

## **The following text is from the Introductory Briefing**

Home detention curfew is only used with a small proportion of the prison population

- At any time there are around 300 people on home detention curfew – this is approximately 4% of the prison population.
- This is the same proportion of prisoners on home detention curfew as in England and Wales, according to the weekly UK prison statistics.
- As at 7 June, the proportion of those on home detention curfew on a short sentence (less than 4 years) is 99.7%.
- SPS statistics covering the period June 2017-June 2018 indicate that around 76% of prisoners successfully complete their home detention curfew.
- Around 20% of prisoners were recalled due to a breach of their conditions.

Breaches of home detention curfew are taken very seriously

- There are clear processes in place when an individual fails to comply with the conditions of their curfew.
- If that happens, the electronic monitoring service provider will contact the Scottish Prison Service.
- If the conditions are considered to be breached, the prison service will revoke the individual's licence and issue a recall order.
- Police Scotland is notified and makes arrangements to apprehend the prisoner.

## **PAROLE BOARD REFORMS**

We are already in discussions with the Parole Board for Scotland on possible future development of its rules

- This will include whether any changes should be made following the UK review of the Worboys case.
- The Parole Board for Scotland is an independent judicial body whose processes are continually kept under review.
- We are committed to ensuring that the parole process is as open and transparent as possible.

Recorded crime in Scotland is at a 43 year low

- Between 2015/16 and 2016/17 crimes recorded by the police in Scotland decreased by 3% from 246,243 to 238,651.
- This is the lowest level of recorded crime since 1974.
- The latest Scottish Crime and Justice Survey shows crime has fallen by a third since 2008/09.
- The 2016/17 survey showed 712,000 estimated crimes, down from 1.045 million estimated crimes in 2008/09.
- The survey shows the vast majority of people – 87% - experience no crime.
- People are feeling the safest they ever have in their communities since the start of the survey results.

- 77% of adults said they felt very or fairly safe walking alone in the neighbourhood after dark, up from 66% in 2008/09.

The presumption against short sentences is not a ban

- Sheriffs and judges retain the discretion to pass the most appropriate sentence based on the facts and circumstances of the case.
- The legislation states the court should not pass a sentence of a period shorter than the stated presumption.
- However, it may still do so where it considers that no other method of dealing with the person is appropriate.
- Latest data shows that, in 2016-17, around 3,500 offenders still received a sentence of three months or less.
- This clearly shows that sentencers will still impose a short custodial sentence where they feel that is appropriate.

Short prison sentences are not effective

- Individuals released from a custodial sentence of 12 months or less are reconvicted nearly twice as often as those with a community payback order.
- Latest figures from May 2017 show that 53% of offenders imprisoned for 12 months or less are reconvicted within a year.
- Community sentences address the underlying causes of offending whereas short prison sentences provide only limited access to rehabilitative services.
- Evidence indicates it is possible that imprisonment can in fact increase long-term offending by weakening social bonds and decreasing job stability.

Reconviction rates are at their lowest level in the last 18 years.

- Between 2005-06 and 2014-15, the reconviction rate has fallen by 4.3 percentage points (from 32.5% to 28.2%).
- The average number of reconvictions per offender has fallen by 17% (from 0.60 to 0.50).
- Individuals released from a custodial sentence of 12 months or less are reconvicted nearly twice as often as those given a Community Payback Order.
- Under this Government, completion rates for community sentences have increased - 67.5% in 2016-17 compared to 61.5% in 2006-07.

Sentence Lengths have increased under this Government

- Since 2007-08 the average sentence length has increased by 26% from 249 days to 313 days.
- The average custodial sentence for handling offensive weapons has almost doubled in the last ten years, from 218 days in 2007-08 to 391 days in 2016-17.
- This Government increased maximum penalties for handling offensive weapons from 4 years to 5 years (March 2016).
- Around 62% of housebreaking convictions received custodial sentences in 2016-17 – equalling the highest proportion for this offence in the last decade.

- In 2016-17 the average custodial sentence for housebreaking was over a year (451 days), almost twice the length than in 2007-08 (228 days).

Those who commit the most serious offences are serving longer in prison

- The previous system of automatic early release has been ended for people serving sentences of four years or more.
- For those receiving life sentences, the average length of the period that must be served before they can be even considered for parole has almost doubled - from 10 years to over 18 years (between 2000 and 2012).
- For life sentences the court can impose a punishment period extending beyond the likely remainder of a prisoner's life - in effect a whole life sentence.

Individuals on Community Payback Orders (CPOs) are subject to robust risk assessments

- These include Multi Agency Public Protection Arrangements where appropriate with public safety a primary consideration.
- The Multi-Agency Public Protection Arrangements provide a robust statutory framework to manage the risks posed by those convicted of sexual offences.
- Sentencing is a matter for the courts based on the facts of each case.
- Where a sentence is considered unduly lenient, prosecutors can appeal to have the sentence quashed and replaced with a more appropriate sentence.

The Scottish Government takes the protection and support of victims of crime very seriously

- The Victims and Witnesses (Scotland) Act 2014 improved the support available to victims, such as providing new rights to information and reasons for decisions made about their case.
- In 2018/19 we are providing £17.9 million, to third sector organisations whose work supports victims.
- We have announced a new 3-year funding package for Victim Support Scotland (VSS) totalling £13.8 million to enable them to provide free practical and emotional support to victims of crime.
- VSS will develop a new Homicide Service, giving families of murder victims access to a dedicated case worker and continuous support.
- VSS will also lead the development of a new "victim centred" approach, working with partners to reduce the need for victims to have to retell their story to several different organisations.
- It is a Scottish Government priority to find ways to reduce the trauma and improve the experience of victims within the criminal justice system.
- This includes exploring new ways to gather evidence at the early investigative stages which will minimise the stress and trauma for witnesses later on.

#### Breach of Bail

- Decisions on whether to remand in custody or grant bail are a matter for the court within the legal framework agreed by this parliament in 2006 and 2007.

- Scotland's bail laws have been strengthened in recent years, including enhanced penalties to deal with people who breach their bail conditions.

#### Data Collection in the Courts

- We will consider carefully the Committee's findings about the data available about the reasons why the court refuses bail in individual cases.
- Evidence to the Committee suggested in many cases the court takes account of more than one factor in deciding not to grant bail.

Bail Support and Supervision is designed for people who would otherwise be held on remand.

- Supervised bail is intensive and should be targeted appropriately. Bail support, which is less intensive, is also available as an alternative to remand.
- As stated in the Programme for Government, we are committed to sharing good practice and are currently revising guidance on supervised and supported bail.

The Scottish Government provides additional funding for Bail support services specifically for women.

- We have provided additional investment of £1.5 million annually since 2015-16 specifically for the development of bail services and early intervention schemes for women.
- Women make up a small proportion of the overall remand population. As at Friday 22 June the remand population was 1,405, of which 79 were women.
- Despite what is said anecdotally, analysis shows that women are less likely to be imprisoned and less likely to be remanded.
- We recognise the importance of ensuring criminal justice services have the resources they need, and funding remains at record levels at around £100 million.

The Scottish Prison Service are committed to supporting everyone in their care, this includes prisoners on remand.

- Given the relatively short period these individuals are in prison, activity with remand prisoners focuses on stabilisation.
- Remand prisoners undergo a similar initial assessment as that of convicted prisoners.
- This includes an initial assessment of their welfare; an assessment under SPS' suicide prevention programme; and a medical assessment which will take place within 24 hours of admission.
- Remand prisoners are held separately from mainstream prisoners, as far as reasonably practicable.
- They have different entitlements under the Prison Rules. For example, they are normally allowed to wear their own clothes, and have greater visit entitlements.
- Remand prisoners have access to education, should they wish to participate, primarily communication and art classes. And can also access health and social services support, in the same way as sentenced prisoners.

The matter is now sub judice, and it is important that the Parliament and Ministers respect that rule, which is designed to protect the integrity of the judicial process

- It would therefore not be appropriate for me to comment any further Professor Ponsatí's case, which is before the courts.

#### Update on court proceedings

- Professor Ponsatí appeared at Edinburgh Sheriff Court on 12 April. At the procedural hearing, the full hearing fixed for 18 April was discharged.
- A substantive 8 day hearing will begin on 30 July, after further procedural hearings on 15 May, 12 June and 5 July, to decide on her extradition from Scotland.
- Professor Ponsatí has been excused attendance at the procedural hearings.
- Her lawyer Aamer Anwar has described the charges against her as "a grotesque distortion of the truth" and "politically motivated".
- The defence said they would be fighting extradition on a range of points, both legal and political.
- On 12 June the Crown Office conceded that "rebellion" cannot be comprehended under the head of "corruption".
- Consequently the Spanish authorities must prove there is an equivalent offence in the law of Scotland if the EAW is to succeed on this charge.
- On 5 April a German court rejected "rebellion" as grounds to extradite Carles Puigdemont and ordered him to be bailed on conditions.
- This judgment was criticised in the Spanish courts on 17 April.
- Mr Puigdemont could nevertheless still face return to Spain to face charges of embezzlement/misuse of public funds.
- Spanish prosecutors and German prosecutors met at Eurojust in the Hague on 12 April to exchange further information.
- According to *El País* Spanish prosecutors provided further information in respect of the EAW.
- German reports say that further "explanations and information" are being sought only in respect of the charge of misuse of public funds.
- The Spanish authorities had proposed to award the German police officers who arrested Mr Puigdemont a Spanish police service order.
- The Schleswig-Holstein Government said they were just doing their job in terms of an EAW and declined to disclose their names to Spain.
- On 16 May the Belgian authorities rejected EAWs against Toni Comín, Meritxell Serret, and Lluís Puig on the grounds of "irregularities" and "procedural defects."

The Cabinet Secretary for Culture, Tourism & External Affairs wrote to the Spanish Ambassador on 27 March 2018.

- She expressed our regret at the reissuing of the European Arrest Warrants.
- She called on the Spanish Government to engage in dialogue with the Catalan politicians.

- The Spanish Ambassador - Señor Carlos Bastarreche - responded on 28 March 2018.
- He said: “*We fully share the idea that conflicts must be resolved in a peaceful and democratic manner and always within the framework of the law*”.
- A UN Spokeswoman has said the UN Human Rights Committee has registered a complaint by Catalonia’s former President, Carles Puigdemont.
- He alleges that Spain has violated his political rights. The spokeswoman said no further information can be shared because the case is “confidential”

#### Contact with the Commission on European Arrest Warrants

- This is a live issue before the courts at present.
- For this reason we would not wish to make premature judgments about the nature of any representations.
- The European Arrest Warrant system is valued by our police and prosecutors.
- It facilitates vital co-operation between criminal justice agencies of different EU states
- It has enabled us to secure the transfer for trial of individuals wanted for serious crimes committed in Scotland.
- It has also allowed us to transfer to other countries individuals who have been found guilty of serious crimes elsewhere.
- The European legislation that established European Arrest Warrants makes clear it does not modify the obligation to respect fundamental rights and fundamental legal principles.
- The arrest warrant system proceeds on the basis of mutual trust and confidence between Member states of the EU.
- However, the Court of Justice has held that courts may in *some* circumstances refuse extradition on human rights grounds.
- That is a question for the courts and it would not be appropriate for the Scottish Government to comment further.

#### Procedure and extradition hearing

- The Lord Advocate has a statutory responsibility to conduct the extradition hearing and to provide advice on extradition proceedings in Scotland.
- This is a function independent of Ministers and is administered as part of his prosecutorial function.
- Once a European Arrest Warrant is issued it is circulated to members of the Schengen Information System, which the UK joined in 2015.
- The National Crime Agency is the central authority in the UK.
- It certified the request and the warrant may be executed by any police force in the UK.
- Once the warrant has been executed, the accused appears before the sheriff for an initial hearing.
- At the initial hearing, the court must consider questions of custody or bail and fix an extradition hearing.

- The decision whether to order extradition under a European Arrest Warrant is addressed by the sheriff at the extradition hearing.
- Extradition can be refused if the warrant has in fact been issued for the purpose of prosecuting or punishing the accused on account of their race, religion, nationality, gender, sexual orientation or political opinions.
- The court may consider if extradition would be proportionate taking account of the nature of the offence.
- If extradition is ordered, the person may appeal to the High Court of Justiciary, and there is a right of appeal, with leave, to the UK Supreme Court under the devolution issue jurisdiction (in particular on Convention rights grounds).

#### Asylum

- The UK is a signatory to the 1951 UN Convention relating to the Status of Refugees (Refugee Convention) and the supporting 1967 Protocol.
- The 1951 Convention defines who a refugee is, establishes the rights of refugees and sets out the responsibilities of signatory states.
- Asylum, including decisions on asylum applications, is a matter reserved to the UK Government and is handled by the Home Office.
- The Scottish Government is unable to intervene in these processes.
- It would be for Professor Ponsati to consider whether she wanted to make an asylum application.

Arrangements for notification of victims of parole decisions were considered by Parliament and updated through the Victims and Witnesses (Scotland) Act 2014.

- Victims who are registered with the relevant part of the Victim Notification Scheme are invited to make representations to the Parole Board for Scotland ('the Board') regarding the offender.
- These representations are fully considered by the Board as part of its overall decision making process. If the Board does decide to release, then representations may assist in deciding the licence conditions to be imposed.
- The Victims and Witnesses (Scotland) Act 2014 enables victims of life sentence prisoners to meet a member of the Board before the case is considered.
- The Board commenced interviews in August 2014 and to date around 70 have been held. Victim feedback has been positive.
- The Board will advise victims who are registered on the Victim Notification Scheme of the outcome of hearings. This is either by letter or by telephone or both depending on the victim's preferences.

#### Scope of the Victim Notification Scheme in Scotland

- Victims are eligible to register with the Victim Notification Scheme where the offender in question has been sentenced to imprisonment or detention for 18 months or more.
- Where the victim has died, up to four close relatives are eligible to register.

- Only victims of offences for which the offender was convicted are eligible to register with the Scheme.

Electronic Monitoring is a robust disposal which has been proven to be effective

- In 2017 82% of men and 88% of women who were made subject to a Restriction of Liberty Order successfully completed their order.
- In the same period, 81% of men and 80% of women successfully completed a period on Home Detention Curfew.
- Using electronic monitoring allows us to hold people to greater account during their sentence, whilst also focusing on their rehabilitation.
- The Working Group on Electronic Monitoring in Scotland reported that the way in which the currently available technology was used had proven to be effective, and recommended its continued use.

The consequences of breach are clear

- Where someone is found to be in breach of the monitored element of their order, powers already exist for the relevant authority - be it the court, the Scottish Prison Service or the Parole Board - to deal with that breach.
- Where a court order is breached, the court is empowered to revoke the order and substitute an alternate sentence - including a custodial one.
- Where a Home Detention Curfew is breached the Scottish Prison Service are empowered to return the individual to custody.
- The Bill makes clear that tampering with or removing a monitoring device is considered to be a breach of the underlying order and is to be dealt with in the same way.

The Bill is not designed to lead to a wholesale increase in the use of electronic monitoring

- The Bill creates a single overarching set of rules for the imposition of monitoring which is designed to provide clarity as to how and when monitoring can be used.
- The provisions of the Bill are designed to assist in the delivery of a more integrated monitoring regime which reflects the facts and circumstances of each individual case.
- The Bill does not change the ways in which court disposals or licence conditions operate.
- It remains for the courts to determine the most appropriate sentence in any given case, and the Bill does not fetter that discretion - nor does it impact on the discretion of the parole Board to impose appropriate licence conditions.

Electronic Monitoring can help to prevent and reduce reoffending, whilst also protecting public safety

- The Scottish Government believes that electronic monitoring can have a greater role to play in supporting our vision of a safer, fairer and more inclusive society.
- We recognise that electronic monitoring is not suitable for everyone.

- Evidence shows that when set within a wider package of support electronic monitoring can be used as part of a credible community sentence.
- Subject to the appropriate risk assessment in each case, electronic monitoring can also be a helpful tool in supporting some people leaving custody to integrate back into their community.

### Funding for Victim and Witness Support

- The baseline funding for victim and witness support has been increased within the justice budget, from £5.4m in 2016/17 to £15.8m in 2017/18.
- This reflects the mainstreaming of previous time-limited funding for tackling Violence Against Women, capital funding for forensic examination facilities and investment in pre-recorded evidence.

The Bill will create a new rule for child witnesses under 18 in certain solemn cases

- The Bill creates a new rule for children under 18 which will ensure that where they are due to give evidence in the most serious cases, that it will be pre-recorded.
- These cases include sexual offences, murder, assault to danger of life.

### Adult Deemed Vulnerable Witnesses

- Although the main focus of the Bill is on children, the Bill contains a power for the proposed new rule to be extended to adult “deemed vulnerable witnesses” in certain solemn cases in the future.
- This could potentially include complainants in sexual offences, human trafficking, stalking and domestic abuse cases.

### Media and Opposition Reaction to the Bill

- There has been positive media coverage since the Bill was introduced, with articles appearing on the BBC, Law Society of Scotland, and Scottish Legal News websites.
- Mary Glasgow, interim Chief Executive, Children 1<sup>st</sup> welcomed the Bill and said the Bill marked another “crucial stage towards creating a fairer justice system and [that there was] clear evidence that taking a child-friendly approach to pre-recording children’s evidence can reduce the risk that they experience further harm and improve the quality of their evidence. We hope that the Bill will become the catalyst for wider changes in training, culture and practice at every level of Scotland’s justice system to better support children and all vulnerable witnesses.”
- Children and Young People’s Commissioner Bruce Adamson welcomed the Bill. He said: “This is a move towards a far more child-centred and rights-compliant approach that will support children to give evidence in a safer way that takes account of their needs.” He added: “I hope this signals the end of the current adversarial system which often serves to further traumatisate vulnerable witnesses.”

This Government has a positive record in strengthening the rights of victims and witnesses and the support available to them.

- The justice system should always take a victim-centred perspective in addressing sexual crime, and we are working with all partners to ensure this happens across the board.
- The Victims and Witnesses (Scotland) Act 2014, improved the support available to victims, such as providing new rights to information and reasons for decisions made about their case.
- The 2014 Act also ensures victims have wider access to special measures, such as giving evidence by video link, in court.
- We announced a new, £13.8 million, 3-year funding package for Victim Support Scotland (VSS) to enable them to provide free practical and emotional support to victims.
- VSS will also lead the development of a new ‘victim centred’ approach, working with partners to reduce the need for victims to have to retell their story.
- The Scottish Government provided additional funding of £200,000 to ASSIST to provide support services for children affected by domestic abuse.
- This additional funding allows a more focused service to be offered to young victims and includes children of high risk victims.

### Sectarianism

- In 2018-19 we will provide £515,000 to deliver work to tackle sectarianism – 9 projects, including Nil by Mouth and Sense Over Sectarianism, will deliver work in schools, workplaces, prisons and communities.
  - We continue to take forward the recommendations of the Advisory Group on Tackling Sectarianism (published in May 2015).
  - Since 2012, we have invested an unprecedented £13.5 million to support anti-sectarian education in schools, prisons, workplaces and communities.
- Working Group to Define Sectarianism in Scots Law
- The Justice Committee called on the Scottish Government to establish a legal definition of “sectarianism” to aid police and prosecutors (recommendation in their Stage 1 report on the Offensive Behaviour at Football and Threatening Communications (Repeal) (Scotland) Bill).
  - An independent working group was formed with Professor Duncan Morrow as chair – a highly respected expert on sectarianism and its consequences.

### Sectarianism impacts on all religious communities

- Roman Catholicism is the largest target for religiously aggravated offending – 57% of all charges in 2016-17 (Religiously Aggravated Offending in Scotland 2016-2017).

## National Missing Persons Framework

- The National Missing Persons Framework, launched in May 2017, is the first of its kind in Scotland, following calls for a national coordinated approach and setting out roles and responsibilities of respective agencies.
- The Framework builds on the wealth of good practice across Scotland and enables improvement, where possible, through a consistent approach.
- Framework review published on 29 May 2018 and shows progress has been made in the first year but more is required around multi-agency working, information sharing and wider responsibility for return discussions.
- The Scottish Government has provided £142,000 to Missing People charity (2016-19) to increase awareness and use of their support services, including their 24 hr helpline, by people who are or have been missing and their families.
- Scottish Government has provided £60,000 to fund a partnership, led by Missing People charity, to develop and deliver training for return discussions with frontline staff who work with people who have been missing.
- Missing People Charity can provide support through their 24 hour helpline and their Telephone counselling service.

## Missing people in Scotland.

- People across Scotland go missing for very different and complex reasons.
- Almost 23,000 investigations for missing people took place in 2017-18.
- Due to the dedication of Police Scotland and other front-line agencies, the individuals were returned safe and well in 99% of cases.
- Around 25% of investigations (5,833) were in relation to 300 people.
- Return discussions can have a positive impact on people who go missing repeatedly – we have invested in return discussion training for frontline staff.
- Police Scotland will provide a single point of contact for a family and refer to other agencies such as Missing People charity, which is supported by the Scottish Government.
- The number of looked after children fell 3% from last year to 14,897 - the fifth consecutive year of decline.
- Numbers of children looked after in residential care settings have been fairly static over recent years at around 10% of the overall total.

There's been real progress within the care system in recent years – with the number of school exclusions down, and the number of children in permanent placements up.

- However, we know there is more we can do and the Care Review will help us get there.

We are leading a bold drive to reduce stressful and poor quality childhoods and support children and adults in overcoming early life adversity:

- The Scottish Government recognises that it is important to respond appropriately to the emotional distress linked to both the circumstances that led to a child becoming looked after and the experience of being looked after in any setting.
- The Programme for Government sets out our commitment to preventing adverse childhood experiences (ACEs) and mitigating the negative impacts where ACEs do occur.
- We are working in partnership with NHS Health Scotland (through the Scottish ACE Hub), Education Scotland and NHS Health Scotland to explore how parents, families, schools and the wider sector can better prevent and mitigate ACEs.

### Mosquito Devices

- Consumer protection is a reserved matter and it is not within the Scottish Government's gift to pass legislation to ban the sale
- The UK Government has confirmed that it has no plans to introduce a ban, licence or restrict the use of, or issue guidance on the use of the device.

The Scottish Government is working with stakeholders to improve our understanding of the impact of mosquito devices

- To improve our understanding of the impact of the device on young people, the Scottish Government worked with Young Scot and the Scottish Youth Parliament to conduct a survey of young people's experiences of the mosquito device.
- The survey closed on 4th September 2017 and received 725 responses. Young Scot published the report on Monday 12th March.
- The findings showed that 67% of the young people that responded had never heard of a mosquito device; 85% of the young people had never encountered one. Of those who had encountered the device 46% (48) responded that it was very annoying and 59% (61) reported experiencing health effects or discomfort and of that, 68% (28) experienced headaches.

### Reducing violence and tackling knife crime

- Scotland has adopted a public health approach to violent crime, focusing on primary intervention and collaborative prevention work.
- Despite the small increase in 2016/17, violent crimes have fallen 49% since 2006-07, to one of the lowest level seen since 1974.
- Published stats show crimes of handling offensive weapons have decreased 68%, since 2006-07, to their second lowest level since 1984.
- we have invested over £14 million in violence reduction programmes, and since 2008, we have provided over £8.7 million for the Scottish Violence Reduction Unit.
- This financial year we are investing £1.8 million in violence prevention programmes. This includes continued support to the Scottish Violence

Reduction Unit, Mentors in Violence Prevention Programme, Police Scotland Youth Volunteers and No Knives Better Lives.

- Recorded crimes of handling offensive weapons fell by 64% during the past decade, from 8,989 in 2007-08 to 3,271 in 2016-17.
- Emergency admissions to hospital due to assault with a sharp object have also fallen substantially, down 59% between 2007-08 and 2016-17.
- The proportion of adults who believe knife carrying is common in their local area fell from 22% in 2009-10 to 10% by 2016-17 (Scottish Crime & Justice Survey)
- The number of young people under 18 convicted of handling offensive weapons from 430 in 2007-08 to 91 in 2016-17.
- The number of under 18s in custody has reduced by 77% and there has been an 82% reduction in children referred to hearings on offence grounds
- In the last ten years, there has been a 56% fall in the total number of emergency admissions to hospital resulting from assault in 2007-07 there were 5,351 and in 2016-17 there were 2,346.
- We have also invested over £3.4m funding since 2009 (£285K in 2018-19) in No Knives, Better Lives (NLBL) - a youth engagement programme that aims to reduce the incidence of violence and knife carrying amongst young people by raising awareness of the potentially devastating risks and consequences associated with carrying a knife and encouraging young people to make positive life choices. NLBL is now delivered in 25 local authorities
- Emergency hospital admissions
- Assaults by sharp object accounted for 22% of all emergency hospital admissions for assault in 2016-17.
- Over the last decade there has also been a large decrease in the volume of assaults involving knives or other sharp objects. There were 517 emergency hospital admissions in 2016-17, reflecting an overall decrease of 62% since 2006-07, when there were 1,351 admissions.

#### Scottish Fire and Rescue Service

- firefighters in Scotland undertake a comprehensive operational training programme with regard to dealing with fires in all manner of buildings, including high rise.
- Training and operational procedures are kept under review by SFRS for safety and best practice.
- Major Incidents like the Glasgow School of Art fire
- The Fire Service continues to invest in firefighter safety
- In the Budget for 2018/19, Scottish Government increased the spending capacity of the service by £15.5 million.
- This includes providing £5.5 million extra direct funding and ensuring they keep £10 million in full from VAT costs, to invest in transformation plans.

- We have also maintained an increase of £21.7 million in capital funding to the service announced in the 2017/18 Budget.
- The Audit Scotland report is explicit that the Scottish Fire and Rescue Service needs to transform the way it delivers services
- Investigations into the cause of the fire, the spread of the fire and what safety measures were in place on the site have already begun.
- People are understandably keen to get to the bottom of what happened
- This investigation must be given the time and space to do its work

#### Glasgow School of Art – SFRS response

The fire service was on scene less than 5 minutes after the alarm was raised

- the fire was already well established when the first crews arrived.
- firefighters could not prevent the spread of the fire to neighbouring properties.
- At its peak more than 120 firefighters, 20 fire appliances and four high reach appliances were on scene.
- The Minister for Community Safety visited the site on Tuesday 19 June

#### SFRS Audit Scotland report

- Audit Scotland confirms that the service has the funding in place to progress its transformation plans.
- The Fire Service has invested over £94 million in property, vehicle fleet and other assets since the national service was launched in 2013.
- In April 2017, SFRS unveiled six new Aerial Ladder Platforms and a Turntable Ladder appliance in Edinburgh
- 14 new water rescue vehicles
- 40 brand new fire appliances 32 new 18-tonne appliances.
- 2,200 new Breathing Apparatus sets
- The formal public consultation on the transformation proposals closed on 14 May.
- Staffing, recruitment and succession planning are all operational matters for the Scottish Fire and Rescue Service.
- Since the single service was established in 2013 there have been no compulsory redundancies and no fire-station closures.
- Since January 2017, SFRS has recruited 299 fire fighters.
- This includes the first 158 officers to be appointed following the recruitment campaign for 300 fire fighters launched last November.
- There will be a further intake of 108 new firefighters in September 2018.
- On 15 May the Chief Fire Officer, Alasdair Hay, announced his plans to retire in April 2019.
- The SFRS Board has commenced the process to identify his successor.

## Policing

- The most recent annual report by Her Majesty's Inspectorate of Constabulary in Scotland stated:
- QUOTE: "*Operational performance remains strong for the fourth year of the single service, with officers and police staff at all levels committed to providing a good service to communities across Scotland. Users of policing remain positive about their experience.*"
- The majority of people (58%) believe local police do a good or excellent job.
- The Scottish Crime and Justice Survey shows that crime has fallen by more than a third (38%) since 2008/09.
- The vast majority of people experience no crime – 87%.
- Recorded crime has decreased in all councils in Scotland since 2006-07.
- Non-sexual violent crime is at one of its lowest levels since 1974, a 49% fall since 2006/07.
- The single service has ensured national access to specialist capabilities, allowing a more effective response to terrorism, child protection and complex crime.
- We are committed to protecting the police resource budget in real terms in every year of this Parliament – a boost of £100 million by 2021.
- The value of the real terms protection in 2018-19 is £20.4 million.

## POST-LEGISLATIVE SCRUTINY OF POLICE AND FIRE REFORM (SCOTLAND) ACT 2012

- The Scottish Government has submitted written evidence outlining the key benefits which have been delivered as a result of our programme of police and fire reform.
- Since taking up post in December, Susan Deacon has already made a number of improvements in strengthening the SPA.
- The SPA Improvement Plan 2018/19 sets out key improvements to the SPA's ways of working, and responded to recommendations from the June 2017 HMICS Report, and other reviews, inspections, and audits published during 2017/18.
- On 23 March, we announced the appointment of 7 new members to the SPA Board, bringing a broad range of skills and experience to the organisation.

## SPA EMPLOYMENT TRIBUNAL

- The Scottish Government received correspondence in May 2017 which related to this matter.
- This was raised with SPA shortly thereafter and we were given an assurance that an independent review of the allegations was being put in place. The report of that review by Scott Moncrieff has now been released.
- Responsibility for investigation lies with SPA and with Audit Scotland where issues come to their attention.

- The Chair of SPA has acknowledged that there have been instances of poor value for money and has put an accelerated programme of improvement in place.

## MINERS' STRIKE REVIEW – INDEPENDENT ADVISORY PANEL

- The welcome given to this Review - across the Scottish Parliament and affected groups – underlines its importance and value;
- Despite calls from the Scottish Government and the Welsh Assembly, the UK Government has not chosen to follow our lead

## POLICE SCOTLAND ICT

- The strategy is a direct response to a recommendation made by Audit Scotland.
- It is for the Scottish Police Authority to scrutinise the strategy and to hold Police Scotland to account for future investment decisions relating to ICT.
- It is important that all such investment decisions represent best value and support the service's wider plans for transformation as set out through Policing 2026.

We are supporting transformation, including through real terms protection of the police resource budget in every year of this Parliament – a boost of £100 million by 2020-21.

- In addition, we are providing a further £31 million of dedicated reform funding this year and have ensured that the service can retain the £25 million previously paid to the UK Treasury in VAT each year.
- This year almost £5 million is being invested in the first phase of work to modernise the service's core operational policing systems used by frontline officers every day.
- Funding for 2019-20 will be considered as part of the Scottish Government's budget setting process.

## CYBER KIOSKS

The Policing 2026 strategy emphasised Police Scotland's commitment to improving its cyber-capability.

- The police can only seize phones or other electronic devices where there is a lawful basis for doing so. The introduction of cyber kiosks will not change this.
- When the police seize a phone or another electronic device under the authority of a judicial warrant, statutory power or following a suspect's arrest, it is lawful for them to examine that device for evidence.
- A person may also voluntarily provide their device.
- Cyber kiosks allow Police Scotland to search phones for information and return them to their owners in shorter timescales.
- Where devices have previously been sent to central locations for analysis, kiosks allow triaging to be done speedily and locally by trained officers.

## SENIOR POLICE OFFICER RECRUITMENT

The recruitment of the new Chief Constable is a matter for the Scottish Police Authority.

## POLICE NUMBERS

- The total number of officers in Scotland – 17,170 – is still 936 more than the figure we inherited.
- Maintaining officer numbers at 1,000 above the 2007 level allowed Police Scotland to maintain service through a period of significant change.
- This contrasts with a decrease of 20,038 (-14.1 per cent) from March 2007 to September 2017 in England and Wales.
- HMICS are working with Police Scotland and the Scottish Police Authority to develop a rigorous monitoring and assurance process.
- HMICS confirmed during 2017-18 Police Scotland has made good progress in moving approximately 85 officers from support roles into the front line.
- The Lord Advocate is committed to ensuring that the inquiry into the deaths of John Yuill and Lamara Bell is completed as soon as possible.
- This is a complex investigation that is focused upon the response by the Police Service of Scotland to reports received by them in connection with the incident.
- The Lord Advocate has previously committed to there being an FAI in this case. However, before an FAI can be instructed, the question of whether there is a basis for criminal proceedings requires to be determined.
- The PIRC submitted an interim report to COPFS in November 2015 and a supplementary report on 16 June 2016.
- The Crown Office understands the impact that the case has on the families of John Yuill and Lamara Bell and has kept them and their legal representatives up to date.

The incident in Inverlochy on 16 March

- The Scottish Government has provided guidance for schools and councils on managing and monitoring incidents involving weapons
- Crimes and offences involving firearms recorded by the Police are at the lowest level since comparable records began, and have decreased by 74% since 2006-07.
- Scotland has some of the toughest gun control laws in the world and is the only part of Great Britain to licence air weapons.

Alexander Blue, who was killed in Glasgow 16 years ago this month

- The COPFS Cold Case Review Unit (CCRU) has responsibility for reviewing all unresolved homicides
- Mr Blue's murder has been the subject of reports submitted by the police and has been reviewed.

- COPFS have advised Mr Blue's family that at present there is insufficient evidence in law to prosecute anyone at this time.
- Should any new matters come to light the police will of course investigate them and the question of instituting criminal proceedings reviewed.
  - Pension liabilities are met by assets and the schemes are currently fully funded.
  - Actuarial advice shared with the SPA in October 2017 is that pension liabilities of about £97 million are balanced by about £99 million of pension fund assets.
  - The Scottish Government expects that transitional costs for SPA and Police Scotland will be funded from the police reform budget.
  - There will be no additional burden on the operational policing budget or rail operators.
  - As is the case with any transformation, the service will require access to specialist skills and expertise if it is to deliver.
  - In securing those skills, Ministers expect the service to demonstrate best use of public funds, with oversight being provided by the Scottish Police Authority.

#### **British Transport Police**

- Integration has been Scottish Government Policy since 2011 and all parties backed the devolution of the British Transport Police in 2015
- In our submission to the Smith Commission in 2014 we said we planned to use devolved powers over railway policing to integrate it into Police Scotland.
- No opposition party responded to the consultation on BTP integration in 2016.
- We set out evidence to Parliament during the passage of the Railway Policing (Scotland) Act why other options were discounted.
- The Liberal Democrats supported the principle of the Railway Policing Bill at stage 1. *[NOTE: they voted against the government during stage 2 and opposed at stage 3.]*

Integration of infrastructure policing is a UK Government policy – both the Conservative UK and Scottish manifestos for this year's election said:

**QUOTE:** “*We will create a national infrastructure police force, bringing together the Civil Nuclear Constabulary, the Ministry of Defence Police and the British Transport Police to improve the protection of critical infrastructure such as nuclear sites, railways and the strategic road network.*”

- Had we not pursued integration, the BTP in Scotland would be left as a standalone rail policing service in Scotland while being integrated with other infrastructure policing services in England and Wales.
  - integration was approved by Parliament in June 2017
- The Joint Programme Board is arranging a series of engagement events for BTP officers and staff over the coming months.

- We have given a triple-lock guarantee to secure the jobs, pay and pensions of railway policing officers and staff in Scotland, as set out in our letter to the Justice Committee earlier this week.
- Federation representatives recently attended nine days of detailed discussions on terms and conditions with Police Scotland, the BTP Authority and Scottish Government officials.
- A further meeting with the BTP Federation and Transport Salaried Staffs' Association (TSSA) took place in York on 14 May 2018.
- The BTP Federation has been briefed that the Joint Programme Board is progressing draft secondary legislation to transfer BTP officers and staff in Scotland to Police Scotland.
- The legislation is being drafted on the basis that officers and staff will retain the same terms and conditions, pension and employment status.
- There will be no detriment to the pensions of serving, deferred or retired BTP officers and staff.

**INTRODUCTORY BRIEFING- CABINET SECRETARY FOR JUSTICE  
JUSTICE DIRECTORATE****CONTENTS**

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## **JUSTICE DIRECTORATE NOTE**

### **1. DIRECTORATE MANAGEMENT TEAM**

Neil Rennick, Director, Justice, Justice Directorate - [redacted]  
Willie Cowan, DD, Criminal Justice- [redacted]  
Donna MacKinnon, DD, Community Justice & Parole- [redacted]  
Gavin Henderson, DD, Civil Law and Legal System- [redacted]

A Directorate organogram is attached at **Annex A**.

### **2. BUDGET OVERVIEW**

The vast majority of the justice portfolio budget is allocated towards front-line justice services, in particular Police, Fire, Prisons, Courts and local authority Criminal Justice Social Work Services. The largest elements of these budgets pay for staff – police, fire and prison officers, court staff and judiciary, etc. and fixed costs for buildings, IT, vehicles, etc. Most of the remainder is allocated to demand-led budgets – Legal Aid, Police and Fire Pensions, the statutory Criminal Injuries Compensation Fund. Smaller sums are allocated to the remaining justice bodies – e.g. the independent Inspectorates; Judicial Appointments Board; etc. There are small amounts of discretionary spending allocated centrally towards victim services, violence against women, human trafficking and violence reduction. The Justice budget also meets the costs of a small number of matters sitting with other portfolios, e.g. defence and resilience.

Justice capital budgets are mainly allocated towards maintaining and replacing existing infrastructure, e.g. buildings, IT and vehicles, etc. There are a small number of specific capital projects - the new Inverness Justice Centre; the new National Women's Prison and Local Community Custody Units; investment in replacement of the current UK-wide emergency services mobile communications system.

[redacted]

**3. [redacted]**

**4. [redacted]**

**5. [redacted]**

### **6. LEGISLATIVE PROGRAMME**

The justice portfolio has a busy programme of existing Bills that will carry forward from the current year into the 2018-19 parliamentary year.

**Bills currently before the Parliament are:**

- **Prescription Bill**- modernising the statutory timescales for pursuing damages claims – Stage 1 debate was on 27 June
- **Management of Offenders Bill**- extending uses of electronic monitoring and modernising law on previous offences-Justice Committee Stage 1 report expected to be in December [Relevant information contained here is set out in attachment 2]
- **Vulnerable Witnesses (Criminal Evidence) Bill** - facilitating greater use of pre-recorded evidence for vulnerable witnesses, with initial focus on child witnesses in the most serious crimes- introduced 12 June [Relevant information contained here is set out in attachment 2]
- **Damages Bill** – establishing a legal basis for the methodology for setting the discount rate for damages awards in personal injury cases – introduced 14 June

[redacted]

#### 7. [redacted]

Justice portfolio commitments during 2018-19 will be taken forward in line with the shared priorities set out in the Justice Vision and Priorities document [links attached to FOI response letter]. The Justice portfolio will also contribute across all of the new National Performance Framework outcomes and in particular:

- We live in communities that are inclusive, empowered, resilient and safe; and
- We respect, protect and fulfil human rights and live free from discrimination.

#### 8. BREXIT

A key issue for the portfolio is planning for and the impact of Brexit. It is clear that Brexit demands will bring complex practical policy and operational challenges across the portfolio. The briefing from Safer Communities Directorate provides more detail.

#### 9. INQUIRIES/REVIEWS

The Justice Directorate has an overarching responsibility for public inquiry legislation and rules, and ensuring consistent handling across the Scottish Government. There are two public inquiries currently underway, the Child Abuse in Scotland inquiry and the Edinburgh Trams inquiry. A briefing note on inquiries/reviews is attached

The Justice Directorate is responsible for policy and legislation on Fatal Accident Inquiries (FAIs). A forthcoming FAI of particular note is the Clutha FAI, the scale of this will be significant and it can be expected to receive widespread interest from both the media and public. The FAI is scheduled to commence in April 2019.

There is one live review in Justice Directorate, this is the independent review of the legal profession which is scheduled to report in the autumn. This may recommend substantial reforms to how legal professionals in Scotland are regulated. Related to this an early

decision will be required- ahead of the PfG - on Ministers' response to the report of the independent review of Legal Aid in Scotland, published in February 2018. [redacted]  
You will receive separate advice from Safer Communities Directorate in relation to the Review of Complaints Handling: Investigations and Misconduct Issues in Relation to Policing; Ministers Strike Review and Stop and Search.

## **10. KEY STAKEHOLDERS**

Both Justice and Safer Communities Directorates engage with the leaders of key justice public bodies through the Justice Board for Scotland. [**Annex N**]

You will want early and regular direct engagement with:

- The Lord Advocate and Solicitor General
- The Lord President and Lord Justice Clerk
- Chief Executive of the Crown Office and Procurator Fiscal Service (COPFS), David Harvie
- Chief Executive of the Scottish Courts and Tribunals Service (SCTS), Eric McQueen
- Chief Executive of the Scottish Prison Service (SPS), Colin McConnell
- Chief Executive of Community Justice Scotland, Karen McCluskey
- HM Chief Inspector of Prisons for Scotland, Wendy Sinclair-Gieben [starts 23.7.18]
- Representatives of some of the key victims organisations- Rape Crisis Scotland, Scottish Women's Aid, Victim Support Scotland
- Representatives of some of the key organisations involved in reducing reoffending, including the Chief Executive of SACRO.

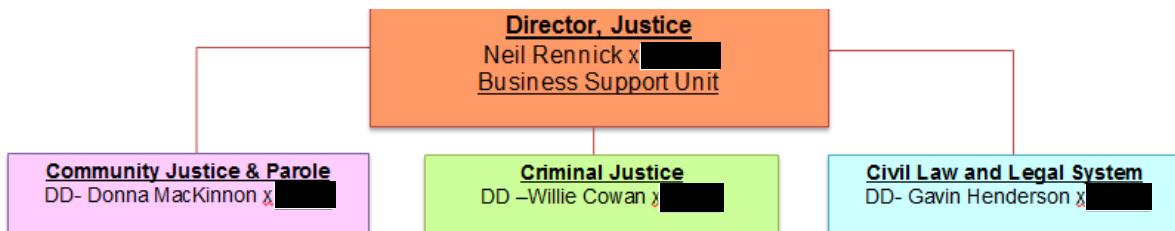
In addition a list of the key justice chief executives and inspectors is attached for reference [**Annex O**].

**Justice Directorate**  
**June 2018**

**JUSTICE DIRECTORATE INTRODUCTORY BRIEFING ANNEXES**

**ANNEX A**

**JUSTICE DIRECTORATE ORGANOGRAM**



**EARLY ISSUES/HOT ISSUES:**

[Relevant information contained here is set out in attachment 2]

**LEGISLATIVE PROGRAMME:**

[Relevant information contained here is set out in attachment 2]

**PROGRAMME FOR GOVERNMENT**

**ANNEX I:** [redacted – out of scope]

**ANNEX J:** [redacted – out of scope]

**ANNEX K: Justice Vision and Priorities**

[available publically]

**ANNEX L: Justice Vision and Priorities Delivery Plan 2017-18**

[available publically]

**INQUIRIES/REVIEWS**

**ANNEX M:** Briefing Note

## KEY STAKEHOLDERS

### ANNEX N: Justice Board Membership

The Justice Board was established by the Scottish Government in August 2011 to bring together the Chief Executives and equivalent leaders of key justice organisations. Membership has been extended over the years to the following:

Justice Board Member	Organisation
Neil Rennick	SG Director, Justice (Co-chair)
Gillian Russell	SG Director, Safer Communities (Co-chair)
DCC Iain Livingstone	Interim Chief Constable
Eric McQueen	Chief Executive, Scottish Courts and Tribunals Service
David Harvie	Chief Executive, Crown Office and Procurator Fiscal Service
Colin McConnell	Chief Executive, Scottish Prison Service
Alasdair Hay	Chief Fire Officer, Scottish Fire and Rescue Service
Colin Lancaster	Chief Executive, Scottish Legal Aid Board
Kenneth Hogg	Interim Chief Officer, Scottish Police Authority
Karyn McCluskey	Chief Executive, Community Justice Scotland
Neil Hunter	Chief Executive, Scottish Children's Reporter Administration
Michael Chalmers	SG Director, Children and Families
Linda McKay	Non-Executive Director

**JUSTICE SYSTEM CHIEF EXECUTIVES AND CHIEF INSPECTORS****ANNEX O**

Name	Title	Contact Details (office)	Contact details (out of hours)
Yvonne Gailey	Chief Executive, Risk Management Authority	[redacted]	[redacted]
Neil Stevenson	Chief Executive, Scottish Legal Complaints Commission	[redacted]	[redacted]
Colin Lancaster	Chief Executive, Scottish Legal Aid Board	[redacted]	[redacted]
Colin Spivey	Chief Executive, Parole Scotland	[redacted]	[redacted]
Gerard Sinclair	Chief Executive Scottish Criminal Cases Review Commission	[redacted]	[redacted]
Malcolm McMillan	Chief Executive, Scottish Law Commission	[redacted]	[redacted]
Erica Clarkson	Chief Executive, Judicial Appointments Board for Scotland	[redacted]	[redacted]
Karyn McCluskey	Chief Executive, Community Justice Scotland	[redacted]	[redacted]
Colin McConnell	Chief Executive, Scottish Prison Service	[redacted]	[redacted]
Eric McQueen	Chief Executive, Scottish Courts & Tribunals Service	[redacted]	[redacted]
David Harvie	Chief Executive, Crown Office and Procurator Fiscal Service	[redacted]	[redacted]
Wendy Sinclair-Gieben	HM Chief Inspector of Prisons in Scotland	[redacted]	[redacted]
Michelle Macleod	HM Chief Inspector of Prosecution in Scotland	[redacted]	[redacted]

## **Public Inquiries and Fatal Accident Inquiries**

The Cabinet Secretary has asked for a note on Fatal Accident Inquiries (FAI) and Public Inquiries.

### **Fatal Accident Inquiries**

The investigation of deaths is the constitutional responsibility of the Lord Advocate, acting independently of Ministers. As such, it is his decision alone whether or not to call a FAI, albeit his discretion is not unfettered since in some cases (deaths in legal custody/secure accommodation and in the course of employment) an FAI is mandatory.

The Scottish Government is responsible for policy and legislation on FAI. The Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 modernised fatal accident inquiry legislation. The new Act came into force in 2017 and introduced a number of reforms such as allowing a FAI into Scots dying abroad, mandated a new family liaison charter and created new duties to respond to a Sheriff's determination.

There are two live policy issues where there are calls to amend the Act. Health Ministers are facing calls from campaigners to allow for a FAI into stillbirths. [redacted] We will provide detailed advice on these issues in due course.

Calls for an FAI or complaints about any perceived delay in individual cases are matters for the Crown Office and we would refer queries to them. They normally alert us to forthcoming announcements so lines can be prepared.

A forthcoming FAI of particular note is the Clutha FAI, which was announced by the Crown Office on 24 November 2017, just ahead of the four year anniversary. At the same time they announced that there would be no criminal proceedings. Since then Crown and SCTS have been working on practical arrangements for the conduct of the FAI. It is expected that the FAI will be of significant scale and it will clearly be of widespread interest to the media and public, in particular for people in Glasgow.

Currently SCTS are exploring whether facilities within Hampden Park might be a suitable option that can accommodate the legal teams, media, families and members of the public who will be attending . The latest information from the Sheriff Principal is that the FAI will commence around Easter 2019 with the premises being required from 1 April 2019. [redacted]. SCTS are exploring if these projected costs can be reduced. Following a request from the Lord President, SG, with the approval of the Cabinet Secretary for Finance and the Constitution, has offered financial assistance in view of the exceptional nature of this FAI.

[redacted]

A FAI is one of the possibilities in relation to the death of Sheku Bayoh. A FAI is mandatory in this case as the death was in custody but the FAI can still be dispensed with if the circumstances, in the view of the Lord Advocate, have been adequately investigated in either a public inquiry or in criminal proceedings.

A further high-profile case relates to the deaths of John Yuill and Lamara Bell following a crash on the M9. A decision on a possible FAI is awaited. In this case the FAI would be entirely discretionary.

### Public Inquiries

Consideration of demands for a public inquiry (under the Inquiries Act 2005) are led by the policy area responsible for the underlying issue at stake. The Cabinet secretary for Justice has an overarching responsibility for public inquiry legislation and rules, and ensuring consistent handling across the Scottish Government.

This approach is intended to ensure that there is recognition of the exceptional expense and timescales of public inquiries and that there is an appreciation that once a public inquiry is called it is independent, and therefore there is no continuing role for Ministers to control the course it takes. With that in mind, there is a need to ensure that all alternatives are explored beforehand and a public inquiry is only called when it is clear that nothing else will do. Once the decision is made to call an inquiry officials will provide practical advice to colleagues on the processes around running an inquiry, including in relation to appointing a Chair (particular handling issues arise if, as in the case of the Child Abuse Inquiry a serving judge is appointed) and agreeing a remit.

Once a public inquiry is underway there is no particular oversight role for Justice. A sponsor team will normally be created within the relevant portfolio area to liaise with the inquiry. The two public inquiries currently underway relate to the Edinburgh trams project and the inquiry Investigating the abuse of children in care in Scotland. In respect of the latter the Scottish Government has recently agreed to a request from the Scottish Child Abuse Inquiry Chair, the Right Honourable Lady Smith, to remove the requirement from the inquiry's Terms of Reference to report to Ministers within four years and instead report as soon as reasonably practicable.

We have recently advised [redacted] colleagues in other parts of the Justice portfolio regarding calls for an inquiry into historic methods of undercover policing. [redacted]

**Justice Directorate**  
**June 2018**

## [REDACTED] Briefing for Cabinet Secretary for Justice

PS/Cabinet Secretary for Justice

### **BRIEFING FOR CABINET SECRETARY FOR JUSTICE SAFER COMMUNITIES RESPONSIBILITIES**

#### **Introduction**

This briefing covers issues within the Safer Communities side of the Justice portfolio which come under Gillian Russell, Director for Safer Communities. An organogram of the Directorate is attached at **Annex A**.

This briefing covers, in the main, Police, Fire Safety and Community Safety issues eg Violence Reduction. Furthermore, it covers wider issues across the Justice Portfolio in terms Brexit related Justice issues, as well as the underpinning evidence base which has led to the Justice Vision and Priorities and Delivery Plan.

Please be aware that we are considering future briefing for the Cabinet Secretary on a variety of issues [REDACTED]

[REDACTED]

## [REDACTED] Briefing for Cabinet Secretary for Justice

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED] the Cabinet Secretary may wish some background on **police officer pay** issues [REDACTED]
- The PNB negotiates police officer pay through collective pay bargaining and makes recommendations to the Cabinet Secretary for Justice. The PNB membership consists of an Official Side - the SPA; Police Scotland; and Scottish Ministers (represented by a Police Division official) and a Staff Side - the Scottish Police Federation (SPF); the Association of Scottish Police Superintendents (ASPS); and the Scottish Chief Police Officers Staff Association (SCPOSA). This contrasts with the position in England and Wales where police officer pay is determined by a Police Remuneration Review Body (PRRB) making recommendations to the Home Secretary – their proposals for 18/19 are expected in coming months [REDACTED] Police Officers are not subject to the Scottish Public Sector Pay Policy.

[REDACTED]

- [REDACTED]

### **British Transport Police**

[REDACTED]

### [REDACTED] INQUIRIES AND REVIEWS:

- **Review of Complaints Handling, Investigations and Misconduct Issues in Relation to Policing:** 19 June – The then Cabinet Secretary for Justice announced to Parliament that he and the Lord Advocate have jointly commissioned a Review of Complaints Handling, Investigations and Misconduct Issues in Relation to Policing. The Review will be led by Rt Hon Dame Elish Angiolini DBE QC and is expected to take 18 months to 2 years to complete, consisting of 2 phases:
  - The first phase will include a consideration of current procedures and guidance to identify areas for immediate improvement;
  - The second phase will include a wider assessment of the frameworks and practice in relation to complaints handling, investigations and misconduct issues, covering the Police and Investigations Review Commissioner, the SPA and Police Scotland. Recommendations in the final report should take into account human rights considerations, as well as seeking to identify longer term improvements.

## [REDACTED] Briefing for Cabinet Secretary for Justice

- The Review will not look at individual cases, the role of the Lord Advocate in investigating criminal complaints against the police or the role of HMICS in scrutinising the Police Scotland and the Scottish Police Authority .
- **Miners' Strike Review:** An independent review to investigate and report on the impact of policing on affected communities in Scotland during the period of the miners' strike from March 1984-March 1985 was announced on 7 June 2018. The review is to be led by John Scott QC, with the support of a panel of 3 – Dennis Canavan, former Assistant Chief Constable Kate Thomson and Professor Jim Murdoch of Glasgow University. The review is currently in scoping stage but a process of reviewing relevant files over the Summer is likely to be followed by a series of public engagements with affected groups. An interim report will be provided to the Cabinet Secretary, setting out initial findings in January 2019, and the final report is expected by June 2019. The key aim is to ensure the experiences of former mining communities are heard and understood, bringing some degree of closure to those involved.
- **Stop and Search:** An Independent Advisory Group, chaired by John Scott QC, is carrying out a review of the Code of Practice on the police's use of stop and search, looking at how effectively the Code has operated over its first full 12 months (June 2017 - May 2018) and whether any further legislative changes relating to stop and search are necessary. [REDACTED]

## [REDACTED] LEGISLATIVE PROGRAMME:

- The proposed **Police Negotiating Board for Scotland** (Constitution, Arbitration and Qualifying Cases) Regulations and associated regulations will implement part of the Criminal Justice (Scotland) Act 2016 which sets up a new Police Negotiating Board for Scotland ("PNBS") to deal with negotiations on police pay and conditions.
- The package of regulations will commence the relevant parts of the 2016 Act, wind up the existing Police Negotiating Board and provide for the new PNBS's constitution, including procedures for conciliation and arbitration. [REDACTED]
- **Biometrics Bill:** Following the March 2018 report of the Independent Advisory Group on the Use of Biometric Data in Scotland (chaired by John Scott QC), plans are in place to develop a new policy and legislative framework for the taking, use and destruction of biometric data (that is, DNA, fingerprints, photographs and other samples or physical data taken from people) for law enforcement and public protection. The Biometrics Bill, planned for introduction [REDACTED] 2019, will take forward a number of the Group's recommendations, including the establishment of a Scottish Biometrics Commissioner and associated Code of Practice. A public consultation is due to open in July 2018.
- **Age of Criminal Responsibility (Scotland) Bill:** Whilst led by the Minister for Children and Young People, the Cabinet Secretary for Justice will have a portfolio interest in the Age of Criminal Responsibility (Scotland) Bill, which was introduced in March 2018 and is expected to gain Royal Assent in 2019. The Bill raises the age of criminal responsibility to 12, so that no child under 12 will be legally capable of committing a crime. [REDACTED]

## [REDACTED] Briefing for Cabinet Secretary for Justice

### 4. INSPECTORATES AND PUBLIC BODIES:

- The Police Investigations and Review Commissioner (PIRC) was established under the Police & Fire Reform (Scotland) Act 2012 to investigate the “small number” of serious incidents involving the police, previously handled by neighbouring forces, as well as senior officer misconduct and review complaints handled by the police. Since becoming operational in 2013, the PIRC has handled a significant increase in the number of investigations, with referrals from COPFS increasing by 88% between 2013/14 and 2016/17. In recognition of the additional demands faced by the PIRC the PIRC budget for 2018-19 was increased by more than £1 million, to build staffing capacity, bringing the total budget for 2018-19 to £4,254,000, an increase of 33.5% on their 2017-18 budget. The current Commissioner, Kate Frame, was appointed in 2014 for a period of 5 years.
- Following an expansion of its statutory functions in 2013, Her Majesty's Inspectorate of Constabulary in Scotland (HMICS) remains a crucial part of the policing and scrutiny landscape [REDACTED] to Ministers on a range of policing issues including: a review into the transparency and openness of the SPA; improvements in relation to call handling since the M9 incident; the Strategic Review of Undercover Policing in Scotland; a Strategic overview of British Transport Police (BTP) in Scotland; the Independent Assurance Review Police Scotland (Counter Corruption Unit); and an audit of crime statistics. Following the murder of Craig McLellan by James Wright who was unlawfully at large having breached his Home Detention Curfew (HDC) licence, Ministers directed HMICS and HMIPS to review HDC arrangements. The current Chief Inspector, Gill Imery QPM, was appointed in 2018 under Royal Warrant.
- The Scottish Police Authority (SPA). The Police and Fire Reform (Scotland) Act 2012 established the Scottish Police Authority (“the SPA”) and the Police Service of Scotland (“Police Scotland”) on 1 April 2013. In public body terms, the SPA is classified as an “other significant national body”. The SPA has governance responsibility for Police Scotland; with a budget of around £1.1bn, over 17,000 police officers and around 5,200 civilian staff (March 2018). The Authority’s main functions are to maintain the Police Service of Scotland, to promote the policing principles, to promote and support continuous improvement in the policing of Scotland, to keep under review the policing of Scotland and to hold the Chief Constable to account for the policing of Scotland. The Authority has a statutory responsibility to provide forensic services to the Police Service, the Police Investigations and Review Commissioner (PIRC) and the Lord Advocate and procurators fiscal.

### 5. KEY STAKEHOLDERS FOR THE CABINET SECRETARY TO MEET:

- [REDACTED]

### 6. PROGRESS ON EXISTING PfG COMMITMENTS [REDACTED]

- Ministers continue to meet their manifesto commitment to protect the police resource budget in real terms in every year of this Parliament.

## [REDACTED] Briefing for Cabinet Secretary for Justice

- Significant work is underway to implement the Strategic Objectives set out in Policing 2026, the long-term strategy for policing published in June 2017. That work is being supported through the provision of £31 million of dedicated police reform funding , giving effect to a commitment set out in the 2017/18 PfG. The transformation programme was recently the subject of a Gateway Review which identified the need for further prioritisation of change activity and that work is underway. Much of the planned service transformation is dependent on investment in Police Scotland's data, Digital and ICT footprint as outlined in the service's recently published Data, Digital and ICT strategy. That Strategy identified an investment requirement of £206 million over five years, although it should be noted that a number of the planned improvements are currently being supported through Police Scotland's existing Grant in Aid and reform funding. The service's proposals in this area are currently not fully funded and are the subject of on-going scrutiny by the Scottish Police Authority. [REDACTED]
- Approximately 80% of the demand now faced by Police Scotland does not result in a crime being recorded and is instead focussed on supporting individuals in distress or crisis. [REDACTED] The proposals will be developed in conjunction with the Scottish Health and Justice Collaboration Improvement Board which, amongst other things, is overseeing efforts to deliver the 2017-18 PfG commitment to place 800 additional mental health workers in key locations, including police and justice settings.
- Following advice from Police Scotland and the BTP Authority that operational aspects of the integration would not be ready for the original implementation date of April 2019, the Joint Programme Board, with the approval of Ministers, agreed to revisit the integration timetable. A re-planning exercise is underway and will provide a clear delivery plan and a revised date for integration. The exercise will reach its conclusions in August 2018, with a deliverability assessment to follow before advice on a revised date is submitted for Ministerial approval. We have therefore revised the 2017/18 PfG commitment for inclusion in the 2018/19 suite.

## [REDACTED] Briefing for Cabinet Secretary for Justice

[REDACTED]

[REDACTED]

### ***Review of Hate Crime legislation***

- Review of Hate Crime legislation by Lord Bracadale reported on 31 May, with debate in Parliament on 7 June.

### ***Review of the Fire Safety Regime and Regulatory Framework in Scotland***

- The post-Grenfell Ministerial Working Group (MWG) has set up a 'Review of the Fire Safety Regime and Regulatory Framework in Scotland' in relation to high-rise domestic buildings. The purpose of this SG led review is to ensure that the fire safety regime and regulatory framework in Scotland provides comprehensive protection to residents of high-rise domestic buildings and is robust and fully fit for purpose.
- Two other separate reviews concerning Building Standards have been conducted by Prof John Cole and Dr Paul Stollard, who advised the MWG of their recommendations at the meeting on 13 June. A SG consultation concerning the recommendations of these two reports will run over the summer. Also the Grenfell inquiry is underway and we are monitoring relevant statements for fire and rescue interests.

[REDACTED]

## **4. INSPECTORATES AND PUBLIC BODIES:**

### **Scottish Fire And Rescue Services (SFRS)**

Short background notes on the Inspectorates and portfolio Public Bodies we sponsor in Safer Communities.

The [Police and Fire Reform \(Scotland\) Act 2012](#) brought together the eight former fire and rescue services from 1 April 2013. SFRS has a statutory duty to promote fire safety under the [Fire \(Scotland\) Act 2005](#) (as amended in the Police and Fire Reform (Scotland) Act 2012).

SFRS is the largest fire and rescue service in the UK and is the fourth largest in the world. They deliver front-line services locally from three strategically positioned hubs based in the North, West and East of the country (known as 'Service Delivery Areas').

SFRS prevent and control fires and respond to many different emergency incidents including road traffic collisions, rope rescue, water rescue, hazardous materials and flooding as well as assisting partner agencies to keep our communities safe. They work closely with key partners across Scotland to deliver crucial fire safety messages and create safer communities. As part of SFRS's prevention programme, everyone in Scotland is offered a free home fire safety visit. They also fit smoke alarms free of charge if a home requires them.

## [REDACTED] Briefing for Cabinet Secretary for Justice

[REDACTED] The [SFRS are now transforming](#) to continue to protect communities from new and emerging risks.

The Fire Framework 2016 sets out 10 ministerial priorities for SFRS. These are set out in the context of the overarching purpose that the SFRS should adhere to in carrying out its functions. The Framework also asks the SFRS to explore new ways of working to allow it to contribute an even greater role in the protection of Scotland's communities. <http://www.gov.scot/Publications/2016/09/8011>

### **Her Majesty's Fire Service Inspectorate in Scotland (HMFSI)**

Her Majesty's Fire Service Inspectorate in Scotland (HMFSI) is led by Simon Routh-Jones, Chief Inspector of the Scottish Fire and Rescue Service. There are two Assistant Inspectors, who are appointed by Ministers, and a small inspection support team. The role and purpose of Her Majesty's Fire Service Inspectorate in Scotland is defined by the Fire (Scotland) Act 2005, which was substantially amended by the Police and Fire Reform (Scotland) Act 2012 on 1 April 2013. The Fire Service Inspectorate in Scotland is independent of the SFRS and the Scottish Government. It exists to provide independent, risk based and proportionate professional inspection of the SFRS. The Inspectorate also provides independent, professional advice to Scottish Ministers, and the Chief Inspector has certain functions in relation to non-domestic fire safety.

### **[REDACTED]**

- The SFRS budget for 2018-19 is £289.1m revenue and £32.5m capital. In the Budget for 2018-19, Scottish Government increased the spending capacity of SFRS by £15.5 million. This includes providing £5.5 million extra direct funding and ensuring they keep £10 million in full from VAT costs [REDACTED]

### **SFRS [REDACTED]**

- [REDACTED]

### **SFRS [REDACTED]**

- The recent Audit Scotland report on SFRS highlighted a capital backlog of £389m. [REDACTED]

### **Community Safety Budget**

- The Level 4 Community Safety Budget for 2018-19 is c. £4.1 million. [REDACTED]
- Some of the organisations we fund include:
  - Violence Reduction Unit
  - Inspiring Scotland
  - Scottish Community Safety Network
  - Crimestoppers

## [REDACTED] Briefing for Cabinet Secretary for Justice

- Royal Society for the Prevention of Accidents
- Scottish Business Resilience Centre
- Neighbourhood Watch Scotland
- Separately, the Cashback for Communities programme is funded through Proceeds of Crime Act (POCA) receipts which average £5-6m per year. However, due to the nature of POCA, this is subject to variance. We are committed to Phase 4 of the Cashback programme running from April 2017 until April 2020 with an overall programme spend of £17m [REDACTED]

### 5. KEY STAKEHOLDERS FOR THE CABINET SECRETARY TO MEET:

- **SFRS:** Kirsty Darwent, Chair of the SFRS Board; Alasdair Hay, Chief Fire Officer of SFRS (note: Mr Yousaf met with Mr Hay at a Parliament in a short introductory meeting on 27 June); Iain Bushell, Deputy Chief Officer of SFRS and lead for the transformation programme.
- **Violence Reduction:** Niven Rennie, the new Director of the Violence Reduction Unit [REDACTED] and Dr Christine Goodall, Medics Against Violence.

### 6. [REDACTED]

Existing commitments for 2017 PfG are as follows:

- **“We will continue to make the case to the UK Government to extend a VAT exemption to Scottish emergency services”.**

[REDACTED] UK Government has changed VAT regulations allowing Police and SFRS in Scotland to recover VAT from 18 March 2018. [REDACTED]

- **“We will support the introduction of new technologies and delivery models such as the use of Rapid Response Units where these can benefit the service operationally, improve fire-fighter safety and better serve the communities. All our emergency services are adapting to the terrorism threat we currently face and we will ensure that the Scottish Fire and Rescue Service, Police Scotland and the Scottish Ambulance Service are supported to fulfill their roles in any emergency response”**

SFRS has already taken delivery of the first 30 of the new smaller fire appliances (RRUs) for use in rural areas. These new appliances make use of new technology [REDACTED]

**[REDACTED] Briefing for Cabinet Secretary for Justice**

**BREXIT**

[REDACTED]

Please also see the general 2-page EU Exit brief for new Ministers [REDACTED]

**[REDACTED] Briefing for Cabinet Secretary for Justice**

**JUSTICE VISION AND PRIORITIES - EVIDENCE BASE AND STATISTICS**

**Justice Vision and Priorities** <http://www.gov.scot/Resource/0052/00522274.pdf>

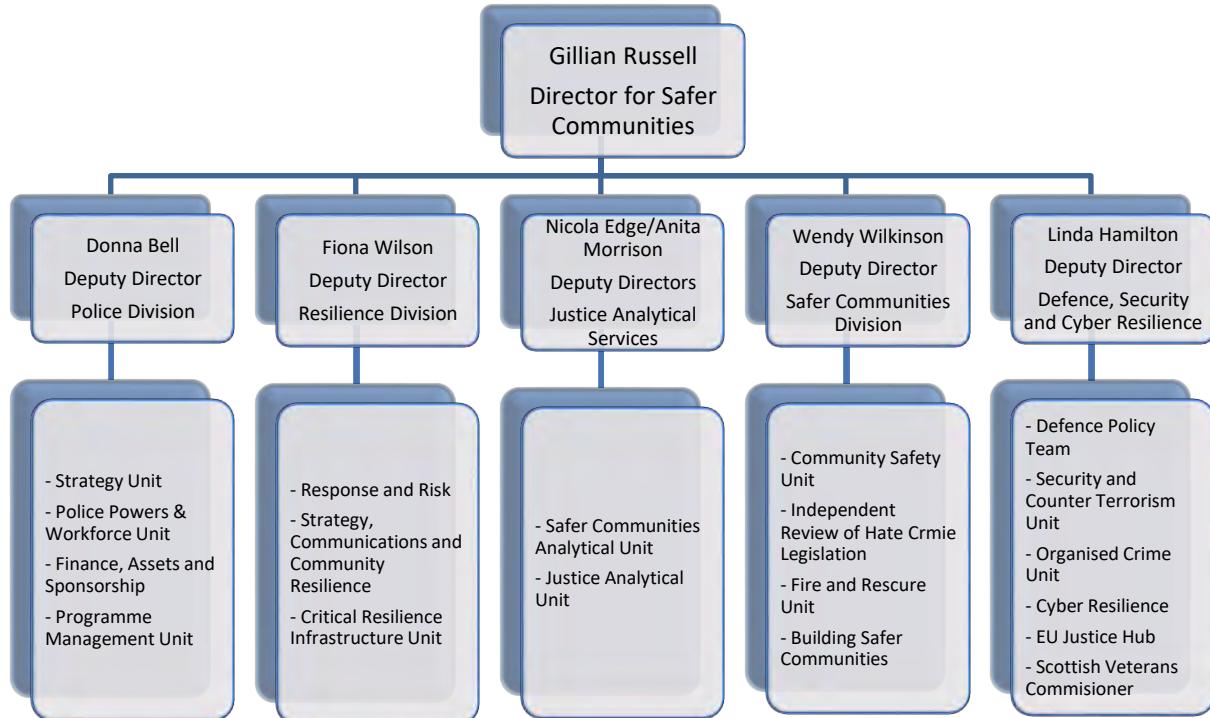
Much of the key evidence around both progress and challenges in the portfolio was brought together in this document and a 'live' one page overview (attached below).

**Justice Vision and Priorities Delivery Plan**, published annually to accompany the Vision. Progress on delivery will be next reported in August 2018.  
<http://www.gov.scot/Publications/2017/07/8431/downloads#res-1>

**Key Positive Statistics brief** - last updated 26 June 2018

## [REDACTED] Briefing for Cabinet Secretary for Justice

### Annex A



# **Justice – Evidence-based measures of success**

## **Low levels of crime**

- 1. Recorded crime is at a 43 year low**
  - **Recorded crime at its lowest level since 1974 and is down by 43% since this Government took office.** There were nearly 239,000 crimes recorded in 2016-17 compared to just over 419,000 in 2006-07.
  - The **clear up rate** for all recorded crimes was 50.0 per cent in 2016-17, the lowest since 2011-12, although this follows a generally upward trend since 1976.
- 2. Overall crime down by almost a third since 2008/09**
  - **The estimated number of crimes has fallen by 32% between 2008-09 and 2016-17.** The Scottish Crime and Justice Survey estimated that there were 712,000 crimes in Scotland in 2016-17 compared with 1,045,000 crimes in 2008-09.
- 3. Violent crime has fallen substantially**
  - **Handling offensive weapons is down by almost 70 per cent since this Government took office.** Recorded crimes with an offensive weapon have dropped 68% since 2006-07 (3,271 recorded offences in 2016-17; 10,110 in 2006-07).
  - **Firearm offences are at their lowest level since 1980, the first year for which comparable records are available.** There were 332 recorded offences involving firearms in 2015-16, a 74% decrease since 2006-07.
- 4. The proportion of adults experiencing crime has fallen since 2008/09**
  - **The proportion of adults who were victims of crime has fallen from around one in five (20.4%) in 2008-09 to fewer than one in seven (13.4%) in 2016-17.** This is lower than the 21.3% risk of crime recorded in 2005-06 under the previous administration.
- 5. Lower levels of youth offending**
  - **The number of young people (12-17) prosecuted in Scotland's courts has fallen by 79% from 9,813 in 2006-07 to 2,065 in 2016-17.**
  - **The number of children referred to the Children's Reporter on offence grounds reduced by 82% from 16,229 in 2006-07 to 2,995 in 2016-17.**
  - The number of under 18s in custody on 30<sup>th</sup> June has decreased by 77% from 223 in 2006 to 51 in 2017.

- **The number of recorded crimes and offences** committed by children and young people (8-17 inclusive) **reduced by 45% from 78,572 in 2008-09 to 43,117 in 2012-13.**

## **6. Number of homicides victims at a 40 year low**

- **There were 64 homicide victims recorded in 2016-17, 46 per cent less than in 2006-07 (119).** Numbers in each of the last five years have been lower than at any time since the early 1990s.

## **Greater efficiency and protected from swingeing cuts**

### **7. One thousand more police officers delivered**

- **At the end of March 2018 there were 936 additional police officers in Scotland's communities compared to March 2007.**
- **Police funding has remained steady at around £1.4 billion** since police reform – maintaining the delivery of high standards of services required to keep Scotland safe and reduce crime. Policing services have been protected from the frontline cuts elsewhere in the UK.

### **8. Efficient and effective summary justice**

- **There has been a 31% fall in the number of people convicted in court between 2006-07 and 2016-17,** which reflects both the reduction in the number of recorded crimes - now at its lowest level since 1974 - and the aims of this government's summary justice reform.

## **Better offender management**

### **9. Fewer people are reoffending**

- **Reconvictions are at their lowest level for 18 years.** Since 2006-07 the average number of reconvictions per offender has fallen by 17% alone, from 0.60 to the latest figure of 0.50 in 2014-15.

### **10. Short sentences are not effective at reducing re-offending**

- **Over half of people released from a prison sentence of 6 months or less are reconvicted within a year: over two-thirds of those who are reconvicted end up back in prison.** Over half (57%) of individuals released from a custodial sentence of 6 months or less are reconvicted within a year, and 39% are reconvicted and get another custodial sentence (Scottish Government (2017) Reconviction rates in Scotland: 2014-15 cohort).
- **Community sentences offer better opportunities to address the underlying causes of offending,** whereas short prison sentences provide limited access to rehabilitative services addressing drugs, alcohol and mental health issues.

- Evidence also suggests that imprisonment may in fact increase long-term offending by weakening social bonds and decreasing job stability (Sapouna, M. et al (2015) *What works to reduce reoffending: a summary of the evidence*).

## **11. Long term trend towards longer prison sentences**

- For all types of crimes, **sentence lengths are up 35%** since 2006-07.
- For handling an offensive weapon, the average sentence length has **more than doubled** from 160 days (5½ months) in 2006-07 to 391 days (13 months) in 2016-17.

## **12. Social work orders are making an impact**

- In 2016-17, **social work orders with an element of unpaid work or other activity** comprised **76 per cent** of social work orders commenced, a notable increase from **68 per cent** in 2010-11. Social work orders include community payback orders (and their predecessor 'legacy' orders), drug treatment and testing orders and the recently introduced fiscal work orders.
- More social work orders being completed successfully, up from **59%** in 2008-09 to **67%** in 2016-17.
- Ninety-three per cent of orders imposed in 2016-17 were community payback orders. These community payback orders included **1.8 million hours of unpaid work or other activity** to be carried out.
- Completion rates for community payback orders in 2016-17 were particularly high for those aged over 40 (**77%**) and those in employment (**81%**).

## **Addressing the underlying causes**

### **13. Drug use is falling in Scotland**

- The proportion of adults who reported having used one or more illicit drugs in the last year was 6.0% in 2014-15, down from 7.6% in 2008-09.
- For young people aged 16-24. the proportion using illicit drugs in the last year fell markedly, from 23.5% in 2008-09 to 18.8% in 2014-15.
- Self-reported cocaine use in the last year fell from 2.7% of Scottish adults in 2008-09 to 1.8% in 2014-15.

## **Greater public reassurance and confidence**

### **14. People are feeling safer**

- The public remain positive about the crime rate in their local area, with **76% saying local crime had stayed the same or improved in 2016-17**, compared to 65% in 2006.

### **15. People like their communities**

- In the latest survey (Scottish Household Survey 2016), **95% of people rated their local neighbourhood as a fairly or very good place to live**. This is slightly up from the previous year, and the highest level since devolution.

## **Low levels of unintentional harm**

### **16. Fire safety is improving**

- The **overall number of fires in Scotland has fallen by 44% between 2006-07 and 2016-17**. Accidental dwelling fires have fallen by 12% over the same period.
- Fire fatalities in 2016-17 were the third lowest in the last decade.
- In 2016-17, one in every 36 homes in Scotland received a Home Fire Safety Visit from the Scottish Fire and Rescue Service.

### **17. Fewer road casualties**

- In 2016, 191 people were killed on Scotland's roads and 1,693 were seriously injured. **The total number of people killed or seriously injured on Scotland's roads has fallen by 36% since 2006**.

## **Justice Analytical Services**



## PRIORITIES

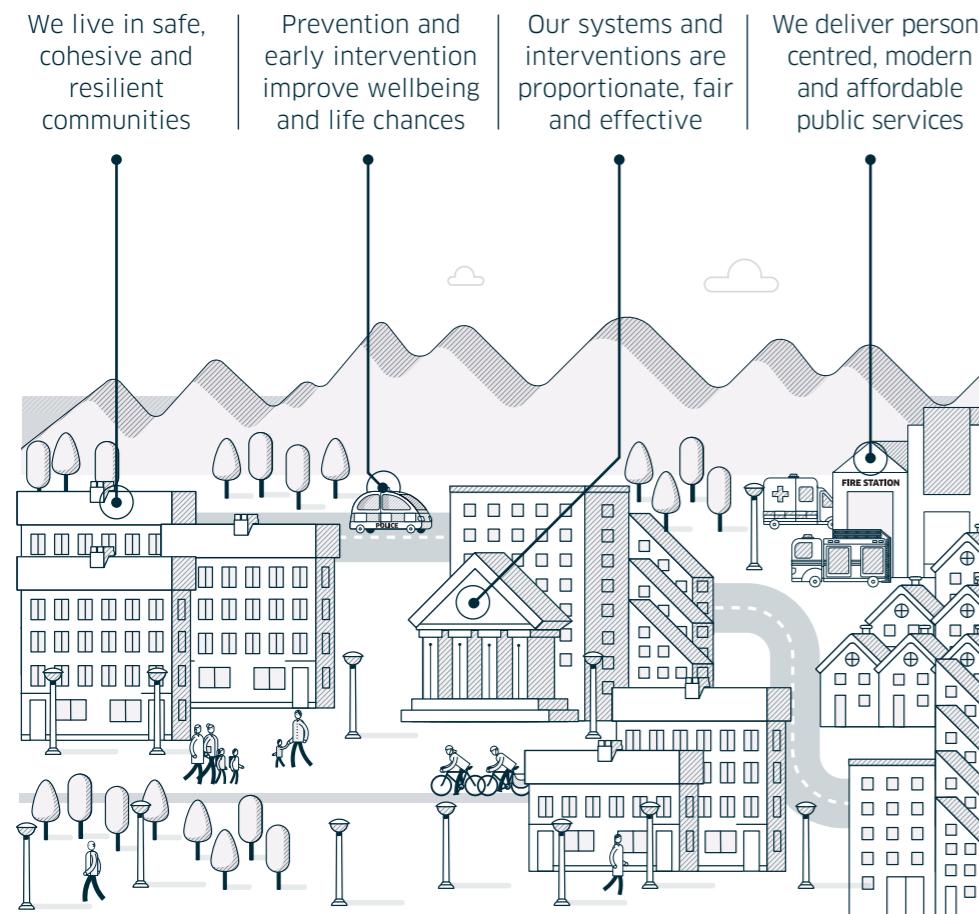
1. We will enable our **communities** to be safe and supportive, where individuals exercise their rights and responsibilities
2. We **enable** our people, economy and infrastructure to respond to major risk, recover from emergencies and adapt to emerging threats
3. We will **modernise** civil and criminal law and the justice system to meet the needs of people in Scotland in the 21st Century
4. We will work with others to improve **health and wellbeing** in justice settings, focusing on mental health and substance use
5. We will work to quickly identify offenders and ensure responses are **proportionate, just, effective and promote rehabilitation**
6. We will improve the experience of **victims and witnesses**, minimising court attendance and supporting them to give best evidence
7. We will use prison only where necessary to address offending or to protect public safety, focusing on **recovery and reintegration**

# Justice in Scotland

## VISION

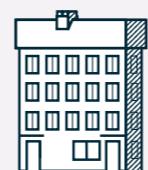
Our vision is for a **safe, just and resilient Scotland**. It is for all those working to keep our communities safe and those who deliver civil, criminal and administrative justice. It builds on the outcomes and approach we set out in the first Strategy for Justice in Scotland in 2012. Drawing on the latest evidence it reflects on recent successes, highlights key challenges for the immediate and longer-term and sets out seven priorities for 2017-2020 to help shape our collective effort, inspire collaboration and frame a shared vision for the future.

## OUTCOMES



## CURRENT PICTURE

**95%**  
of people rate their neighbourhoods as a very or fairly good place to live



**77%**  
of adults felt safe walking alone in their local area after dark



**38%**  
Police Recorded Crime has fallen since 2007-08



**75%**  
strongly agree they could rely on people in the neighbourhood for help



**63%**  
strongly agree they could turn to people in the neighbourhood for advice or support



**79%**  
number of under 18's prosecuted in court has fallen



**76%**  
of adults thought the local crime rate had stayed the same or reduced in 2016/17, up from 65% in 2006

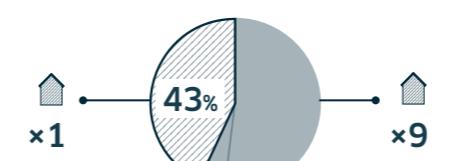


## EMERGING CHALLENGES

**1** **Income and wealth inequality**



Income and wealth inequality are associated with poorer health and social outcomes



The wealthiest **10% of households owned 43% of wealth**. The top 2% alone owned 20% of all personal wealth in Scotland.

**2** **ACE's & their impact on the justice system**



### ACE's: Adverse Childhood Experiences

People who have experienced 4 or more ACEs when compared to another person who has no experience of ACEs are almost:

- ×14** times more likely to have been a victim of violence over the last 12 months
- ×15** times more likely to have committed violence against another person in the last 12 months
- ×20** times more likely to have been incarcerated at any point in their life time

**3** **A further, decisive shift to prevention**



The cost of enforcement outweighs the amount spent by the justice portfolio on prevention and early intervention

**£2.5bn** per annum cost of criminal justice system

**4** **Concentration of crime, victimisation & civil law problems**



Since 2008/09

- (-) the likelihood of being a victim of violent crime has shown no change for those in the most deprived areas
- ↓ **1.3% pts** but has fallen for those living in the rest of Scotland

People living in our most deprived areas are at greater risk of:
 

- being a victim of crime
- civil law problems, including with neighbours, debt and housing
- hospitalisation or death from alcohol or drug related causes
- imprisonment and criminalisation

**5** **Improving people's experience of the justice systems**



Proportion of criminal cases dealt with in 26 weeks has fallen

**74%**  
2008/09

**64%**  
2015/17

**6** **Stubbornly high, though stable, prison population**



Despite falling crime average custodial sentences are rising due to more complex and serious cases

### Number of individuals in prison per 100,000 of population

145	Eng & Wales	84	Switzerland
<b>138</b>	<b>Scotland</b>	77	Rep. of Ireland
134	Portugal	76	Germany
129	Spain	74	Norway
101	France	69	Netherlands
93	Austria	59	Denmark

**ENABLERS:** It is essential that we build the right foundations and create the right conditions to make progress on our priorities.

### Collaborative Leadership



### Partnership Working



### An adaptable and resilient workforce



### Community engagement



### Digital and IT



### Analysis and use of evidence



**7** **Physical & mental health of those in contact with the justice system**

Those who experience imprisonment have a higher relative risk of mortality than the general population

Risk of death  
Risk of suicide

Risk of death  
Risk of suicide

Risk of death  
Risk of suicide

**8** **Cyber threats-crime, security and resilience**

The breadth of crime that could be committed on the internet presents particular challenges to the criminal justice system

**9** **BREXIT and consequences**

Brexit poses a number of challenges in the area of Justice and Home Affairs (JHA). European Law is woven into the fabric of Scottish law



## Brexit

### Summary of key dates:

- 26 June: EU (Withdrawal) Bill received Royal Assent
  - 27 June: JMC (European Negotiations): Ministerial Forum
  - 28-29 June: European Council
  - 5 July: JMC (European Negotiations)
  - w/c 9 July: Publication of UK White Paper
  - 24 July: Supreme Court Hearing re legislative competence of Scottish Continuity Bill
  - October 2018: European Council
  - November 2018: Potential emergency European Council
  - March 2019: UK leaves the EU
  - December 2020: potential date for end of transition period (if agreed)
- 
- **Scotland voted clearly and decisively to remain within the European Union and we have demonstrated that this is the best option for Scotland's future.**
  - **Failing that, our analysis shows that continued membership of the European Single Market and Customs Union is essential for our economy, society and people.**
  - This would secure vital access to the world's biggest, most lucrative marketplace - around eight times the size of the UK alone with over 510 million consumers and further access to markets negotiated by the EU.
  - Being out of the European Single Market or not securing a free trade agreement would see Scotland's GDP around £12.7 billion lower by 2030 than it would be under continued EU membership – equivalent to a loss of £2,300 per year for each person in Scotland.
  - The Scottish Government is protecting what matters and ensuring that the voices of ordinary people living and working in Scotland are heard in the Brexit negotiations.
  - Across Scotland people have told us that they are worried about losing the right to live, work and study where they want across Europe, being able to access medical care when needed and being able to live in safe and inclusive communities.
  - Scotland has a proud history of making its mark on the world and people are concerned that Brexit could see us lose out on funding for vital scientific research or less able to play our part in tackling global issues such as human trafficking and climate change.
  - Business leaders are worried about the impact tariffs could have on trade and the ability to attract workers with the right skills. Consumers are worried about the impact on quality and choices in the supermarket as a result of a poor trade deal which lowers standards.
  - Two years after the EU referendum, the UK Government still can't agree what they want the UK's future relationship with the EU to be.
  - We need urgent clarity from the UK Government on transition and future plans for key areas including migration, agriculture, fisheries and ensuring our laws continue to work.
  - As the terms of reference of the Joint Ministerial Committee on EU Negotiations make clear, all four UK Governments should have oversight of the negotiations to

ensure, as far as possible, that agreed outcomes are secured. This has not happened to date.

- It cannot be right that decisions on the future relationship with the EU are being taken without due regard for consultation across the four Governments of the UK, in direct contradiction to these terms.
- It will be for the Scottish Government to deliver on the outcome of decisions made in these negotiations; therefore our involvement in them is both a matter of principle and practicality.
- Since 1999, under the Sewel Convention the Westminster Parliament will not normally legislate on devolved matters or change the devolution settlement without the consent of the Scottish Parliament. With the passing of the EU (Withdrawal) Act, for the first time in the devolution era the UK Government has proceeded with a Bill without the consent of the Scottish Parliament.
- Under the Act , UK Government Ministers has powers to constrain the Scottish Parliament's powers in key areas – such as farming, fisheries and the environment – for up to seven years without the consent of Holyrood. This is against a fundamental principle of devolution, and the Scottish Parliament voted 93 – 30 against giving legislative consent to the Withdrawal Bill.
- Brexit presents significant implications for the UK's constitutional arrangements. It vital that these implications be worked through in the proper way and in a manner that respects devolution. We need to see a strengthening of devolution and increased joint working to avoid centralisation of decision-making in Whitehall and Westminster.
- The Scottish Parliament voted overwhelmingly in favour of the Continuity Bill. The Lord Advocate will be arguing in the Supreme Court (in July 2018) that it is within the powers of the Scottish Parliament to prepare for the devolved consequences of the UK leaving the EU.
- As we have consistently said, if Brexit occurs, we are not opposed in principle to UK-wide agreements when they are in Scotland's interests, but they must be agreed not imposed. Otherwise, this would mean the UK Government would be able to control what the Scottish Parliament could do in many important devolved areas including farming, fishing, environmental protection, food standards and labeling.
- While we continue to push for remaining within the European Single Market and Customs Union, it makes sense to plan for other scenarios to ensure we protect what matters to the people of Scotland.
- The Government will continue to make responsible preparations for EU withdrawal, however regrettable these are, including drafting necessary legislative measures.
- Scotland did not choose to be in this position, but now has to deal with the consequences. Our preferred option is for the whole of the UK to remain in the EU. Failing that, staying in the European Single Market and Customs Union is the next least bad option to protect jobs, investment and communities across Scotland.
- The potential consequences of Brexit are far reaching and damaging. It is only as the negotiations progress and become more complex that everyone can see just what is at stake. Scotland's voice must be heard and we continue to push to be given real and meaningful input into the negotiations.