

HOME AFFAIRS

FREEDOM & RESPONSIBILITY

Defending individual freedoms while maintaining individual responsibility.

Speaking of government overreach, Ayn Rand observed that “there's no way to rule innocent men. The only power any government has is the power to crack down on criminals... [and so government] declares so many things to be a crime that it becomes impossible for men to live without breaking laws.”

We believe governments that have taken this approach have done a disservice to their citizens and acted outside their legitimate authority. Our Home Affairs

Policies seek to address the following areas in ways that defend individual freedoms while maintaining individual responsibility:

- Punishment, Prisons and Community Sentences
- Law and Courts
- Immigration
- Drugs (including Alcohol and Tobacco)
- Policing

1. PUNISHMENT, PRISONS AND COMMUNITY SENTENCES

Current punishment and sentencing regimes are inadequate and require reform. They fail to reduce crime, can be excessive in relation to some crimes, insufficient in relation to others and fail to assist victims.

We believe that crime should be deterred by appropriate punishment and wherever possible restore the losses of any victim. We believe incarceration should be used to protect individuals from violent criminals and repeat offenders of lesser crimes.

POLICY PROPOSALS

We will ensure that sufficient prison places are available to make capacity not a factor in detention, bail or sentencing decisions.

We will reserve prison sentences for violent or repeat offenders, for lesser crimes first offences will be sentenced with community sentences incorporating appropriate education, reformation, restitution and curfew measures.

We will make prison harsher for uncooperative inmates as necessary, while rewarding cooperation.

We will end the practice of using regular prisons for the incarceration of the mentally ill.

We will bring an end to early release of the violent or abusive.

Consideration for gender should

not influence sentencing in order that all individuals be treated equally before the law.

We will improve the provision of training and educational facilities within prisons.

We will ensure first time remand prisoners are kept separate from other inmates.

We are unequivocally opposed to the death penalty by the State, instead we will legislate for a Life prison term to mean the remainder of the convict's natural life.

We are unequivocally opposed to the use of torture in all circumstances, such will be classed as misconduct in a public office in addition to other categories of crime as may be perpetrated and be prosecuted as such.

We will legislate for prosecution of false witnesses and for sentencing to be equivalent to that which would be given for the falsely accused crime.

We will legislate that persons may only be added to the Sex Offenders Register following due

process, that retention of a person on the list be not automatic but be expunged following time served, with renewable time limited extensions being granted only on provision of evidence and sanctioned by Jury at each renewal.

The libertarian party advocates restitution as the main form of punishment for criminal acts. Restitution will be in the form of financial recompense to victims in case of accidents and paid at levels that would be punitive to the perpetrator in case of deliberate harm. The victim as the one who incurred loss would be repaid, not 'society'. This will be used in the case of non-violent crimes and some violent crimes in addition to incarceration where appropriate. Imprisonment is undesirable as a drain on the taxpayer and will be used as a last resort in the cases of very violent crimes or repeat offences of a lesser nature.

We believe incarceration should be used to protect individuals from violent criminals.

We will legislate for the following crimes to be Capital and carry the maximum 'remainder of the natural life' sentence:

- Unjustified Murder in the first degree.
- Aggravated torture, or extreme violence to another without justifiable provocation, which is life threatening.
- Murder in the Second degree the second conviction.
- Rape of a person over 12 years of age the second conviction.
- Rape of a child under 12.
- Treason which causes the death of another person or persons.
- Sexual abuse of a non-consenting minor the second conviction.
- War Crimes conviction of any leaders (political and military) of any nation.
- Aggravated theft with a deadly weapon the third conviction.

2. LAW AND COURTS

We believe that law has reached far beyond its legitimate boundaries, becoming a tool to rule, rather than defend the individual or govern interactions.

We propose the following policies to return law making to its proper place, reduce the number of laws and regulations, restore Habeas Corpus principles which have been eroded, make the justice system accountable to the people and remove barriers to justice.

A free people are required to take individual responsibility for their actions and where the State steps away as nanny individuals must step forward, to accept both positive and negative consequences of their choices, and to act voluntarily for the good and to lift themselves up and their fellows.

POLICY PROPOSALS

We will abolish the Crown Prosecution Service. In its place Elected Magistrates would be the basis of a decision to prosecute.

We will review all current legislation against the terms of

our constitution to address their intrusion on individual rights and enact a programme of reform, repeal and replace with new more appropriate legislation to achieve the same appropriate defensive aims whilst not infringing on your individual rights in keeping with our constitution.

We will strengthen protections for freedom of speech, freedom of association, and property rights, and will repeal inhibitions to 'right to lawful assembly', in keeping with our constitution.

We will uphold the right to self-defence in protecting life, liberty and property.

We will repeal Control Orders.

We will decriminalise all sexual activity related to consenting adults.

All new legislation, laws or regulations will be validated against the terms of our constitution and rejected if they are in violation.

We will abolish the category of hate crime, treating all activity equally before the law.

We will enact a programme of

reducing legislation requiring three pre-existing laws or regulations to be repealed for each new law or regulation being enacted.

We will end the 'secret Court system' that is open to much abuse.

We will revoke parliamentary privilege to require the same standard of law to be applied to all citizens regardless of office.

We will return all criminal trials to trial by an independent jury, free to judge both the law and fact, and to exercise their discretion and discharge their consciences, for all criminal cases.

We will restrict plea-bargaining so that it is not available to anyone who shares principal responsibility for a crime reserving it only for lesser accessories.

We will reform the double system of solicitors and barristers and establish a framework allowing solicitors and barristers to represent clients in all courts and all types of cases giving more choice to individuals over who will represent them.

We will restrict the ability of State prosecutors and those involved in civil disputes to employ 'financial siege' tactics against their opponents.

We will return all criminal trials to trial by an independent jury.

3. IMMIGRATION

We believe immigration policy should be flexible to meet changing needs, remove unnecessary barriers where it is desirable, while protecting individuals from those who would do harm.

Our policies are strict but are drawn up with regard to those who approach the process lawfully and follow the rules, not those who try and bend the rules or bypass the legally defined process.

POLICY PROPOSALS

We will make immigration skills and points based - totally free movement of people into the UK is not practical whilst the welfare system provides an incentive and other countries are themselves not broadly Libertarian in nature.

We will abolish access to automatic State support to immigrants through subsidised housing or any benefits of any kind.

Immigrants will not receive a National Insurance (NI) number until they have at least five years

contributions to an NI approved scheme.

We will require all persons being granted a residency to demonstrate that they have adequate medical insurance.

We will establish bilateral agreements with countries to enable free flows of people.

Longer term, and in conjunction with welfare reform, we are committed to pursuing an open borders policy towards those who would wish to live here, in order to contribute to our economy and share our values.

We will reserve the right to eject or refuse entry to foreign nationals convicted in a Court of law as part of the Government's prime role in protecting the population and maintaining Rule of Law.

We will ensure the UK shall have full control over its immigration policy, with any right of final appeal remaining within the UK jurisdiction.

We will require all Asylum Seekers to present at a UK border or at the British Embassy of a

We will end delays to married or civil partners entering the country.

neighbouring country to their own, otherwise their claim shall not be accepted.

We will deny entry to persons refusing to declare originating country and any right to seek asylum will be refused outright without appeal.

We will require asylum seekers to be held 'air side' while their case is heard as swiftly as possible. We will ensure a system that hears cases within weeks, not months or years.

We believe any concept of a mass 'amnesty', actual or de facto forgiveness for illegal immigration undermines the Rule of Law and as such will not be entertained.

We will establish a process for sponsored immigration permitting any private individual to become responsible, by contract with the

immigrant, for the conduct, welfare, and whereabouts of that individual for a limited period under conditions and penalties specified in law. The responsibilities will remain until the individual qualifies for "resident status" or leaves the country. The only exception will be when the State can demonstrate beyond a reasonable doubt that the individual constitutes a threat to public health or represent a clear and present danger to the rights of citizens.

We will end delays to married or civil partners entering the country by expediting visas.

4. DRUGS, ALCOHOL & TOBACCO

Our drug policy seeks to respect individual rights while maintaining commensurate individual responsibility - the State will neither profit from, nor promote, nor subsidise harmful drug products, nor interfere with individual's free choices in that regard, nor protect them from attendant consequences.

POLICY PROPOSALS

At a national level decriminalise drugs starting with marijuana but expanding this. Remove excise duty from Alcohol, Tobacco and other Drugs.

Release all those convicted ONLY of drug offences for possession. Give those released a 'clean profile' so they are not subject to the restrictions imposed on ex-offenders.

Reform Policing to understand that drugs are no longer criminal activities. Continue to apply all other laws with respect to drug related incidents, such as where

there is evidence of 'coercion', operating machinery or acting in a responsible position while under the influence, and others.

In line with individual responsibility healthcare becomes the responsibility of the individual through an insurance-based approach as part of our decentralised NHS proposals. We anticipate that insurance companies would add drug use to the risk profile setting premiums accordingly. Providing false representation regarding drug use would constitute fraud. Where there are negative effects from drug, tobacco or alcohol products a customer or insurer may have grounds to sue. Producers will not be immune to charges of criminal negligence, corporate manslaughter or other relevant charges according to circumstance. There would be no provision for State funded compensation.

We will re-establish the Peelian principle that 'the police are the people and the people are the police.'

5. POLICING

Our policing policy seeks to re-establish the Peelian principle that 'the police are the people and the people are the police' as the surest way to block tyranny and enable effective policing by consent.

POLICY PROPOSALS

Police will swear allegiance to the Constitution.

We will reaffirm the Nine Peelian Principles:

- The basic mission for which the police exist is to prevent crime and disorder in which we include as crimes violations of individual rights.
- The ability of the police to perform their duties is dependent upon the public approval of police actions.
- Police must secure the willing cooperation of the public in voluntary observation of the Law.
- The degree of cooperation of the public that can be secured diminishes proportionately to the necessity of the use of physical force.
- Police seek and preserve public favour not by catering to public opinion, but by constantly demonstrating absolute impartial service to the law and defence of individual rights.

- Police use physical force to the extent necessary to secure observance of the law or to restore order only when the exercise of persuasion, advice, and warning is found to be insufficient.
- Police, at all times, should maintain a relationship with the public that gives reality to the historic tradition that the police are the public and the public are the police, the police being only members of the public who are paid to give full time attention to duties which are incumbent upon every citizen in the interests of community welfare and existence.
- Police should always direct their action strictly towards their functions, and never appear to usurp the powers of the judiciary.
- The test of police efficiency is the absence of crime and disorder, not the visible evidence of police action in dealing with it.

Policing areas will be localised and Chief Constables or Sheriffs be locally elected and given a greater amount of autonomy allowing

them to direct resources to meet local needs and to deputise voluntary candidates as needed for the legitimate exercise of their role. The role of Police and Crime Commissioner will be abolished.

We will re-establish the right to remain silent on habeas corpus principles.

We will establish a framework through which 'private security' on private property in contract with the owner may work cooperatively with Chief Constable or Sheriff offices.

We will reform police targets to remove the desire to prosecute innocent parties and be more accountable to local people.

We will establish defence of individual rights and investigation and prosecution of violations and violators as the main function of the police, placing emphasis first on crimes against the person such as physical assault and robbery and then crimes against property such as burglary and theft.

We will reduce paperwork to enable more beat officers to remain on patrol for as long as

possible.

We will abolish the role of the Police Community Support Officers (PCSO) and seek to recruit those capable into the main police force, and to disband the remainder.

We will abolish all non-essential non-front-line roles.

We will retain DNA of those convicted only, and discard after the conviction is spent.

We will increase recruitment of Special Constables, volunteers and Deputies to function in their local areas in keeping with Peelian principles of policing.

We will re-invigorate the Neighbourhood Watch programme in keeping with Peelian principles of policing.

Complaints against police will be referred initially to a judge or magistrate to determine whether frivolous, then to a neighbouring force acting independently to carry out an investigation overseen by local citizen representatives. Cases will be criminally prosecuted with a Jury where evidence is sufficient to do so.

Complaints against a judge or magistrate will be referred to a senior judge, or if a senior judge to a panel of lower judges or magistrates, acting independently to carry out an investigation overseen by local citizen representatives. Cases will be criminally prosecuted with a Jury where evidence is sufficient to do so.

Spot fines will be abolished and referred instead to the courts.

We will roll back the right of government agents to enter property without a warrant issued by a judge, thereby ensuring constitutional protections for individual rights.

We will implement a maximum period for detention without charge of 48 hours.

Wiretap evidence to be permitted as evidence in court cases only if obtained with a warrant.

NOTES

| NUMBERS BILLIONS OF £ | SPENDING CHANGES PER ANNUM | INCREASES IN SPENDING ARE IN RED AND REDUCTIONS IN SPENDING IN BLACK |
|--|----------------------------|--|
| Additional 8,000 prison places to end overcrowding. | 0.17 | The prison population in 2018 was 83,618. This contrasts with 46,736 in 1989. The average cost of a prisoner is £37,500. In the case of any increase in numbers, or in the case of steady numbers but increased numbers of prisons to reduce overcrowding, there would be an additional cost per new place of £112,000. Since the average custodial sentence runs for circa two years and we may presume a prison place good for, say, eighty years this suggests an additional, amortised, capital cost of £2,800 per place per annum so circa £40,300 all inclusive. There are circa 8,000 more prisoners than prison places so our commitment is to an increased amortised spend of £22.0 million per year. The upfront cost would be £896 million but possibly this would be one of those rare cases where borrowing the capital would make sense. If not then we would amortise the cost over the five year life of a parliament which is the conservative amount (£170 million p.a) costed herein. |
| Doubling the training and education effort in prisons | 0.13 | Since 2016 spending on training and education in prisons has been £130 million per year. This is £1,500 per prisoner. A Libertarian government will increase this to £3,000. The cost of criminal re-offending has been estimated at circa £11 billion per year. The extra expenditure would be repaid twice over if it stopped one in fifty prisoners from re-offending. |
| Transferring all mentally ill from prisons to psychiatric hospitals | 0.77 | Circa 16% of prisoners are reported to have psychotic symptoms. On this basis we will allow for transfer of 8% of the prison population to psychiatric hospitals. The cost of psychiatric care is 390% greater than imprisonment at circa £115,300 p.a. more than prison care so the extra cost of moving 6,689 prisoners into hospitals would be £771 million per year. |
| Release of 4,374 prisoners guilty solely of drug possession offences | 0.25 | There would be knock-on saving in reduced police work and reduced work by the courts though some of this would be offset if released drug possessors committed disproportionate numbers of crimes. However drug users of the sort committing other crimes would typically already be in prison for those other crimes so we think it conservative to boost the saving by 50% from £170 million per year to reflect savings in police and court work. |
| The introduction of time limits for asylum case resolution. | 0.4 | Assuming an £12,500 per annum asylum seeking case cost including £1,000 of legal costs. With average case time on the order of 12 months to hear and circa 40,000 cases per year this policy would save circa £405 million per year. However such a policy by denying the potential refugee due process might fall foul of human rights law and if so this saving would not materialise. |
| SUB-TOTAL MORE PRUDENT | 0.65 | |
| Increased interest payments | 0.01 | The rate assumed is 1.5%. |
| TOTAL IMPACT ON PUBLIC FINANCES | 0.43 | |