chancellor who is head of the judiciary, speaker of the House of Lords, and a Cabinet minister. With the exception of lay magistrates, judges in England and Wales are normally appointed from practising barristers or from solicitors who have served three years as recorders. In Scotland, practising advocates of ten years' standing and solicitors to the supreme courts of ten years' standing are eligible for appointment as judges in the supreme courts. Appointment as a sheriff is open to advocates and solicitors who have been legally qualified for at least ten years. In Northern Ireland county court judges when appointed must be barristers-at-law of not less than ten years' standing and practising in Northern Ireland.

Although lay magistrates in England and Wales do not require legal qualifications, on appointment they undertake to complete a period of basic training so that they may obtain a sufficient knowledge of the law (including

the rules of evidence) and may understand the nature and purpose of sentencing. A special committee advises the Lord Chancellor on training policies. The Scottish district court justices of the peace likewise do not require legal qualifications and the Secretary of State for Scotland is responsible for training. In Northern Ireland lay magistrates who serve on juvenile courts undertake training courses. Resident magistrates must be practising solicitors or barristers of not less than six years' standing.

In certain circumstances (for instance, in cases of misconduct or proven incapacity) circuit judges who serve in the Crown Court and county courts in England, Wales and Northern Ireland may be removed from their position by the Lord Chancellor. Superior judges (other than the Lord Chancellor who changes with the Government) are subject to a power of removal only by the Queen on an address presented by both Houses of Parliament. In Scotland there is no statutory provision for removal from office of judges of the Court of Session or the High Court of Justiciary; it is probable that special legislation would be required to effect such a dismissal. A sheriff may be removed from office by the Secretary of State on a report by the Lord President of the Court of Session (a civil law court) and the Lord Justice Clerk; such a decision has to be approved by both Houses of Parliament before taking effect and is reversed if either House resolves against it.

The judiciary is drawn from among the ranks of the legal profession; there is no career as such.

The Legal Profession

The British legal profession comprises two branches—solicitors and barristers (advocates in Scotland)—although some functions are common to both. Solicitors undertake legal business on behalf of lay clients, while barristers (known collectively as the 'Bar' and collectively and individually as 'counsel') advise on legal problems submitted through solicitors, and present cases in the higher courts. Although an individual is free to conduct his own case, most people prefer to be legally represented in the more serious court cases.

The professional organisations for solicitors are The Law Society, The Law Society of Scotland, and The Incorporated Law Society of Northern Ireland. The Senate of the Inns of Court and the Bar is the professional organisation for barristers in England and Wales. In Scotland there is The Faculty of Advocates and in Northern Ireland, The Bar Council of Northern Ireland.

In 1976 the Government established a Royal Commission to inquire into the law and practice relating to the provision of legal services in England and Wales and in Northern Ireland. A similar Royal Commission for Scotland was also set up. Both commissions are considering whether changes are desirable, in the public interest, in the structure, organisation, training, regulation of, and entry to, the legal profession, including the arrangements for determining its remuneration.

TREATMENT OF OFFENDERS

BOTH non-custodial and custodial treatment are important elements of the British system for dealing with offenders against the law. Courts have considerable discretion to select the most suitable sentence in the light of the nature and gravity of the offence and the information about the offender. The special provisions for young offenders are described in a separate chapter (see p 44).

The Home Secretary and the Secretaries of State for Scotland and Northern Ireland are the Government ministers responsible for policy and practice concerning the treatment of adult and young adult offenders.

NON-CUSTODIAL TREATMENT

The courts now make less use of prison as a penalty for criminal activity than they did in the past. In 1948, for instance, some 59 per cent of people aged 17 and over convicted by the higher courts of indictable offences were sent to prison but this figure had dropped to 34 per cent by 1975. This trend has been influenced by a number of concerns, including reservations about the efficacy of imprisonment for certain types of offender, the high and increasing cost of keeping a person in prison, and the overcrowded conditions in prison caused by the continued rise in crime.

A wide range of non-custodial penalties is therefore available to the courts including probation, community service, suspended sentences, and fines.

The Probation and After-care Service

The probation and after-care service is responsible for a considerable amount of non-custodial treatment such as probation and community service and is organised locally in England and Wales through probation and after-care committees consisting of local magistrates and co-opted members with legal and specialist interests. The Home Office probation and after-care department includes an inspectorate. Periodic reports are published by the Home Office describing the work of the department. In Northern Ireland the service is administered by the Northern Ireland Office. There is no separate probation service in Scotland, these functions being exercised by local authority social work departments.

The aim of the probation service, using the methods of social work, is to rehabilitate offenders, so giving them the opportunity to resume their place in society. It also provides a welfare service in prison (see p 40). In addition, social inquiry reports on offenders are prepared for the use of courts. The reports usually contain details about social and domestic background, character, personality, education and employment.

Probation

Probation is designed to secure the rehabilitation of an offender while he continues his normal life under the supervision of a probation officer who advises, assists and befriends him. Before making a probation order (which

can be for between one and three years), the court must explain its effects and inform the probationer that if he fails to comply with the requirements of the order, he will be liable to be dealt with for the original offence. Since co-operation between the offender and the probation officer is the chief feature of the system, the offender's consent to an order must be obtained. An order can be made only if the offender is 17 years of age or over (10 in Northern Ireland). The order usually requires the probationer to keep in regular touch with the probation officer, to be of good behaviour and to lead an industrious life. It may also require him to live in a specified place (such as an approved hostel), or, in appropriate circumstances, to submit to treatment for a mental condition.

Probation and after-care committees may, with the approval of the Home Secretary, provide and maintain day training centres which offenders may be required to attend for up to 60 days as a requirement of a probation order. Four such centres, set up to test the arrangements, are in being. The centres are often used for offenders who are unemployed or have difficulty in keeping a steady job. Offenders attend on a full-time basis for five days a week; training programmes include such items as group counselling, remedial education, instruction in home budgeting, and simple work training in woodwork, decorating or car maintenance.

There are also probation hostels designed to help immature offenders to respond to probation. Residents are expected to find employment outside the hostel and contribute to their keep from earnings. Bail hostels are designed for certain people awaiting trial who do not have to be detained in prison.

Community Service Orders

Courts in England and Wales may make community service orders in the case of offenders aged 17 or over who live in places where community service schemes exist and who are convicted of imprisonable offences. The court stipulates the number of unpaid hours to be worked within the range 40 to 240 hours. Schemes are run by the probation service and are available in the greater part of the country. A court may deal with an offender who fails to comply with an order by fining him or by revoking the order and dealing with him anew for the original offence. Examples of unpaid work done under community service orders include painting, decorating and gardening for elderly and disabled people, building and helping to run adventure playgrounds for children, and providing help in hospitals. Some offenders continue their service on a voluntary basis after the order has ended. In 1977 over 11,700 orders were made. Similar schemes are being introduced in Scotland and Northern Ireland.

Suspended Sentences

In England, Wales and Northern Ireland a judge can pass a suspended sentence of not more than two years. The offender does not serve the sentence unless, within the period, he commits a further offence punishable with imprisonment; in that event the suspended sentence takes effect (unless there are exceptional reasons why this should not be so) and an additional sentence

imposed for the new offence. An offender who is given a suspended sentence of over six months may, in England and Wales, be made subject to a supervision order for all or part of the period during which the sentence is suspended; the order is made if the court considers that the offender will benefit from supervision and be helped by it not to commit another offence.

Under the Criminal Law Act 1977 courts imposing a prison sentence of not less than six months and not more than two years will be able to order that part of it be served immediately and the remainder suspended. The suspended portion (not less than one quarter nor more than three quarters of the whole) is only served if the offender is convicted of a further offence punishable with imprisonment during the period of the original sentence. If the offender is convicted, the court must order that the whole of the suspended period take effect, unless there are special reasons for not doing so.

Other Measures

Fines are the most common punishment, especially for motoring offences. Other measures may include absolute or (in England, Wales and Northern Ireland) conditional discharge for up to three years (one year in Northern Ireland). A discharge is made when the court feels that there is no need to impose punishment on a convicted person. Another alternative for the court is 'binding over', where the offender is required to pledge money, with or without sureties, to keep the peace and be of good behaviour.

A court may order an offender to pay compensation for any personal injury, loss or damage resulting from his offence; in certain circumstances it may order the forfeiture of property used, or intended for use, in the commission of a crime. In the case of major crimes against property a criminal bankruptcy order against the offender can form the basis of bankruptcy proceedings against him.

An offender may also have his sentence deferred for up to six months with his consent to enable a court to arrive at the most appropriate sentence, taking into account the offender's conduct after, for instance, some expected change in his circumstances.

If an offender needs psychiatric treatment and satisfactory arrangements are available in the community or in hospital, the court may deal with him by conditional or absolute discharge. Psychiatric treatment may also be provided as a condition of a probation order. A court can also order that an offender in need of psychiatric treatment should be admitted compulsorily to hospital (with or without restriction on discharge) or be entrusted to the guardianship of a local authority. The Crown Court may, on committing such an offender, compulsorily order that his discharge be subject to the restriction that the Home Secretary must consider that he can be safely discharged. Psychiatric care is provided by the prison medical service for offenders sentenced to detention in a prison service establishment (see p 39).

In most circumstances, a person convicted of a criminal offence need not reveal or admit it after a rehabilitation period of from six months to ten years depending on the nature of the sentence imposed; this does not apply to those who have received a prison sentence of more than two and a half years.

Tables 4 and 5 show the use of non-custodial treatment and imprisonment for offenders convicted of indictable offences in magistrates' courts and the Crown Court.

Table 4

OFFENDERS SENTENCED BY MAGISTRATES' COURTS, BY TYPE OF SENTENCE: ENGLAND AND WALES 1977

Sentence or order	Number	Percentage
Absolute discharge	3,094	1
Conditional discharge	52,432	15
Probation order	18,549	5
Supervision order	16,365	5
Fine	205,877	57
Community service order	6,897	2
Attendance centre order	9,455	3
Detention centre order	7,878	2
Care order	5,485	1
Imprisonment:		
Suspended	17,235	5
Immediate	13,327	4
Otherwise dealt with	3,174	1
TOTAL	359,768	100

Source: Home Office.

The difference between the total and the sum of the component parts in the percentage column is due to rounding.

CUSTODIAL TREATMENT

Imprisonment and, for certain categories of young offenders (see p 47), other forms of custodial treatment form an important part of British penal practice, but are increasingly seen as the last resort in dealing with people who break the law. Wherever possible and appropriate for the safety of the public, treatment within the community is regarded as preferable to custody.

Sentencing Policy

The criminal courts' discretion to select the sentence most appropriate for an offender is modified by statutory provisions designed to ensure that prison sentences are kept to a minimum. A working party recently concluded that present arrangements for preparing judges for their role as sentencers could and should be placed on a more formal basis (see Reading List). In England and Wales and Northern Ireland a person who has not previously served a custodial sentence of a particular kind may not be sentenced to treatment of that kind unless he is legally represented or has chosen not to be and unless the court is satisfied that no other sentence will suffice because of the gravity of the offence. In England and Wales no offender over the age of 21 can be sent to prison unless he has served a previous sentence, or the court is of the

Table 5

OFFENDERS SENTENCED BY THE CROWN COURT, BY TYPE OF SENTENCE: ENGLAND AND WALES 1977

Sentence or order	Number	Percentage
Absolute discharge	148	*
Conditional discharge	2,989	4
Probation order	4,626	7
Supervision order	296	*
Fine	10,228	15
Community service order	3,048	4
Detention centre order	2,634	4
Care order	150	*
Borstal training	8,101	12
Imprisonment:		
Suspended	11,942	17
Immediate	22,945	33
Otherwise dealt with	1,688	3
TOTAL	68,795	100

Source: Home Office.

* Less than 0.5 per cent.

opinion that imprisonment is the only way of dealing with him taking into account information about the circumstances and about the offender's character and physical and mental condition. There are also limitations on courts' sentencing powers in relation to young offenders.

In England and Wales sentences of longer duration, known as extended sentences, may be imposed on persistent offenders.

The mandatory penalty for murder is imprisonment for life. In England and Wales life imprisonment is the maximum penalty for manslaughter and certain other very serious offences such as rape, robbery and arson.

Probation officers prepare social inquiry reports (see p 31) for the courts. An inquiry must be made if the accused is under 21 (in non-trivial cases). It is also normal practice for the court to order one before deciding to commit an offender to a higher court for sentence, before sentencing someone to up to two years in prison (if the offender has not previously been in prison), or before sentencing a young adult offender or a woman to any form of custodial treatment. If the offender is given a custodial sentence, copies of the inquiry report are sent to the establishment concerned to indicate any special problems and assist in arrangements for treatment. The report is also included in parole dossiers.

The Prison Service

The purpose of the prison service is to undertake the humane and secure containment of those committed to custody by the courts and to provide, through treatment and training, conditions in which offenders can learn to accept and deal responsibly with the consequences of their own behaviour.

Establishments include closed and open prisons and, for young offenders, borstals and detention centres. The prison population comprises three main groups—people awaiting or undergoing trial, offenders convicted but not sentenced, and sentenced inmates.

Administration

Prison policy and administration are the direct responsibility of the Home Office in England and Wales, the Scottish Home and Health Department, and the Northern Ireland Office. Annual reports are published on the work of the Home Office Prison Department, the Scottish Prison Service and the Northern Ireland Prison Service. In England and Wales the Home Secretary is advised by the Advisory Council on the Penal System.

A board of visitors composed of men and women representing the local community and including some magistrates is appointed by the Home Secretary at each custodial centre in England and Wales. A board has to satisfy itself about the state of the buildings, the administration of the establishment and the treatment of inmates. It reports annually to the Home Secretary. It hears inmates' applications or complaints, has power to adjudicate on inmates charged with serious breaches of discipline, and provides contact between the establishment and the local community. Similar arrangements exist in Scotland and Northern Ireland.

Classification of Prisoners and Prisons

Sentenced prisoners in England and Wales are classified into four groups for the purposes of security. Category A consists of those whose escape would be highly dangerous to the public or police, or to the security of the State. Category B comprises prisoners for whom the very highest conditions of security are not necessary but for whom escape must be made very difficult. Category C prisoners are those who cannot be trusted in open conditions and who do not have the ability or resources to make a determined escape attempt. Category D prisoners are trusted to serve their sentence in open conditions. The Category A prisoners are accommodated in seven 'dispersal' prisons specially organised to take a proportion of the most dangerous and highest security risk prisoners.

Those under the age of 21 when sentenced are classified as young prisoners and serve their sentences separately from older ones (see p 49). Females are accommodated separately from male inmates. People in prison awaiting trial are as far as possible separated from convicted prisoners. Unsentenced prisoners under the age of 21 are often detained in separate remand centres; if they have to be detained in local prisons they are normally separated from older prisoners.

Prisons to which offenders are committed directly by a court are known as local prisons and all are closed establishments. Training prisons are closed or open and receive inmates on transfer from local prisons. Open prisons do not have physical barriers to prevent escape; about a tenth of male and one-third of female prisoners are in open prisons. There are separate prisons for female prisoners.

The average daily population of prison service establishments in England and Wales in 1977 was 41,570.

Convicted male prisoners wear prison clothes but females are allowed to wear their own clothes. Prison officers are uniformed, except when serving at borstals (see p 48) and junior detention centres (see p 48). Prison staff do not carry firearms.

Many British prisons were built during the nineteenth century and are unsatisfactory by modern standards. Overcrowding is also a problem. However, several new prisons have been built in the past few years, and existing establishments are being redeveloped and modernised, as far as limited resources allow.

Remission of Sentence

Prisoners serving a determinate sentence of more than one month are eligible for remission of one-third of their sentence providing that this does not reduce their sentence to less than 31 days. In Northern Ireland such prisoners may receive one-half remission; if an offender sentenced to more than one year is reconvicted for an imprisonable offence committed in the remitted period, all or part of the balance of the remitted period can be ordered to be served in addition to any sentence imposed for the fresh offence. Remission does not apply to those sentenced to life imprisonment.

Parole

Prisoners in England, Scotland and Wales serving fixed sentences of more than 18 months become eligible for consideration for release on parole after serving one-third of their sentence or 12 months, whichever expires later. If granted, release is on licence. The parolee is supervised by a probation officer, the licence normally requiring him to report to his supervising officer and to maintain regular contact with him, to lead an honest and industrious life, and not to change his job without notifying the probation service. If the terms of the licence are broken, the parolee may be recalled to prison. The licence remains in force until the date on which the prisoner would have been released had not parole been granted; offenders in England and Wales serving extended sentences are subject to supervision until the sentence of the court has expired. Offenders sentenced when under the age of 21 are not in general subject to licence beyond their twenty-second birthday.

If eligible for parole, a prisoner wishing to be considered has his case looked at by a local review committee consisting of the prison governor or his deputy, a probation officer, a member of the board of visitors and two members of the public. The cases are then considered by the Home Office. Most of those in low-risk categories who are unanimously recommended by the committee as suitable for parole are released by the Home Secretary; the others favourably recommended are referred by him to the Parole Board, an independent body whose members include judges, psychiatrists, senior probation officers, criminologists and laymen. If the local review committee considers a prisoner unsuitable for parole, he is usually refused it or, in certain circumstances, referred to the Parole Board.

In most cases the Home Secretary accepts the Board's recommendation whether or not to grant parole. Since he is ultimately responsible for the release of prisoners on parole, he may decline to release someone recommended by the Board; this power is, however, rarely exercised. Prisoners

considered but not recommended by the Board cannot be released on parole by the Home Secretary.

In Scotland there is a similar system and a separate board. There is no parole scheme in Northern Ireland where the conditional release scheme, with one-half remission, operates (see p 37).

Prisoners serving life sentences are also eligible for release on licence. In England, Wales and Scotland the usual practice is to seek the views of the local review committee after the offender has served seven years. Each case is considered by the Home Secretary or the Secretary of State for Scotland and then forwarded to the appropriate parole board. The Lord Chief Justice (in England and Wales) and the Lord Justice General (in Scotland) and (if he is available) the judge who presided at the defendant's trial must be consulted before any life sentence prisoner is released. In Northern Ireland the judiciary is similarly consulted before any such release takes place. Prisoners released in this way remain on licence for the whole of their lives, and are therefore subject to recall at any time should the circumstances warrant it.

Work

The main aim of prison industries is to give inmates training (including vocational training when appropriate) and experience to assist them to get and keep jobs on discharge. Another aim is to make the best possible use of prison labour.

Prison industries generally consist of clothing and textile manufacture, weaving and knitting, engineering, woodwork, laundering, sub-contracted light engineering work, electrical and mechanical production and plastic injection mouldings. A wide range of semi-skilled work is available. There is a special industrial prison at Coldingly in Surrey. Products such as clothing are made for use within the prison service while others are supplied to Government departments or sold on the open market to nationalised industries and commercial companies. There are also farming and horticultural industries which contribute to prison food provision. Other employment includes landscaping at new establishments, constructing new buildings, maintenance work within existing premises, and the domestic services (for example, catering) of prison service establishments.

Small payments are made to inmates for the work they do; some prisons have incentive schemes providing higher earnings on the basis of output and skill. Most earnings are spent at the canteen where items such as tobacco, foodstuffs, toilet articles and periodicals can be purchased.

Education

Education for those in custody in England and Wales is provided by local education authorities at the invitation and expense of the prison service. In Northern Ireland the educational staff are recruited and paid by the Civil Service. Each prison in England and Wales has an education officer responsible for the organisation and management of its education services; most are full-time but a few are part-time. The teaching staff consists mainly of part-time teachers and a small but growing number of full-time teachers. Attendance by adults at classes is voluntary. Educational resources are devoted to teaching and improving literacy and to the provision of vocational training

including training in the construction industry. A number of prisoners study for public examinations, including those of the Open University, while teaching in recreational and leisure pursuits is available where resources permit.

In addition, handicrafts and hobbies are encouraged; the annual Koestler award provides prizes for work showing talent in art, literature and musical competition. The award also covers achievements in vocational training. The 900 or so entries in 1976 attracted about a hundred commendations and cash prizes.

Each prison has a library stocked by the local authority library service. Stocks of books are changed at regular intervals.

Physical Education

The purposes of physical education and remedial gymnastics are to promote health and fitness and to ensure that inmates are physically competent to sustain the demands of outside employment. Instructors are recruited from among interested prison officers. Physical education is voluntary for adults but all offenders under 21 have to attend a certain number of classes a week. Many establishments, however, lack proper facilities.

Medical Services

The prison medical service has a general responsibility for the physical and mental health of all those in custody. Each establishment has accommodation for sick people and there are some larger prison hospitals (some with up to 100 beds) to which patients can be transferred where necessary. Four prisons have surgical units. The prison medical service also calls on the consultant and specialist resources of the National Health Service; where necessary, patients can be sent to outside hospitals.

There is one specialist psychiatric prison and some other centres in the prison service where patients can receive psychiatric care. Special treatment for alcoholics is available at some establishments. Some two-thirds of full-time medical officers in prisons and borstals have had psychiatric experience outside the prison medical service.

Psychological Service

Prison psychologists are involved in the evaluation of treatment programmes and regimes, contribute to the management and treatment of individuals and groups, take part in advising and training work with prison staff, and clinically examine selected inmates.

Letters and Visits

A convicted prisoner is entitled to write or receive one letter a week. The writing paper, plain envelope and postage of the outgoing letter is paid for from public funds. Allowances of letters in excess of this statutory minimum operate in all prisons, the prisoner paying the postage from his earnings. All letters, outward and inward, are subject to examination. Experiments are being undertaken to examine the extent to which censorship may be relaxed.

Statutory rules entitle a convicted prisoner to receive a visit lasting at least

half an hour once in four weeks. Longer visits can often be allowed at training prisons and fortnightly visits are possible at some. Additional visits can be granted to meet a special need, for instance, to help a family overcome domestic difficulties.

Temporary Release

A convicted prisoner can be released temporarily on compassionate grounds—for example, to visit a near relative who is dying or to attend the funeral of one who has died. Such releases take place with an escort where this is necessary on grounds of security.

Privileges

There are a number of privileges granted to convicted prisoners. These include library books, educational and general notebooks, personal books, periodicals and newspapers, education classes and correspondence courses, purchases from earnings, possession and smoking of tobacco, and possession of a personal radio.

A second range of privileges is granted at the discretion of the prison governor and is dependent on the accommodation and facilities available; it includes association for meals and recreation, television viewing, lectures, film shows and concerts, and personal possessions in cells.

Welfare

Welfare is the general concern of the prison staff as a whole. Much of this work is the responsibility of probation officers stationed in prisons. Other members of staff involved include chaplains, assistant governors, principal and senior officers, and some officers.

The probation officer helps the prisoner in his relations with individuals and agencies outside and makes plans for his after-care on release.

Prisoners, especially those with no family or friends, may also receive visits from voluntary prison visitors appointed by the Home Office Prison Department. The aim is to give the prisoner regular contact with a sympathetic person unconnected with the prison staff with whom he can talk freely about matters of personal and general interest. There is a National Association of Prison Visitors.

Religion

In England and Wales a chaplain of the Church of England, a Roman Catholic priest and a Methodist minister are appointed to every establishment. Other ministers of religion are appointed or called in as required. The chaplaincy centre has facilities for worship, religious education and group work. Chaplains give spiritual help and advice to inmates and are increasingly involved in management decisions affecting the needs of the offender and the quality of his life.

Discipline

Formal breaches of prison discipline are dealt with by the governor, or the board of visitors, who have power to order certain penalties such as forfeiture

of remission, forfeiture of privileges, stoppage of earnings, or solitary confinement for three days or up to fifty-six days. Offences against discipline vary from the very grave (such as mutiny, incitement to mutiny, or gross personal violence to an officer) to the relatively minor, such as the use of improper language. The prisoner is informed of the charge as soon as possible and is given an opportunity of hearing about the allegations against him and of presenting his own case.

Information and Complaints

If a prisoner wishes to make a complaint or a request he can apply to see the governor, chaplain, medical officer, or a member of the board of visitors, write a petition to the Home Secretary, write to a Member of Parliament or write a petition to the European Commission on Human Rights.

Preparation for Release

All prisons in England and Wales make pre-release preparations for prisoners in their care. Any prisoner serving a sentence of four years or more is considered for outside employment for a period before release. If selected, work is found outside the prison for about the last six months of sentence; during the period the prisoner may live in a separate part of the prison or in a hostel outside. Normal wages are paid so that he can resume support for his family. The governor selects inmates for the scheme and is advised by a selection board which includes members of the prison staff, a welfare officer and representatives from the board of visitors and the Department of Employment.

Social Work and After-care

The aim of after-care, whether voluntary or compulsory, is to assist the offender on his return to society by offering him the help of a skilled case worker.

Compulsory after-care applies to several groups of offender, supervision in the community being an integral part of their sentence. Recall to custody is available if the terms of supervision are not observed. Compulsory supervision is given to offenders under 21 when sentenced, adult offenders released on parole, and those released on licence from a sentence of life imprisonment or from detention 'during Her Majesty's Pleasure' (see p 44). Voluntary after-care is offered to all other released offenders. In Northern Ireland compulsory supervision applies only to those sentenced to Borstal training and those receiving indeterminate sentences.

The supervision is normally the responsibility of the probation and after-care service. During sentence the probation officer assists the prisoner's wife and family and maintains contact with the family and the prisoner. He or she is therefore in a good position to assist a prisoner just before and after release.

Voluntary organisations provide after-care hostels for offenders who have nowhere to go when released. Government financial help is given to hostels providing board, lodging, help and support for offenders. The condition of grant is that the residents have been released in the preceding 12 months or are subject to compulsory supervision. Other voluntary help

includes assistance in finding employment and the provision of social clubs. The National Association for the Care and Resettlement of Offenders provides advice and guidance to voluntary bodies. There are similar organisations in Scotland and Northern Ireland.

Women and Girls

The number of women in custody is relatively small (about 1,350), although since 1973 numbers have been on the increase.

The main training prison for women is Holloway Prison in London. Built in the middle of the nineteenth century, it is being demolished and replaced by new buildings serving the southern half of England both as a remand centre and a prison. The new building will also play a national role as it will consist mainly of a secure hospital with medical, surgical and psychiatric facilities. The prisoners will be grouped in units of 16, special treatment being offered to drug addicts, alcoholics and other groups.

The largest women's closed training prison serving northern England is in Cheshire. Opened in 1962 and adapted from a complex of children's homes, it consists of houses each accommodating between 16 and 20 people. Cleaning, food preparation and cooking form part of the inmates' training programme. There is a small hospital unit and a mother and baby unit. The prison also accommodates young women prisoners.

A few women are held in maximum security conditions and there is a secure unit within the former women's wing at Durham prison.

There are three open prisons for women in England and Wales.

Life Sentence Prisoners

A particular problem for the prison service is the increased number of life sentence prisoners. The period actually spent in custody is determined according to the circumstances of the individual—for instance, the nature of the offence, progress in prison, and any potential risk to the public if he were to be released. The case of every life sentence prisoner is kept under regular review. Life sentence prisoners can be released on licence (see p 38). In the period 1960–75, some 469 life sentence prisoners were released on licence—the periods served in prison varied from six months (for the mercy killing of a mongol child) to 24 years (153 were released in their ninth year, 146 released earlier than this and 170 after periods exceeding nine years).

Most life sentence prisoners are given a provisional release date twelve months ahead, so giving them time to make the necessary domestic arrangements, to develop a relationship with the probation officer, and to find suitable employment. The last six months are usually spent on the pre-release employment scheme. On release on licence, the offender is supervised by a probation officer but the condition of supervision can be cancelled once he has shown that he is settled and no longer needs guidance. Nevertheless the licence remains in force for the rest of his life; it can be revoked and he can be recalled to prison if there are grounds for thinking that he is a danger to the public.

Prison Staff

Each prison has a governor with overall responsibility for its security, good

order and discipline, the effective co-ordination of the work of its staff, the treatment and training of people in custody, and the proper use of public money, materials and premises. There are also deputy governors and assistant governors. Members of the governor class are appointed through a limited competition open to serving prison officers, by promotion from the prison officer class, and by open competition.

Two-thirds of staff employed in prison department establishments in England and Wales are members of the prison officer class. Much of their time is spent on custodial duties, including court and escort work. Their role has, however, changed in that they are encouraged to become more involved in the treatment of the offenders they deal with. In many establishments, for instance, each officer is responsible for a group of offenders he can get to know. Some three-quarters carry out the general work of the establishment while the others specialise as instructors in vocational training and in workshops and prison farms. Some are physical training instructors and hospital officers. Each prison has a chief officer responsible to the Governor.

Other staff include chaplains, medical officers, psychologists, education officers, seconded members of the probation and after-care service, administrative staff and industrial civil servants.

Staff Training

Once accepted for training, a prison officer spends a month of initial training usually at the nearest prison or borstal to his home. This is followed by an eight-week concentrated and comprehensive course at a residential training school. After four years an officer may qualify by examination for consideration for promotion. There are also opportunities for those with special skills in physical education, catering, nursing, electrical, building and mechanical work to continue in their trade after basic training. The Prison Service College at Wakefield arranges courses for the higher grades of the prison officer class, for senior management and for senior prison staff from other Commonwealth countries. It is also closely involved with training newly appointed assistant governors.

Staff of all grades may take special courses at technical colleges and universities, such training being controlled from headquarters. Locally arranged short-term attachments to the probation and after-care service or to psychiatric hospitals provide opportunities to meet members of other services with common problems.

YOUNG OFFENDERS

SPECIAL provisions apply to children and young people under the age of 17 and to young adults aged between 17 and 21. In England, Wales and Northern Ireland juvenile courts deal with offenders under the age of 17 and in Scotland there are lay children's hearings.

England and Wales

No child under the age of 10 can be held guilty of an offence. The Children and Young Persons Act 1969 is the main legislation governing the treatment of children in trouble with the law. The Act's approach is to blur the distinction between children who have committed an offence and those in trouble for some other reason. Criminal behaviour in children and young people is seen as one of several factors in a child's personality, history and background, the existence of any of which might point to a lack of care or control requiring social intervention.

Police forces frequently have special juvenile bureaux for dealing with young offenders. The bureau staff gather information about the offender from various agencies (for example, the social services department of the local authority, the probation service and the education service). An officer from the bureau usually visits the offender's home. A report is then submitted to the chief inspector in charge of the bureau. Many offenders are given a formal police caution if they admit the offence. Others are brought before a juvenile court.

Offenders aged between 10 and 16 years accused of an offence may be the subject of criminal proceedings or of 'care' proceedings; both are normally held before a juvenile court of magistrates where the overriding principle of the court is the welfare of the juvenile. The case of a juvenile charged jointly with someone over 17 is heard in a normal magistrate's court, although if he is found guilty the case is remitted to the juvenile court for it to determine the appropriate treatment. If a child or young person is charged with an offence which, in the case of an adult, is punishable on indictment with 14 years' imprisonment or more, the juvenile court can commit him for trial in the Crown Court. In the very rare event of a child being charged with murder, the case is triable on indictment in the Crown Court although committal takes place in a juvenile court unless there is a joint charge against a person over 17 years of age; if found guilty, the child may be sentenced to be detained 'during Her Majesty's Pleasure'—that is, for an indeterminate period under conditions and in a place specified by the Home Secretary.

Juvenile courts comprise not more than three magistrates. The court usually has at least one man and one woman drawn from a panel of magistrates most suited for dealing with children. It has to sit in a different place from other courts or at a different time. Proceedings are less formal and the public is excluded. Although representatives of the press may be present, they are not allowed to publish any details that might lead to the identification of the accused, unless the court or the Home Secretary dispenses with this requirement in the interests of justice. The substance of the charge or application must be explained in language that the child can understand. Parents or

guardians may be required to attend all stages of the proceedings. If the court finds the child guilty, it must, before deciding on a method of treatment, consider information concerning school record, health, character and home conditions; this is usually provided by a probation officer or the local authority.

Action Open to the Court

Several orders are available to the court in care and criminal proceedings.

- (a) A care order commits the child to the care of a local authority social services department. In care proceedings the fact that a child is found guilty of an offence is not in itself justification for the making of a care order; the court must also be of the opinion that the child is in need of care or control which he is unlikely to receive unless an order is made. In criminal proceedings the court can make a care order without having to consider whether the child is in need of care or control; this applies to a child found guilty of an offence punishable in the case of an adult by imprisonment.

The effect of a care order is that the local authority has legal custody of the child and has power to restrict his liberty where necessary. The authority is responsible for deciding where the child should be accommodated—for example, with foster parents or in a community home provided by the authority or a voluntary organisation. The more difficult children are placed in homes with education on the premises. A few disturbed children are accommodated in secure premises, the aim being to provide a stable setting in which they can be helped by skilled staff. In addition, the Department of Health and Social Security runs two youth treatment centres for children who are too severely disturbed or disruptive to be treated successfully in community homes.

A care order must be reviewed by the authority at least every six months and can be discharged at any time by the court. It normally expires at the age of 18 or 19.

- (b) A supervision order lasts for a specified period of up to three years. If under the age of 13, the child is supervised by a social worker although a probation officer may be appointed if he or she is already working with the child's family. For those aged between 13 and 16 supervision is (at the discretion of the court) by either a social worker or a probation officer. Any one of the following requirements may be attached to a supervision order—treatment for a mental condition, residence with a named individual (for example, a relative), or intermediate treatment. The latter is a compromise between measures involving removal from home and those which do not. It consists of participation, under a supervisor, in a variety of constructive and remedial activities either through a short residential course or, more usually, attendance at a day or evening centre. Intermediate treatment has a variety of aims—for instance, helping the child to develop new interests and hobbies, improving literacy or numeracy, or providing a challenging experience to increase his or her self respect. An intermediate treatment fund, administered by the Rainer Foundation, has been set up to give grants

to individuals, groups or organisations willing to provide intermediate treatment facilities. The Government is supporting the fund for three years.

- (c) The court can make an order requiring the child's parents or guardian to take proper care of the child and to exercise proper control.
- (d) Another order available is a hospital or guardianship order made in accordance with the mental health legislation.
- (e) Payment of compensation can be ordered if an offence is proved: the maximum payment is £1,000.

Additional orders are available to the court in criminal proceedings. These include binding over, absolute or conditional discharge, and fines (see p 33). A juvenile court may also make an attendance centre order on a boy aged between 10 and 16 who has been found guilty of an offence for which an adult could be sent to prison. There are 67 attendance centres in England and Wales. Boys have to attend the centres during their spare time on Saturdays; they may be required to attend for up to three hours on any one occasion and for a total of not less than 12 hours (with certain exceptions) and not more than 24. Activities include physical training and instruction in handicrafts or some other practical subject.

In criminal proceedings a juvenile court can make a detention centre order for boys aged 14 or over, or commit an offender aged 15 or over to the Crown Court with a view to the passing of a sentence of borstal training (see p 48).

Scotland

The age of criminal responsibility in Scotland is eight years. Children charged with very serious offences such as violence against the person are prosecuted in the courts but this can only take place with the consent of the Lord Advocate. First offenders and those committing minor offences may be given a police warning (the Scottish equivalent of the police caution in England and Wales).

Most young offenders are referred by the police to a local authority employee called the reporter who decides what action should be taken. Referrals to the reporter can also be made by other agencies such as the local authority social work department or the school. The reporter can decide to take no action, issue a warning to the child and his parents, refer the matter back to the police for them to issue a warning, invite the child and his parents to his office for a discussion, arrange voluntary supervision by the social work department, or refer the case to a children's hearing.

The hearing, which is not a court of law and consists of three lay people drawn from a local panel, considers the case only if the child and his parents accept the grounds for referral. If they do not, the hearing discharges the referral or has the case sent to the sheriff for a finding of proof. It can then come back to the hearing. The local children's panels are selected by local children's panel advisory committees of five members, two of which are nominated by local authorities and the rest (including the chairman) appointed by the Secretary of State for Scotland who has final responsibility.

The hearing is normally attended by the child, his parents, the reporter and a representative from the local authority social work department. A parent is

usually required to attend and has the legal right to be present at all stages of the hearing. Proceedings are private and are kept as informal as possible. Before reaching a decision the hearing takes into account a report on the offender prepared by the social work department, and any other information. The best interests of the child form the basis for any decision taken by the hearing.

A hearing may decide that a child needs compulsory measures of care and commit him under a supervision requirement to supervision by the local authority, a voluntary organisation or an individual. All aspects of the supervision requirement are discussed with the parents and the child. The requirement may impose certain conditions—for instance, living away from home in a foster home or a local authority/voluntary residential establishment, or intermediate treatment similar to that in England and Wales (see p 45).

A supervision requirement cannot remain in force unless reviewed within a year. Before the year is up it can be reviewed by a hearing at the request of the local authority, the child or his parent. Local authority residential accommodation includes some secure places.

Children's hearings also have some other powers. They may report to the local education authority suggesting that it should ascertain whether a child requires special education or is suffering from a disability which makes him unsuitable for ordinary or special education. A report can also be made to the local mental health officer for him to decide whether to make an application to the sheriff for the child to be admitted to hospital.

A child or his parents can appeal to the sheriff against a hearing's decision, the appeal being made within three weeks of the decision.

Children charged with very serious offences such as violence to the person can be prosecuted in the sheriff court or the High Court of Justiciary. The court sits at a different place or time from that of other courts in the building and the public are not admitted. There are also restrictions on publicity. If the child is found guilty the court may pass sentence or remit the case to a children's hearing for advice or the determination of appropriate treatment.

Northern Ireland

The age of criminal responsibility in Northern Ireland is 10. Children aged between 10 and 16 charged with committing a criminal offence may be brought before a juvenile court consisting of a professional resident magistrate (see p 26) and two lay magistrates. A range of custodial and non-custodial sentences, including training school and supervision, is available to the court in respect of juveniles found guilty of an offence punishable by imprisonment if committed by an adult. Children brought before the courts because they need care and protection may be placed in care locally. The law relating to young offenders is under review (see Reading List, p 51).

Young Adult Offenders

Offenders aged 17–21 years are recognised as a category distinct from child and adult offenders. The main non-custodial measures are generally the same as those used in dealing with adults (see p 31), although in the London and Manchester areas an attendance centre order (see p 46) may be made. Special forms of custodial treatment are available, namely detention in a detention

centre and borstal training. Imprisonment is also used where necessary.

Detention Centres

Some 12 detention centres in England, Scotland and Wales provide a means of treating young male offenders (aged 17–21) for whom a long period of residential training away from home does not seem necessary or justified by the offence, but who need to be taught respect for the law through some form of custody. There are also six junior centres for boys aged 14 and under 17.

The normal period of detention is three months but in England and Wales there is power to award up to six months and, exceptionally, nine months.

Offenders aged under 17 when sentenced are eligible for one-half remission and those over 17 for one-third; this is granted subject to good behaviour.

Treatment is based on a constructive regime. Senior detention centres aim to encourage regular work habits and there is an eight-hour working day. Trainees at some centres do outside work for the community such as maintenance work at children's homes or helping old people with their gardening. Adult education facilities are available for all trainees in the evenings. Those in full-time education at the time of sentence continue their studies during the day. There are library facilities and increased provision for remedial education. There is one hour of physical training each day.

One or more probation officers are appointed to each centre with primary responsibility for release preparations. All released offenders are supervised for up to a year.

Borstal Training

Borstals are establishments to which young offenders may be committed after conviction for an offence imprisonable in the case of an adult. The system is available for offenders aged 15–20 years (16–20 years in Scotland and Northern Ireland). The period spent in custody is between six months and two years, the actual length depending upon the offender's response to training; this is followed by supervision in the community for up to one year. Courts rarely order borstal training unless they have already tried fines, probation or detention centre training, and perhaps all three. Borstals can be closed or open establishments but the training does not involve close custody even in closed borstals.

Training is remedial and educational, based on personal training by carefully selected staff. The routine usually includes a 40-hour working week with opportunities for vocational training or construction industry training; physical education and educational activities; time for recreation; and opportunities for reading and writing. Young men in borstal may also leave the premises to undertake local community service by helping in youth clubs or community centres, working with handicapped or backward children, or decorating the homes of elderly people. Borstals also encourage the development of hobbies such as home decorating, boat building, music, drama, and painting.

All trainees may write and receive one letter a week, as well as up to two extra letters a week for which they pay postage from earnings. Visits are allowed every two weeks. There is a period of up to five days' home leave towards the end of sentence. One of the more important tasks of the borstal

system is to help a trainee maintain contact with his family; this is the responsibility of the borstal staff, not the probation and after-care service which supervises the offender on release.

Imprisonment

A person under the age of 17 years cannot be sentenced to imprisonment in England and Wales, and no court may pass a sentence of imprisonment on an offender aged 17-20 years unless satisfied that no other method of dealing with him is appropriate. A court may imprison a young adult only for a term of six months or less, or, in the case of the Crown Court only, three years or more. Where a person has previously served a sentence of imprisonment of not less than six months or a sentence of borstal training, the Crown Court may impose a sentence of 18 months or more.

Prisoners under the age of 21 at the time of sentence are classified as young prisoners in England and Wales and serve their sentences separately from older prisoners unless they are reclassified as adults and treated as such in an adult prison. Most young prisoners serve their sentences in seven young prisoner centres; three are separate centres and four are separate wings of adult prisons. Local prisons take those serving short sentences and those awaiting transfer to a young prisoner centre. A few go to remand centres as members of working parties providing domestic and maintenance services. Young prisoners are subject to normal rules concerning discipline. Educational classes are provided for all young prisoners and there is a good range of work plus vocational training courses.

Young prisoners serving less than 18 months are eligible for release on remission after serving two-thirds of their sentence; a period of 12 months' supervision follows, as on release from a detention centre. Those serving 18 months or more are normally released on parole after serving two-thirds of the sentence.

In Scotland no offender under 21 can be sentenced to prison. Where neither borstal nor detention centre training is suitable for an offender aged 16-20, detention in a special young offenders institution may be ordered.

APPENDIX

LIST OF ORGANISATIONS

Government Departments

Home Office, Queen Anne's Gate, London SW1H 9AT.
Lord Chancellor's Office, House of Lords, London SW1A 0PW.
Law Officers' Department, Attorney General's Chambers, Royal Courts of Justice, Strand, London WC2A 2LL.
Department of Health and Social Security, Alexander Fleming House, Elephant and Castle, London SE1 6BY.
Scottish Education Department (Social Work Services Group), St Andrew's House, Edinburgh EH1 3DB.
Scottish Home and Health Department, New St Andrew's House, St James Centre, Edinburgh EH1 3TD.
Lord Advocate's Department, Fielden House, 10 Great College Street, London SW1P 3SL.
Crown Office, 9 Parliament Square, Edinburgh EH1 1RH.
Northern Ireland Office, Stormont Castle, Belfast BT4 3ST.

Other Organisations

The Bar Council of Northern Ireland, Royal Courts of Justice, Belfast BT1 3JE.
Criminal Injuries Compensation Board, 10-12 Russell Square, London WC1B 5EN.
Criminal Law Revision Committee, c/o Home Office, Queen Anne's Gate, London SW1H 9AT.
The Faculty of Advocates, Parliament House, Parliament Square, Edinburgh EH1 1RF.
Howard League for Penal Reform, 125 Kennington Park Road, London SE11 4JP.
Incorporated Law Society of Northern Ireland, Royal Courts of Justice, Belfast BT1 3JE.
Justice (the British Section of the International Commission of Jurists), 2 Clements Inn, London WC2A 2DX.
Law Commission, Conquest House, 37 John Street, Theobalds Road, London WC1N 2BQ.
The Law Society, 113 Chancery Lane, London WC2A 1PL.
The Law Society of Scotland, 26 Drumsheugh Gardens, Edinburgh EH3 7YR.
Metropolitan Police, New Scotland Yard, Broadway, London SW1H 0BG.
National Association for the Care and Resettlement of Offenders, 125 Kennington Park Road, London SE11 4JP.
National Association of Prison Visitors, 47 Hartington Street, Bedford MK41 7RN.
National Council for Civil Liberties, 186 Kings Cross Road, London WC1X 9DE.
The Rainer Foundation, 89a Blackheath Hill, London SE10 8TJ.
Scottish Association for the Care and Rehabilitation of Offenders, 110 West Bow, Edinburgh EH1 2HH.
Scottish Law Commission, 63 South Bridge, Edinburgh EH8 9BD.
The Senate of the Inns of Court and the Bar, 11 South Square, London WC1R 5EU.

READING LIST

OFFICIAL PUBLICATIONS

(published by Her Majesty's Stationery Office)

Annual Reports:

Commissioner of Police of the Metropolis.		
Criminal Injuries Compensation Board.		
Criminal Statistics (England and Wales).		
Criminal Statistics (Scotland).		
Her Majesty's Chief Inspector of Constabulary.		
Her Majesty's Chief Inspector of Constabulary for Scotland.		
Home Office Prison Department.		
Home Office Prison Department – Statistical Tables.		
Home Office Probation and After-care Department (reports from time to time).		
Parole Board (England and Wales).		
Parole Board for Scotland.		
Police Complaints Board.		
Prisons in Scotland.		£
Judges' Rules and Administrative Directions to the Police. ISBN 0 11 340242 2.	1978	0.30
Judicial Studies and Information: Report of the Working Party. ISBN 0 11 340147 7.	1978	1.00
Legislation and Services for Children in Northern Ireland. ISBN 0 337 07153 5.	1977	1.75
A Review of Criminal Justice Policy 1976. ISBN 0 11 340056 X.	1977	1.25
Police Cautioning in England and Wales. Home Office Research Study No 37. ISBN 0 11 340677 0.	1976	0.65
Prisons and the Prisoner: the Work of the Prison Service in England and Wales. ISBN 0 11 340759 9.	1977	5.25
Prison Service Journal (published quarterly).		
Research in Criminal Justice. Home Office Research Study No 44. ISBN 0 11 340684 3.	1978	0.50
Review of the Criminal Injuries Compensation Scheme: Report of an Inter-departmental Working Party. ISBN 0 11 340144 2.	1978	2.00
Sentences of Imprisonment: A Review of Maximum Penalties (Report of the Advisory Council on the Penal System). ISBN 0 11 340145 0.	1978	3.75
The Children's Hearing System: a Review of Research. ISBN 0 11 491492 3.	1977	1.25
The Legal Systems of Britain. COI reference pamphlet. ISBN 0 11 700792 7.	1976	1.10
The Sentence of the Court: A Handbook for Courts on the Treatment of Offenders. ISBN 0 11 340146 9.	1978	2.00
Young Adult Offenders (a Report by the Advisory Council on the Penal System). ISBN 0 11 340559 6.	1974	1.65

OTHER PUBLICATIONS

BELSON, WILLIAM A. The Public and the Police. ISBN 0 06 318025 1.	<i>Harper and Row</i>	1975	1.85
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			£
BOCHEL, DOROTHY. Probation and After-Care: its development in England and Wales. ISBN 0 7011 2179 3.			
	<i>Scottish Academic Press</i>	1976	7.50
CRITCHLEY, T. A. A History of Police in England and Wales. Second Edition. ISBN 0 09 461490 3.	<i>Constable</i>	1978	5.50
FORD, DONALD. Children, Courts and Caring: a study of the Children and Young Persons Act 1969. ISBN 0 09 460730 3.	<i>Constable</i>	1975	2.50
GRANT, LAWRENCE; HEWITT, PATRICIA; JACKSON, CHRISTINE and LEVENSON, HOWARD. Civil Liberty: The National Council for Civil Liberties Guide to your Rights. Third edition. ISBN 0 14 046285 6.	<i>Penguin</i>	1978	1.75
HALL WILLIAMS, J. E. Changing Prisons. ISBN 0 7206 0373 0.	<i>Peter Owen</i>	1975	5.00
JONES, HOWARD and CORNES, PAUL (assisted by Stratford, Richard). Open Prisons. ISBN 0 7100 8602 4.	<i>Routledge</i>	1977	7.95
KING, ROY D. and MORGAN, RODNEY. A Taste of Prison: Custodial conditions for trial and remand prisoners. ISBN 0 7100 8407 2.	<i>Routledge</i>	1976	2.75
LEIGH, L. H. Police Powers in England and Wales. ISBN 0 406 84540 9.	<i>Butterworths</i>	1975	5.60
LEISSNER, ARYEH; POWLEY, TERRY and EVANS, DAVE. Intermediate Treatment. ISBN 0 90281 711 6.	<i>National Children's Bureau</i>	1977	1.80
MARK, Sir ROBERT. Policing a Perplexed Society. ISBN 0 04 363006 5.	<i>Butterworths</i>	1977	2.50
MARTIN, F. M. and MURRAY, KATHLEEN (Editors). Children's Hearings. ISBN 0 7073 0132 7 (paperback).	<i>Scottish Academic Press</i>	1976	3.75
PARSLOE, PHYLLIDA. Juvenile Justice in Britain and the United States: The Balance of Needs and Rights. ISBN 0 7100 8772 1.	<i>Routledge</i>	1978	7.25
POLLOCK, SETON. Legal Aid: The First 25 Years. ISBN 0 85120 263 2.	<i>Oyez</i>	1975	4.50
RADZINOWICZ, Sir LEON and KING, JOAN. The Growth of Crime: The International Experience. ISBN 0 241 89609 6.	<i>Hamish Hamilton</i>	1977	6.95
WALKER, NIGEL (Editor). Penal Policy-making in England. <i>University of Cambridge Institute of Criminology</i>		1977	2.50
WEGG-PROSSER, C. The Police and the Law. ISBN 0 85120 165 2.	<i>Oyez</i>	1973	1.25