

scottish justice matters

CYBERCRIME



THERE APPEARS TO BE A POLITICAL CONSENSUS IN SCOTLAND ON THE NEED TO REDUCE PRISONER NUMBERS:

WHAT STEPS NEED TO BE TAKEN TO ACHIEVE THIS?

**Michael Matheson MSP,
Cabinet Secretary for Justice**



SCOTLAND'S imprisonment rate, the second highest in Western Europe, is far too high and I am committed to reducing the number of people we hold in custody.

Prison will always be needed for those who commit the most serious crimes, or who pose a serious risk to public safety. However, extensive research shows that short-term spells in prison are not an effective way to reduce reoffending and so ultimately do not make our communities safer.

It is critical that we address the underlying factors that influence people to commit crimes, and to reoffend after release. Without that, we cannot make an effective impact on reducing Scotland's prison population.

Encouraging greater use of community sentences have helped drive down Scotland's reoffending rate to a 17-year low. This is not soft justice, but smart justice: an approach that better addresses the underlying causes of a person's offending and causes less disruption to families and facilitates access to housing, employment, healthcare and other support.

We also recognise the need for the appropriate use of remand. We are running improvement projects in three courts, testing ways to reduce the use of remand, for example, by making greater use of supervised bail options.

We are also trialling an innovative 'problem-solving approach' in Aberdeen, while investing a further £4 million in community payback orders across the country to strengthen the use of robust community sentences.

In October I announced that we will significantly expand of the availability of electronic monitoring, including introducing GPS tracking, to provide greater options away from custody.

By making concerted and collaborative efforts to reduce crime and victimisation, to stop people going to prison in the first place, and to ensure there is access to rehabilitative support for those leaving custody, I believe we can achieve our ambition to make Scotland a safer, fairer and more prosperous country for all our communities.

Douglas Ross MSP, Scottish Conservative Party



SCOTTISH Conservatives have repeatedly cautioned against emptying Scotland's prisons to hit arbitrary targets. We've argued that this approach puts in jeopardy an effective justice system which has the public's confidence and protects the public's safety. Criminals who have committed serious offences shouldn't get

off lightly because a presumption against imprisonment of a certain length is in place: this is an affront to victims and risks giving the green light to further offending.

But we also recognise that, in some circumstances, community-based sentences offer a viable alternative to imprisonment. The problem is that these aren't being properly managed and enforced by the Scottish Government, with figures for 2014-15 showing that almost a third of Community Payback Orders were breached. Worse, it recently emerged that rapists and child sex offenders have been given community sentences with punishments such as litter-picking, painting and decorating and snow-clearing. We're concerned that this approach risks bringing an effective disposal into disrepute and have called on the Scottish Government to conduct a fresh review of sentencing guidelines.

We have also pressed the Scottish Government to improve rehabilitation in prisons to help improve the stagnating reoffending rate in Scotland. We need to ask why prison rehabilitation is not working effectively and identify ways to improve it. In doing so we can help to end the revolving door some people find themselves in; ending up back in prison shortly after being released. Scottish Conservatives have repeatedly called for more purposeful activity to be provided for prisoners, which is woefully inadequate across many parts of the prison estate. This will help inmates to positively contribute to society both personally and professionally upon their release, making it less likely they will go on to reoffend in future.

So while there is consensus to reduce prisoner numbers the way to achieve this is not straightforward. A balance needs to be struck between public safety, punishment, deterrence and rehabilitation. Without this, faith in the justice system could be seriously undermined.



SCOTLAND has one of the highest per capita prison populations in Europe, including a significantly high number of people locked up on remand.

Yet it does not follow that Scotland is a significantly more dangerous or more violent country than our neighbours.

It is right that serious crimes result in a prison sentence but we must also ensure that there are credible and robust alternatives to prison that reduce our prison population while still keeping our communities safe.

Greater use of electronic tagging, community payback orders and raising the presumption against short sentences are all viable options in achieving this, but they alone are not the solution. Ultimately the decision about whether someone receives a custodial sentence rests with the courts and I hear concerns about weaknesses in community options.

Therefore, the role of Parliament in reducing prison numbers must go beyond introducing legislation and do more to build broader confidence in the alternatives.

The creation of a rehabilitative justice system will only work if the alternatives to custody are properly funded, robustly evaluated and inspire confidence that change is possible. Community Justice Scotland and local community justice partners will provide the opportunity to focus on this with greater community engagement. But this shift requires sustainable support and funding for local authorities and community partners. At a time when budgets are being squeezed, this will be challenging but crucial if we are to convince the public of the merits of greater community sentencing.

Politicians need to show leadership. There may be political consensus but that doesn't always extend beyond Holyrood. We need to be clear about what we are setting out to achieve and see the debate from the perspective of communities in order to garner support for the creation of a justice system fit for a modern society.

scottish justice brief

Next issue

Leading international expert, Professor Mike Nellis of the University of Strathclyde, will guest edit a themed issue on surveillance, crime and criminal justice in Scotland. Watch out for publication in March 2017.

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Apex Scotland Annual Lecture 2016

The Apex Scotland Annual Lecture was held on 6 September. Delivered by Fraser Kelly, CEO Social Enterprise Scotland, the lecture: *Social Enterprise. Good for Everyone?* is now available at: <https://youtu.be/b7FzDkp9qyg>

SASO Edinburgh Lecture

17:30. 06/12/2016: Edinburgh Sheriff Court, Chambers Street, Edinburgh
Hard to reach, easy to ignore: designing and delivering public protection services for less visible communities

Speakers: Angela Voulgari, Bright Choices and Aaron Slater, Fearless.

<http://www.sastudyoffending.org.uk>

#RJinScotland

Watch out for Restorative Justice Dialogue events across Scotland in 2017 and news of new training opportunities. As a first step, contact Miranda Nicoll to join the mailing list for the RJ Forum (Scotland): M.Nicoll@sacro.org.uk

The first Restorative Justice Dialogue will be organised by Edinburgh Napier University and the RJ Forum (Scotland) on 14 December 2016, 4pm at Chapel of the Craiglockhart Campus, Edinburgh Napier University, Edinburgh. The Restorative Justice Dialogue series is a range of events coordinated by the RJ Forum (Scotland) which aim to generate conversation across academia, world of practice and policy-making in Scotland, looking at the present and future of restorative justice.

The first dialogue will be entitled *Restorative Justice and Victims of Crime*. It will feature prof. Theo Gavrielides (IARS, London) as guest speaker and will be moderated by Dr. Giuseppe Maglione (Napier University). The main goal of this event is to look at the recent developments of RJ in the UK from the enactment of the European directive on victims rights (Directive 2012/29/EU) and their implications for Scotland. The dialogue will gather academics, practitioners, policymakers interested in the present and future of restorative justice in Scotland.

Dr. Theo Gavrielides is the Founder and Director of The IARS International Institute and the Founder and co-Director of the Restorative Justice for All Institute (RJ4All). He is also an Adjunct Professor at the School of Criminology (Centre for Restorative Justice) of Simon Fraser University as well as a Visiting Professor at Buckinghamshire New University. Theo is author of a wide range of books and academic papers on restorative justice, equality and race, youth justice. He has also advised public bodies and third sector organisations on issues related to restorative justice.