



Home Office



Ministry
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Rt Hon Harriet Harman KC MP
Chair
Joint Committee on Human Rights
House of Commons
London
SW1A 0AA

14th November 2023

Dear Harriet,

Criminal Justice Bill

As you will have seen, the Criminal Justice Bill was introduced in the House of Commons today.

The purpose of the Bill is to keep our communities safe by strengthening the law to: protect the public from violence and intimidation; tackling violence against women and girls; enhancing the management of offenders; introducing tougher sentencing; enabling law enforcement agencies to respond to changing technology deployed by criminals; equipping them to address emerging crime types and threats; and strengthening public confidence in policing.

We attach a memorandum which sets out our ECHR analysis of the Bill as a whole.

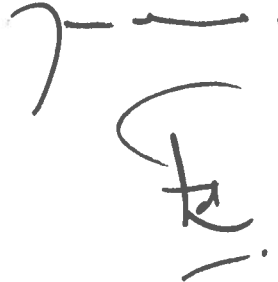
We note that the Committee recently held oral evidence sessions on how a Hillsborough law might improve the protection of those human rights. Amongst the measures in the Bill is introducing an organisational duty of candour on the police. The duty will form part of a Code of Practice of ethical policing to be issued by the College of Policing. In Bishop James Jones' report (published in November 2017) on the experiences of the bereaved Hillsborough families in the 28 years following the disaster. This report called specifically for a duty of candour for police officers. The Bishop set out his belief *"that there is at present a gap in police accountability arrangements"* and proposed *"a duty of candour which addresses the unacceptable behaviour of police officers – serving or retired – who fail to co-operate fully with investigations into alleged criminal offences or misconduct"*.

In February 2020 the Home Office introduced a statutory duty of cooperation for individual police officers as part of wider integrity reforms. Police officers now have a responsibility to give appropriate cooperation during investigations, inquiries and formal proceedings, participating openly and professionally in line with the expectations of a police officer when identified as a witness. An organisational duty of candour, aimed at chief officers and requiring them to ensure an ethical culture in the forces they lead, will complement the existing requirements on individual officers.

We stand ready to respond to any questions that your Committee may have. To ensure a prompt response, it would be helpful if any correspondence from you could be copied to the joint Home Office/Ministry of Justice Bill Managers (Charles Goldie, email: Charles.Goldie1@homeoffice.gov.uk, and Alex Holt, email Alex.Holt@Justice.gov.uk. If it would be helpful to you, our departmental lawyers would be happy to meet with your legal advisers to discuss the Bill.



Rt Hon Chris Philp MP



Rt Hon Edward Argar MP