

Stepping up the Pace

A summary of the government's key proposals in response to the Review of the 1984 Police and Criminal Evidence Act.

The Act

- Maintain PACE and the existing structure of framework powers.
- Consider the development of a single code separate from but aligned to the PACE principles on powers of entry for non-police agencies.

The codes

- PACE codes to continue to be subject to the current consultation processes.
- The codes to be available electronically.
- Material for the public to be made available in more accessible formats.
- Support material for practitioners to be provided.
- Improved presentation and formatting.
- Annual review date for suggested updates.
- Engagement with the National Policing Improvement Agency on doctrine development to complement the codes.

Arrest

- The police to have power to enter premises to arrest for any offence subject to necessity.
- Remove the requirement for "immediate pursuit".
- Remove the requirement for officers to be in uniform when entering premises to arrest.
- Clarify the status of voluntary interviews at the police station.
- Expand the criteria to deal with ongoing offences.

Entry, search and seizure

- Clarify the common law powers on seizure and removal.

Warrants – entry and search for evidence

- A single power for the issue of a warrant to search for evidence based on necessity.
- Consider ways to raise police accountability and minimise bureaucratic burdens on police and courts.
- Combine police powers under ss 18 and 32.

Detention

- Maintain existing periods of pre-charge detention.
- Transfer responsibility concerning extensions from superintendent to inspector level.
- Require custody officer formal review of detention at 6 hours and first inspector review at 10 hours.
- Enable the use of short term holding facilities for high volume low level crime.

Bail

- Provide a single statutory approach to bail.
- Create two new offences of failing to comply with bail conditions.
- Provide the police with the power to enter premises in any circumstance where reasonable suspicion exists.
- New power to arrest when failure to answer police bail or breach of conditions is anticipated.
- Extend the discretionary power to attach conditions to police bail before charge.

Health care

- Assess application of PACE and health and social care needs.
- Allow registered healthcare professions to take blood specimens at a hospital in drink/drive cases.

Community engagement in custody

- Role of the appropriate adult limited to those with adequate training.
- Extend the role of appropriate adult to act as a facilitator.
- Parents etc invited to police station but the investigation should be allowed to proceed in their absence.
- Strongly promote the continued use of the trained volunteer.
- Extend access of appropriate adult to under 18.

Biometric data

- Require all video identification procedures to be recorded, and remove the entitlement for the suspect's legal advisor to be present when the images are viewed by victims or witnesses.
- Allow the courts to draw adverse inferences from a refusal to co-operate in an ID procedure.

Questioning after charge

- Allow questioning after the decision to refer a case to the prosecutor for a decision on charging.
- Introduce a police bail condition that requires a return to the station for further questioning following a decision to refer.
- Amend the caution post charge to allow inferences to be drawn.

Workforce modernisation

- Enable chief officers to employ designated identification officers.
- Create designated crime scene investigator under schedule 4 of the Police Reform Act.
- Extend designated staff powers beyond the home force.

- Administrative arrest within a police station by investigating officers.
- Designated staff to manage certain registered sex offenders.

Cross border provisions

- Improve the effectiveness of cross border powers to enable:
 - an officer to arrest without warrant in any jurisdiction for an offence committed in another.
 - enable the detention and questioning of a suspect in another jurisdiction for an offence committed in the officer's own jurisdiction.
 - the police to grant bail to a detainee to appear at a police station or court in another jurisdiction.

Comments are requested by 28 November and may be emailed to pacereview@homeoffice.gsi.gov.uk

The full consultation may be viewed at <http://www.homeoffice.gov.uk/documents/cons-2008-pace-review>

The PACE Review will be the main theme of the CLSA'S annual conference to be held in Sheffield on 17 October. For a booking form go to <http://www.clsa.co.uk/index.php?q=conference>

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