

“ PPP ”

People for Proper Policing in North Wales

Henry Porter, The Observer on Sunday November 6, 2005

Before too many tears are shed over David Blunkett's departure, we should not forget that, as Home Secretary, he was the author of a vast extension to police powers, some of which have yet to come into force. After 1 January, there will be almost no offence where the police cannot make an arrest and insist on taking DNA and photographs.

That is the legacy of the man who slunk from office after a second scandal. I feel a little sympathy for the faults that made him commit those mistakes, but none for the disdain for individual rights displayed in the Serious Organised Crime and Police Act, a piece of legislation that will profoundly alter the relationship between the police and the public.

The attack on liberty from Blunkett and Mr Blair has been so broad that it has been difficult to keep track of the measures being pushed through parliament. The proposals come thick and fast. They are widely drafted and often disguised in a bill which appears to address one or other of the public's major fears about terrorism and organised or violent crime.

As any Home Office lawyer could have predicted, the measures in the act that gained most attention were the establishment of a Serious Organised Crime Agency and the proposal that demonstrations should not be allowed within one kilometre of parliament. For the British people to be denied access to their own parliament seemed odious enough, but beneath the surface of this act lurks a greater change which has nothing to do with either organised crime or security.

The new arrest procedures contained in the bill were slipped through parliament with barely a whisper. Tony Edwards, a solicitor with London firm TV Edwards, regards it as the most serious extension of police powers in decades. Few who know what these powers mean disagree.

Under the 1984 Police and Criminal Evidence Act, a balance was struck between police powers and the individual's rights. There was a clear distinction between non-arrestable offences, arrestable offences and serious arrestable offences. Everyone knew where they stood and the public was protected from officious or malevolently motivated police constables.

From 1 January, there will be no such distinction. Every offence will be arrestable. That means motoring infringements, dropping litter, swearing and behaving loudly in a demonstration will very likely end in arrest.

There are specific tests of necessity a police officer must satisfy, yet at the end of the list come two paragraphs which give the officer complete freedom. The first stipulates that an arrest may be carried out to allow the prompt and 'effective investigation of the offence or of the conduct of the person in question'. The second says that an arrest may take place 'to prevent any prosecution of the offence from being hindered by the disappearance of the person in question'.

If the officer feels he cannot satisfy the first requirement, he will certainly take refuge in the second. Arrest is a certainty, however minor the offence.

Now comes the sinister part. For all but a truly minor crime, the officer is empowered, using force, if necessary, to take a sample of the suspect's DNA from his mouth, to photograph and fingerprint him and, finally, to take impressions of his footwear. Remember, at this stage, the suspect is just that - a suspect. He has not been found guilty by a court and, under British law, is therefore presumed innocent. And yet he has been forced to submit to a humiliating process as though he were about to enter prison.

This goes against the tradition of Britain's regard for liberty and the sense that the public is largely well-meaning and well-behaved. As important is the effect it will have on the police who, according to the white paper last year, requested this simplification with the unbelievable claim that officers found it difficult to make distinctions between non-arrestable and arrestable offences.

Most solicitors who deal with the police on a daily basis are convinced that these new powers criminalise the public. Because every offence becomes arrestable, it is unlikely that someone held by the police will be able to make a case for an unlawful arrest. The sentence in the act which allows prompt and effective investigation of the offence or the conduct of the person in question' is a catch-all which means the police officer may say that he was reasonably investigating someone's behaviour. East Germany's Stasi would have been content to operate under such a provision.

So, respect for the public and law-abiding citizens who make trifling mistakes is replaced by suspicion and contempt - unsurprisingly, the twin characteristics which have informed Blair and Blunkett's attack on liberty. Arresting someone, photographing and forcibly taking samples from them places an individual in an entirely different relationship with the state from the one most of us have known.

Naturally, there will be a vast increase in the number of DNA samples taken from suspects. The current rate of new samples runs at between 8,000 and 10,000 a week. Liberty, the human-rights organisation, already reports that one-third of DNA samples are taken from Afro-Caribbean males.

For a lawyer, the Prime Minister has astonishingly little regard for the immutable principles of British justice. Blunkett has been his Dr Strangelove in this campaign, and one of their main strategies was to introduce controls and harsher penalties by stealth. It is hardly any wonder that the prison population is heading towards 80,000 (it was 60,000 when Labour came to power) while the crime rate is actually going down.

Bills such as those covering anti-terror measures, violent crime and the introduction of identity cards all seek to extend control over the general population and lock up more people.

Asbos are a good example of how a loosely drafted law can become a potent but also unjust weapon. Because the penalty for breaking an Asbo is five years, people are being jailed for longer periods than laid down for the original crime they may have committed. Often, no crime is involved. An order may simply specify that a couple should stop rowing, as we saw last week, or that a man may not sit in the front passenger seat of a car, an order imposed by Birmingham

magistrates court. Even if no crime has been committed, breaching the Asbo can lead to imprisonment.

One little-remarked-upon measure in the Serious Organised Crime and Police Act allows accountable public bodies to seek Asbos against individuals. While in the Violent Crime Reduction Bill, a variant allows police to issue a dispersal order (with no court involved) to people who are not doing anything wrong but who might at some future date, in a police officer's opinion, be involved in illegal activity. If they break it, they risk imprisonment. Imagine how that could be used to stifle the right to demonstrate.

Blair is, without doubt, the most authoritarian leader we have had in the last century. In assuming powers beyond those taken by any other peacetime Prime Minister, he is attacking rights which have stood for hundreds of years. We can only hope that last week's rebellion on the anti-terrorism bill is a sign of things to come. MP's of all hues now have a grave responsibility. They are the stewards of our democracy and they should damn well start behaving like it.

Regards John HeinEditor

The PPP comments....this is NOT a PARTY Political issue it is the future of our way of life that is at stake, whoever & wherever we are!