

SCPO Briefing Paper 9/1

CRIMINAL JUSTICE

This is the first in a series of SCPO Briefing Papers in which we are taking the topics identified by the churches as key election issues and summarising the Manifesto commitments on these themes of the parties now represented in Parliament. In the new situation, all of these are significant background to coming policy.

Alternatives to Custody

- The SNP said they would reinstate the Airborne scheme and also support the further development of work-based mentoring for young Scots, along the lines of the "Working Rite" model. They said that they believed that intervention schemes such as the Pathfinder programme had an important role to play in the wider battle against anti-social behaviour and that they would look to expand provision in this area by making it a priority as additional funding emerges.
- Labour would establish Scotland's first Community Justice Centre in Glasgow and a National Payback system. The Lib Dems also promised that they would roll out a network of Community Justice Centres based on the pilot of the community link centres where rehabilitation services are coordinated.
- Labour want to involve communities in setting their priorities for "pay back", such as cleaning up litter, repairing damage to property in an area, providing services to vulnerable people, or building community facilities. They also want to streamline community sentences and ensure that they are available so offenders can be set to work immediately when given a community sentence.
- Labour say that there should be community enforcement officers to ensure that offenders turn up and carry out their sentences and that community courts report back to local communities informing them of the work carried out in their area, what priorities have been set out for the future, and how ordinary people can influence what work is carried out. The community courts would explain their decisions and do more to inform the victim and public about court decisions.
- The Conservatives said that while alternatives to custody have a role to play, they must never be a soft option, nor favoured because of a lack of space in jails.
- The Lib Dems want to ensure that there are community sentences that combine the effect of probation orders and Supervised Attendance Orders, so specific tailored conditions can be set on the offender during the community sentence.
- The Lib Dems also call for increased use of restorative justice measures such as Community Reparation Orders, rolling them out across Scotland from 2008 onwards following the evaluation of the current pilot schemes. The Lib Dems wanted to go further with Restorative Justice Panels (made up of members of the community and supported by professional staff, to whom someone convicted from a district court is referred to agree measures that help to make amends to society and the community).
- The Greens said that they aimed to reduce re-offending and the prison population by meaningful community-based sentences, including reparation.

Drugs

- The SNP said that they would support a range of rehabilitation schemes and in particular increase spending on drug rehabilitation services by 20%.
- Labour said that they would examine what further steps are needed to deal with the problems of drugs in prisons and would insist that offenders attend drug rehabilitation, back to work or literacy programmes.

- The Conservatives would take steps to end illegal drug use in prison, through random drug testing; any prisoners in possession of an illegal substance would have their visitation rights suspended, and visitors bringing drugs into prison would be prosecuted and prohibited from visiting. However, they would also ensure that drug addicted prisoners are supported clinically and encouraged towards abstinence.
- The Lib Dems want more people referred to treatment services and support at the point of arrest when the police know or suspect them of drug or alcohol abuse.
- The Greens said that the priority for new prison spaces should be specialist secure rehabilitation facilities for prisoners who want to end their drug use.

Prison

- The Conservatives said that they would require an extra prison in the short term as a result of their sentencing policies, and so they would have set aside money in their budget to build and run it. However, they believe that the pressure on prison space would recede in the longer term, as imprisoning a larger number of criminals would produce far lower crime rates.
- The Lib Dems would replace the Scottish Prison Service with a new Scottish Custody and Rehabilitation Service, transforming SPS into a prison and community-based service working directly with other services, businesses and Criminal Justice Authorities to reduce reoffending.
- The Greens said that they would provide more regular contact and supportive environments for family visiting.

Rehabilitation

- The SNP said that they would transfer a proportion of savings from reducing the prison population into rehabilitation and criminal justice social work. Savings would be delivered on a £ for £ basis up to a total of £35m.
- The Conservatives said that, as a result of their increased prison capacity, overcrowding would be reduced, enabling prison staff to spend more time on effective rehabilitation of offenders.
- The Lib Dems want more schemes to help prisoners to attain the writing, numeracy and reading skills required to gain qualifications and employment, including for some offenders a tough contract of conditions on training and work. One of the major measures of the effectiveness of the Lib Dems' new Scottish Custody and Rehabilitation Service would be in meeting challenging targets for the number of prisoners leaving custody with nationally accredited qualifications.
- The Lib Dems would like to see Business Sector Coordinators in every prison to build positive relationships with local employers and enable prisoners, where appropriate, to participate in external work placements. They also want to work with businesses and employers to introduce a training scheme for selected offenders in areas where Scotland has a shortage of trained workers. For some, this would include the option of relocation with employment to address reoffending.

Sentencing

- The SNP want to create a new Sentencing Council to provide sentencing guidelines for the Judiciary. Labour also want to set up a Sentencing Guidelines Council to ensure consistency in sentencing.
- The Conservatives said that early release does a disservice to victims and called for an end to automatic early release.
- The Conservatives would introduce a "three strikes and you're out" policy; where a criminal is about to receive a third custodial sentence, the sentencer would be required to add an extra period of jail, proportionate to those three sentences.

- The Conservatives and the Lib Dems would permit District Courts to issue Drug Treatment and Testing Orders.
- The Conservatives would ensure that drug dealers are tried on no lesser a complaint than indictment in the Sheriff Court, which carries a longer maximum sentence.
- The Lib Dems want to pilot the use of dual sentencing where offenders return to court following completion of the custodial part of their sentence for the judge to set the community part, with more tailored programmes and conditions such as attendance at housing interviews, education and training classes or anger management courses.
- The Lib Dems want to pilot specific Alcohol Treatment and Testing Orders.
- The Lib Dems said that they would support greater use of Arrest Referral Schemes, with shorter waiting times and greater availability of treatment.
- The Greens said that they would insist that the reasons for sentencing are recorded; prison should be used only for offenders who pose genuine risk of harm to the public.

Sex offenders

- The SNP said that they would introduce a new "traffic light" system, giving communities more information on dangerous paedophiles in their area, with the police and Procurator Fiscal able to trigger a 'red alert' in a variety of circumstances (with all necessary steps taken to protect the local community). For amber, where there is some concern about a sex offender's behaviour, key organisations in a community (eg schools) would be informed. The green light would only be applied for the range of less serious offences where there was no assessed risk. If a child goes missing, sex offenders in the area would be visited and premises searched, without a warrant.
- Labour would make public the identities of predatory sex offenders whose behaviour is causing concern.
- The Conservatives would require released sex offenders to undergo polygraph tests and they would also monitor their movements through the introduction of satellite tracking.

Short sentences

- The SNP said that the presumption would be that an offender given a custodial sentence of less than 6 months would have that sentence turned into an equivalent punishment in the community. However, an offender committing a further crime while serving a community punishment would be punished "severely" - serving their original sentence in full, plus any sentence given for their later offence, with no prospect of remission. The SNP also said that Sheriffs must retain independence in sentencing, so the option of a short sentence would remain open in exceptional cases.
- The Conservatives said that most fine defaulters are not a danger to the public and so should not be in jail. Instead they would ensure that Judges and Sheriffs were able to use their powers to deduct fines from salaries and benefits and that Sheriff Clerks would require fine defaulters to complete a payment mandate before they left the Court.
- The Lib Dems want to replace very short term prison sentences of 3 months and under with tougher community sentences.
- The Lib Dems also think there should be greater use of conditional sentences for sentences of less than 6 months, which would involve specified periods of imprisonment, backed up by "tough" conditions for community sentences, over a defined period to address offending behaviour.
- The Greens said that they believe very short sentences should be replaced by community sentencing.

Police

- Putting more police on the streets was a pledge of all 5 parties. The SNP said that they would set out plans in their first budget for 1,000 more police (encouraging Chief Constables to focus these on community policing). Labour said they would establish a community police team in every area and double the number of community wardens to over 1,000. The Conservatives said that they would hire 1,500 more police officers to be out in neighbourhoods, and work with Chief Constables to eliminate red tape and bureaucracy. The Lib Dems would recruit 1,000 extra community police officers, with enough funding for at least two additional community police officers in every council ward; they would also ask every Police Board to publish an annual Community Policing Plan. The Greens would encourage police forces to move additional officers into community working to cover areas with higher levels of anti-social behaviour, with better integration between policing and social services.
- The Conservatives also said local police would publish regular crime statistics, community by community; to allow for community feedback, Conveners of Police Boards would have to stand for election. The Greens said that they would ensure that communities' voices are heard at all levels.

Youth

- Labour would reform children's hearings and the wider youth justice system to deal more effectively with persistent and serious offending behaviour; they would also offer referral to youth courts of youngsters who commit violent and repeat offences.
- The Conservatives said they would ensure that 14 and 15 year old persistent offenders go to Youth Courts, and that Children's Hearings would have power to issue Drug Treatment and Testing Orders.
- The Lib Dems said they would cut youth crime through a Youth Justice Board and Youth Panels. They also called for more research on links between violent crime and early years development, and would create a high level team to focus exclusively on best practice for early intervention for young people identified as at risk of developing criminal behaviour.
- The Lib Dems believe that more 'outreach' youth work has an important role to play in tackling anti-social behaviour and they would like adequate alternative facilities to be provided for young people.
- The Greens would end the "obsession" with ASBOs, and reinforce the 'no order' principle of the Children's Hearing system (in which prevention, early intervention and diversion are seen as priorities ahead of making orders). They would fund secure and community-based projects working to reduce offending behaviour in young people

Miscellaneous

- Labour would "name and shame" those who cause chaos in their neighbourhoods; and would designate a statutory body in local communities responsible for reducing crime.
- Labour would retain DNA samples and fingerprints of all crime suspects.
- The Lib Dems would introduce maximum 7 year combined custody and community sentences for possession of a knife.
- Conservatives would review the operation of bail and ensure that a judge has the necessary discretion to refuse bail where the circumstances of the accused and the alleged crime do not justify bail.
- The Conservatives would also revise the 'double jeopardy' law, to allow a new trial when new and compelling evidence emerges.
- The Greens would increase the use of victim-offender mediation and develop stronger links created between the judiciary, community and rehabilitation services.