

Memorandum for Executive Council

SUBJECT POLICE AND CRIMINAL EVIDENCE (AMENDMENT) BILL 2019

Memorandum by the Chairman of the Social and Community
Development Committee

ADVICE SOUGHT

1. **Executive Council is asked to consider and advise whether:**
 - (a) **the attached Recordable Offences Policy (Annex A) should be endorsed; and**
 2. **the attached Police and Criminal Evidence (Amendment) Bill 2019 (Annex B) should be printed, published and presented as Government Business at the next formal meeting of the Legislative Council in December 2019.**

**BACKGROUND &
CONSIDERATIONS**

3. At present all offences in St Helena are recorded by the police and subject to the application of the Rehabilitation of Offenders Act 1974, are detailed as part of Criminal Records Checks. This means that even minor offences can be detailed as part of such checks. To address this problem the introduction of a distinction between recordable and non-recordable offence is required following an approach similar to that in England and Wales.
4. In order to bring about a distinction between recordable and non-recordable offences a new criminal records database is required. The Bill obliges the Director of the Police to establish and maintain a criminal records database in which convictions for imprisonable offences are to be recorded.
5. The Bill further makes provision for Regulations to be made to -
 - a. specify the manner in which the criminal records database is to be implemented and maintained;
 - b. specify the offences which are not imprisonable but which should be recorded;
 - c. specify any imprisonable offences which should not be recorded;
 - d. specify the manner in which information from the

database can be requested and disclosed.

6. The Bill also contains a provision that allows the Governor in Council to make an order that Regulations can take effect retroactively.
7. It is expected that following Regulations being agreed and enacted a number of minor offences will not appear on the criminal records database and also a fair and modernised criminal records disclosure system will operate in St Helena.

**FINANCIAL
IMPLICATIONS**

8. Whilst this is a procedural change it will decriminalise certain offences and thus enable persons with minor offences to better compete in the labour market..

**ECONOMIC
IMPLICATIONS**

9. This is a procedural change and therefore there are no economic implications.

**CONSISTENCY
WITH
INVESTMENT
POLICY
PRINCIPLES**

10. N/A

**PUBLIC / SOCIAL
IMPACT**

11. The application of Regulations under the Bill would preclude the necessity for certain offences to be disclosed in a person's criminal record.

**ENVIRONMENTAL
IMPACT**

12. This is a procedural change and therefore there are no environmental implications.

**PREVIOUS
CONSULTATION /
COMMITTEE
INPUT**

13. Both the policy informing the Bill and the Bill have been reviewed and approved by the Social Community Development Committee on 7 November 2019.

**PUBLIC
REACTION**

14. It is anticipated that the introduction of the proposed amendment will be welcomed by the public as it allows for the creation of a modern and fair criminal records disclosure system and prevents certain minor offending being recorded.

PUBLICITY

15. It is proposed that this should be reported in the ExCo Report following the meeting and will be published as part of the legislative process before the formal Legislative Council meeting in December 2019.

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**SUPPORT TO
STRATEGIC
OBJECTIVES**

16. This paper supports the National Goal “Altogether Wealthier” and Strategic Objective 3.1 Ensure sustainable economic development by presenting an alternative way of dealing with offences and thereby removing a perceived obstacle to personal development and potential employment.

**LINK TO
SUSTAINABLE
ECONOMIC
DEVELOPMENT
PLAN GOALS**

17. This paper supports SEDP Goal 8 Develop, Maintain and Attract a Skilled Workforce

**OPEN /CLOSED
AGENDA ITEM**

Open

AAG

Corporate Support
Corporate Services
14 November 2019

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