

Summary: Intervention & Options

Department /Agency: Office for Criminal Justice Reform	Title: Impact Assessment of legislative measures to strengthen support for witnesses in gun and gang crime cases	
Stage: Legislation	Version: 1	Date: 7 October 2008
Related Publications:		

Available to view or download at:

<http://www.justice.gov.uk/publications/coroners-justice-bill.htm>

Contact for enquiries: Julie Clouder

Telephone: 0207 0358458

What is the problem under consideration? Why is government intervention necessary?

Witnesses to crimes involving gangs, guns and knives crime are often unwilling to come forward and give information to the police, because they fear reprisals or because of the “no grass” culture which is prevalent among crimes involving gangs. We believe that new legislation will help address this problem by providing early certainty to potential witnesses about the support and protection they can receive. This will ensure that the criminal justice system is more effective in bringing gang and gun crime offences to justice.

What are the policy objectives and the intended effects?

Introduce (i) investigative anonymity order giving witness early assurance of anonymity during the investigation up to during and after trial whether or not they give evidence in court; (ii) new criminal sanction for breach of anonymity; (iii) re-enact the Criminal Evidence (Witness Anonymity) Act 2008 enabling evidence to be given anonymously at trial; (iv) automatic eligibility for special measures for victims of gang and gun crime offences.

What policy options have been considered? Please justify any preferred option.

Do nothing

Introduce legislation for investigative anonymity order in cases involving knife and gun homicides only (Option A)

Introduce legislation for investigative anonymity order in cases involving death and serious injury by shooting and death caused by a knife or other sharp object (Option B)

Introduce legislation for investigative anonymity order in cases involving death and serious injury by shooting and death and serious injury caused by a knife or other sharp object (Option C)

When will the policy be reviewed to establish the actual costs and benefits and the achievement of the desired effects? 04/2013

Ministerial Sign-off For final proposal/implementation stage Impact Assessments:

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible Minister:

Maria Eagle MP, Parliamentary Under Secretary of State at the Ministry of Justice

.....Date: 16 December 2008

Summary: Analysis & Evidence

Policy Option:	Description:
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COSTS	ANNUAL COSTS	Description and scale of key monetised costs by 'main affected groups'	
	One-off (Transition) Yrs		
	£ 3.9m		
	Average Annual Cost (excluding one-off)		
	£ 3.9m	Total Cost (PV)	£ 3.9m
Other key non-monetised costs by 'main affected groups'			

BENEFITS	ANNUAL BENEFITS	Description and scale of key monetised benefits by 'main affected groups'	
	One-off Yrs		
	£ 2.3m		
	Average Annual Benefit (excluding one-off)		
	£ 2.3m	Total Benefit (PV)	£ 2.3m
Other key non-monetised benefits by 'main affected groups'			

Key Assumptions/Sensitivities/Risks

Price Base Year	Time Period Years	Net Benefit Range (NPV) £	NET BENEFIT (NPV Best estimate) £
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What is the geographic coverage of the policy/option?	England and Wales			
On what date will the policy be implemented?	April 2010			
Which organisation(s) will enforce the policy?	Courts, police, CPS			
What is the total annual cost of enforcement for these organisations?	£ 3.9m			
Does enforcement comply with Hampton principles?	Yes			
Will implementation go beyond minimum EU requirements?	N/A			
What is the value of the proposed offsetting measure per year?	£ 2.3m			
What is the value of changes in greenhouse gas emissions?	£ N/A			
Will the proposal have a significant impact on competition?	No			
Annual cost (£-£) per organisation (excluding one-off)	Micro N/A	Small N/A	Medium N/A	Large N/A
Are any of these organisations exempt?	No	No	N/A	N/A

Impact on Admin Burdens Baseline (2005 Prices)		(Increase - Decrease)
Increase of £	Decrease of £	Net Impact £ 1.6m

Key: Annual costs and benefits: Constant Prices (Net) Present Value

Evidence Base (for summary sheets)

[Use this space (with a recommended maximum of 30 pages) to set out the evidence, analysis and detailed narrative from which you have generated your policy options or proposal. Ensure that the information is organised in such a way as to explain clearly the summary information on the preceding pages of this form.]

1. BACKGROUND

1.1 Serious violent crime causes the most harm to victims, in terms of physical injury and emotional damage and also to society in terms of creating a climate of fear within communities as well as having an economic impact on victims and costs to public services. A key aim of the Government is to protect the public from serious harm and a new public service agreement on community safety (PSA 23) aims to reduce the most serious violence by focusing on crimes such as homicide and incidents of grievous bodily harm. PSA target 24 commits the criminal justice system to increasing its effectiveness in bringing offences to justice and improving victim and witness satisfaction through a range of measures which includes working with LCJBs and CDRPs to focus on serious crime.

1.2 All violent crime is serious, but any offence in which a potentially lethal weapon such as a gun or knife is used will have an especially serious impact on victims and witnesses. Weapons were used in 24% of all violent crimes in 2006/7 (BCS). Of those CDRPs who responded to a Home Office Tackling Gang Action Programme survey in areas with high violent crime, 4 in 10 identified a gang problem and a further 3 in 10 identified gang-related problems such as serious violence, firearm or knife related crimes.¹

Gun Crime

1.3 Gun crime is located in particular localities. Provisional data indicates that in 2006/07 more than half (55%) of all non-air weapon recorded firearms offences in England and Wales occurred in just three metropolitan police authorities: Metropolitan Police Service, Greater Manchester and the West Midlands.²

1.4 However, a survey by YouGov for the think-tank Policy Exchange suggests that gun crime affects a larger number of people than expected. Nearly half (45%) of those polled in England, Wales and Scotland believed their area to be less safe than it was five years ago due to gun crime. Nearly a third said that their immediate family were at risk of such crimes, with the figure rising to 42% in London. Even in rural areas, 23% of residents said that they or their family were at risk. (BBC Five Live 11 September 2007)

1.5 Overall gun crime declined by some 13% in 2006/7 compared to 2005/6 but firearms-related homicides increased by 18%.³ In addition, the most recent BCS quarterly update shows an increase of 4% in firearms offences in the twelve months to December 2007, compared with the previous twelve months. The total number of offences involving firearms resulting in injury increased by 2% over the same period. However, offences resulting in fatal and serious injury decreased by 13% and 16% respectively while slight injuries increased by 5%.

¹ Home Office (TGAP) unpublished data (2008)

² Home Office, Tackling Gangs Action Programme.

³ Home Office (2007) , Crime in England and Wales 2006-7

Knife Crime

1.6 A substantial number of violent crimes involve knives – “sharp instruments” remains the most common method of killing - and about four times as many people a year are stabbed to death as shot. In 2006/7 there were 258 homicides involving a knife or sharp object. NHS data shows that the number of people admitted to NHS hospitals following an assault with a “sharp object” has increased by 56% since 1998/99 (HES 2007).

1.7 There are particular concerns about the number of young people using knives. Last year 26 teenagers were killed in London alone, 16 of whom were attacked by knives. Twelve have been killed already this year, nine by knives. (The Times, 10 May 2008)

Extent of gang crime

1.8 Gang related violence remains a rare and localised problem but for the communities and families affected the impact is devastating. Gang related violence also results in a fear of crime at a national level.

1.9 The nature of gangs/related activity differs between areas affected, although the extent of the problem appears to be increasing. The Metropolitan Police report that the number of street gangs in London have almost tripled since 2005. It is estimated that around 200 gangs are operating at any one time across London, Liverpool, Manchester and the West Midlands but it is unclear why it is a more apparent problem in some areas but not others with a similar social-economic profile.

Nature of gangs

1.10 The term “gangs” is not a singular phenomenon. Our proposals are aimed specifically at those relatively durable, predominantly street based groups of young people, who see themselves (and are seen by others) as a discernible group for whom crime and violence is integral to the group’s identity. These are distinct from “peer groups”, which make up the majority of what the public may term as “gangs” and consist of relatively small, unorganised and transient groups composed of peers who share the same space and common history. Involvement in crime is mostly of a non-serious nature and not integral to the identity of the group.⁴

1.11 Gang membership is likely to start earlier than previously thought, between the ages of 12 and 14. Analysis of 770 known gang members across London, Liverpool, Manchester and Birmingham shows that⁵ 97% are under the age of 30 years, and the average age is 20. By the age of 18, 82% have been convicted of an offence.

1.12 Research suggests that the motivations for joining a gang are varied and include social reasons (for something to do), a sense of belonging to a “family”, for status (power and respect) or for protection in numbers. However, it is also likely that some people become involved in gangs inadvertently through peer pressure or circumstance (family members for example). In a survey of young offenders, only 14% claimed to have attached themselves to a group in order “to do illegal activities”.⁶

⁴ Marshall B, Webb B and Tilley N (2005) Rationalisation of current research on guns, gangs and other weapons: Phase 1. Jill Dando Institute of Crime Science, University College London

⁵ Home Office analysis of PCN data, unpublished (2008)

⁶ Marshall B, Webb B and Tilley N (2005) Rationalisation of current research on guns, gangs and other weapons: Phase 1. Jill Dando Institute of Crime Science, University College London

Crime and gang activity

1.13 The proportion of crime attributable to gangs is difficult to determine but there is evidence to suggest that gang members commit over five times as many offences as non-gang members. Although the relationship between gangs and criminality is neither simple nor straightforward, research suggests that gangs may amplify offending. Individuals in groups behave very differently than they do when alone. They take more risks, feel pressure to conform to the majority and feel less personal responsibility.⁷

1.14 Gang membership increases both the rate and seriousness of adolescent offending, particularly crimes associated with guns, knives and the supply of drugs.⁸ 11% of firearms sentences in 2006 were accounted for by under 18s (the 10-17 age group)⁹.

Gangs and gun and knife crime

1.15 Evidence suggests that gang members are much more likely than others to carry weapons and guns. There is a suggestion that possession of firearms has become the norm among gang members and that they are being increasingly used to settle even the most minor of arguments. Analysis of arrestee data¹⁰ shows that gang members are five times more likely as non-gang members to report owning a gun and 59% of current gang members have ever possessed a gun, compared to 21% of non-gang members¹¹.

1.16 Evidence is mixed as to whether gangs comprise the major factor behind shootings that lead to serious injury but a study of gun crime in Manchester¹² showed that overall the most serious injuries were associated with shootings in which there was some known gang membership. 80% of deaths and 70% of the most serious injuries resulting from shootings involved gang members.

1.17 A similar pattern is seen with the possession of knives. Most offences involving knives are thought to be carried out in the company of friends with peer pressure commonly cited as a motivating factor. Indeed over a quarter of knife-related homicides involved more than one offender and it is suggested that gang culture may be involved in some way with these murders.¹³

2. THE PROBLEM

Intimidation

2.1 "Implicit" intimidation is a particular problem in gang crime cases where gang violence creates a community-wide atmosphere of fear and a real but unexpressed threat of harm to those witnesses who dare come forward.¹⁴

⁷ Marshall B, Webb B and Tilley N (2005) Rationalisation of current research on guns, gangs and other weapons: Phase 1. Jill Dando Institute of Crime Science, University College London

⁸ Home Office Strategic Policy Team (unpublished 2005). A strategic response to violent gangs; Marshall B, Barry Webb B & Tilley N (2005) Rationalisation of current research on guns, gangs and other weapons: Phase 1, Jill Dando Institute of Crime Science, University College London

http://www.jdi.ucl.ac.uk/downloads/publications/research_reports/gangs_and_guns_2005.pdf

⁹ Research Development Statistics, National Offender Management Service sentencing statistics unpublished data (2006)

¹⁰ UCL Jill Dando Institute of Crime Science (2005): *Rationalisation of current research on guns, gangs and other weapons: Phase 1*

¹¹ Bennett and Holloway (2004) Gang Membership, Drugs and Crime in the UK, *The British Journal of Criminology* 44:305-323

¹² Bullock K and Tilley N. (2002) Shootings, gangs and Violent Incidents in Manchester: Developing a crime reduction strategy. Home Office Crime Reduction Research Series Paper 13

¹³ Marshall B, Webb B and Tilley N (2005) Rationalisation of current research on guns, gangs and other weapons: Phase 1. Jill Dando Institute of Crime Science, University College London

¹⁴ Finn P and Murphy Healey K (1996) Preventing Gang and Drug Related Witness Intimidation. US Department of Justice, Office of Justice Programs, National Institute of Justice

2.2 There is also evidence of an exploitative relationship between young and old gang members. Fear and intimidation may be used to compel compliance of young gang members, scare them into not providing evidence against elder members and make it difficult for them to disengage from the gang.¹⁵

Reluctant witnesses

2.3 Thus potential witnesses and victims of gun and gang crime are often unwilling to give information or evidence to the authorities due to intimidation and fear of violent reprisals against themselves and family members.¹⁶ As a result the police find it difficult and often impossible to identify suspects or gather sufficient evidence to support a charge and prosecution. Police investigations into the shooting of Jesse James in Moss Side in Manchester and Rhys Jones in Crompton in Liverpool, for example, were hindered by the reluctance of willing to provide information to the authorities.

2.4 The Government believes that in gang crime cases additional measures are required to encourage witnesses both to come forward and assist the police and to give evidence at trial, including providing protection from the earlier stages of the criminal investigation and well as during and after the trial.

Size of problem

2.5 Numbers of gun and knife crimes resulting in death or serious injury are listed in the table below. It is estimated that about half these offences were committed by 11-29 year olds who fall within the age group for gang related crime.

Offences	2006/7 BCS	Estimated number committed by 11-29 year olds
homicide from shooting	59	30
homicide from stabbing	258	129
Total homicides	317	159
Serious injury from firearms	507	254
	2007/8 BCS	
Wounding by stabbing with the intent to do GBH	5,248	2,624
Total serious injuries	5,755	2,878

3. THE PROPOSALS

3.1 The Office for Criminal Justice Reform has been working with ACPO, CPS and the Attorney General's office on the following package of legislative measures aimed at ensuring that the criminal justice system "stands up for those who stand up for the victims of gun and gang crime".

Anonymity

¹⁵ Marshall B, Webb B and Tilley N (2005) Rationalisation of current research on guns, gangs and other weapons: Phase 1. Jill Dando Institute of Crime Science, University College London

¹⁶ Bullock K & Tilley (2002)

3.2 We are proposing that anonymity should be granted to witnesses in gun and gang crime cases at the earliest possible stage during the investigation through to trial itself in two ways:

- (i) a new investigative witness anonymity order obtained by the police from a District Judge or magistrate to assist in gathering evidence during an investigation. This would be limited to gang-related gun and knife homicides. It would be issued for the purposes of a specific investigation and would last for life. It would also be available to the defence post charge. We estimate about 800 applications a year across the country. There would be a right of appeal to a Crown Court judge against refusal to grant an application but we envisage that this would be used rarely. Breach of the order would be a criminal offence;
- (ii) re-enacting emergency legislation – the Criminal Evidence (Witness Anonymity) Act 2008 – which provides for anonymous evidence at trial.

3.3 In the event that an investigative anonymity order is granted but the trial judge declines the subsequent application to give anonymous evidence in court, the prosecution would decide whether to proceed with the case without the witness or to drop the prosecution altogether as is currently the case with informant evidence.

4. THE BENEFITS

Public confidence

4.1 Protracted investigations into high profile crimes of this kind can have a devastating effect both on the community concerned and more generally on public confidence in the criminal justice system. These provisions would help to mitigate such effects, although it is difficult to quantify such benefits in monetary terms.

4.2 The main cost benefits of these proposals would be savings in police time in investigating gang and gun crime and a reduction in the economic and social costs of gang related crime. We would also envisage some savings through a reduction in the costs of cracked trials due to witness failure to attend. Further details are provided below.

Police time

4.3 It is estimated that the costs to the police of an investigation into a category A homicide are around £30,000. The definition of a category A homicide or other major investigation is one where public concern and the associated response to media intervention is such that normal staffing levels are not adequate to keep pace or where there is grave public concern or vulnerable members of the public are at risk and the investigation requires significant resource allocation. Most investigations into gang-related knife and gun homicide are likely to fall within this category.

4.4 The assistance provided to the police by the introduction of the investigative anonymity order is likely to significantly reduce the length of the investigation by helping to secure witnesses at an earlier stage and possibly leading to the swift arrest of a suspect. We have estimated a relatively modest 10% reduction in the costs of each investigation resulting in an estimated saving of £477,000 in all homicide cases, £762,000 in gun crime cases involving serious injury and £7,872,000 in knife crime cases involving serious injury.

Cracked trials

4.5 It is estimated that the cost to the criminal justice system of a cracked trial is in the region of £8,900. In 2007/08, there were 269 homicide cases which resulted in cracked trials and 29 of these were due to the failure of witnesses to attend. There were also respectively 4 known

cases where the cause was witness intimidation. It is estimated that this cost the criminal justice system £293,700. If these provisions resulted in a 12% reduction in cracked trials, the savings would be in the region of £35,244. In the case of offences against the person (ie in respect of serious injury cases) there were 10,111 cracked trials, 9,515 of which were due to the non-attendance of victims and witnesses and 9 of which were known cases of intimidation. If we assume that 6% of those cases involved knives and 1% guns (BCS 2007/8) then the cost the criminal justice system is estimated to be £5,085,816 and £847,636 respectively. A 12% reduction is estimated to result in savings of £610,293 (in the case of knives) and £101,716 (in the case of guns).

Cost benefits

4.6 The Home Office estimated that the cost of gang related shootings in the Greater Manchester Police area between January 1997 and 2001 was £8.1 million per year. A breakdown of the costs of individual incidents is provided in the table below.

	Murder	Serious wounding
	Per case £	Per case £
Physical and emotional impact	700,000	97,000
Victim services	4,700	6
Lost output	370,000	14,000
Health services	630	8,500
Police	11,000	6,700
Prosecution	410	250
Magistrates courts	100	60
Crown court	720	440
Jury service	90	60
Legal aid	1,100	650
Non legal aid defence	250	150
Probation service	430	260
Prison service	4,200	2,600
Other CJS costs	1,700	1,100
CICA administration	2,000	1,200
Total	1,100,000	130,000

Source: Bullock, K and Tilley, N (2002) Home Office Crime Reduction Research Series Paper 13: Shootings, gangs and Violent Incidents in Manchester: Developing a crime reduction strategy

4.7 Assuming equivalent costs for similar crimes involving knives, the economic and social costs in 2006/07 to the criminal justice system alone of all gang related gun and knife murders is estimated to be in the region of £175m. The costs of knife crime and gun crime involving serious injury are estimated to be in the region of £341m and £33m. Thus if these proposals were to achieve a 1% reduction in these crimes as a result of their deterrent effect and success in ensuring that more perpetrators were prosecuted, the cost saving would be in the region of £1.8 million, £3.4m and £330k respectively.

5. THE COSTS

5.1 The estimated costs of these proposals are summarised below. The assumptions upon which the costs have been calculated are listed in Appendix A.

	Option A		Option B		Option C	
	IWAO	Extra trials	IWAO	Extra trials	IWAO	Extra trials
HMCS	56k	818k	90k	818k	781k	818k
CPS	17k	326k	28k	327k	268k	327k
Legal Aid	18k	690k	18k	690k	18k	690k
NOMS		£2m		£2m		£2m
Total	£91k	£3.8m	£136k	£3.8m	£1.1m	£3.8m

IWAO = Investigative witness anonymity order

AETO = Anonymous evidence trial order

6. COSTS V BENEFITS

6.1 The options considered were:

- Do nothing
- Introduce an investigative anonymity order in gang related gun and knife crime homicide cases only - Option A
- Introduce an investigative anonymity order in all gang related gun crime cases involving death and serious injury and gang related knife crime homicide cases – Option B
- Introduce an investigative anonymity order in all gang related gun and knife crime cases involving death or serious injury – Option C

6.2 We do not believe that Option A would provide an entirely satisfactory solution to the problems of witness intimidation in gang-related crime because it does not cover serious injury. However, the high numbers of shooting and stabbing incidents resulting in serious injury and the associated cost implications of that would preclude options B and C as viable options. We therefore propose that option A – which covers the most serious crimes – should be implemented but with the provision that the legislation should include an Order making power so that the provisions could be extended to cover other crimes at a later stage. The costs and benefits associated with these options are listed in the table below.

	Option A	Option B	Option C
Costs of proposals	91k	136k	1.1m
Possible additional trials costs	1.8m	1.8m	1.8m
Possible prison places costs	2.m	2m	2m
Total costs	3.9m	3.9m	4.9m
Savings in cracked trials	35k	137k	747k
Savings in police time	477k	1.2m	9.1m
Savings in costs	1.8m	2.1m	5.5m

of gang crime			
Total savings	2.3m	3.4m	15.3m

GANGS, GUNS AND KNIFE CRIME
WITNESS PROTECTION AND INTIMIDATION PROPOSALS

ESTIMATED COSTS

1. ANONYMOUS WITNESS ORDER

1.1 A new order that can be obtained by the police or prosecutor in respect of their witnesses which will provide a guarantee of witness anonymity for life, backed by a criminal offence for breach. If the prosecution wish to call such a witness to give evidence at trial a separate application to the court will be required- see below.

1.2 The policy is aimed at tackling violent gang crime and so it is envisaged that the order will be used to assist the police investigate gang activity by gathering intelligence as well to investigate particular crimes. The witness order will be limited to investigations into activity/offences involving homicides by guns knives and so are triable only on indictment. The test for obtaining the order will create a high threshold where the witness is unwilling to give information to the police because of fear of reprisal as a result of being identified as a witness or their safety is at risk.

1.3 Applications can be made at any time during the investigation and throughout any criminal proceedings. The order would be obtained from a JP or DJ like a search warrant and there would be a right of appeal against refusal to a judge of the Crown Court – as in bail applications, which would be a re-hearing of the application. Applications for variation or discharge of the order would be possible.

1.4 The prosecution applications would be ex parte.

Cost elements

1.5 The following cost elements have been included;

- Application preparation - police and CPS/RCPO
- Oral hearing by JP/DJ- HMCS, police, CPS/RCPO
- Appeal hearing – HMCS, police, CPS/RCPO

Applications: cost assumptions

1.6 Calculations are based on the following assumptions:

- That applications for the new anonymous witness orders will be limited to the gang related gun and knife homicides. [Older offenders committing gun firearms offences are most likely to be linked to be linked to organised crime where witnesses would require full witness protection rather than an anonymity order.]
- That the police/prosecution and the witness may apply for a variation/ discharge of the order in 10% of cases.

- That there will be an average of 1.5 prosecution witnesses per case requiring an anonymous witness order
- Than an application will involve a 30 minute hearing with a DJ or JP in a magistrate's court = £147.50
- That CPS costs for application preparation per case = £26.81
- That CPS costs for oral hearing = £26.81 per case
- That police costs will be marginal and absorbed by the far greater costs of the investigation and prosecution
- That there are no legal aid costs as applications by prosecutors will be ex parte.

1.7 Costs are summarised in table 1 below:

TABLE 1: COST OPTIONS				
		Option A	Option B	Option C
BCS 2006/07	Serious injuries	Homicides	Gun and knife crime homicides and gun serious injuries	Total Gun and Knife Crime
Gun Crime	258	59	317	317
Knife crime	5,248*	258	258	5,506
Total	5,506	317	575	5,823
50% = 11-29 yr olds	2,753*	159	288	2,912
1.5 prosecution witnesses	4,130	238	431	4,368
Assume variation/discharge in 10% of cases	1,294	24	43	437
Total prosecution cases	14,238	262	474	4,805
HMCS COSTS		38,645k	69,915k	708,738k
CPS COSTS		14,048k	25,416k	257,644k
TOTAL COSTS		52,693k	95,331k	966,382k

* BCS 2007/08

Appeals against refusals

Cost assumptions

1.9 Calculations for estimating the cost of appeals against the court's refusal to grant an anonymous witness order are based on the following assumptions:

- a 90% success rate with applications
- an appeal in about 15% of refusals
- length of appeal hearings 30 minutes (based on estimated length of original application)
- HMCS costs of £500 for 1/2 hourly rate for Crown Court Judge
- CPS costs = £67 per case

- Police costs de minimis

1.10 Costs are summarised in table 2 below:

Table 2 – Appeals against refusal of AWO			
Appeals	Option A	Option B	Option C
Pros witness	4	7	72
HMCS Costs	2.0k	3.5k	36.0k
CPS costs	0.27k	0.5k	4.8k
TOTAL COSTS	2.27k	4.0k	40.8k

Appeals against discharge/variation applications

1.11 Only the police/prosecution and the witness will be able to apply for or object to an application for a [variation/] discharge of the order, so we expect this to be exceptional in no more than 10% of cases. Costs are summarised in table 3 below.

Table 3 – appeals against discharge/variation of an AWO			
Variation/discharge orders and appeals	Option A	Option B	Option C
Pros witness	2	4	44
HMCS Costs	1.0k	2.0k	22.0k
CPS costs	0.14k	0.3k	£2.9k
TOTAL COSTS	1.14k	2.3k	£24.9k

Prosecutions for breach of an order

Cost assumptions

1.12 As the information about the existence of an anonymity order will be largely held by the police, it is assumed that breaches of the order will be very rare. Calculations for estimating the cost of prosecutions for breach of an anonymous evidence order are based on the following cost assumptions:

- An estimate of 2 prosecutions a year
- HMCS Unit Costs per trial - £13,377 in crown court and £1,082 in magistrate's court.
- HMCS costs based on 1 trial in magistrate court and 1 in crown court
- Legal aid Unit Costs- £8,736
- CPS costs per trial - £500 in magistrates court and £1,750 in crown court

1.13 Costs are summarised in table 4 below.

Table 4 – prosecutions for breach of an AWO			
Variation/discharge orders and appeals	Option A	Option B	Option C
HMCS costs	14.5k	14.5k	14.5k
Legal Aid costs	17.5k	17.5k	17.5k
CPS costs	2.3k	2.3k	2.3k
Total Costs	34.3k	34.3k	34.3k

Anonymous Witness Order - total costs

1.14 The total estimated costs of introducing the Anonymous Witness Order are summarised in table 5 below:

	Option A	Option B	Option C
HMCS	56.3k	89.9k	781.2k
Legal aid	17.5k	17.5k	17.5k
CPS	16.8k	28.5k	267.6k
Total	90.6k	135.9k	1,066.3k

2 ADDITIONAL TRIALS

2.1 It is assumed that more witnesses at the investigative stage could lead to more cases going to trial. Police figures for 2006/7 suggest that a suspect was not identified in 9% of homicides involving a sharp instrument (24 cases) and 44% of homicides by shooting (26 cases). We have estimated that the anonymity order would reduce this figure by 30%, resulting in an additional 15 trials.

Cost assumptions

2.2 Calculations for the estimated costs of additional trials resulting from the introduction of the Anonymous Witness Order are based on the following assumptions:

- HMCS trial costs are £54,537
- Legal aid costs are £46,000
- CPS costs = £ 21,768 per case (comprising internal unit costs from ABC at £1,788 and GFS unit costs at £19, 980)
- Police and CPS costs de minimis

Prison places

2.3 The Order will have impact on the prison population. The successful prosecution of more gang and gun related violence is likely to lead to additional custodial sentences. The nature of these offences is likely to mean that they will attract Indeterminate Sentences for Public Protection (IPPs). It is difficult to be precise about the likely impact, but NOMS estimates that this could lead to the requirement for an additional 140 prison places, building up gradually over a ten year period (estimated to be around 50 places by the end of the current spending period). These are not factored into the existing prison place projections and represent an additional demand. An additional 50 prison places would cost £2m per annum and £10m capital.

2.4 The total estimated costs of additional trials resulting from the introduction of the Anonymous Witness Order are summarised in table 6 below:

	Option A	Option B	Option C
Additional trials	15	15	15
CPS costs	£326.5k	£326.5k	£326.5k
Legal Aid costs	£690k	£690k	£690k
HMCS costs	£818.1k	£818.1k	£818.1k
NOMS costs	2m	2m	2m
TOTAL COSTS	3.8m	3.8m	3.8m

Specific Impact Tests: Checklist

Use the table below to demonstrate how broadly you have considered the potential impacts of your policy options.

Ensure that the results of any tests that impact on the cost-benefit analysis are contained within the main evidence base; other results may be annexed.

Type of testing undertaken	<i>Results in Evidence Base?</i>	<i>Results annexed?</i>
Competition Assessment	No	No
Small Firms Impact Test	No	No
Legal Aid	Yes	Yes
Sustainable Development	No	No
Carbon Assessment	No	No
Other Environment	No	No
Health Impact Assessment	No	No
Race Equality	Yes	No
Disability Equality	Yes	No
Gender Equality	Yes	No
Human Rights	Yes	No
Rural Proofing	No	No

