Equal Opportunities Committee Inquiry on Migration and Trafficking

During my appearance before the Committee on 5 October, I undertook to write with more detailed information on the offences prosecuted and sentences imposed arising from Operation Pentameter 2.

The question asked was:

**The Committee would welcome information on what tariffs were imposed in respect of these crimes and what the tariffs could have been if the individuals had been prosecuted for trafficking?**

As a result of Operation Parameter 2, there were 21 individual prosecutions of which 17 accused were convicted of 23 separate criminal offences.

The offences and sentences imposed in relation to the individuals prosecuted and convicted are set out below:

- Accused 1 was convicted of contraventions of the Misuse of Drugs Act and was sentenced to 2 years imprisonment;

- Accused 2 was convicted of a contravention of the Criminal Law (Consolidation) (Scotland) Act 1995 s11(5)a & 6 - Managing an immoral house and was admonished

- Accused 3 was convicted of a contravention of the Identity Cards Act 2006 s25(5)(c), - Being in possession of false identification and was sentenced to 6 months imprisonment;
Accused 4 was convicted of a contravention of the Criminal Law (Consolidation) (Scotland) Act 1995 s11(5)a & 6 - Managing an immoral house and was fined £400;

Accused 5 was convicted of a contravention of the Criminal Law (Consolidation) (Scotland) Act 1995 s11(5)a & 6 - Managing an immoral house and attempting to pervert the course of justice and was sentenced to 5 months imprisonment;

Accused 6 was convicted of attempting to pervert the course of justice and was sentenced to 1 month imprisonment;

Accused 7 was convicted of contraventions of the Criminal Law (Consolidation) (Scotland) Act 1995 s11 (5) a & 6 - Managing an immoral house. The accused failed to appear at the sentencing diet and a warrant was granted.

Accused 8 was convicted of contraventions of the Criminal Law (Consolidation) (Scotland) Act 1995 s11(5)a & 6 - Managing an immoral house and a contravention of the Criminal Law (Consolidation) (Scotland) Act 1995 s11 (4) – Using a female for gain control/direct/influence as a prostitute and was sentenced to 10 months imprisonment;

Accused 9 was convicted of a contravention of the Criminal Law (Consolidation) (Scotland) Act 1995, s11 (5) (a) & (6) - Keep/manage/act in management of brothel and was fined £200;

Accused 10 was convicted of a contravention of the Criminal Law (Consolidation) (Scotland) Act 1995, s11 (5) (a) & (6)- Keep/manage/act in management of brothel and was fined £200;

Accused 11 was convicted of a contravention of the Criminal Law (Consolidation) (Scotland) Act 1995 s11(5)a & 6 - Managing an immoral house and attempting to pervert the course of justice and was sentenced to 5 months imprisonment;

Accused 12 was convicted of a contravention of the Criminal Law (Consolidation) (Scotland) Act 1995 s11(5)a & 6 - Managing an immoral house and was admonished;
Accused 13 was convicted of a contravention of the Criminal Law (Consolidation) (Scotland) Act 1995 s11(5)a & 6 - Managing an immoral house and was fined £1000;

Accused 14 was convicted of a contravention of the Criminal Law (Consolidation) (Scotland) Act 1995 s11(5)a & 6 - Managing an immoral house and was sentenced to 190 hours community service;

Accused 15 was convicted of a contravention of the Criminal Law (Consolidation) (Scotland) Act 1995 s11(5)a & 6 - Managing an immoral house and was admonished;

Accused 16 was convicted of a contravention of the Identity Cards Act 2006 s25(5)(c), - Being in possession of false identification and was sentenced to 6 months imprisonment; and

Accused 17 was convicted of a contravention of the Criminal Law (Consolidation) (Scotland) Act 1995 s11 (5) a & 6 - Managing an immoral house and was fined £300.

The maximum sentence for cases prosecuted on indictment, for a contravention of s22 of the Criminal Justice (Scotland) Act 2003 and s4 of the Asylum and Immigration (Treatment of Claimants etc) Act 2004 is 14 years and on summary conviction, imprisonment not exceeding 12 months, a fine or both. As I advised the Committee, none of the cases reported contained contraventions of either of these provisions.

I would like to take this opportunity to confirm that the guidance on human trafficking offences has been issued to all prosecutors and is available on our web site. A copy of the guidance is attached.

The Committee also requested agreement that correspondence between the Solicitor General and Marilyn Glen, MSP be published. I have no difficulty with this and enclose a copy of the correspondence for this purpose.

I hope that this information is helpful to the Committee.