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WEST MIDLANDS POLICE

Force Policy Document

POLICY TITLE:	LICENCE RECALL
POLICY REFERENCE NO:	Int/03

Executive Summary

This policy provides information regarding the Force approach to the receipt, management and enforcement of Licence Recall Revocation Notices within West Midlands Police Force area. The policy identifies key areas of responsibility to ensure that revocation of a licence is risk assessed and prioritised to ensure public safety and improve victim and public confidence.

**Any enquiries in relation to this policy should be made directly with that of the policy department shown below.

Intended Policy Audience

All police officers and police staff involved in the receipt, management and enforcement of Licence Recall Notices and those offenders unlawfully at large.

Current Version And Effective Date.	V.2.3	21.08.2013
Business Area Owner	Force Intelligence Bureau	
Department Responsible	Force Intelligence Bureau	
Policy Contact	Inspector Paul Deathridge (CJS)	
Policy Author	Inspector Paul Deathridge	
Approved By	ACC Sharon Rowe	
Policy initial implementation date	23.04.2012	
Review Date	24 months from date of implementation	
Protective Marking	Not protectively marked	
Suitable For Publication – Freedom Of Information	Yes (see section 9)	

Supporting Documents

- [Effective Practice](#)
- [Additional Advanced Information Form](#)

Evidence Based Research

Full supporting documentation and evidence of consultation in relation to this policy including that of any version changes for implementation and review, are held with the Force Policy Co-ordinator including that of the authorised original Command Team papers.

Please Note

PRINTED VERSIONS SHOULD NOT BE RELIED UPON. THE MOST UPTO DATE VERSION OF ANY POLICY OR DIRECTIVE CAN BE FOUND ON THE EQUIP DATABASE ON THE INTRANET.

Force Diversity Vision Statement and Values

“Eliminate unlawful discrimination, harassment and victimisation. Advance equality of opportunity and foster good relations by embedding a culture of equality and respect that puts all of our communities, officers and staff at the heart of everything we do. Working together as one we will strive to make a difference to our service delivery by mainstreaming our organisational values”

“All members of the public and communities we serve, all police officers, special constables and police staff members shall receive equal and fair treatment regardless of, age, disability, sex, race, gender reassignment, religion/belief, sexual orientation, marriage/civil partnership and pregnancy/maternity. If you consider this policy could be improved for any of these groups please raise with the author of the policy without delay.”

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APPENDIX A - Flowchart

1. INTRODUCTION

- 1.1 Since the implementation of the Criminal Justice Act 2003 recall provisions on 4th April 2005, there has been a steady increase in the number of recalls being requested. Public protection requires that the recall process be swift and effective. It has been agreed that the recall procedures will be subject to monitoring and a whole system recall target was introduced on 1st April 2007.

This policy is revised in response to the Legal Aid, Sentencing & Punishment Act 2012 (LASPO) and local developments within WMP under Programme Paragon and Priority Based Budgeting.

1.2 Criminal Justice Act 2003 & Legal Aid, Sentencing & Punishment of Offenders Act 2012

If an offender fails to comply with a licence condition or commits an offence on licence they are liable to be recalled to prison, as described in [Sections 254](#) and [section 255](#) of the CJ Act. The Act makes recall to custody an executive decision - by the prison and probation services - rather than by the Parole Board.

The improvement opportunities in this policy provide the opportunity to improve West Midlands Police understanding and performance in dealing with recalls to prison and make significant contribution to public protection and confidence through the reduction of re offending and bringing offenders to justice. [Relevant LASPO Act](#)

2. GENERAL POLICY

- 2.1 It is the policy of WMP to deal expeditiously with all revocation of licence notifications. A person whose licence is revoked is liable to be detained in pursuance of their sentence and may be apprehended without warrant.

- 2.2 All licence recall notifications will be forwarded to the relevant LPU for action, who will "own" that individual licence recall and will remain responsible for co-ordinating Police efforts to arrest the subject, even if it is believed that they may now be residing out of that specific area. The "owning" LPU will be the LPU on whose area the first or main address of the licensee lives. There are a small number of instances where the address of the licensee is outside the West Midlands Police area, for these, the "owning" LPU will be the local LPU that corresponds with the local probation office issuing the recall notice. The corresponding probation office details are included on the recall notification.

2.3 National Offender Management Public Protection Case Work Section and Local Criminal Justice Board (LCJB) End to End targets.

- **Standard Recall**

Standard recalls to be completed within 144 hours. *The police contribution to this is to **arrest 75% of nominal's within 96 hours** of receipt of notification of the recall from the Probation Service.*

- **Emergency Recall**

Emergency recalls to be completed within 74 hours. *The police contribution to this is to **arrest 75% of nominal's within 48 hours** of receipt of notification of the recall from the Probation Service.*

3. METHOD OF OPERATION

3.1 [Appendix A](#) to this policy provides a process chart which explains the licence recall process.

3.2 Once a decision is made by the Probation trust to request a nominal on licence they notify the Ministry of Justice (MOJ), Post Release Section and Public Protection Unit. The MOJ will forward an e-mail to West Midlands Police Force Communications Centre (FCC) the recall notification documentation for the information of FCC Duty Inspector. FCC staff will monitor their e-mail account for licence recall notifications and will deal with any received expeditiously and as per attached process chart.

The information is sent simultaneously to the National Identification Service (NIS) who will ensure the subject is circulated as wanted on PNC. Once the MOJ have made the decision to recall, this decision cannot be changed.

3.3 **Note: It is not necessary to wait for circulation before arrest as the revocation order contains the legal powers required. However it is advisable to check PNC before taking action.**

3.4 Once the e-mail arrives at the FCC, the clock for Home Office time guidelines for police involvement commences.

FCC staff (YMMSS operator) creates an Oasis Log which is forwarded to relevant LPU, clearly marking if the recall is Standard or Emergency.

FCC e-mail revocation notice to LPU and send a copy to CST inbox including Oasis log number.

The CST generates the Crime number; inputs all the details required from the e-mail, print the recall notice to Crimescan and updates the Oasis log with the non crime number

The following offence codes are available on the CRIMES system and will be used:-

WMP Code	HO Code	Description
CJ99001	323/04	Emergency Licence Recall - Non Crime
CJ99002	323/05	Standard Licence Recall - Non Crime

3.5 FCC YMMSS staff will create an OASIS log using the details provided in the recall notification. They will clearly mark the OASIS log to say if the recall is an Emergency or Standard recall. The log will contain the crime number and will be forwarded to the LPU/DEPT on whose area the address of the licensee is. The licence recall documentation will be sent to the LPU/DEPT by FCC staff via e-mail to the relevant LPU/DEPT group e-mail account in the Operations Centre and a copy forwarded to CST.

3.6 Due to the National Identification Service (NIS) circulating the subject as wanted on PNC, it is not possible to update the PNC with the West Midlands Police crime number.

3.7 LPU/DEPT staff will need to conduct regular checks of the PNC to ensure that the original PNC entry from NIS is still in place on the subject. If there is a detained report or it has been removed then staff will contact the force PNC Bureau who will conduct a transaction audit for the subject. This will provide details of the previous updates and will provide information to allow updating of the crime papers accordingly.

3.8 On receipt of the OASIS log on LPU/DEPT, the receiving Resource Allocator and Despatch officer (RAD) will access the Ops Centre group e-mail account to obtain the recall documentation and then notify the Duty Officer (Inspector). The Duty Officer will be the initial OIC for this log. The OASIS log will remain 'open'.

3.9 The Duty Officer will conduct an immediate risk assessment and task appropriate resources who will make initial attempts to apprehend the offender.

If the nominal is not arrested then a tasking package will be created by LPU/DEPT staff and the tasking package will go to the first available Daily Management Meeting. At this stage the OIC for the licence recall now becomes the LPU/DEPT Operations Manager or Crime Manager.

3.10 The licence recall tasking package will continue as a priority based on risk of harm factors. Full consultation with relevant Probation Trust, and where appropriate, Youth Offending Service, is paramount to ensure up to date intelligence and information sharing is secured.

3.12 **Upon arrest, the arresting officer will contact NIS as soon as practicable on the below telephone number to inform them of the arrest and the time and date it took place.**

NIS 24hr contact no: 0207 230 2515/2205

Note: This is essential as this forms the basis on which WMP will be measured.

Out of hours Probation Service contact details where necessary:-

Elliot House Approved Premises- 0121 440 2657, ensuring you ask for the senior Probation manager on call.

3.13 The arresting officer will also arrange for a "detained" report to be added to the subject's PNC record and NIS should cancel the Wanted/Missing report and update the subject's record on PNC. This dual approach will ensure that the wanted report is updated or deleted as appropriate.

3.14 The Arresting Officer will complete the nominal's details field on the Crimes Portal using Clear Up Code 19 (Arrested - Licence Recall) which has been created on the system for this purpose.

3.15 In order to measure the actual time between notification and arrest for the police part of the process, **the arresting officer will complete the victim update section of the Crimes Portal with the time and date of the actual arrest of the individual**

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concerned. This will, as part of Crimes information, give a closing time and date to allow performance measurement.

Supervisors will ensure that this section on the crime report WC201 is completed with the correct information as part of the process.

- 3.16** The Oasis log must not be closed without the authority of the Duty Inspector with the rationale and arrest action plan included in the Oasis log.
- 3.17** In circumstances where the target has not been met, it is still important for public protection and confidence that the person is arrested and the licence recall process is effective. Routine PNC, Prisoner Intelligence and Probation checks will be carried out to ensure that the nominal has not been returned to prison custody by another route.
- 3.18** If as a result of enquires to trace the individual concerned it is ascertained that they have left the United Kingdom, [Probation circular PC05/2007- Post Release Enforcement, Inter-Agency Working, Unlawfully At Large Offenders And Extradition](#), gives advice and guidance on how to progress such occurrences and options.
- 3.19** All details of actions, enquiries and plans to detain the individual will initially be recorded within the Oasis log and subsequently within Crimes and on Corvus IOM Case where the offender is managed under Integrated Offender Management (IOM).
- 3.20** A risk assessment of the individual will be completed by offender managers in conjunction with the relevant Probation Trust on the “owning” LPU/DEPT which will take account of known information including the risk the individual may pose to themselves, the risk they may pose to named individuals and the risk to the community at large. This will be recorded within Crimes.
- 3.21** All papers including the actual licence recall notification forms will be “crime scanned” and “attached” to the corresponding crime number for the Licence Recall non-crime, crime report.
- 3.22** The Probation Trust will notify local LPU/DEPT Offender Management Units by e-mail at the time of making the request to recall an individual on licence and will e-mail the relevant LPU offender managers with additional information in support of the licence revocation and recall action. This will allow early planning and preparation by LPU/DEPT supervision prior to the official recall notification being received in force and reduce time delays in preparing for the arrest of the individual.

4. MANAGEMENT OF INFORMATION

- 4.1** It is important for the CRIMES header to be taken out as soon as the force receives a licence recall notification together with the prompt entering of the defendant’s arrest time and date onto the WC201 and onto CRIMES as soon after the arrest as possible to allow accurate monitoring of individual cases and overall Licence Recall performance. This will allow comparison with Home Office data
- 4.2** Those offenders subject to Licence Recall Revocation that are not arrested will remain **Unlawfully at Large** (UAL) and will do so until arrested and brought to justice for the revocation. West Midlands Police have a responsibility to maintain the UAL list within our area and continue to regularly refresh intelligence and tasking activity around those still wanted.

5. EQUALITY IMPACT ASSESSMENT (EQIA)

The Policy has been reviewed and drafted against all protected characteristics in accordance with the statutory duties as set out in The Equality Act 2010 and that of the WMP Combined Equality and Human Rights Scheme (and Human Rights Act 1988 – see below).

Supporting documentation in the form of an EQIA has been completed and is available for viewing in conjunction with this Policy.

6. HUMAN RIGHTS

This policy has been implemented and reviewed in accordance with that set out with the European Convention and principles provided by the Human Rights Acts Act 1998. The application of this policy has the potential to impact upon the following articles:

- Article 2 Right to Life
- Article 5 Right to Liberty and Security
- Article 8 Right to Respect for Private and Family Life
- Freedom of religion.
- Freedom of expression.
- Freedom of assembly and association.
- Prohibition of discrimination.

7 TRAINING

The process will remain mainstream operational activity. Support can be obtained from the attached hyperlinks and the force intranet site. Offender Management Units and specialist departments such as PPU, MAPPA coordinators and Force Intelligence will provide specialist support where relevant and necessary.

8 PROMOTION / DISTRIBUTION & MARKETING

The following methods will be adopted to ensure full knowledge of the Policy:

- Marketing via intranet and e-mail
- IOM and FIB training opportunities
- IOM and FIB force and local business area forums
- Recording and audit entry on the Force policy library

9 FREEDOM OF INFORMATION

9.1 Public disclosure of this policy document is determined by the Force Policy Co-ordinator on agreement with its owner. Version 2.3 of this policy has been GPMS marked as 'Not protectively marked'

9.2 Public disclosure does not automatically apply to supporting Force policies, directives and associated guidance documents, and in all cases the necessary advice should be sought prior to disclosure to any one of these associated documents.

Which exemptions apply and to which section of the document?	Whole document	Section number
Contact details		Para 3.12

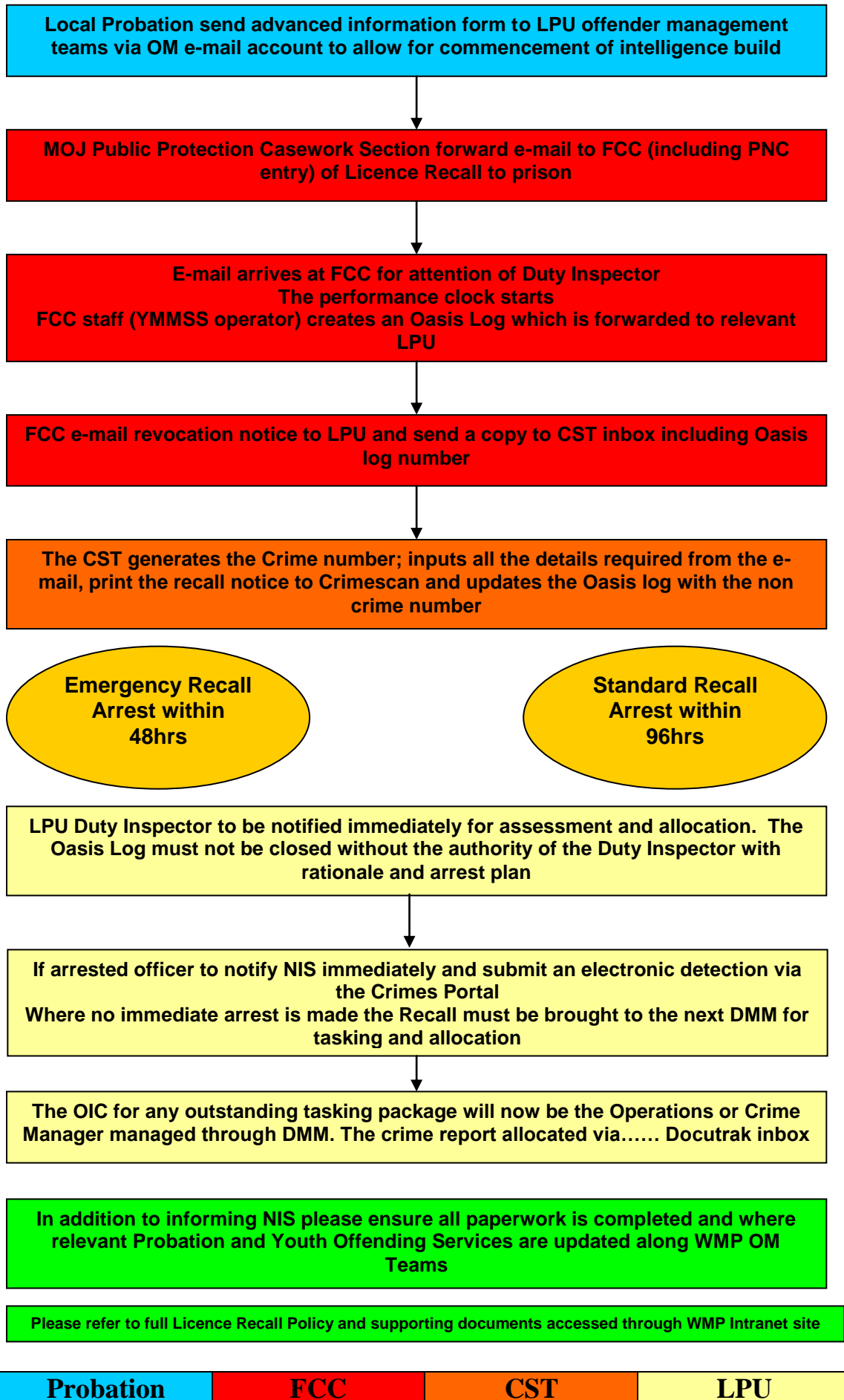
10 REVIEW

- 10.1 The Policy business owner, the Central IOM team based within the Criminal justice and Custody Department maintains outright ownership of the policy and any other associated documents and in-turn delegate responsibility to the Force Intelligence Bureau who are responsible for its continued monitoring and operational aspects.
- 10.2 The policy should be considered a 'living document' and subject to regular review to reflect upon any Force, Home Office/ACPO, legislative changes, good practice (learning the lessons) both locally and nationally, etc.
- 10.3 A formal review of the Policy document, including that of any other potential impacts i.e. EQIA, will be conducted by the date shown as indicated on the first page.
- 10.4 Any amendments to the Policy will be conducted and evidenced through the Force Policy Co-ordinator and set out within the version control template.
- 10.5 Feedback is always welcomed by that of the author/owner and/or Force Policy Co-ordinator as to the content and layout of the policy document and any potential improvements.


CHIEF CONSTABLE**11 VERSION HISTORY**

Version	Date	Reason for Change	Amended/Agreed by.
1.0	05/08/2009	New policy.	New Force policy approved by CC Sims
1.1	23/04/2012	Policy amended as follows with included: > policy reference, > signature of CC Sims. N.B. policy is currently subject to a full review and all enquiries should be conducted with the author/contact as indicated on the front page should further clarification be required as to the information held	Martin Keating – Force Policy Coordinator
2.0	27.03.2013	Review and update to reflect changes within Paragon and PBB	Inspector Deathridge
2.1	17.04.2013	To Command Team for approval & authorisation	PS 4566 Brookes
2.2	05.08.2013	Re-submitted to Command Team as original papers mislaid	PS 4566 Brookes
2.3	21.08.2013	Approved and authorised by Command Team	C.C Sims

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