

*Any correspondence (including emails, attachments, typed or handwritten notes, letters, notes/records of phone calls, texts or instant messages, minutes of meetings, briefings or otherwise) between Peter Malek, Justice Analytical Services and (i) Scottish Government ministers, (ii) special advisers, (iii) officials, (iv) press officers or (v) other civil servants, on the subject of the publication “Extended Presumption Against Short Sentences – Monitoring Information July 2019 – December 2019” OR the Scottish Government press release/media plan for those statistics.*

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**From:** [redacted]  
**Sent:** 14 February 2020 10:03  
**To:** [redacted]  
**Subject:** RE: APS form

[redacted], are you working today? can I phone you? **[not in scope]**

**From:** [redacted]  
**Sent:** 14 February 2020 09:30  
**To:** [redacted]  
**Subject:** Re: APS form

Thanks [redacted],

There's only one link to the Excel sheets now. It's the same as [redacted] so they must be able to do it.

See you Monday.

[redacted]

**From:** [redacted]  
**Sent:** Friday, 14 February 2020 09:05  
**To:** [redacted]  
**Cc:** [redacted]; [redacted]  
**Subject:** RE: APS form

Hi [redacted]

Thanks for this – all with APS now.

[redacted] is going to let me know about the links to tables by COP on Monday. She said she's still waiting for their Digital Media team to let her know if it is doable... ☺  
Fingers crossed!!

[redacted], [redacted] – we should get a cost estimate for this on Monday.

Cheers

[redacted]

**From:** [redacted]  
**Sent:** 13 February 2020 16:51  
**To:** [redacted]  
**Subject:** RE: APS form

Hi [redacted],

I've attached the final version of this bulletin and the Excel sheets which go with it. I've left the tables in the word document as well.

I've said this in the word document:

The background data for the charts in this bulletin are available in the additional datasets accompanying the bulletin.

But, I'm not sure how to insert a link to the sheets – will APS do that themselves?

Give me a shout tomorrow morning if you need anything else.

Thanks for your help,

**From:** [redacted]  
**Sent:** 13 February 2020 14:02  
**To:** [redacted]  
**Subject:** RE: APS form

Awesome – thank you!!

[redacted]

**From:** [redacted]  
**Sent:** 13 February 2020 13:37  
**To:** [redacted]  
**Subject:** RE: APS form

Hi [redacted],

I've filled in the bits of the form I can. I'm waiting to see if Policy/[redacted] have any final comments today and then it will be ready to go later this afternoon or first thing tomorrow?

Give me a shout if I need to do anything else.

Thanks,

**From:** [redacted]  
**Sent:** 13 February 2020 13:21  
**To:** [redacted]  
**Cc:** [redacted]  
**Subject:** APS form

Hi [redacted]

Would you be ok to complete the attached web-publishing form so I can get a job raised with the APS, please? Give me a shout in case of any problems/questions.

Cheers

[redacted]

**From:** [redacted]  
**Sent:** 17 February 2020 14:10  
**To:** [redacted]  
**Subject:** PDF PROOF 1 - SCT0220110108

Hi [redacted],

I have attached the first proof of your doc from APS. Please let me know if there are any further changes or if you are otherwise happy to proceed with this version.

Cheers

[redacted]

**From:** [redacted]  
**Sent:** Wednesday, 19 February 2020 08:53  
**To:** [redacted]  
**Subject:** RE: PDF PROOF 1 - SCT0220110108

Hi [redacted]

**[not in scope]** APS just got back to me saying their digital media cannot link excel spreadsheets (excel formatted files don't have their own URLs).

They do suggest placing a statement in the document about where to find these supporting files, which has already been added. This sentence could be altered so that it stands out more, i.e bold text etc. What do you think?

Cheers

[redacted]

**From:** [redacted]  
**Sent:** 18 February 2020 18:56  
**To:** [redacted]  
**Subject:** RE: PDF PROOF 1 - SCT0220110108

Hi [redacted],

Just making the final changes and then I'll read it again and forward it along with the supporting files – sorry it's taken a bit longer than expected!

**[not in scope]**

**From:** [redacted]  
**Sent:** 18 February 2020 18:52  
**To:** [redacted]  
**Subject:** RE: PDF PROOF 1 - SCT0220110108

Hi [redacted]

Cool – cheers ☺ can you send me the final version of tables (supporting files) as well, please?

Thank you!!  
**[redacted]**

**From:** [redacted]  
**Sent:** 18 February 2020 16:35  
**To:** [redacted]  
**Subject:** Re: PDF PROOF 1 - SCT0220110108

Hi [redacted],

On the bus home at the moment, there are a couple of small changes from the handling meeting. I'll make those when I get home and send them on.

Thanks,

**[redacted]**

**From:** [redacted] ( [redacted])  
**Sent:** Tuesday, 18 February 2020 12:22  
**To:** [redacted] ( [redacted])r  
**Subject:** RE: PDF PROOF 1 - SCT0220110108

Hi [redacted],

I've made the changes we talked about earlier to the version of the bulletin attached. I'll let you know if there any others to be made following the handling meeting.

We also need APS to provide a link to the excel worksheets in the sentence at the end of page 3.

Thanks you!

**From:** [redacted]  
**Sent:** 20 February 2020 12:37  
**To:** [redacted]  
**Subject:** RE: PASS submission to Cab sec

YAY! :D

**From:** [redacted]  
**Sent:** 20 February 2020 12:32  
**To:** [redacted]  
**Subject:** RE: PASS submission to Cab sec

Thanks [redacted],

I'm happy with that

**From:** [redacted]  
**Sent:** 20 February 2020 12:12  
**To:** [redacted]  
**Subject:** RE: PASS submission to Cab sec

Hi [redacted]

Could you check the revised version, please?

Cheers

[redacted]

**From:** [redacted]  
**Sent:** 24 February 2020 10:11  
**To:** [redacted]  
**Subject:** FW: SG WEB REGISTRATION FORM - SCT0220110108 - Extended Presumption Against Short Sentences – Monitoring Information July 2019 – December 2019

Hi [redacted]

Use my login/details:

[redacted]  
Thanks

[redacted]

**From:** [redacted]  
**Sent:** 20 February 2020 16:59  
**To:** [redacted]

**Subject:** FW: SG WEB REGISTRATION FORM - SCT0220110108 - Extended Presumption Against Short Sentences – Monitoring Information July 2019 – December 2019

Hi **[redacted]**

Last thing to do – could you please register your publication by following the link - **[redacted]**, please? If this is the first time you are accessing the web registration site or if your password has expired, you will need to request a new password here: **[redacted]**

Any probs give me a shout 😊

Cheers

**[redacted]**

Btw – we need to do this by noon on 24/2. Also, APS told me The link for your report will be **[redacted]**

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**From:** [redacted]

**Sent:** 12 November 2019 17:16

**To:** [redacted]

**Cc:** [redacted]; Head of Justice Analytical Services; [redacted]

**Subject:** RE: Statistics for monitoring the implementation of the presumption against custodial sentences under 12 months

Hi [redacted]

Yes, it's probably worth meeting to talk through this. Some thoughts and questions:

- [exempt under S.30(b)(i)]

Happy for you to set up a meeting if helpful.

Thanks

[redacted]

**From:** [redacted]

**Sent:** 12 November 2019 12:43

**To:** [redacted]

**Cc:** [redacted]; Head of Justice Analytical Services

**Subject:** Statistics for monitoring the implementation of the presumption against custodial sentences under 12 months

Hi [redacted],

I know that Amy has spoken to you briefly about this but I thought I would fill in some of the details and ask for some advice please?

The presumption against custodial sentences of less than 12 months was implemented in July of this year. There is considerable interest in what effects (if any) this presumption will have. We have been asked by policy colleagues and various stakeholders to report on types and lengths of sentences used broken down by various demographic characteristics but by gender and local authority in the first instance.

This information will be available in the National Statistics Criminal Proceedings bulletin which we publish but because of the timings, initial data (July 19 – Mar 21) will not be published until late 2020 at the earliest. It will be late 2021 before we could report on the first full year post implantation. We really need to be able

SCTS hold the data required to report on the implementation in their management information system but do not have the resources required to process or analyse the data. They agreed (through a data sharing agreement) to supply the data to us on a monthly basis.

So, we have analysed the data and plan to publish monthly updates of the number of individuals receiving each type of sentence and the lengths of custodial sentences. When numbers allow we would plan to also publish sub-set analysis by the demographic variables outlines above.

These results will be similar to but are unlikely to exactly match the criminal proceedings bulletin as the data has been processed in a different way and also the data can change on monthly basis.

We are unsure as to how to proceed with publication. **[exempt under S.30(b)(i)]** but would really appreciate your input what badging/pre-release procedures are appropriate in this situation. I'd be happy to meet and talk you through what we would like to publish and how we got to this stage if that would be helpful?

Thanks very much,

**[redacted]**



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**From:** [redacted]

**Sent:** 19 February 2020 11:50

**To:** [redacted]; [redacted]; Rennick NS (Neil) <Neil.Rennick@gov.scot>; [redacted]; [redacted]; [redacted]; [redacted]

**Subject:** RE: PASS official statistics handling meeting - pre release access - restricted until 9:30am  
Tuesday 25 February 2020

Yes, I think it would be fine to indicate that only a limited number of cases will have been (technically) subject to PASS at this stage. And given the length of time it takes for cases to go through the system, it'll be a while before we have a full picture of possible impacts.

[redacted]

**From:** [redacted]

**Sent:** 19 February 2020 11:20

**To:** [redacted]; Rennick NS (Neil) <Neil.Rennick@gov.scot>; [redacted]; [redacted]; [redacted]; [redacted]; [redacted]

**Subject:** RE: PASS official statistics handling meeting - pre release access - restricted until 9:30am  
Tuesday 25 February 2020

As Scance will have to be finalised before the stats are published, this would be a point in the note that is commenting on publication rather than the findings though it may be possible if JAS are content to indicate that it early stage of monitoring so findings will be limited.

We could perhaps have a couple of points solely for Cab Sec that he can use once the stats are published but we can't include that in the prison scance as subject to pre-release.

[redacted]

**From:** [redacted]

**Sent:** 19 February 2020 08:21

**To:** Rennick NS (Neil) <Neil.Rennick@gov.scot>; [redacted]; [redacted]; [redacted]; [redacted]; [redacted]; [redacted]

**Subject:** Re: PASS official statistics handling meeting - pre release access - restricted until 9:30am  
Tuesday 25 February 2020

Thanks Neil.

**From:** Rennick NS (Neil)  
**Sent:** Wednesday, 19 February 2020 07:45  
**To:** [redacted]; [redacted]; [redacted]; [redacted]; [redacted]; [redacted]; [redacted]  
**Subject:** RE: PASS official statistics handling meeting - pre release access - restricted until 9:30am  
Tuesday 25 February 2020

[redacted]

Thanks. The submission looks good. Ratehr than a separate Scance, we could combine the Scance on this with the standing item on the prison population.

Neil

**From:** [redacted]  
**Sent:** 18 February 2020 20:01  
**To:** [redacted]; [redacted]; [redacted]; Rennick NS (Neil) <Neil.Rennick@gov.scot>; [redacted]; [redacted]; [redacted]  
**Subject:** RE: PASS official statistics handling meeting - pre release access - restricted until 9:30am  
Tuesday 25 February 2020

All,

Please see an updated ministerial briefing. This includes changes to the wording of the key finding to reflect changes made to the bulletin key findings (specifically to clarify time periods) and also a section on handling.

I think I've captured the actions on handling but apologies if I've missed anything. Do we need to confirm any SCANCE notes at this time?

I would like to send this up tomorrow sometime so please let me know if you have any additions.

Thanks again,

[redacted]

**From:** [redacted]  
**Sent:** 19 February 2020 09:50  
**To:** [redacted]; [redacted]; [redacted]; [redacted]; [redacted]; [redacted]; [redacted]  
**Subject:** RE: PASS official statistics handling meeting - pre release access - restricted until 9:30am  
Tuesday 25 February 2020

Thanks all – have amalgamated below comments in the attached draft.

# Statistical News Release

25 February 2020

## Data on effects of Presumption Against Short Sentences An Official Statistics Publication for Scotland.

Initial monitoring information on the effects of the presumption against short sentences of 12 months or less (PASS) has been published by Scotland's Chief Statistician.

Extended Presumption Against Short Sentences - Monitoring Information covers all charges disposed of in Scotland's courts from 1 July 2019 to 31 December 2019, with additional data from April 2017 added to give context to any changes.

This initial bulletin covers the first six months of the presumption and gives initial indications of how the presumption is currently working and may develop in the future.

Due to the time between an offence being committed and disposed of in court, this publication includes relatively few offences that are subject to the presumption.

The information presented shows:

- Numbers of community disposals reached their highest level (since April 2017) in October 2019, when 1,841 (24%) of all disposals were community orders
- Numbers of custodial disposals have been falling since April 2019 and reached a low in November/December 2019
- The decrease in overall numbers of custodial disposals has been driven by a decrease in custodial disposals given to males
- In November and December of 2019, the number of custodial sentences given for a period of 12 months or less was around 665, the lowest value since April 2017
- The proportion of all disposals accounted for by custodial sentences of 12 months or less has fallen from 12.8% in April 2019 to 9.5% in November 2019

### Background

Read the [full statistical publication](#). [LINK]

The presumption against short sentences (PASS) was extended from three months or less to twelve months or less by the Presumption Against Short Periods of Imprisonment (Scotland) Order 2019. The presumption applies to all offences committed on or after 4 July 2019.

National Statistics show that those released from a short prison sentence of 12 months or less are reconvicted nearly twice as often than those sentenced to serve community payback orders (CPOs). Extending the presumption against short prison sentences should encourage greater use of community interventions and help break cycles of reoffending.

The Scottish Courts and Tribunals Service (SCTS) have supplied data on offences disposed of in court to allow the Scottish Government to monitor the effects of PASS. These data will be available until such time as the National Statistics [Criminal Proceedings](#) bulletin can be used to monitor the extended presumption.

**From:** [redacted]

**Sent:** 19 February 2020 08:41

**To:** [redacted]; [redacted]; [redacted]; [redacted]; Rennick NS (Neil) <Neil.Rennick@gov.scot>; [redacted]; [redacted]

**Subject:** RE: PASS official statistics handling meeting - pre release access - restricted until 9:30am  
Tuesday 25 February 2020

I'm content though I'd possibly change 'sentences' to interventions as there may be greater use of diversion and SDS for example which are not a sentence as such. It's the final line.

[redacted]

**From:** [redacted]

**Sent:** 19 February 2020 08:20

**To:** [redacted] ; [redacted] ; [redacted] ; [redacted] ; Rennick NS (Neil) <Neil.Rennick@gov.scot>; [redacted] ; [redacted]

**Subject:** Re: PASS official statistics handling meeting - pre release access - restricted until 9:30am  
Tuesday 25 February 2020

Thanks [redacted] ,

Happy with that, assuming policy colleagues are happy we'll go with that.

[redacted]

**From:** [redacted]

**Sent:** Tuesday, 18 February 2020 23:39

**To:** [redacted]; [redacted]; [redacted]; [redacted]; Rennick NS (Neil); [redacted]; [redacted]

**Subject:** RE: PASS official statistics handling meeting - pre release access - restricted until 9:30am  
Tuesday 25 February 2020

Thanks [redacted], [redacted],

Looks good w the intro clearer about what is being presented.

Just one thought is on the community-v-custody line; I'd be tempted to stick with the cleared wording of the ministerial release for the source *Reconvictions* bulletin of last June, which stated that:

*The National Statistics also showed that those released from a short prison sentence of 12 months or less were reconvicted nearly twice as often than those sentenced to serve community payback orders (CPOs), the most commonly used community sentence.*

Weaving that into your existing par, it might then read as follows:

Evidence suggests community sentences are **twice as more** effective **as than** short custodial **sentences** at **supporting** reducing re-offending-, **with National Statistics showing that those released from a short prison sentence of 12 months or less are reconvicted nearly twice as often than those sentenced to serve community payback orders (CPOs)**. Extending the presumption against short prison sentences should encourage greater use of community sentences and help break cycles of reoffending.

Or perhaps more simply:

**National Statistics show that those released from a short prison sentence of 12 months or less are reconvicted nearly twice as often than those sentenced to serve community payback orders (CPOs)**. Extending the presumption against short prison sentences should encourage greater use of community sentences and help break cycles of reoffending.

[redacted]

**From:** [redacted]

**Sent:** 18 February 2020 19:46

**To:** [redacted]; [redacted]; [redacted]; Rennick NS (Neil) <[Neil.Rennick@gov.scot](mailto:Neil.Rennick@gov.scot)>; [redacted]; [redacted]; [redacted]

**Subject:** RE: PASS official statistics handling meeting - pre release access - restricted until 9:30am  
Tuesday 25 February 2020

Thanks [redacted],

I'm happy with those changes.

The line on community sentences being twice as effective as custodial sentences fits with what we have in reconviction stats but I'll let policy colleagues confirm if that's the line they would usually use.

I've also tweaked the results section a little to reflect some of the points raised this afternoon relating to time periods, the results don't materially change.

Happy to discuss any further changes tomorrow.

**From:** [redacted]

**Sent:** 18 February 2020 17:15

**To:** [redacted]; [redacted]; [redacted]; Rennick NS (Neil) <[Neil.Rennick@gov.scot](mailto:Neil.Rennick@gov.scot)>; [redacted]; [redacted]; [redacted]

**Subject:** RE: PASS official statistics handling meeting - pre release access - restricted until 9:30am  
Tuesday 25 February 2020

Hi [redacted],

As discussed during the pre-release meeting, a few amends tracked in the document attached to the stats news release in line with house style. I have broken up the top

section somewhat to aim to keep to the brief of every sentence being immediately understandable to someone with no specialist knowledge of the subject, and removed some full stops on bullets and rearranged sub-head as per house style.

[redacted] may have a view on the updated draft - grateful for a quick check to ensure the updated lines within remain factually accurate.

Given the stats release is going out we are planning some form of ministerial release along the lines that were discussed during the meeting. We will be in touch with a draft of this tomorrow.

Many thanks,  
[redacted]

**From:** [redacted]

**Sent:** 18 February 2020 10:01

**To:** [redacted]; [redacted]; Rennick NS (Neil) <Neil.Rennick@gov.scot>; [redacted]; [redacted]; [redacted]; [redacted]

**Subject:** PASS official statistics handling meeting - pre release access - restricted until 9:30am  
Tuesday 25 February 2020

All,

Please see the attached minute to alert the Cabinet Secretary to the publication of Extended Presumption Against Short Sentences – Monitoring Information July 2019 – December 2019 and to provide pre-release access under the rules as set out in the Pre-release Access to Official Statistics (Scotland) Order 2008 (this will be sent to the wider copy list tomorrow).

Please also find attached the final version of this bulletin and a draft statistics news release for consideration at this afternoon's handling meeting.

**As these statistics are restricted until their public release on Tuesday 25 February 2020, please note that these must not be circulated or forwarded to anyone not on the circulation list for this e-mail without prior consent.**

Thanks,

[redacted]

**From:** [redacted]

**Sent:** 25 February 2020 08:38

**To:** Cabinet Secretary for Justice <CabSecJustice@gov.scot>; [redacted]

**Cc:** Minister for Community Safety <MinisterCS@gov.scot>; Lord Advocate <LordAdvocate@gov.scot>; [redacted]; DG Education, Communities & Justice <DGECJ@gov.scot>; Rennick NS (Neil) <Neil.Rennick@gov.scot>; Russell GE (Gillian) <Gillian.Russell@gov.scot>; [redacted]; MacKinnon D (Donna) <Donna.MacKinnon@gov.scot>; [redacted]; [redacted]; [redacted]; [redacted]; Head of Justice Analytical Services <headofjas@gov.scot>; [redacted]; [redacted]; [redacted]; Halliday R (Roger) <Roger.Halliday@gov.scot>; [redacted]; [redacted]; McFarlane J (John) <John.McFarlane@gov.scot>; David.Harvie@copfs.gov.uk

**Subject:** RE: Official Statistics: Extended Presumption against Short Sentences - monitoring information July 2019 to December 2019 (Restricted)

**[exempt under S.30(b)(i)]** – to see the below final version of our Ministerial release which will issue alongside the statistical release at 0930 this morning.

*Statistical release:*

*Ministerial release:*

## **Drop in use of short prison sentences**

**First data published since statutory presumption was extended.**

Statistics showing a drop in the use of short prison sentences of 12 months or less in the second half of 2019 have been welcomed by Justice Secretary Humza Yousaf.

The proportion of all court disposals which are prison sentences of 12 months or less fell from 12.8% in April to 9.5% in November according to the first data published since the statutory presumption against short sentences was extended.

While only a small number of offences that would be subject to the extended presumption have been disposed by the courts in the period covered by the publication, future publications will provide more detailed analysis.

Justice Secretary Humza Yousaf said:

“Although very early days, we are beginning to see a modest reduction in our prison population. This data suggests our penal reforms are having a positive impact - reducing the number of short custodial sentences and encouraging the use of more effective community disposals – although it is too early to directly attribute changes in sentencing to the extended presumption.

“Custody remains the right place for those who commit the most serious crimes and who clearly pose a risk of harm to the public and I want to ensure Scotland’s hard-working prison workers have the capacity to focus on work to

rehabilitate these individuals. That requires fewer people to be caught in the revolving door of short-term prison sentences, which benefits no-one.

“Short sentences disrupt many of the things we know are most likely to help reduce reoffending such as housing, employment, family relationships and access to health care and support. People undertaking community sentences have told me directly of the positive impact it is having in helping them to turn their lives around and to contribute to their families and to society.

“I value the work of Scotland’s community justice teams whose dedicated approach, including over the winter months, helps ensure reconviction rates remain at a record low. Our draft budget includes increased investment, now at more than £117 million, to bolster community justice services – driving improvement and building on the impact of our sustained focus on effective interventions.”

### **Background**

Scotland’s Chief Statistician today published Extended Presumption Against Short Sentences – Monitoring Information July 2019 – December 2019 [[LINK TO STATS NR](#)], which gives initial indications of how the extended presumption against short sentences is currently working and may develop in the future.. The full statistical bulletin can be found here [[LINK TO BULLETIN](#)].

Data was published on all disposals in Scottish Courts from April 2017 to December 2019.

The presumption against short sentences of 12 months or less took effect for cases where the offence was committed from 4 July 2019. Due to the average time it takes for cases to be processed by courts, a limited number that fall under the presumption have been disposed of by courts at this time. Further, more detailed analysis by other related factors (e.g. court type, offence aggravators) will be available as more offences subject to the presumption make their way through the courts.

National Statistics show that those released from a short prison sentence of 12 months or less are reconvicted nearly twice as often than those sentenced to serve community payback orders (CPOs). Extending the presumption against short prison sentences should encourage greater use of community interventions and help break cycles of reoffending.

The draft Scottish Budget for 2020-21 increases investment in community justice services to more than £117 million, which is an increase of over £6.5 million. Action is being taken, including through the National Community Justice Leadership Group, to drive improvement to provision of community justice services.

**##ENDS##**

Many thanks,  
**[redacted]**



**From:** [redacted]

**Sent:** 20 February 2020 12:06

**To:** Cabinet Secretary for Justice <CabSecJustice@gov.scot>; Minister for Community Safety <MinisterCS@gov.scot>; Lord Advocate <LordAdvocate@gov.scot>; DG Education, Communities & Justice <DGECJ@gov.scot>; Rennick NS (Neil) <Neil.Rennick@gov.scot>; Russell GE (Gillian) <Gillian.Russell@gov.scot>; [redacted]; MacKinnon D (Donna) <Donna.MacKinnon@gov.scot>; [redacted]; [redacted]; [redacted]; [redacted]; Head of Justice Analytical Services <headofjas@gov.scot>; [redacted]; [redacted]; [redacted]; Halliday R (Roger) <Roger.Halliday@gov.scot>; [redacted] ; [redacted] ; [redacted] ; [redacted]; McFarlane J (John) <John.McFarlane@gov.scot>; dfraser@scotcourts.gov.uk; [redacted] ; [redacted] ; [redacted] ; [redacted] ; Sheriff Duff A <sheriffaduff@scotcourts.gov.uk>; [redacted] ; David.Harvie@copfs.gov.uk

**Subject:** RE: Official Statistics: Extended Presumption against Short Sentences - monitoring information July 2019 to December 2019 (Restricted)

Thanks [redacted],

We'll discuss this with policy and comms colleagues to ensure we have an appropriate approach which focusses on the emerging positive evidence whilst taking into account the limited number of cases which have been subject to the presumption.

[redacted]

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**From:** [redacted] **On Behalf Of** Cabinet Secretary for Justice

**Sent:** 24 February 2020 07:39

**To:** [redacted]; Cabinet Secretary for Justice <CabSecJustice@gov.scot>

**Cc:** Minister for Community Safety <MinisterCS@gov.scot>; Lord Advocate <LordAdvocate@gov.scot>; [redacted]; DG Education, Communities & Justice <DGECJ@gov.scot>; Rennick NS (Neil) <Neil.Rennick@gov.scot>; Russell GE (Gillian) <Gillian.Russell@gov.scot>; [redacted]; MacKinnon D (Donna) <Donna.MacKinnon@gov.scot>; [redacted]; [redacted]; [redacted]; [redacted]; Head of Justice Analytical Services <headofjas@gov.scot>; [redacted]; [redacted]; [redacted]; Halliday R (Roger) <Roger.Halliday@gov.scot>; [redacted]; [redacted]; [redacted]; McFarlane J (John) <John.McFarlane@gov.scot>; David.Harvie@copfs.gov.uk

**Subject:** RE: Official Statistics: Extended Presumption against Short Sentences - monitoring information July 2019 to December 2019 (Restricted)

[redacted],

The Cabinet Secretary has asked that we add in a line to say that we have seen the prison population fall over the last couple of months which is to be welcomed. Other than that addition he is content with the lines.

[redacted]

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**From:** [redacted]

**Sent:** 21 February 2020 14:02

**To:** Cabinet Secretary for Justice <CabSecJustice@gov.scot>

**Cc:** Minister for Community Safety <MinisterCS@gov.scot>; Lord Advocate <LordAdvocate@gov.scot>; [redacted][redacted]; DG Education, Communities & Justice <DGECJ@gov.scot>; Rennick NS (Neil) <Neil.Rennick@gov.scot>; Russell GE (Gillian) <Gillian.Russell@gov.scot>; [redacted]; MacKinnon D (Donna) <Donna.MacKinnon@gov.scot>; [redacted]; [redacted]; [redacted]; [redacted]; Head of Justice Analytical Services <headofjas@gov.scot>; [redacted]; [redacted]; [redacted]; Halliday R (Roger) <Roger.Halliday@gov.scot>; [redacted] ; [redacted] ; [redacted]; McFarlane J (John) <John.McFarlane@gov.scot>; David.Harvie@copfs.gov.uk

**Subject:** RE: Official Statistics: Extended Presumption against Short Sentences - monitoring information July 2019 to December 2019 (Restricted)

[redacted], [redacted],

[Removing COPFS and Courts staff]

Comms has drafted the ministerial news release below in discussion with policy, analysts and John.

With thanks, I would be grateful if the Cabinet Secretary could please review and indicate if he is content or whether he would like any amendments before we issue this on Tuesday morning.

[redacted]

## **Proportion of short sentences falls**

**First data published since statutory presumption was extended.**

Statistics showing a drop in the use of short prison sentences of 12 months or less in the second half of 2019 have been welcomed by Justice Secretary Humza Yousaf.

The proportion of prison sentences of 12 months or less fell from 12.8% in April to 9.5% in November according to the first data published since the statutory presumption against short sentences was extended.

Overall 20% of all convictions have led to a community sentence, while 15% of cases resulted in prison since April 2017.

While only a small number of offences that would be subject to the extended presumption have been disposed by the courts in the period covered by the publication, future publications will provide more detailed analysis.

Justice Secretary Humza Yousaf said:

“This data suggests that our penal reforms are having a positive impact, reducing the number of short prison sentences and encouraging the use of

more effective community disposals – although it is too early to directly attribute changes in sentencing to the extended presumption.

“Custody remains the right place for those who commit the most serious crimes and who clearly pose a risk of harm to the public and I want to ensure Scotland’s hard-working prison workers have the capacity to focus on work to rehabilitate these individuals. That requires fewer people to be caught in the revolving door of short-term prison sentences, which benefits no-one.

“Short sentences disrupt many of the things we know are most likely to help reduce reoffending such as housing, employment, family relationships and access to health care and support. People undertaking community sentences have told me directly of the positive impact it is having in helping them to turn their lives around and to contribute to their families and to society.

“I value the work of Scotland’s community justice teams whose dedicated approach, including over the winter months, helps ensure reconviction rates remain at a record low. Our draft budget includes increased investment, now at more than £117 million, to bolster community justice services – driving improvement and building on the impact of our sustained focus on effective interventions.”

## **Background**

Scotland’s Chief Statistician today published Extended Presumption Against Short Sentences – Monitoring Information July 2019 – December 2019 [[LINK TO STATS NR](#)], which gives initial indications of how the extended presumption against short sentences is currently working and may develop in the future.. The full statistical bulletin can be found here [[LINK TO BULLETIN](#)].

Data was published on all disposals in Scottish Courts from April 2017 to December 2019.

The presumption against short sentences of 12 months or less took effect for cases where the offence was committed from 4 July 2019. Due to the average time it takes for cases to be processed by courts, a limited number that fall under the presumption have been disposed of by courts at this time. Further, more detailed analysis by other related factors (e.g. court type, offence aggravators) will be available as more offences subject to the presumption make their way through the courts.

National Statistics show that those released from a short prison sentence of 12 months or less are reconvicted nearly twice as often than those sentenced to serve community payback orders (CPOs). Extending the presumption against short prison sentences should encourage greater use of community interventions and help break cycles of reoffending.

The draft Scottish Budget for 2020-21 increases investment in community justice services to more than £117 million, which is an increase of over £6.5 million. Action is being taken, including through the National Community

Justice Leadership Group, to drive improvement to provision of community justice services.

**From:** [redacted]

**Sent:** 20 February 2020 17:52

**To:** [redacted]; [redacted]; [redacted]; [redacted]; [redacted]; MacKinnon D (Donna) <Donna.MacKinnon@gov.scot>; [redacted]; [redacted]; [redacted]; Head of Justice Analytical Services <headofjas@gov.scot>; [redacted]; [redacted]; [redacted]; [redacted]; [redacted]

**Subject:** RE: For policy / Statistical views - Cab Sec comments on PASS Stats fro Tues 25th

Thanks [redacted],

I'm happy that we just stick with the reference to the reduction in short term sentences, it makes it a lot cleaner in terms of stats.

Agreed that, as in the bulletin, it's perhaps safer to be upfront about the limitations of the findings – I think cautiously optimistic is the way to go at this stage.

Let's see how it looks tomorrow.

Thanks again,

**From:** [redacted]

**Sent:** 20 February 2020 17:33

**To:** [redacted]; [redacted]; [redacted]; [redacted]; [redacted]; MacKinnon D (Donna) <Donna.MacKinnon@gov.scot>; [redacted]; [redacted]; [redacted]; Head of Justice Analytical Services <headofjas@gov.scot>; [redacted]; [redacted]; [redacted]; [redacted]; [redacted]

**Subject:** RE: For policy / Statistical views - Cab Sec comments on PASS Stats fro Tues 25th

**[exempt under S.30(b)(i)]**

**From:** [redacted]

**Sent:** 20 February 2020 17:06

**To:** [redacted]; [redacted]; [redacted]; [redacted]; [redacted]; MacKinnon D (Donna) <Donna.MacKinnon@gov.scot>; [redacted]; [redacted]; [redacted]; Head of Justice Analytical Services <headofjas@gov.scot>; [redacted]; [redacted]; [redacted]; [redacted]; [redacted]; [redacted]

**Subject:** RE: For policy / Statistical views - Cab Sec comments on PASS Stats fro Tues 25th

Thanks all for your input.

Will hold off on sending to John until tomorrow morning given the amount of work suggested. I have been reaching out to Perth & Kinross Council comms this afternoon seeking more info on the nature of the visit – once I know what Cab Sec will be seeing I will add something specific on the visit.

The prison lines were included given the media activity today around overcrowding at Barlinnie, with the aim of talking to the aims of the reforms to ultimately help bring down the prison population. Have left them with a strikethrough to consider how this

could be taken forward in the morning but agree with the addition of more information on the benefits of the reforms.

####

## Proportion of short sentences falls

**Early signs of progress since statutory presumption implemented.**

[exempt under S.30(b)(i)]

### Background

Scotland's Chief Statistician today published Extended Presumption Against Short Sentences – Monitoring Information July 2019 – December 2019[LINK TO STATS NR], which gives initial indications of how the extended presumption against short sentences is currently working and may develop in the future.. The full statistical bulletin can be found here[LINK TO BULLETIN].

Data was published on all disposals in Scottish Courts from April 2017 to December 2019.

The presumption against short sentences of 12 months or less took effect for cases where the crime was committed from 4 July 2019. Due to the average time it takes for cases to be processed by courts, a limited number that fall under the presumption have been disposed of by courts at this time.

National Statistics show that those released from a short prison sentence of 12 months or less are reconvicted nearly twice as often than those sentenced to serve community payback orders (CPOs). Extending the presumption against short prison sentences should encourage greater use of community interventions and help break cycles of reoffending.

Further, more detailed analysis by other related factors (e.g. court type, offence aggravators) will be available as more offences subject to the presumption make their way through the courts.

ENDS

Many thanks,  
[redacted]

**From:** [redacted]

**Sent:** 20 February 2020 17:00

**To:** [redacted]; [redacted]; [redacted]; [redacted]; MacKinnon D (Donna)

<Donna.MacKinnon@gov.scot>; [redacted]; [redacted]; [redacted]; Head of Justice Analytical Services <headofjas@gov.scot>; [redacted]; [redacted]; [redacted]; [redacted]; [redacted]; [redacted]

**Subject:** RE: For policy / Statistical views - Cab Sec comments on PASS Stats fro Tues 25th

[redacted]

**[exempt under S.30(b)(i)]**

[redacted]

**From:** [redacted]

**Sent:** 20 February 2020 16:55

**To:** [redacted]; [redacted]; [redacted]; [redacted]; MacKinnon D (Donna)

<Donna.MacKinnon@gov.scot>; [redacted]; [redacted]; [redacted]; Head of Justice Analytical Services <headofjas@gov.scot>; [redacted]; [redacted]; [redacted]; [redacted]; [redacted];

[redacted]

**Subject:** RE: For policy / Statistical views - Cab Sec comments on PASS Stats fro Tues 25th

[redacted]

Some suggestions below which I have discussed with [redacted].

Although helpful stats, I think it may be preferable to avoid a reference to November in one line and October the next.

**[exempt under S.30(b)(i)]**

I wonder if a reference should be made to the Perth visit to unpaid work on the Monday too?

[redacted]

**From:** [redacted]

**Sent:** 20 February 2020 15:58

**To:** [redacted]; [redacted]; [redacted]; MacKinnon D (Donna) <Donna.MacKinnon@gov.scot>;

[redacted]; [redacted]; [redacted]; [redacted]; Head of Justice Analytical Services

<headofjas@gov.scot>; [redacted]; [redacted]; [redacted]; [redacted]; [redacted]; [redacted]

**Subject:** RE: For policy / Statistical views - Cab Sec comments on PASS Stats fro Tues 25th

Thanks [redacted],

I've added the year below in green and also a tweak to the sentence above that for you to consider.

[redacted]

**From:** [redacted]

**Sent:** 20 February 2020 15:32

**To:** [redacted]; [redacted]; [redacted]; MacKinnon D (Donna) <Donna.MacKinnon@gov.scot>;

[redacted]; [redacted]; [redacted]; [redacted]; Head of Justice Analytical Services

<headofjas@gov.scot>; [redacted]; [redacted]; [redacted]; [redacted]; [redacted]; [redacted]

**Subject:** RE: For policy / Statistical views - Cab Sec comments on PASS Stats fro Tues 25th

All,

Comments and changes amalgamated in the below, with [redacted] suggestions to the quote included and additional changes in red reflecting [redacted] and [redacted] helpful comments.

I've prioritised the drop in short prison sentences and relegated the more specific point around November and December 2019's low given the more technical explanation of the latter.

Where highlighted, do we refer to April 2017 or 2019?

Grateful for any further comments this afternoon - hoping to get this in front of John by close of play if possible to allow Cab Sec to clear tomorrow.

####

## **Proportion of short sentences falls**

### **Early signs of progress since statutory presumption implemented.**

[exempt under S.30(b)(i)]

#### **Background**

Scotland's Chief Statistician today published Extended Presumption Against Short Sentences – Monitoring Information July 2019 – December 2019 [LINK TO STATS NR], which gives initial indications of how the extended presumption against short sentences is currently working and may develop in the future.. The full statistical bulletin can be found here [LINK TO BULLETIN].

Data was published on all disposals in Scottish Courts from April 2017 to December 2019.

The presumption against short sentences (~~PASS~~) of 12 months or less took effect for cases where the crime was committed ~~after~~ from 4 July 2019. Due to the average time it takes for cases to be processed by courts, a limited number that fall under the presumption have been disposed of by courts at this time.

National Statistics show that those released from a short prison sentence of 12 months or less are reconvicted nearly twice as often than those sentenced to serve community payback orders (CPOs). Extending the presumption against short prison sentences should encourage greater use of community interventions and help break cycles of reoffending.

Further, more detailed analysis by other related factors (e.g. court type, offence aggravators) will be available as more offences subject to the presumption make their way through the courts.

ENDS

Many thanks,  
[redacted]

**From:** [redacted]

**Sent:** 20 February 2020 14:20

**To:** [redacted]; [redacted]; [redacted]; MacKinnon D (Donna) <Donna.MacKinnon@gov.scot>; [redacted]; [redacted]; [redacted]; [redacted]; Head of Justice Analytical Services <headofjas@gov.scot>; [redacted]; [redacted]; [redacted]; [redacted]; [redacted]; [redacted]

**Subject:** RE: For policy / Statistical views - Cab Sec comments on PASS Stats fro Tues 25th

Thanks for this [redacted]

Have made some suggested amends just to Cab Sec quote, for consideration:

Justice Secretary Humza Yousaf said:

**[exempt under S.30(b)(i)]**

**From:** [redacted]

**Sent:** 20 February 2020 13:34

**To:** [redacted]; [redacted]; MacKinnon D (Donna) <Donna.MacKinnon@gov.scot>; [redacted]; [redacted]; [redacted]; [redacted]; Head of Justice Analytical Services <headofjas@gov.scot>; [redacted]; [redacted]; [redacted]; [redacted]; [redacted]; [redacted]; [redacted]

**Subject:** RE: For policy / Statistical views - Cab Sec comments on PASS Stats fro Tues 25th

Thanks [redacted],

A couple of tweaks on the stats:

- The reference to 20% community disposals and 15% custodial refers to the whole time period not just July to December so suggest:

The first data published since the statutory presumption against short sentences of 12 months or less (PASS) was implemented last year show that overall 20% of criminal convictions led to a community sentence, while 15% of cases resulted in prison.

I'm happy with the change to criminal convictions, we've steered away from that term in the bulletin to avoid confusion with Criminal Proceedings data but I think it's fine for this purpose.

- We changed the line on the number of custodial disposals in the bulletin and the news release (both attached to the submission) to read:

Numbers of custodial disposals have been falling since April 2019 and reached a low in November/December 2019

So suggest

Numbers of prison sentences have been falling since April, reaching the lowest level since being tracked in this way in November/December 2019.



- Background data is available much further back than April 2017, we just haven't used it in this bulletin, suggest changing:

Data was published on all disposals in Scottish Courts from April 2017 – the earliest time for which data is available - to December 2019

to

Data was published on all disposals in Scottish Courts from April 2017 to December 2019

**[exempt under S.30(b)(i)]**

Happy to discuss,

**From: [redacted]**

**Sent:** 20 February 2020 13:04

**To:** [redacted]; [redacted]; MacKinnon D (Donna) <Donna.MacKinnon@gov.scot>; [redacted]; [redacted]; [redacted]; [redacted]; Head of Justice Analytical Services <headofjas@gov.scot>; [redacted]; [redacted]; [redacted]; [redacted]; [redacted]; [redacted]; [redacted]

**Subject:** For policy / Statistical views - Cab Sec comments on PASS Stats fro Tues 25th

Hi [redacted], [redacted] and colleagues in policy and JAS,

To see below drafted comments from the Cab Sec in response to Tuesday's stats – grateful for views and input on the lines, including on how accurately they reflect the stats.

[redacted], are you comfortable for us to refer to cases disposed as criminal convictions for ease of understanding? (highlighted)

Many thanks,  
[redacted]

**[exempt under S.30(b)(i)]**

### **Background**

Scotland's Chief Statistician today published Extended Presumption Against Short Sentences – Monitoring Information July 2019 – December 2019[LINK TO STATS NR], which gives initial indications of how the extended presumption against short sentences is currently working and may develop in the future.. The full statistical bulletin can be found here[LINK TO BULLETIN].

Data was published on all disposals in Scottish Courts from April 2017 – the earliest time for which data is available - to December 2019.

The Presumption Against Short Sentences (PASS) of 12 months or took effect for cases where the crime was committed after 4 July 2019. Due to the time it takes for

cases to be processed by courts, a limited number that fall under the presumption have been disposed of by courts.

National Statistics show that those released from a short prison sentence of 12 months or less are reconvicted nearly twice as often than those sentenced to serve community payback orders (CPOs). Extending the presumption against short prison sentences should encourage greater use of community interventions and help break cycles of reoffending.

ENDS

---

**From:** [redacted] On Behalf Of Cabinet Secretary for Justice

**Sent:** 20 February 2020 11:57

**To:** [redacted][redacted]; Cabinet Secretary for Justice <CabSecJustice@gov.scot>; Minister for Community Safety <MinisterCS@gov.scot>; Lord Advocate <LordAdvocate@gov.scot>; DG Education, Communities & Justice <DGECJ@gov.scot>; Rennick NS (Neil) <Neil.Rennick@gov.scot>; Russell GE (Gillian) <Gillian.Russell@gov.scot>; [redacted]; MacKinnon D (Donna) <Donna.MacKinnon@gov.scot>; [redacted]; [redacted]; [redacted]; [redacted]; Head of Justice Analytical Services <headofjas@gov.scot>; [redacted]; [redacted]; [redacted]; Halliday R (Roger) <Roger.Halliday@gov.scot>; [redacted]; [redacted]; [redacted]; [redacted]; McFarlane J (John) <John.McFarlane@gov.scot>; dfraser@scotcourts.gov.uk; [redacted]; [redacted]; [redacted]; [redacted]; Sheriff Duff A <sheriffaduff@scotcourts.gov.uk>; [redacted]; David.Harvie@copfs.gov.uk

**Subject:** RE: Official Statistics: Extended Presumption against Short Sentences - monitoring information July 2019 to December 2019 (Restricted)

[redacted],

Mr Yousaf has noted the information provided and asked that we ensure our comms lines provide detail on the positive effects of PASS.

Regards,

[redacted]

*Office of Humza Yousaf MSP, Cabinet Secretary for Justice*

---

**From:** [redacted][redacted]

**Sent:** 19 February 2020 17:03

**To:** Cabinet Secretary for Justice <CabSecJustice@gov.scot>; Minister for Community Safety <MinisterCS@gov.scot>; Lord Advocate <LordAdvocate@gov.scot>; DG Education, Communities & Justice <DGECJ@gov.scot>; Rennick NS (Neil) <Neil.Rennick@gov.scot>; Russell GE (Gillian) <Gillian.Russell@gov.scot>; [redacted]; MacKinnon D (Donna) <Donna.MacKinnon@gov.scot>; [redacted]; [redacted]; [redacted]; [redacted]; Head of Justice Analytical Services <headofjas@gov.scot>; [redacted]; [redacted]; [redacted]; Halliday R (Roger) <Roger.Halliday@gov.scot>; [redacted]; [redacted]; [redacted]; [redacted]; McFarlane J (John) <John.McFarlane@gov.scot>; dfraser@scotcourts.gov.uk; [redacted]; [redacted]; [redacted]; [redacted]; Sheriff Duff A <sheriffaduff@scotcourts.gov.uk>; [redacted]; David.Harvie@copfs.gov.uk

**Subject:** RE: Official Statistics: Extended Presumption against Short Sentences - monitoring information July 2019 to December 2019 (Restricted)

Slightly amended distribution list. Please use this list in any correspondence.

Thanks,

[redacted]

---

**From:** [redacted]

**Sent:** 19 February 2020 16:39

**To:** Cabinet Secretary for Justice <CabSecJustice@gov.scot>; Minister for Community Safety <MinisterCS@gov.scot>; Lord Advocate <LordAdvocate@gov.scot>; DG Education, Communities & Justice <DGECJ@gov.scot>; Rennick NS (Neil) <Neil.Rennick@gov.scot>; Russell GE (Gillian) <Gillian.Russell@gov.scot>; [redacted]; MacKinnon D (Donna) <Donna.MacKinnon@gov.scot>; [redacted]; [redacted]; [redacted]; [redacted]; Head of Justice Analytical Services <headofjas@gov.scot>; [redacted]; [redacted]; [redacted]; Halliday R (Roger) <Roger.Halliday@gov.scot>; [redacted]; [redacted]; [redacted]; [redacted]; McFarlane J (John) <John.McFarlane@gov.scot>; 'dfraser@scotcourts.gov.uk' <dfraser@scotcourts.gov.uk>; '[redacted]' <[redacted]>; '[redacted]' <[redacted]>; '[redacted]' <[redacted]>; '[redacted]' <[redacted]>; Sheriff Duff A <sheriffaduff@scotcourts.gov.uk>; '[redacted]' <[redacted]>; 'David.Harvie@copfs.gsi.gov.uk' <David.Harvie@copfs.gsi.gov.uk>

**Subject:** Official Statistics: Extended Presumption against Short Sentences - monitoring information July 2019 to December 2019 (Restricted)

Cabinet Secretary for Justice,

Copy: As above

**OFFICIAL STATISTICS – RESTRICTED BY STATUTORY ORDER**

**Statistical Bulletin: Extended Presumption Against Short Sentences - Monitoring Information July 2019 to December 2019**

Please see the attached minute to alert the Cabinet Secretary to the publication of **Extended Presumption Against Short Sentences - Monitoring Information July 2019 to December 2019** and to provide pre-release access under the rules as set out in the Pre-release Access to Official Statistics (Scotland) Order 2008.

Also attached is a copy of the bulletin as well as the draft statistical news release.

The bulletin is to be published at **9.30 am on Tuesday 25 February 2020**. Please treat the attached statistics and any indication of the results as **restricted until their public release**. If you think you need to discuss or share these statistics with anyone not on the circulation list then please contact me. These statistics should only be forwarded on to named Scottish Government officials where this is required for the preparation of briefing and/or Ministerial comment, and **where prior approval for such onward access has been sought from myself**. Any accidental or wrongful release should be reported to me immediately. Wrongful release includes indications

of the content or the trend of the figures, including descriptions such as 'favourable' or 'unfavourable'.

Copy of Ministerial Submission for FoI purposes:

## **Extended Presumption Against Short Sentences Monitoring Information - July 2019 to December 2019**

### **Purpose**

1. To alert the Cabinet Secretary to the publication of **Extended Presumption Against Short Sentences Monitoring Information - July 2019 to December 2019**, and to provide pre-release access to the publication under the Official Statistics Code of Practice.

### **Priority**

2. Routine: the statistics will be **published at 9:30am on Tuesday 25 February 2020**. Please treat these statistics and any indication of their results as **restricted until their public release** at that time.

### **Background**

3. This bulletin provides information to monitor the effects of the implementation of the Extension to the Presumption Against Short Sentences (PASS). The extension applies to offences committed after 4 July 2019.
4. The National Statistics Criminal Proceedings bulletin will eventually be used to monitor the effects of this legislation but the publication cycle of that bulletin is such that data will not be available until at least Spring 2021.
5. In the interim, Scottish Courts and Tribunals Service (SCTS) have supplied data on charges disposed of in Scotland's courts in order for the early effects of this legislation to be monitored.
6. A statistics news release will also be published on the same day and a copy of that news release accompanies this submission.

### **Key Points**

7. It is too early to confidently attribute any changes in sentencing patterns to the extended presumption against short sentences (PASS), as a relatively small proportion of offences that would be subject to the new policy have been disposed by the courts in the period covered by this publication.
8. Numbers of community disposals reached their highest level (since April 2107) in October 2019, when 1,841 (24%) of all disposals were community orders.
9. Overall, numbers of custodial disposals have been falling since April 2019 and reached a low in November/December 2019. The decrease in overall numbers

of custodial disposals has been driven by a decrease in custodial disposals given to males.

10. In November and December of 2019, the number of custodial sentences given for a period of 12 months or less was around 665, the lowest value since April 2017. The proportion of all disposals accounted for by custodial sentences of 12 months or less has fallen from 12.8% in April 2019 to 9.5% in November 2019.
11. There is emerging evidence that the proportion of all court disposals that are for custodial sentences of 12 months or less is decreasing.
12. We will continue to monitor court disposals and report on any emerging trends. Further, more detailed analysis by other related factors (e.g. court type, offence aggravators) will be available as more offences subject to the presumption make their way through the courts.

### **Sensitivities**

[exempt under S.30(b)(i)]

### **Handling**

13. A handling meeting was held with communications and policy colleagues yesterday. A ministerial release will be provided alongside the attached statistical news release. Policy colleagues will develop Q&A and lines to take in relation to the data presented the bulletin.

### **Conclusion**

14. The Cabinet Secretary is invited to note the release of **Extended Presumption against Short Sentences Monitoring Information - July 2019 to December 2019** at **9.30 am on Tuesday 25 February 2020**.

[redacted]

19 February 2020

Copy List:	For Action	For Comments	For Information		
			Portfolio Interest	Constit Interest	General Awareness
Cabinet Secretary for Justice					x
Minister for Community Safety					x
Lord Advocate					x

Paul Johnston, DG Education, Communities & Justice  
Neil Rennick, Director, Directorate for Justice  
Gillian Russell, Director, Safer Communities Directorate

[redacted]  
[redacted]  
[redacted]  
[redacted]  
[redacted]  
[redacted]

Amy Wilson, Justice Analytical Services  
[redacted]

Roger Halliday, Office of the Chief Statistician

[redacted]

[redacted]  
[redacted]  
[redacted]

John McFarlane, Special Adviser

[redacted]

[redacted]  
[redacted]

[redacted]  
[redacted]

Sheriff Alistair JM Duff, Director of the Judicial Institute  
[redacted]

David Harvie, Crown Agent, COPFS

Statistics News Release

Statistical Bulletin

Many thanks,

**[redacted]**

**From:** [redacted][redacted]

**Sent:** 25 February 2020 08:19

**To:** [redacted]; [redacted]; [redacted]; [redacted]; [redacted]

**Subject:** RE: Official Statistics: Extended Presumption against Short Sentences - monitoring information July 2019 to December 2019 (Restricted)

**[exempt under S.30(b)(i)]**

This draft reflects [redacted]points around the 20%/15% line and includes [redacted] clarification on the second sentence in the body of the release.

## **Drop in use of short prison sentences**

**First data published since statutory presumption was extended.**

Statistics showing a drop in the use of short prison sentences of 12 months or less in the second half of 2019 have been welcomed by Justice Secretary Humza Yousaf.

The proportion of all court disposals which are prison sentences of 12 months or less fell from 12.8% in April to 9.5% in November according to the first data published since the statutory presumption against short sentences was extended.

~~Overall 20% of all convictions have led to a community sentence, while 15% of cases resulted in prison since April 2017.~~

While only a small number of offences that would be subject to the extended presumption have been disposed by the courts in the period covered by the publication, future publications will provide more detailed analysis.

Justice Secretary Humza Yousaf said:

*“[Alongside the recent welcome fall in the prison population, t]”* This data suggests our penal reforms are having a positive impact – reducing the number of short custodial sentences and encouraging the use of more effective community disposals – although it is too early to directly attribute changes in sentencing to the extended presumption.

“Custody remains the right place for those who commit the most serious crimes and who clearly pose a risk of harm to the public and I want to ensure Scotland’s hard-working prison workers have the capacity to focus on work to rehabilitate these individuals. That requires fewer people to be caught in the revolving door of short-term prison sentences, which benefits no-one.

“Short sentences disrupt many of the things we know are most likely to help reduce reoffending such as housing, employment, family relationships and access to health care and support. People undertaking community sentences have told me directly of the positive impact it is having in helping them to turn their lives around and to contribute to their families and to society.

“I value the work of Scotland’s community justice teams whose dedicated approach, including over the winter months, helps ensure reconviction rates remain at a record low. Our draft budget includes increased investment, now at more than £117 million, to bolster community justice services – driving improvement and building on the impact of our sustained focus on effective interventions.”



## Background

Scotland's Chief Statistician today published Extended Presumption Against Short Sentences – Monitoring Information July 2019 – December 2019 [\[LINK TO STATS NR\]](#), which gives initial indications of how the extended presumption against short sentences is currently working and may develop in the future.. The full statistical bulletin can be found here [\[LINK TO BULLETIN\]](#).

Data was published on all disposals in Scottish Courts from April 2017 to December 2019.

The presumption against short sentences of 12 months or less took effect for cases where the offence was committed from 4 July 2019. Due to the average time it takes for cases to be processed by courts, a limited number that fall under the presumption have been disposed of by courts at this time. Further, more detailed analysis by other related factors (e.g. court type, offence aggravators) will be available as more offences subject to the presumption make their way through the courts.

National Statistics show that those released from a short prison sentence of 12 months or less are reconvicted nearly twice as often than those sentenced to serve community payback orders (CPOs). Extending the presumption against short prison sentences should encourage greater use of community interventions and help break cycles of reoffending.

The draft Scottish Budget for 2020-21 increases investment in community justice services to more than £117 million, which is an increase of over £6.5 million. Action is being taken, including through the National Community Justice Leadership Group, to drive improvement to provision of community justice services.

Many thanks,  
[redacted]

**From:** [redacted]

**Sent:** 24 February 2020 19:53

**To:** [redacted]; [redacted]; [redacted]; [redacted]; [redacted]; [redacted]

**Subject:** Re: Official Statistics: Extended Presumption against Short Sentences - monitoring information July 2019 to December 2019 (Restricted)

There's a spare 'prison' in the line on prison population at the start of the quote.

**From:** [redacted]

**Sent:** Monday, 24 February 2020 18:23

**To:** [redacted]; [redacted]; [redacted]; [redacted]; [redacted]; McFarlane J (John)

**Subject:** RE: Official Statistics: Extended Presumption against Short Sentences - monitoring information July 2019 to December 2019 (Restricted)

Many thx [redacted], and sorry it's not quite over the line. Unfortunately I have been busy all afternoon and now using my mobile hotspot to connect from a car park!

Glad today's visit went so well.

**[exempt under S.30(b)(i)]**

Also, similar to my point about the previous headline, I think the following sentence is not 100% clear:

The proportion of prison sentences of 12 months or less fell from 12.8% in April to 9.5% in November according to the first data published since the statutory presumption against short sentences was extended.

Think we need the insertion highlighted:

The proportion of **all court disposals which are** prison sentences of 12 months or less fell from 12.8% in April to 9.5% in November according to the first data published since the statutory presumption against short sentences was extended.

Again, don't think we need to bother Cab Sec on this point if all others content.

Thx,  
**[redacted]**

**From: [redacted]**

**Sent:** 24 February 2020 18:14

**To:** **[redacted]; [redacted]; [redacted][redacted]; [redacted]; [redacted]** ; McFarlane J (John) <John.McFarlane@gov.scot>

**Subject:** RE: Official Statistics: Extended Presumption against Short Sentences - monitoring information July 2019 to December 2019 (Restricted)

Apologies – have just caught up on emails and seen that **[redacted]** has sent up the adjusted version of the quote. Will pick up in the morning regarding the stats line.

Many thanks all for your help with this today.

**[redacted]**

**From: [redacted]**

**Sent:** 24 February 2020 18:06

**To:** **[redacted] ; [redacted]; [redacted][redacted]; [redacted]; [redacted]** ; McFarlane J (John) <John.McFarlane@gov.scot>

**Subject:** RE: Official Statistics: Extended Presumption against Short Sentences - monitoring information July 2019 to December 2019 (Restricted)

**Importance:** High

All,

Have only just arrived back at office after the CPO visit – would suggest sending this version with the offending sentence removed and seek final clearance from Cab Sec. This gives prominence to the 12.8% to 9.5% statistic which backs up our top line here.

Will send this up shortly given the time and hope that we have clearance on the amends in the morning.

**[redacted]**

# Drop in use of short prison sentences

First data published since statutory presumption was extended.

Statistics showing a drop in the use of short prison sentences of 12 months or less in the second half of 2019 have been welcomed by Justice Secretary Humza Yousaf.

The proportion of prison sentences of 12 months or less fell from 12.8% in April to 9.5% in November according to the first data published since the statutory presumption against short sentences was extended.

While only a small number of offences that would be subject to the extended presumption have been disposed by the courts in the period covered by the publication, future publications will provide more detailed analysis.

Justice Secretary Humza Yousaf said:

*“[Alongside the recent welcome fall in prison the prison population, t]This data suggests our penal reforms are having a positive impact – reducing the number of short custodial sentences and encouraging the use of more effective community disposals – although it is too early to directly attribute changes in sentencing to the extended presumption.*

“Custody remains the right place for those who commit the most serious crimes and who clearly pose a risk of harm to the public and I want to ensure Scotland’s hard-working prison workers have the capacity to focus on work to rehabilitate these individuals. That requires fewer people to be caught in the revolving door of short-term prison sentences, which benefits no-one.

“Short sentences disrupt many of the things we know are most likely to help reduce reoffending such as housing, employment, family relationships and access to health care and support. People undertaking community sentences have told me directly of the positive impact it is having in helping them to turn their lives around and to contribute to their families and to society.

“I value the work of Scotland’s community justice teams whose dedicated approach, including over the winter months, helps ensure reconviction rates remain at a record low. Our draft budget includes increased investment, now at more than £117 million, to bolster community justice services – driving improvement and building on the impact of our sustained focus on effective interventions.”

## Background

Scotland’s Chief Statistician today published Extended Presumption Against Short Sentences – Monitoring Information July 2019 – December 2019 [\[LINK TO STATS NR\]](#), which gives initial indications of how the extended presumption against short sentences is currently working and may develop in the future.. The full statistical bulletin can be found here [\[LINK TO BULLETIN\]](#).

Data was published on all disposals in Scottish Courts from April 2017 to December 2019.

The presumption against short sentences of 12 months or less took effect for cases where the offence was committed from 4 July 2019. Due to the average time it takes for cases to be processed by courts, a limited number that fall under the presumption have been disposed of by courts at this time. Further, more detailed analysis by other related factors (e.g. court type, offence aggravators) will be available as more offences subject to the presumption make their way through the courts.

National Statistics show that those released from a short prison sentence of 12 months or less are reconvicted nearly twice as often than those sentenced to serve community payback orders (CPOs). Extending the presumption against short prison sentences should encourage greater use of community interventions and help break cycles of reoffending.

The draft Scottish Budget for 2020-21 increases investment in community justice services to more than £117 million, which is an increase of over £6.5 million. Action is being taken, including through the National Community Justice Leadership Group, to drive improvement to provision of community justice services.

**Contact:**

[redacted]

**From:** [redacted]

**Sent:** 24 February 2020 15:09

**To:** [redacted]; [redacted][redacted]; [redacted]; [redacted]; [redacted]; [redacted]; McFarlane J (John) <John.McFarlane@gov.scot>

**Subject:** RE: Official Statistics: Extended Presumption against Short Sentences - monitoring information July 2019 to December 2019 (Restricted)

Thanks [redacted].

Fair point, I think, though [redacted] may have a view for including.

Afraid I can't do anything on this this afternoon as I'm dashing out to pick up kids.

Only suggestion, if [redacted] agrees, is to substitute the sentence with a more relevant stat from the stats release. Hopefully [redacted] can pick up after his CPO visit.

thx

**From:** [redacted]

**Sent:** 24 February 2020 15:04

**To:** [redacted]; [redacted]; [redacted][redacted]; [redacted]; [redacted]; Rennick NS (Neil) <Neil.Rennick@gov.scot>; Russell GE (Gillian) <Gillian.Russell@gov.scot>; [redacted]; MacKinnon D (Donna) <Donna.MacKinnon@gov.scot>; [redacted]; [redacted]; Head of Justice Analytical Services <headofjas@gov.scot>; [redacted]; [redacted]; [redacted]; McFarlane J (John) <John.McFarlane@gov.scot>

**Subject:** RE: Official Statistics: Extended Presumption against Short Sentences - monitoring information July 2019 to December 2019 (Restricted)

[redacted]

I'm not sure about this bit:

"Overall 20% of all convictions have led to a community sentence, while 15% of cases resulted in prison since April 2017."

I'm not sure what it really adds – and the 15% figure risks conflation with the 12.8%/9.5% figures (for *short* sentences)?

[redacted]

**From:** [redacted]

**Sent:** 24 February 2020 14:23

**To:** [redacted]; [redacted][redacted]; [redacted]; [redacted]; Rennick NS (Neil) <Neil.Rennick@gov.scot>; Russell GE (Gillian) <Gillian.Russell@gov.scot>; [redacted]; MacKinnon D (Donna) <Donna.MacKinnon@gov.scot>; [redacted]; [redacted]; Head of Justice Analytical Services <headofjas@gov.scot>; [redacted]; [redacted]; [redacted]; [redacted]; McFarlane J (John) <John.McFarlane@gov.scot>

**Subject:** RE: Official Statistics: Extended Presumption against Short Sentences - monitoring information July 2019 to December 2019 (Restricted)

[exempt under S.30(b)(i)]

Pls note, I've also simplified the headline, since 'Proportion of short sentences falls' wasn't a complete sentence (*i.e. the stats relate to a fall in the proportion of disposals which are a short prison sentences – and that's too long for a headline!*)

Thx,

[redacted]

---

**From:** [redacted]

**Sent:** 24 February 2020 10:18

**To:** [redacted][redacted]; [redacted]; [redacted]; [redacted]; [redacted]; Rennick NS (Neil) <Neil.Rennick@gov.scot>; Russell GE (Gillian) <Gillian.Russell@gov.scot>; [redacted]; MacKinnon D (Donna) <Donna.MacKinnon@gov.scot>; [redacted]; [redacted]; Head of Justice Analytical Services <headofjas@gov.scot>; [redacted]; [redacted]; [redacted]; [redacted]; McFarlane J (John) <John.McFarlane@gov.scot>

**Subject:** RE: Official Statistics: Extended Presumption against Short Sentences - monitoring information July 2019 to December 2019 (Restricted)

[exempt under S.30(b)(i)]

[redacted]

**From:** [redacted]

**Sent:** 24 February 2020 10:16

**To:** [redacted][redacted]; [redacted]; [redacted]; [redacted]; [redacted]; Rennick NS (Neil) <Neil.Rennick@gov.scot>; Russell GE (Gillian) <Gillian.Russell@gov.scot>; [redacted]; MacKinnon D (Donna) <Donna.MacKinnon@gov.scot>; [redacted]; [redacted]; Head of Justice Analytical Services <headofjas@gov.scot>; [redacted]; [redacted]; [redacted]; [redacted]; McFarlane J (John) <John.McFarlane@gov.scot>

**Subject:** RE: Official Statistics: Extended Presumption against Short Sentences - monitoring information July 2019 to December 2019 (Restricted)

**[exempt under S.30(b)(i)]**

**[redacted]**

**From:** [redacted][redacted]

**Sent:** 24 February 2020 09:54

**To:** [redacted]; [redacted]; [redacted]; Rennick NS (Neil) <Neil.Rennick@gov.scot>; Russell GE (Gillian) <Gillian.Russell@gov.scot>; [redacted]; MacKinnon D (Donna) <Donna.MacKinnon@gov.scot>; [redacted]; [redacted]; [redacted]; Head of Justice Analytical Services <headofjas@gov.scot>; [redacted]; [redacted]; [redacted]; [redacted]; McFarlane J (John) <John.McFarlane@gov.scot>

**Subject:** RE: Official Statistics: Extended Presumption against Short Sentences - monitoring information July 2019 to December 2019 (Restricted)

**[exempt under S.30(b)(i)]**

**[redacted]**

**From:** [redacted]

**Sent:** 24 February 2020 09:41

**To:** [redacted]; [redacted]; [redacted][redacted]; Rennick NS (Neil) <Neil.Rennick@gov.scot>; Russell GE (Gillian) <Gillian.Russell@gov.scot>; [redacted]; MacKinnon D (Donna) <Donna.MacKinnon@gov.scot>; [redacted]; [redacted]; [redacted]; Head of Justice Analytical Services <headofjas@gov.scot>; [redacted]; [redacted]; [redacted]; [redacted]; McFarlane J (John) <John.McFarlane@gov.scot>

**Subject:** RE: Official Statistics: Extended Presumption against Short Sentences - monitoring information July 2019 to December 2019 (Restricted)

Thanks I'll recirculate that wording on the copylist with Cab Sec.

**From:** [redacted]

**Sent:** 24 February 2020 09:17

**To:** [redacted]; [redacted]; [redacted][redacted]; Rennick NS (Neil) <Neil.Rennick@gov.scot>; Russell GE (Gillian) <Gillian.Russell@gov.scot>; [redacted]; MacKinnon D (Donna) <Donna.MacKinnon@gov.scot>; [redacted]; [redacted]; [redacted]; Head of Justice Analytical Services <headofjas@gov.scot>; [redacted]; [redacted]; [redacted]; [redacted]; McFarlane J (John) <John.McFarlane@gov.scot>

**Subject:** RE: Official Statistics: Extended Presumption against Short Sentences - monitoring information July 2019 to December 2019 (Restricted)

Yes, I prefer [redacted] suggestion as it is too early to say 'contributing to' and by changing the order it is more of a general contextual comment which may be slightly associated.

**[redacted]**

**From:** [redacted]

**Sent:** 24 February 2020 08:33

**To:** [redacted]; [redacted][redacted]; Rennick NS (Neil) <Neil.Rennick@gov.scot>; Russell GE (Gillian) <Gillian.Russell@gov.scot>; [redacted]; MacKinnon D (Donna)

<Donna.MacKinnon@gov.scot>; [redacted]; [redacted]; [redacted]; [redacted]; Head of Justice Analytical Services <headofjas@gov.scot>; [redacted]; [redacted]; [redacted]; [redacted]; [redacted]; McFarlane J (John) <John.McFarlane@gov.scot>  
**Subject:** RE: Official Statistics: Extended Presumption against Short Sentences - monitoring information July 2019 to December 2019 (Restricted)

Thx [redacted].

We're packing quite a bit in one sentence. I've suggested a slightly shorter version for consideration.

"Alongside the recent welcome fall in prison the prison population, this data suggests our penal reforms are having a positive impact - reducing the number of short custodial sentences and encouraging the use of more effective community disposals – although it is too early to directly attribute changes in sentencing to the extended presumption...

[redacted]

---

**From:** "[redacted]"

**Sent:** 24 Feb 2020 08:15

**To:** "[redacted]" [redacted]; "Rennick NS (Neil)" <Neil.Rennick@gov.scot>; "Russell GE (Gillian)" <Gillian.Russell@gov.scot>; [redacted]; "MacKinnon D (Donna)" <Donna.MacKinnon@gov.scot>; "[redacted]" ; [redacted]; [redacted]; [redacted]; Head of Justice Analytical Services <headofjas@gov.scot>; "[redacted]" ; [redacted] ; [redacted]; "[redacted]" ; "[redacted]" ; "McFarlane J (John)" <John.McFarlane@gov.scot>; "[redacted]"

**Subject:** RE: Official Statistics: Extended Presumption against Short Sentences - monitoring information July 2019 to December 2019 (Restricted)

[exempt under S.30(b)(i)]

Grateful for views before I share the final version with the Cab Sec.

## Proportion of short sentences falls

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Statistics showing a drop in the use of short prison sentences of 12 months or less in the second half of 2019 have been welcomed by Justice Secretary Humza Yousaf.

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Justice Secretary Humza Yousaf said:

“This data suggests that our penal reforms are having a positive impact, **contributing to a welcome fall in the prison population over recent months**, reducing the number of short prison sentences and encouraging the use of more effective community disposals – although it is too early to directly attribute changes in sentencing to the extended presumption.

“Custody remains the right place for those who commit the most serious crimes and who clearly pose a risk of harm to the public and I want to ensure Scotland’s hard-working prison workers have the capacity to focus on work to rehabilitate these individuals. That requires fewer people to be caught in the revolving door of short-term prison sentences, which benefits no-one.

“Short sentences disrupt many of the things we know are most likely to help reduce reoffending such as housing, employment, family relationships and access to health care and support. People undertaking community sentences have told me directly of the positive impact it is having in helping them to turn their lives around and to contribute to their families and to society.

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The draft Scottish Budget for 2020-21 increases investment in community justice services to more than £117 million, which is an increase of over £6.5 million. Action is being taken, including through the National Community Justice Leadership Group, to drive improvement to provision of community justice services.

Many thanks,  
**[redacted]**



**From:** [redacted]

**Sent:** 24 February 2020 09:42

**To:** [redacted][redacted]; [redacted]; Rennick NS (Neil) <Neil.Rennick@gov.scot>; Russell GE (Gillian) <Gillian.Russell@gov.scot>; [redacted]; MacKinnon D (Donna) <Donna.MacKinnon@gov.scot>; [redacted]; [redacted]; [redacted]>; Head of Justice Analytical Services <headofjas@gov.scot>; [redacted]; [redacted]; [redacted]; [redacted]; [redacted]; McFarlane J (John) <John.McFarlane@gov.scot>; [redacted]

**Subject:** RE: Official Statistics: Extended Presumption against Short Sentences - monitoring information July 2019 to December 2019 (Restricted)

[redacted]

Couple of suggestions below.

[redacted]

---

**From:** [redacted]

**Sent:** 24 February 2020 08:30

**To:** [redacted][redacted]; Rennick NS (Neil) <Neil.Rennick@gov.scot>; Russell GE (Gillian) <Gillian.Russell@gov.scot>; [redacted]; MacKinnon D (Donna) <Donna.MacKinnon@gov.scot>; [redacted]; [redacted]; [redacted]; [redacted]; Head of Justice Analytical Services <headofjas@gov.scot>; [redacted]; [redacted]; [redacted]; [redacted] ; [redacted] ; McFarlane J (John) <John.McFarlane@gov.scot>; [redacted]

**Subject:** RE: Official Statistics: Extended Presumption against Short Sentences - monitoring information July 2019 to December 2019 (Restricted)

In terms of social media accompaniment to the stats – propose we update the lines in this previously used slide video on the aims of PASS. Drafted updates below for views which I'd be grateful for alongside those on the suggested update to the ministerial news release as soon as possible to allow updating of the assets as I am out covering Cab Sec's visit this afternoon.

**TWEET – to issue 0930 25 Feb linking to Ministerial news release**

Justice Secretary @HumzaYousaf has welcomed a drop in the use of short prison sentences in the first statistics published since MSPs voted to extend the presumption against their use to 12 months. #SmartJustice

More: LINK TO NR

**SLIDES**

**S1**

The **extended presumption against prison sentences of 12 months or less does not abolish them.**

**S2**

It **is designed to** encourage use of more effective community interventions – backed **by more than £117 million**

**S3**

Supporting efforts alongside **community justice partners including** councils, third sector ~~partners~~ and Community Justice Scotland to **break the cycle** of offending

#### **S4**

And giving people the chance to **turn their lives** around while giving back to the community.

#### **S5**

Prison remains **an option for judges for those** in cases **wh**ere alternatives are not appropriate ~~pose a serious risk to public safety~~

#### **S6**

**But statistics have shown** community sentences are **more effective** than custody

#### **S7**

In supporting rehabilitation and preventing reoffending

#### **S8**

Keeping crime down and leading to **fewer victims** and **safer communities**.

ENDS

#####

**NR CHANGES:**

## **Proportion of short sentences falls**

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“Short sentences disrupt many of the things we know are most likely to help reduce reoffending such as housing, employment, family relationships and access to health care and support. People undertaking community sentences have told me directly of the positive impact it is having in helping them to turn their lives around and to contribute to their families and to society.

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Justice Leadership Group, to drive improvement to provision of community justice services.

ENDS

Many thanks,  
[redacted]

**From:** McFarlane J (John) <John.McFarlane@gov.scot>

**Sent:** 21 February 2020 13:31

**To:** [redacted]

**Cc:** [redacted]; DG Education, Communities & Justice <DGECJ@gov.scot>; Rennick NS (Neil) <Neil.Rennick@gov.scot>; Russell GE (Gillian) <Gillian.Russell@gov.scot>; [redacted]; MacKinnon D (Donna) <Donna.MacKinnon@gov.scot>; [redacted]; [redacted]; [redacted]; [redacted]; Head of Justice Analytical Services <headofjas@gov.scot>; [redacted]; [redacted]; [redacted]; Halliday R (Roger) <Roger.Halliday@gov.scot>; [redacted]; [redacted]; [redacted][redacted]

**Subject:** RE: Official Statistics: Extended Presumption against Short Sentences - monitoring information July 2019 to December 2019 (Restricted)

Fine thanks

---

**From:** [redacted]

**Sent:** 21 February 2020 13:22

**To:** McFarlane J (John) <John.McFarlane@gov.scot>

**Cc:** [redacted][redacted]; DG Education, Communities & Justice <DGECJ@gov.scot>; Rennick NS (Neil) <Neil.Rennick@gov.scot>; Russell GE (Gillian) <Gillian.Russell@gov.scot>; [redacted]; MacKinnon D (Donna) <Donna.MacKinnon@gov.scot>; [redacted]; [redacted]; [redacted]; [redacted]; Head of Justice Analytical Services <headofjas@gov.scot>; [redacted]; [redacted]; [redacted]; Halliday R (Roger) <Roger.Halliday@gov.scot>; [redacted]; [redacted]; [redacted]

**Subject:** RE: Official Statistics: Extended Presumption against Short Sentences - monitoring information July 2019 to December 2019 (Restricted)

John,

[Removing private offices, Crown and Courts staff]

With thanks to policy and analytical colleagues, grateful if you can pls review and feedback on the draft ministerial news release, below, re PASS monitoring report.

Thx,  
[redacted]

## **Proportion of short sentences falls**

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aggravators) will be available as more offences subject to the presumption make their way through the courts.

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**From:** [redacted][redacted]

**Sent:** 20 February 2020 13:04

**To:** [redacted]

**Subject:** RE: Official Statistics: Extended Presumption against Short Sentences - monitoring information July 2019 to December 2019 (Restricted)

Our emails crossed – have circulated draft lines for Cab Sec

---

**From:** [redacted][redacted]

**Sent:** 20 February 2020 13:03

**To:** [redacted]; [redacted] ; [redacted]; [redacted]

**Subject:** FW: Official Statistics: Extended Presumption against Short Sentences - monitoring information July 2019 to December 2019 (Restricted)

Hi [redacted],

Do you need me to do anything relating to this ask at the moment?

---

**From:** [redacted] On Behalf Of Cabinet Secretary for Justice

**Sent:** 20 February 2020 11:57

**To:** [redacted][redacted]; Cabinet Secretary for Justice <CabSecJustice@gov.scot>; Minister for Community Safety <MinisterCS@gov.scot>; Lord Advocate <LordAdvocate@gov.scot>; DG Education, Communities & Justice <DGECJ@gov.scot>; Rennick NS (Neil) <Neil.Rennick@gov.scot>; Russell GE (Gillian) <Gillian.Russell@gov.scot>; [redacted]; MacKinnon D (Donna) <Donna.MacKinnon@gov.scot>; [redacted]; [redacted]; [redacted]; [redacted]; Head of Justice Analytical Services <headofjas@gov.scot>; [redacted]; [redacted]; [redacted]; Halliday R (Roger) <Roger.Halliday@gov.scot>; [redacted] ; [redacted] ; [redacted] ; [redacted]; McFarlane J (John) <John.McFarlane@gov.scot>; dfraser@scotcourts.gov.uk; [redacted] ; [redacted] ; [redacted] ; [redacted] ; Sheriff Duff A <sheriffaduff@scotcourts.gov.uk>; [redacted] ; David.Harvie@copfs.gov.uk

**Subject:** RE: Official Statistics: Extended Presumption against Short Sentences - monitoring information July 2019 to December 2019 (Restricted)

## **[redacted]** personal notes of handling meeting 18/02/20

- Timing  
-  
25 Feb?  
Event / visit  
-  
Exploring whether Cab Sec could visit unpaid work next week. No response from PO yet.  
Handling / lines  
-  
Proactive news release from Cab Sec?  
•  
Too early to attribute, but trends are good  
•  
Usual messages re improvement etc.  
-  
Potential criticism?  
•  
No effect so far  
•  
Should go further  
•  
Why not break down into crime types? [numbers too small, and would be skewed by types of case resolved within 6 months]  
ACTIONS  
-  
FMQ prep  
-  
**[redacted]** considering whether Ministerial news release necessary.  
-  
SCANCE?

## **[redacted]** response

**From:** **[redacted]**

**Sent:** 24 February 2020 09:58

**To:** **[redacted]** ; McFarlane J (John) <John.McFarlane@gov.scot>

**Cc:** **[redacted]**; **[redacted]**; Rennick NS (Neil) <Neil.Rennick@gov.scot>

**Subject:** RE: Official Statistics: Extended Presumption against Short Sentences - monitoring information July 2019 to December 2019 (Restricted)

**[exempt under S.30(b)(i)]**

**[redacted]**

**From:** **[redacted]**

**Sent:** 24 February 2020 09:51

**To:** McFarlane J (John) <John.McFarlane@gov.scot>

**Cc:** **[redacted]**; **[redacted]**; **[redacted]**; Rennick NS (Neil) <Neil.Rennick@gov.scot>

**Subject:** FW: Official Statistics: Extended Presumption against Short Sentences - monitoring information July 2019 to December 2019 (Restricted)

**[exempt under S.30(b)(i)]**

**[redacted]**