

Inquiry into the death of Police Constable Gerald Walker

The Government's response to the report by HM Chief Inspector of Probation

Introduction

The Home Office welcomes Professor Morgan's comprehensive report into the events which led up to and followed the tragic death of PC Gerald Walker. The probation service, the police and the prison service increasingly work together in managing offenders and seeking to protect victims from the harm caused by offenders. In this context all three agencies are committed to learning the lessons from Professor Morgan's report.

The Report

Professor Morgan has structured his report in two parts.

Part One sets out a detailed critique of probation, prison and police practice in relation to the specific events surrounding the death of PC Walker. Although this part of the report does not offer specific recommendations for change, Professor Morgan's findings raise a number of important issues for the operational management of the National Probation Service (NPS).

At the local level, changes have already been made in the organisational arrangements within the Nottinghamshire Probation Area and improvements have been introduced to enforcement practice in the area. In the light of the inquiry findings, the Chief Officer has made clear his commitment to further improvements, in enforcement practice, in arrangements to provide victims with information and in ensuring best sharing of information with police colleagues in seeking to arrange the arrest of those recalled to prison. Lessons learned from the experience of close working with the police on the Nottinghamshire Prolific Offender Project have led to the extension of the project towards setting up an a joint agency adult offending team similar to the model of the Youth Offending Team

At probation headquarters level, Professor Morgan has highlighted failures in the arrangements in place in 2003 for reviewing cases when an offender subject to supervision commits a serious offence (Serious Incident Reports). The National Probation Directorate (NPD) have revised those arrangements which will be replaced from 1 April this year by a more rigorous system which requires areas to focus on cases where there are concerns about practice. The Public Protection Unit of NPD has established procedures which ensure that this process is overseen and the lessons learnt from individual cases are made available to the wider service.

Professor Morgan's findings at Part One of the inquiry report will provide a continuing guide for those in the NPS, HM Prison Service and the police responsible for driving improvements in practice and for developing new practice.

Part Two of the report sets out a comprehensive statement of 10 key changes in the national policy for the management of offenders released on licence which Professor Morgan has identified as requiring immediate attention by the correctional services.

The Home Office accepts all of the recommendations contained in Part 2 of the report and sets out below the response of the correctional services to the detail of the recommendations. Those responses are described in terms of an action plan which addresses each specific recommendation in the order proposed by Professor Morgan. Responsibility for delivering individual elements of the action plan will fall to specified agencies, whether alone or jointly with other services, and these are described in the responses.

The detailed action plan is set out in the annex to this response

Review of progress on delivering the action plan

Home Office Minister for the Correctional Services, Paul Goggins MP, has asked the Director General of the National Probation Service to be personally responsible for setting a challenging timetable and for reporting to him on progress on delivering change by October 2004.

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Home Office response to the Part 2 recommendations:

- *The NPD, together with the CPS, should take further steps to ensure that all court reports are written with the benefit of sight of the prosecution papers in the case.*

The National Probation Directorate (NPD) has already begun to identify lessons from the introduction at the end of 2002 of new procedures for sharing information for court reports between the police, Crown Prosecution Service (CPS) and National Probation Service. The NPD, CPS and ACPO will jointly develop and introduce new practice to improve information sharing further.

The Government's longer term commitment is that appropriate information should be shared electronically between all criminal justice agencies. Services' IT systems are rapidly being developed to ensure the necessary security and compatibility requirements are in place.

- *The guidance from Prison Service HQ for HDC decision making should make explicit the need to consider security information report-based evidence and the manner in which that evidence is held should be more accessible to HDC Board members.*

Where relevant information within the security files indicates that a prisoner may present a high risk of re-offending or of breach during the curfew period, this should routinely be included in the HDC assessment of the prisoner. The Prison Service will review current working practices with a view to removing barriers to the provision of relevant security information to HDC panels. Guidance will be reinforced where necessary.

- *In HDC cases information about prisoners' behaviour and participation in programmes while in prison should be built into the Prison Service HDC documentary process and transmitted to home probation supervisors.*

HM Prison Service with the NPD will carry out a quick review to identify and put in place arrangements which will ensure that all information routinely considered in making HDC decisions which would assist the safe and effective supervision of offenders in the community is systematically shared with supervising officers. The Recall Forum is a multi-agency group which brings together all agencies involved and will oversee the exercise and work with agencies to ensure that the new arrangements will be effectively implemented.

- *The NPD should amend the Probation National Standards so as to remove the requirement that prisoners released on HDC be visited at home within ten days of release.*

The NPD accepts and will implement the recommendation subject to an early limited further exercise to ensure that the removal of the home visit requirement would not put at risk wider public safety concerns.

- *Pending universal introduction of an electronic case recording system capable of automatically triggering enforcement actions when offenders meet breach criteria, the NPS should give front line PSO staff dealing with offenders greater responsibility for initiating enforcement processes.*

The NPD accepts the recommendation in principle and is already working with employers and unions on related questions of workload and division of responsibilities between probation grades. Subject to the outcome of those discussions, NPD will issue new guidance on levels of responsibility and authority, including for initiating the enforcement procedure.

- *The NPD should take further steps to clarify for NPS staff the enforcement criteria and procedures for the different orders and licences involving drug tests.*

The NPD will issue clarification immediately about the differences between enforcement requirements for the orders and licences currently relating to drug testing (drug testing as a licence condition, DAOs, DARs and DTTOs).

The Criminal Justice Act 2003 creates new circumstances for the testing of drug misusing offenders and the NPD will ensure that guidance is reviewed and updated when the new provisions come into force, including the possible introduction of a specific drug-testing standard.

- *The NPS should ensure that offenders subject to supervision are always told about the enforcement criteria and processes with respect to their orders and licences and what steps are being taken to enforce their orders and licences when they are non-compliant.*

It is already good probation practice to tell offenders what action will be taken if they do not comply with an order or licence. The NPD will take the opportunity of a planned review of Probation National Standards to revise guidance to supervising officers on effective supervision.

The review will also consider the introduction of a standard requiring, subject to considerations of safety, that offenders are kept informed of enforcement action as it is underway.

- *The Murder Investigation Manual should be revised so as to suggest that Family Liaison Officer logs include reasonably full accounts of what victims of serious crime are told, particularly when the information is of a confidential nature.*

The Murder Investigation Manual is currently being reviewed on behalf of the Association of Chief Police Officers (ACPO) by the National Centre for Policing Excellence. ACPO will instruct that the review is expanded to incorporate examination of the issues raised by the inquiry report. Guidance to Family Liaison Officers as set out in the Manual and elsewhere will be revisited and amended in the light of that review.

The continued development of information sharing between the police, other correctional services and victims will also be influenced by the outcome of the work

proposed in Professor Morgan's final recommendation (below). ACPO will monitor the introduction of protocols and other information sharing agreements and continue to amend the Family Liaison Officer guidance accordingly.

- *Decisions to recommend and recall to prison should be taken as quickly as is just and as efficiently as possible. The present system is not as efficient as it might be and the police do not accord prison recalls the priority that they should. The system for communicating and executing prison recalls should be reviewed by the Home Office.*

The review will be conducted by the multi-agency Recall Forum, which is responsible for the overview of recall practice. The Forum includes representatives of the National Probation Service, Home Office Sentence enforcement Unit (now the Early Release and Recall Unit), the Parole Board and, most recently, ACPO.

- *As offenders increasingly become subject to joint police and probation surveillance and supervision, it is important, when they commit serious crimes, for there to be a shared understanding between the agencies as to who is to be regarded as a victim of such crimes, who is to be judged an eligible complainant, and at what stage such persons are to be given information, when, by whom and about what. There is currently no shared understanding or procedure. This aspect of policy needs to be subject to a fundamental Home Office review and a joint protocol devised for use by the NPS, the police and other partner agencies.*

The MAPPA national steering group will oversee this review. The national steering group comprises representatives of the National Probation Service, HM Prison service and ACPO and will consult with appropriate partner agencies.