

GWENT POLICE CAUGHT AND IN COURT – PUBLICISING SENTENCING OUTCOMES PROCEDURE



1.0 Procedure

1.1 Introduction

This procedure links to our Media Policy. The aim of this procedure is to increase the level of public confidence in our policing service by publicising results of court cases on Gwent Police web sites, and in local Neighbourhood Policing newsletters.

Through informing local and wider communities about sentencing outcomes, we believe that this will serve to increase public confidence and improve services to our communities in a number of areas including:-

- Public safety
- Public interest
- Public confidence
- Public concern about crime
- Deterrent to potential offenders
- Impact of crime on communities
- Crime prevention
- Impact of crime on victims
- Rights of society against those of an individual

This procedure also takes in to account the Government's public information and reassurance agenda as outlined in the 'Justice Seen, Justice Done', Home Office paper. This procedure also seeks to follow the Government document 'Publicising Sentencing Outcomes' published by the CJS.

PRINTED VERSIONS SHOULD NOT BE RELIED UPON. THE MOST UP TO DATE VERSION CAN BE FOUND ON THE INTRANET POLICIES SITE

NOT PROTECTIVELY MARKED

1.2 Our approach in respect of publishing convictions on Gwent Police websites and in printed newsletters..

Officers should follow the flow chart of the process to be adopted for publication of results, on Gwent Police web sites as outlined at Appendix A.

Officers should complete the questionnaire for consideration, as to whether convictions should be published on Gwent Police web sites as outlined at Appendix B.

The process leading to publication and release is as follows. The officer will complete the questionnaire at Appendix B and forward same to the SPOC in Corporate Communications who will be responsible for liaising with the SPOC in the Administration of Justice.

There will then be two ways of publicising sentences. The first is via the web sites. On the first of each month, the Press Manager will decide which case should be highlighted as this month's Caught and in Court to be featured on the web page. To ensure proportionality the previous months release will be removed. Corporate Communications will be responsible for checking and managing the system on a regular basis.

The second method is via Local Policing Newsletters which are published regularly. The responsibility for these is with the Neighbourhood Communications Officers.

In addition a proactive approach will be taken to specific serious cases of public interest as well as publishing existing positive results in relation to such cases.

We will publicise major sentences of offenders who are 18 years old or over (not juveniles) and have been given a custodial sentence in prison, or at a young offenders institution, of six months or more by a Crown Court. Suspended sentences are not featured.

Following the court result AOJ SPOC will inform the Neighbourhood Communications Officer or the press Manager and a decision to publish will be taken based on the criteria as outlined in the flow chart Appendix A.

Cases should NOT be featured in 'Caught and in Court' where:

- Identification of the offender could identify the victim whose identity is protected by the court.
- Intelligence suggests a danger or threat or vigilante action against the family of the offender.
- Intelligence suggests a danger of public disorder.

NOT PROTECTIVELY MARKED

NOT PROTECTIVELY MARKED

- Intelligence suggests a danger of threats or vigilante action against the officer or prosecutor in the case.
- The case has been investigated by another police force but heard in Gwent.

1.3 It is essential that no information is published and released that could identify (a) a victim of crime and (b) a witness in a court unless they give their consent to be identified.

An example would be high profile cases involving well known people where it is felt that the disclosure of information is in the public interest – but a crime victim or witness could be identified – the explicit written consent of the victim or witness should be obtained prior to publication and release.

So that witnesses are aware of this initiative and its potential to them in the future, proportionate steps should be taken to inform offenders, victims and witnesses when they come into contact with Gwent Police.

1.4 The following aspects need to be considered prior to publicising criminal convictions both on the web sites and in Neighbourhood Policing Team news letters.

- The court case must be finalised
- The potential for jeopardising future legal proceedings – are there other ongoing investigations or criminal proceedings still pending involving this individual?
- The potential for jeopardising future appeals.
- All personal details are accurate to avoid mistaken identity.
- Age of defendant.
- No reporting restrictions are in place – both automatic and imposed. Publicity about sentences imposed on very young offenders would also not normally be sought because of the effect on their future development and the risk of criminalising them. However consideration should be given to the degree of aggravation and nuisance they have caused in an area.
- Juveniles (under 18), or those charged with sexual offences, where revealing their identity would lead to a (surviving) victim being identified by association e.g. son, daughter, wife etc should not be named.
- Repercussions in local community, for their family – community impact

NOT PROTECTIVELY MARKED

NOT PROTECTIVELY MARKED

- Does the defendant still live at the address to be named (potential impact on new innocent resident of that address).
- Photographs are only released under specific criteria – outlined in our force media manual.

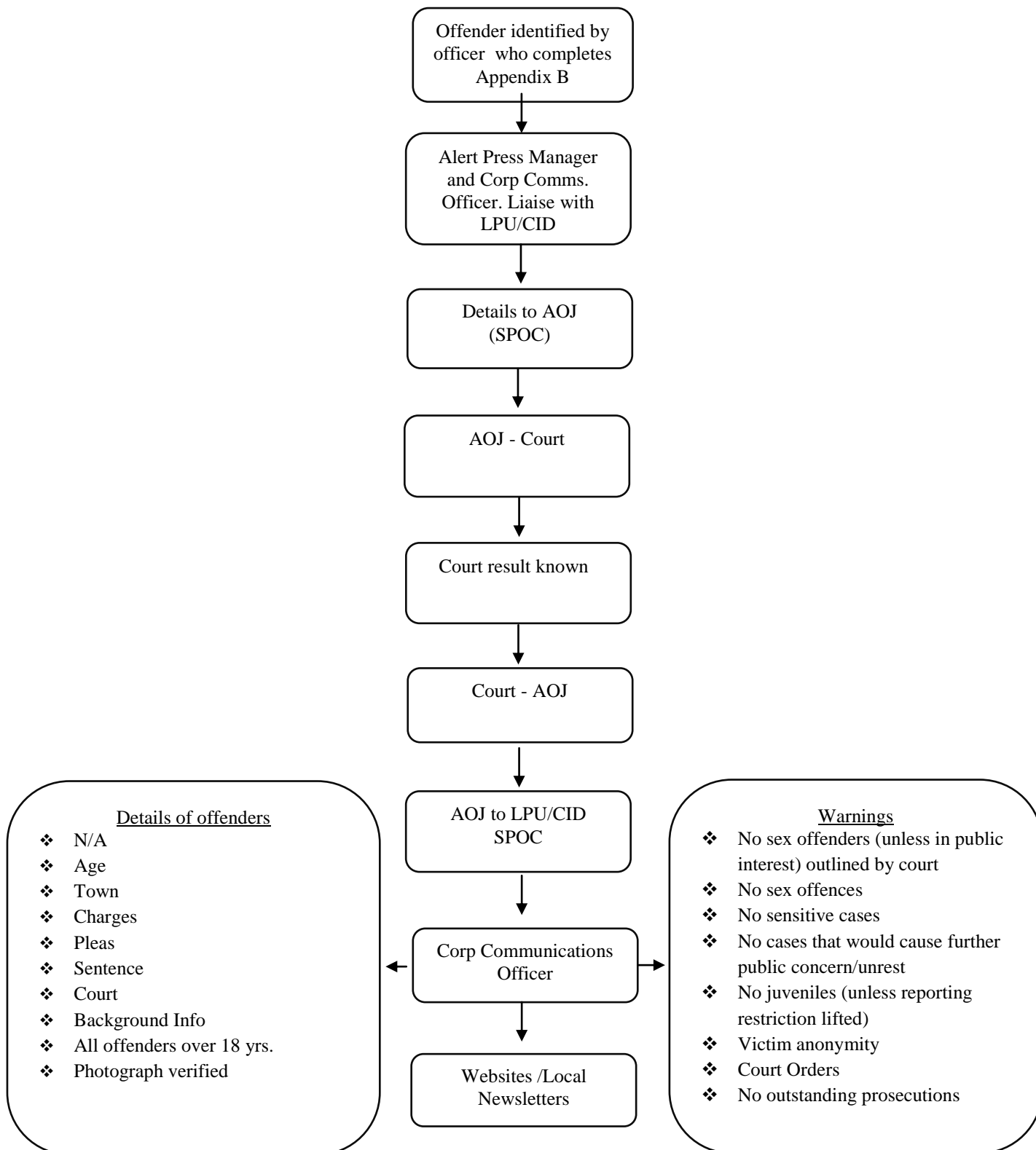
1.5 Publicising ASBO's in Newsletters:

A protocol exists between Gwent Police and the 5 local authorities regarding publicising ASBO's.

The decision to publicise, either through a press release or via leaflets should be made by each of the five Partnership Problem Solving Groups in Gwent when they sit to consider applying for the order, (*experts in various fields consider a host of issues when making the decision*). A case-by-case approach is adopted as stated in Home Office guidance. Further advice for ASBO practitioners and those decision makers can be found on the Home Office website at www.together.gov.uk

Breaches of an ASBO are a criminal offence and CRASBO's are granted as a result of a criminal offence and these are therefore both police matters.

APPENDIX A
WEBSITES/LOCAL COMMUNITY UPDATES



**APPENDIX B
PRE PUBLICITY QUESTIONS FOR OFFICERS**

OIC full name

Full name of individual receiving sentence

Date of birth of individual (must be over 18)

Address (can use neighbourhood or town)

Sentencing Court

Date of sentence

In order to publicise results there must be no other outstanding prosecutions against this individual or court orders involving this person. Please enter 'confirmed' to confirm this.

What is he/she being sentenced for? This cannot be a sexual offence.

Are there any sensitive issues to consider? i.e. domestic violence etc.

Does the victim agree to publication? Is it likely that by publishing the sentence we would identify the victim? If yes, please confirm the victim has agreed to publication.

What was the sentence?

In the box below, please provide background information/story regarding the case. Where possible do not use police jargon or technical terms. Use the test "would an intelligent 12 year old understand this?" Also include a quote you would like added.

2.0 The Legal basis and Legitimate Aims

Data Protection Act 1998
Crime and Disorder Act 1998
Publicising Sentencing Outcomes CJS Guidance

3.0 Human Rights Certification of Compliance

The procedure has been checked for compliance with the Human Rights Act and Article 8 of the Act; with particular reference to the legal basis of its precepts: the legitimacy of its aims; the justification and proportionality of the actions intended by it; that it is the least intrusive and damaging option necessary to achieve the aims; and that it defines the need to document the relevant decision making process's and outcomes of actions.

4.0 Compliance with The Welsh Language Scheme

This procedure aims to comply with the organisations Welsh language Scheme in terms of dealing with the Welsh speaking public, impact upon the public image of the organisation and the implementation of the language scheme.

5.0 Risk Assessment and health and safety Considerations

The Gwent Police Service Dynamic Assessment should be applied as necessary. A training package in the use of risk assessment will be provided to all police personnel if requested or required.

6.0 Procedure Identification Section

Procedure Title: Caught and in Court

Reference: 133/22 b issue 1

ACPO Lead: DCC

Department Responsible: Corporate Communications

Links to other Policies/Procedure: Data Protection, Information Security, Media.

Procedure Implementation Date: 1st October 2010

Procedure Review Date: 2 years from implementation