Justice Committee

Criminal Justice and Licensing (Scotland) Bill

Written submission from Glasgow Community and Safety Services

Glasgow Community Safety Services (GCSS) is charitable organisation formed in partnership with key stakeholders such as Glasgow City Council, Strathclyde Police and voluntary sector bodies to provide an integrated multi-service response to community safety issues. GCSS welcomes the opportunity to respond to the principles of the Criminal Justice & Licensing (Scotland) Bill which is seen as a significant and positive development in the delivery of justice and care to all of Scotland’s citizens.

As an integrated multi-service provision, GCSS has build up considerable experience and expertise on various issues which can inform to the consideration of the Criminal Justice & Licensing (Scotland) Bill and future developments at Stage Two of this process at the end of the year.

We have broken our response down into key areas and kept to the limited response requested:

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GCSS GENERAL RESPONSE

SECTION 14: COMMUNITY PAYBACK ORDERS

We welcome the Scottish Governments proposal to establish the use of Community Payback Orders which will replace existing community penalties. This proposal highlights a commitment to increase the effectiveness of community penalties with a focus on reparation to communities and robust procedures for the rehabilitation of offenders.

The order will provide access to a range of services which can be tailored to meet the criminogenic needs of each offender which is crucial to reducing reoffending and making Scotland safer. The reparation elements of the order will provide the opportunity for offenders to make amends for the harm caused to the community, allowing them to move on from the offence whilst acting as visible justice for the community affected by anti social and offending behaviour.

SECTION 15: NON-HARRASSMENT ORDERS

Overall we are pleased that key objective is to make it easier for prosecutors to obtain criminal NHO’s against offenders. Women who have been subject to domestic abuse often report repeated threats and continued harassment long after they have exited the relationship. It is therefore helpful that Sheriff’s will be able to see pertinent details of previous offences. We are hopeful that this will offer greater protection to women and deliver a clear message to offenders that their behaviour will no longer remain invisible to authorities and they will be held accountable.

There is one area of concern, in section 2B ‘The court must give the offender an opportunity to make representations in response to the application’. Given that NHO’s are granted only once a conviction has been secured, we wonder why this exception has been created, to the best of our knowledge this does not exist elsewhere in criminal law.

We would also propose that if a criminal NHO has been granted in one Sheriffdom that the NHO also applies in other Scottish Sheriffdom’s. This offers more consistent protection for women, this is important especially if women move from one area to another.

Robust monitoring is always key to gauging effectiveness of any proposed changes and we would urge the Scottish Govt. incorporate this within the soonest possible timescale.
SECTION 17: PRESUMPTION AGAINST SHORT PERIODS OF IMPRISONMENT OR DETENTION

We support the Scottish Government’s intention to suggest that custodial sentences under 6 months should not be imposed unless particular circumstances of the case lead sentencers to believe that no other option would be appropriate.

We acknowledge that imprisonment or detention is necessary for some offenders who pose a real risk to the public or themselves. However, we also believe that short term prison sentences have limited capacities to address each offender’s issues and therefore reduce reoffending. It has also been acknowledged that, in some cases, short term periods of imprisonment can lead to an increase in factors which contribute towards reoffending on release from prison.

GCSS agrees that community sentences can be effective alternatives to short periods of imprisonment by acting as a punishment and also providing the opportunity to address the needs of the offender, reducing recidivism rates.

SECTION 23: OFFENCES AGGRAVATED BY RACIAL OR RELIGIOUS PREJUDICE

We agree with the content of this proposal as it serves to highlight the further seriousness of the aggravated offences and gives the Courts added options in dealing with racism/religious prejudice.

SECTION 38: PROSECUTION OF CHILDREN

We welcome the proposal to raise the age of criminal responsibility from 8 to 12 whilst still allowing children under 12 to be referred to the Children’s Reporters Administration on offence grounds.

It is well documented that the current laws surrounding the prosecution of children in Scotland set the age for criminal responsibility significantly lower than recommendations of the UN Convention on the Rights of the Child. GCSS agrees that the prosecution of children under 12 does not fit well with the rights of the child. However we do believe that children over 8 years of age should be deemed to be responsible for their actions.

We fully support the intention to ensure that children aged 8-12 can be referred to the Children’s Reporters Administration on offence grounds. In Scotland, we have an effective structure for dealing with youth offending through an integrated welfare system. We believe that restorative justice services play an important role in addressing issues of youth offending providing an opportunity for children to learn about the consequences of their behaviour, and allowing victims to have a voice in the process. Restorative processes play an effective role in dealing
with low level and minor offending by children but can be used on a limited basis for children involved with social work services or with a number of previous offences. GCSS would like to see more robust guidelines for the use of restorative processes where a child is subject to a supervision order.

SECTION 47: REMAND AND COMMITTAL OF CHILDREN AND YOUNG PERSONS

GCSS agrees with the policy suggestion of ensuring that children are no longer imprisoned with convicted adult offenders. We believe that children under 16 should be treated as such and that more suitable arrangements are made for remand and committal purposes which takes more regard to the welfare of the child.

SECTION 63: SPOUSE OR CIVIL PARTNER OF ACCUSED A COMPPELLABLE WITNESS

We agree with all aspects of this policy section.