

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Eighth Delegated Legislation Committee

DRAFT CRIME AND COURTS ACT 2013
(COMMENCEMENT NO. 18) ORDER 2018

Wednesday 25 April 2018

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The Committee consisted of the following Members:

Chair: MR LAURENCE ROBERTSON

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|---|---|
| † Allan, Lucy (<i>Telford</i>) (Con) | † Onasanya, Fiona (<i>Peterborough</i>) (Lab) |
| † Ellman, Mrs Louise (<i>Liverpool, Riverside</i>) (Lab/Co-op) | † Qureshi, Yasmin (<i>Bolton South East</i>) (Lab) |
| † Gaffney, Hugh (<i>Coatbridge, Chryston and Bellshill</i>) (Lab) | Robinson, Mr Geoffrey (<i>Coventry North West</i>) (Lab) |
| † Goodwill, Mr Robert (<i>Scarborough and Whitby</i>) (Con) | † Russell-Moyle, Lloyd (<i>Brighton, Kemptown</i>) (Lab/Co-op) |
| † Graham, Luke (<i>Ochil and South Perthshire</i>) (Con) | † Stewart, Rory (<i>Minister of State, Ministry of Justice</i>) |
| Harrison, Trudy (<i>Copeland</i>) (Con) | Timms, Stephen (<i>East Ham</i>) (Lab) |
| † Knight, Sir Greg (<i>East Yorkshire</i>) (Con) | † Vickers, Martin (<i>Cleethorpes</i>) (Con) |
| † Knight, Julian (<i>Solihull</i>) (Con) | Claire Cozens, <i>Committee Clerk</i> |
| Kyle, Peter (<i>Hove</i>) (Lab) | |
| † Milling, Amanda (<i>Cannock Chase</i>) (Con) | † attended the Committee |

Eighth Delegated Legislation Committee

Wednesday 25 April 2018

[MR LAURENCE ROBERTSON *in the Chair*]

Draft Crime and Courts Act 2013 (Commencement No. 18) Order 2018

2.30 pm

The Minister of State, Ministry of Justice (Rory Stewart): I beg to move,

That the Committee has considered the draft Crime and Courts Act 2013 (Commencement No. 18) Order 2018.

It is a great pleasure to serve under your chairmanship, Mr Robertson. The order is essentially about the ability to move from a pilot phase to the real use of what we call a stand-alone location monitoring requirement. That is a pompous term for being able, through an electronic tag, to monitor where someone is. The device that we are talking about is a little like a Fitbit. It would follow, through satellites and occasionally through mobile telephone masts, someone's location—in the same way as when someone is using a TomTom or Google Maps on their phone and their position can be located.

The process begins with the Criminal Justice Act 2003, which was brought in by the last Labour Government and introduced the idea of being able to use electronic monitoring as a mandatory requirement for two conditions: a curfew—in other words, the ability of a judge to say that someone must be in their home for up to 16 hours out of 24—or an exclusion zone, by which I mean the ability of a judge to say, “You can't go into this area.” Let us say that it is a domestic abuse case. Someone has assaulted their partner, and the device is to be used to put an exclusion zone around their partner.

Under the 2003 Act, however, this requirement could be imposed by the judge only if the technology was available, and until recently the technology was quite challenging. The technology existed to impose a curfew, because it would be possible to have a radio frequency from someone's tag to a device in their home, and that would tell a control centre when they left their home. However, the technology did not allow an exclusion zone, because when someone went a long way from their home, their device was no longer communicating with the radio transmitter inside their house.

Since then, technology has moved on. As we have seen with our Fitbits and phones, it is now possible to have good communication with a satellite and a mobile telephone in order to know where someone is, meaning that some of the things that the Labour Government introduced in the 2003 Act suddenly become possible.

This commencement order relates to the next development, which was in the Crime and Courts Act 2013; that is what we are hoping to commence today. The provision allows the judge, in passing a community sentence, to put in a stand-alone location monitoring requirement. The judge can say, “One of the requirements that I am going to impose on the individual is this.” It will often be so that the person is not sent to jail. The

judge can say, “I'm not going to send this individual to jail. I'm going to say that they can remain in their home. I am passing a community sentence, but as part of that community sentence, we need to know where the individual is going to be”—for a set period of the sentence. It is not indefinite, but for the set period of that sentence.

This provision is helpful because it allows the probation officer to have a more mature conversation with the offender about whether they are complying with the requirements. Let us say that the probation officer was dealing with someone in a domestic abuse case who had a serious alcohol problem. It could give the officer the information that the person had been visiting alcohol shops or gambling shops, and that would enable the officer to have a sophisticated conversation with the person. They could talk about that behaviour and what could be done to deal with it.

Mr Robert Goodwill (Scarborough and Whitby) (Con): In large sections of my constituency, there is no mobile phone signal. That includes, incidentally, my own house. What is the situation where an offender disappears from the radar because of the lack of a signal?

Rory Stewart: That is a very good challenge. The answer is that the core of the signal is going to come from a satellite, so with any kind of exposure to the sky, it should be possible to get a signal. The mobile telephone mast is a back-up to the satellite. However, what we are discussing is not designed for super-high-risk offenders. It is to provide information to the probation officer—not in real time, but so that they can review it over a week. It is not designed, in a science fiction sense, to be able to notice the second that someone goes off the map. It allows the probation officer to get the pattern of someone's movements over time, and then to have a grown-up conversation with them about what they have been doing and how they have been behaving. We can therefore tolerate a small amount of risk at the moment that the signal is lost between a satellite and a mobile telephone.

We are very conscious of the fact that this decision must be made by a judge, and that it must be made lawfully, in accordance with article 8 on the right to private life. The conditions in which a judge would seriously consider whether such a decision was appropriate are those when it would prevent public disorder or protect the public from crime.

What are the changes that we think it will bring? First, it will allow that conversation with the probation officer. Secondly, we already have anecdotal information from the pilots that we have run with Sadiq Khan in London that it can begin to change the behaviour of an offender. Their awareness of having a GPS tag on them can lead to their being less likely to reoffend. Although we need to collect more evidence on that, it may ultimately protect the public.

If it is successful, as they have discovered it is in Denmark, in lower-risk cases it would allow us to divert from prison those people who are perhaps better dealt with through a community sentence. That would lead to many of the great benefits of rehabilitation that people can get from being with their family and community, in therapy or in a job, while the public continue to know where they are. I commend the statutory instrument to the House.

2.36 pm

Yasmin Qureshi (Bolton South East) (Lab): It is a pleasure to serve under your chairmanship, Mr Robertson. I will not seek a Division on this matter. The Minister has explained the purpose of the stand-alone GPS monitoring system, and we do not object to it. It makes sense, and it will be helpful for people who get a community service order to have such conversations. We have no objections to that.

2.37 pm

Rory Stewart: We very much appreciate the cross-party support. Hopefully we can work together to explain the measure to the public, and explain the benefits that it

should bring to probation services and to the protection of the public. Done in the right way, it will hopefully reduce the unnecessary use of prisons, with prison serving as a last resort, and will help to rehabilitate people. If we can get that right, the measure should reduce reoffending and protect the public. Everybody in the Committee Room, from all parties, should be very proud of having supported it through the House.

Question put and agreed to.

2.38 pm

Committee rose.

