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Date: 09 February 2012

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RE: Response to the Home Office Consultation on the Justice and Security Green Paper

Paragraph	Comment
1.22	The control principle: this will enable the UK to keep safe secrets that have been received from other countries and intelligence agencies. It is fundamental to maintain trust amongst the intelligence sharing community that we will not disclose material without permission. The Green Paper proposals assist in that regard.
1.37-40	'Gisting' and question at chapter 2.46 There should be the presumption that the disclosure requirement set out in AF (no.3) should not apply to cases where the disclosure officer, investigating officer or officer in charge deem that to disclose such material could: place any person at risk of harm, have a negative impact on future or ongoing investigations or is material provided by a third party for which the owner does not have permission to disclose.
2.7	It is proposed that closed material procedures (CMP's) are available whenever the secretary of state makes the decision that the disclosure of sensitive material will be damaging to the public. This is very widely drafted and could result in its misuse. This could be used to encompass material concerning crime prevention tactics, police informants and intelligence led operations.

	<p>The impact of the overuse of CMP's would be to damage the UK reputation of a free and fair democracy. There are also considerations to be made pursuant to Article 6 of the European Convention on Human Rights – namely, the right to a fair trial.</p> <p>It should be noted however that the application for a CMP can be challenged by the opposition requiring the trial judge to make a decision.</p>
2.19	<p>Following consultation with the Coroners Office, it has been identified that there is a benefit in conducting closed material procedures, as they could be put in place to protect the family of the deceased. On many occasions, the deceased has committed suicide which carries a lot of stigma and there may be other issues involved, such as child abuse etc. As long as all the relevant parties are made aware of all the information that is necessary for the Coroner to return a verdict, then this can only be seen to be of benefit to the case.</p> <p>The current practice in Northampton is for the Coroners Officers to have a pre-meet with the Coroner to discuss any disclosure issues. There have not been any instances where material was deemed to be too sensitive to be disclosed to the Coroner. As the Coroner is not there to proportion blame, they are only interested in material relevant to the death. If it is not relevant, then the Coroner will not disclose it in open court.</p>

Yours faithfully,



Simon Barnes
Case and Disclosure Manager