



T: 0131- [REDACTED] F: 0131-244  
E: [REDACTED] gov.scot



Our ref: 2017/0039954  
5 December 2017

Dear [REDACTED]

Thank you for your letter of 27 October 2017 to Michael Matheson MSP, Cabinet Secretary for Justice in which you raise concerns in relation to media reports about the case of Robbie McIntosh who recently pled guilty to a charge of attempted murder at the High Court in Glasgow. I have been asked to reply.

As you may appreciate, it is not possible for me to go into the circumstances of specific cases. However, I hope you will be reassured to know that before any prisoner is granted unescorted leave, a rigorous risk assessment is undertaken by the Scottish Prison Service. The risk assessment process involves commission of psychological assessments, social work reports, reports on the individual's response in prison and includes a multi-disciplinary assessment.

A system of home leaves has existed over many years and will only be granted after the prisoner has progressed successfully through the prison system. Home leave is an important part of the reintegration process and allows an individual to be tested on how they adapt to living in the community. For life sentence prisoners, home leave is the final stage in a phased programme of increasing freedoms – these help inform the Parole Board decisions on suitability for release.

[REDACTED]  
Policy Officer

received 10/10/17

[REDACTED]

27th October 2017

Dear Sir, Highlighted in

the "Daily Record"

Newspaper on the 26.10.17

Headlined "Murderer Robbie

McIntosh failed to

Murder another Victim

==

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Dumbbell

D Blundering Idiot

Councillor S. P. Beth

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Cases:

2) blundering schools such  
as the SPS Faldo Board,  
Police & Anguo Council  
gave "highly unethical exercises  
to cover their appalling  
failure to protect the  
local people. You are  
an appalling justice  
Minister as Kenneth O'Shea  
was, you repeatedly keep

4  
blating the crime rate is  
falling "Walt Planet  
are you on" SN Rare not  
like to govern, there is  
not one policy they  
have got right,  
Do it all a favour &  
As Justice Minister you  
should resign ASAP.

Your sincerely

A large, dark, irregular blacked-out area covering the signature and name of the sender.

Rt Hon Nicola Sturgeon MSP  
First Minister of Scotland



Scottish Government  
Riaghaltas na h-Alba  
gov.scot

St Andrew's House, Regent Road, Edinburgh EH1 3DG  
T: 0300 244 4000

[REDACTED]  
By email –  
[REDACTED]

Our ref: 2018/0018165

June 2018

Thank you for your letter of 1 June raising your concerns in connection with how the justice system has dealt with the [REDACTED]

[REDACTED]

In your letter, you ask about people being convicted of murder then being released from custody. I am aware you have met with [REDACTED] Head of Corporate Affairs at Scottish Prison Service who has sought to explain how the sentencing system operates in respect of those convicted of murder.

In Scotland, the system is based on the court determining the period that must be served in custody. There is no upper limit on what this period can be. If in any given case a court considers that the 'punishment part' should extend beyond the expected life expectancy of a person convicted of murder, then the Scottish Government fully supports the court having the powers to make that decision.

A range of factors will go into sentencing decisions made in cases of murder, but clearly where someone is already serving a sentence for murder and they go on to commit a further serious offence, that will be a key factor in determining what the appropriate sentence should be.

I know you are aware from your discussions with [REDACTED] that a Serious Case Review is underway to consider the circumstances of the individual's case including release from custody and supervision. In these circumstances, you will appreciate that I cannot offer a view on events in this case. I fully support the need for a Serious Case Review to examine the circumstances of this case with a view to identifying any areas of practice, management or policy which can be improved to better protect the public.

My officials have been in touch with [REDACTED] at Scottish Prison Service and he continues to be available whenever would be suitable if you have any specific queries to ask. I know you and your family have already met with him but he is very willing to continue to engage with you to help answer any specific queries you have.

[REDACTED]. I do understand why you have raised the questions you have and I hope that the work of the Serious Case Review will help all agencies understand what happened in this case to help reduce the chances of something like this happening again.

I wish you all the very best for the future.

**Nicola Sturgeon**

From: First Minister  
Sent: 05 June 2018 14:04:25  
To: Public Engagement Unit  
Cc: Cabinet Secretary for Justice, [REDACTED]  
[REDACTED] First Minister  
Subject: FW: [REDACTED]

Attachments: Nicola Sturgeon010618 (1).pdf

Please amend, the FM has now requested the letter issue in her name. Please treat as urgent

Thanks  
[REDACTED]

-----Original Message-----

From: First Minister  
Sent: 01 June 2018 14:48  
To: Public Engagement Unit  
Cc: Cabinet Secretary for Justice, [REDACTED] First Minister FMQs; McFarlane J (John); First Minister  
Subject: FW: Linda McDonald

MACCS case, please for MR from the relevant portfolio Minister. Please treat as urgent.

Thanks

[REDACTED]  
Office of the First Minister  
Scottish Government  
5TH floor/St Andrews House/Regent Road  
Edinburgh EH1 3DG  
Tel 0131-244 [REDACTED]

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Rùnaire a' Chabinnell airson Ceartais  
Cabinet Secretary for Justice  
Humza Yousaf BPA/MSP



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E: [scottish.ministers@gov.scot](mailto:scottish.ministers@gov.scot)

Mr Joe FitzPatrick MSP  
The Scottish Parliament  
EDINBURGH  
EH99 1SP

Email: [Joe.FitzPatrick.msp@parliament.scot](mailto:Joe.FitzPatrick.msp@parliament.scot)

Ur faidhle/Your ref: CRM:0210689  
Ar faidhle/Our ref: 2018/0034838  
27 October 2018

*Dear Joe,*

Thank you for your correspondence of 8 October, [REDACTED]

As you are aware, the Scottish Prison Service (SPS) conducted an internal incident review which considered all stages of Robbie McIntosh's progression and risk assessments undertaken to ensure any lessons from this case are learned. This report was shared with the Tayside MAPPA Strategic Oversight Group who are currently undertaking a significant case review of the circumstances of this case. This review has been commissioned by Angus Council on behalf of the Angus Protecting People Chief Officers Group following a recommendation from the Tayside MAPPA Strategic Oversight Group.

I understand that the review is progressing well and, [REDACTED], the reviewer is aiming to complete a full draft report before the end of the year. The report will then be circulated to relevant partner agencies for factual accuracy checking and discussion at the above named Groups. You will appreciate that given the variables involved, at this stage, the Council is not able to give any firm assurances on timescales for publication.

As we await the outcome of the Review, I want to provide reassurance [REDACTED] that we will ensure that any lessons that need to be are learned and implemented by all the relevant agencies required.

Tha Ministearan na h-Alba, an luchd-comhairleachaidh sònraichte agus an Rùnaire  
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[REDACTED]

Ensuring the voices of victims and their families are heard throughout the justice system is a top priority for me. I hope this information is helpful.

*Best Wishes*  
*H. Yousaf*  
HUMZA YOUSAF



From: [REDACTED]  
Sent: 09 October 2018 10:54:17  
To: Public Engagement Unit  
Cc: Cabinet Secretary for Justice, [REDACTED]  
Subject: FW: [REDACTED] Robert  
McIntosh CRM:0210689

Attachments: [REDACTED]

Hi PEU,

Please see below email and attached letter, grateful if this could go on MACCS as an MR from Mr Yousaf to Mr Fitzpatrick and if this could be fast tracked please (due to time sensitive nature).

Copied to [REDACTED] who will either be the AO or able to point you in the right direction of who should be.

Thanks,  
[REDACTED]

[REDACTED] Deputy Private Secretary  
Office of Humza Yousaf, Cabinet Secretary for Justice

Scottish Government, Room 1W.11, St Andrew's House, Regent Road, Edinburgh,  
EH1 3DG 1 0131 244 [REDACTED] CabSecJustice@gov.scot 1  
www.gov.scot<http://www.gov.scot/> 1

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From: FitzPatrick J (Joe), MSP <Joe.FitzPatrick.msp@parliament.scot>  
Sent: 08 October 2018 16:53  
To: Cabinet Secretary for Justice <CabSecJustice@gov.scot>  
Subject: [REDACTED] Robert McIntosh  
CRM:0210689

Good Afternoon Cabinet Secretary,

As you will be aware, my constituent [REDACTED] is the victim of attempted murder by Robert McIntosh, who it is understood was a prisoner at HMP Castle Huntly and out on Home Detention Curfew at the time. [REDACTED]

The Scottish Prison Service conducted a Critical Incident Review (as yet unpublished) and subsequently the Tayside MAPPA Strategic Oversight Group has instructed an

external Significant Case Review. I understand that this is progressing, with an external reviewer having been appointed in recent months. [REDACTED]

[REDACTED]

I would be very grateful for your advice on the SPS' Critical Incident Review, the MAPPA Significant Case Review, as well as on [REDACTED]

Thank you,

Joe FitzPatrick MSP (Dundee City West)  
a: 37 Dock Street, Dundee, DD1 3DR  
t: 01382 843244  
w: joe.fitzpatrick.scot

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Rt Hon Nicola Sturgeon MSP  
First Minister of Scotland



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St Andrew's House, Regent Road, Edinburgh EH1 3DG  
T: 0300 244 4000

[REDACTED]  
Email: [REDACTED]

Our ref: 2018/0041164  
20 January 2019

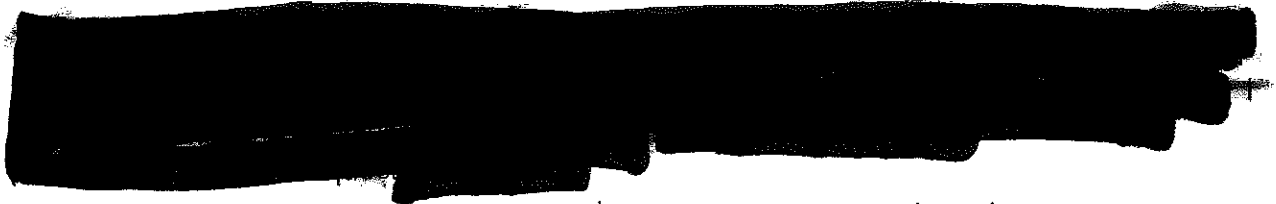
[REDACTED]  
Thank you for your further correspondence of 21 November 2018 regarding the outcomes of the Significant Case Review into the circumstances of the case of Robbie McIntosh.

[REDACTED]  
As I have said previously, I support the ongoing review and if there are identified lessons to be learned, I want to ensure they are taken fully into account and implemented into future practice. It is critical that we reduce the chances of something like this happening again.

Specifically with regard to the Significant Case Review, I understand that an initial draft report has now been shared with partners for factual accuracy checking purposes. As you may be aware, this is part of the process prior to a final report being presented by the independent reviewer. The report will then be formally considered by the Tayside MAPPA Strategic Oversight Group and the Angus Protecting People Chief Officers Group. Following this, further decisions about the report, including in relation to publication, will be made on a multi-agency basis by local partners. At this stage, Angus Council are unable to confirm when the final report will be published.

[REDACTED]  
If you have any questions in relation to the Significant Case Review, or the timeline associated with it, I would encourage you to contact Tayside MAPPA at [mappa@dundee.city.gcsx.gov.uk](mailto:mappa@dundee.city.gcsx.gov.uk) who will be able to provide you with more detail.

With regard to the Critical Incident Review conducted by the Scottish Prison Service following the tragic events last year, an Overview Report of this review was passed to the MAPPA Strategic Oversight Group Chair and has been made available to the independent reviewer to inform the Significant Case Review.



Again, please don't hesitate to contact me  
at any time. ~~XXXXXXXXXXXXXXXXXXXX~~  
~~XXXXXXXXXXXXXXXXXXXX~~ for further, Nicola

NICOLA STURGEON

From: [REDACTED]  
Sent: 22 November 2018 10:54:28  
To: Public Engagement Unit  
Cc: First Minister, [REDACTED] Cabinet Secretary for Justice  
Subject: FW: Letter from the PM

MACCS case please for MR for the FM's signature. Previous MACCS case 2018/0018165 refers.

Thanks

[REDACTED]  
Office of the First Minister  
Scottish Government  
5TH floor/St Andrews House/Regent Road  
Edinburgh EH1 3DG  
Tel 0131-244-[REDACTED]

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Cabinet Secretary for Justice  
Humza Yousaf BPA/MSP



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E: scottish.ministers@gov.scot

Joe FitzPatrick MSP  
The Scottish Parliament  
Edinburgh  
EH99 1SP

Ar faidhle/Our ref: 2018/0042229  
10 December 2018

*Dear Joe,*

Thank you for your office's correspondence of 27 November requesting a meeting with yourself [REDACTED]

I have noted from the correspondence that [REDACTED] would like to discuss the Significant Case Review which is currently being undertaken by Tayside MAPPA Strategic Oversight Group and Angus Council; the Scottish Prison Service's Critical Incident Review; and the recent suspension of Home Detention Curfew (HDC) for violent offenders.

With regard to the Significant Case Review in particular, I understand this is progressing well and that an initial draft of a report has now been made available to partners for factual accuracy checking purposes. As I am sure you will appreciate, this is part of the process before the final report is complete. Given the variables involved, Angus Council is not able to give any firm assurances on timescales.

I note [REDACTED] would like to discuss the outcomes of the Scottish Prison Service's Critical Incident Review carried out following the tragic events last year. An Overview Report of this review was passed to the MAPPA Strategic Oversight Group Chair and has been made available to the independent reviewer to inform the Significant Case Review.

At this stage, I would not be able to offer any comment on the outcome of the Significant Case Review. However, instead, I would be happy to organise a meeting with you and [REDACTED] once the review has been published to ensure we get the most out of our discussion.

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I look forward to meeting with you.

Best Wishes,  
H. Yousef  
HUMZA YOUSAF

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Maireannach fo chumhachan Achd Coiteachaidh (Alba) 2016. Faicibh [www.lobbying.scot](http://www.lobbying.scot)  
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From: [REDACTED]  
Sent: 27 November 2018 14:55:13  
To: Public Engagement Unit  
Cc: Cabinet Secretary for Justice  
Subject: FW: Meeting Request - Joe FitzPatrick MSP/Linda McDonald

Diary - AO - [REDACTED]

Grateful to go on MACCS for advice and reply.

Thanks,  
Matthew

[REDACTED] 1 Assistant Private Secretary  
Office of Humza Yousaf, Cabinet Secretary for Justice

Scottish Government, Room 1W.11, St Andrew's House, Regent Road, Edinburgh,  
EH1 3DG | 0131 244 [REDACTED]  
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[REDACTED]  
<[REDACTED]@parliament.scot<mailto:[REDACTED]@parliament.scot>>  
Sent: 27 November 2018 14:53  
To: Cabinet Secretary for Justice  
<CabSecJustice@gov.scot<mailto:CabSecJustice@gov.scot>>  
Subject: Meeting Request - Joe FitzPatrick MSP/Linda McDonald

Good Afternoon,

I understand that Mr FitzPatrick has briefly discussed with Mr Yousaf in passing the possibility of arranging a meeting with [REDACTED]

[REDACTED] by Robbie McIntosh, a prisoner understood to have been on Home Detention Curfew (HDC) at the time. We understand that a MAPPA Significant Case Review (SCR) is being carried out for Angus Council at this time.

Mr FitzPatrick is hopeful that a meeting might be arranged as soon as possible, and if it was helpful to Mr Yousaf he would be pleased to host it at his office in Dundee City Centre.

I understand that [REDACTED] hopes to discuss the SCR, as well as the Scottish Prison Service's Critical Incident Review. [REDACTED] has also raised the issue of the recent suspension of HDC for violent offenders.

Thank you,  
[REDACTED]

Office of Joe FitzPatrick MSP (Dundee City West)

a: 37 Dock Street, Dundee, DD1 3DR

t: 01382 843244

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