

## **DANGEROUS OFFENDERS**

### **John Scott (UK)**

#### **(Hand out 1: ) Control Orders**

##### **The Prevention of Terrorism Act 2005**

- The Government repealed Part 4 powers under the Anti-Terrorism, Crime and Security Act 2001 and replaced them with a system of control orders under the Prevention of Terrorism Act 2005.
- The Prevention of Terrorism Act 2005 gained Royal Assent on 11 March 2005.
- The legislation provides for the making of control orders against individuals who are suspected of involvement in terrorism-related activity, irrespective of their nationality or the nature of the terrorist activity (international or domestic).

##### **Control orders**

- Control orders are preventative orders which place one or more obligations upon an individual that are designed to prevent, restrict or disrupt his or her involvement in terrorism-related activity.
- These obligations may include prohibiting the individual from possessing specified substances, imposing a curfew and a tag, restricting communication with certain people and restricting movement to particular geographical area. Further examples are set out in the Act.
- Control orders are time limited and may be made for a period of up to 12 months at a time. An application for renewal has to be made thereafter.
- A breach of any of the obligations of the control order without reasonable excuse is a criminal offence punishable with a prison sentence of up to 5 years.
- There are two types of control order: non-derogating and derogating.

##### **Non-derogating control orders**

- Obligations contained within 'non-derogating control orders' do not amount to a deprivation of liberty within the meaning of Article 5 ECHR.

##### **Derogating control orders**

- Obligations contained within 'derogating control orders' would amount to a deprivation of liberty.
- To date, the Government has not sought a derogation from Article 5 of the ECHR.

### Safeguards

- A number of safeguards designed to protect the rights of the individual are contained in the legislation. These include:
  - The Act itself is subject to an annual review by Lord Carlile, who will provide a report to Parliament on its workings
  - The Home Secretary must report to Parliament every three months on the operation of the powers
  - The Act must be renewed annually by vote in both Houses of Parliament

### **(Hand out 2:) UK Special Immigration Appeals Commission cases bailed from prison**

The first notification of a bail will come from Special Case Unit (SCU) who will co-ordinate the bail hearing. If granted it is normal for an application to be granted in principle first but the subject will remain detained whilst his solicitors submit details of the proposed boundary to which he will be restricted and the Secretary of State puts suitable arrangements in place to monitor any conditions.

However, the period between the grant in principle and release can be very short, often a matter of a couple of days, so it is important to begin planning as soon as possible. SCU have been made aware that they should give as much notice as they are able.

The Local Enforcement Officer will be responsible for arranging for the subject to be released from his current place of detention, collecting and escorting the man to his residence, tagging him, overseeing the installation and calibration of monitoring equipment, meeting with the local police to establish a response protocol and put a restricted "special schemes" message on their systems, establishing a tagging protocol with the monitoring company and providing a contact officer team complete with a dedicated mobile phone. The following bullet points may be useful in achieving this.

- A Obtain a Wing Report from the prison. This will detail the subject's behaviour whilst detained and will inform the risk assessment process.
- B Obtain as much background information on the subject as possible. This should include, but not be limited to, the notice of intention to deport, any existing SIAC judgements, an immigration history, threat assessment from the Security Service and recent photograph.
- C Using details from the reconnaissance, wing report and background information prepare a risk assessment for the collection and transfer of the subject from prison to the address. Remember that he is not subject to arrest or the powers that flow from an arrest.

- D** Contact the Home Office Electronic Monitoring team via the national co-ordinator and advise them of the bail so that they can begin to prepare the monitoring contract and protocols.
  
- E** Contact the relevant contractor (Group 4 or SERCO) with details of the proposed address and ask them to conduct a site survey. This will show whether or not the address is suitable for their equipment. Also try to establish whether or not the property already has a landline installed, if not the monitoring contractor will need to supply a GSM unit.
  
- F** Arrange for the key holder or other authorised person to let the team into the premises on the day of release.
  
- G** Meet with the local police SMT (Senior Management team) and inform them of the bail. A protocol will be prepared by the SIAC co-ordinator in respect of the individual. Local managers, will provide them with background details and photographs, arrange for a special schemes restricted message to be placed on CAD and any entries that may be required in the book 41 (bail book).
  
- H** Ensure that either SCU or the national co-ordinator has made Press Office aware of the bail and any predicted timings. Ensure that if there is any media interest no information is released until after the team are safely away from the address after the bail has been effected.

When the subject is being installed in an address it is best practice to complete a Premises Search Book and prepare a plan of the property that can be held on file. This will be useful in the event that a rapid entry is required in the future.

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