

The purpose of this briefing is to bring Sacro staff up to date with national developments in the criminal justice field since the briefing issued in April of this year. It is also the first briefing in the hands of the new Criminal Justice Advisor, Tim Richley, who took up post in April.

> Legislation

Since the last briefing there have been several actual and proposed changes in relation to Scottish Criminal Justice legislation which will have a direct bearing on Sacro services and staff. These include:

The Management of Offenders etc. (Scotland) Act 2005

As you will be aware, this new piece of legislation became law in December of last year and will significantly influence the way in which offenders are managed within Scotland. Since December there have been a number of legislative changes which are beginning to have a direct bearing on offenders and the agencies responsible for managing them in Scotland. These changes include:

- The supervision of sex offenders serving “short term” sentences. The new legislation requires all sex offenders serving custodial sentences of between six months and four years to be supervised on licence as from February 2006. This change effectively ensures that all sex offenders who fall within this category are subject to supervision by staff from local authority criminal justice services. The intention is that this will ensure there is more monitoring and supervision on these offenders than was previously the case. The impact for Sacro services, particularly Supported Accommodation, is that there may well be an increase in referrals due to more offenders being subject to statutory supervision than previously.
- The introduction of “Home Detention Curfews” (HDCs). These new powers will come into force later this year and will provide “low risk” offenders the opportunity to apply to be released from custody early. They will have to meet certain criteria and, if successful, will serve a relatively small proportion of the remainder of their sentence within the community, on a HDC. Sacro have already been approached in one area to undertake the community assessments for HDCs.

Criminal Proceedings etc. (Reform) (Scotland) Bill

This Bill continues to work its way through Parliament and in May Sacro provided oral evidence to the Justice 1 Committee regarding our thoughts on various parts of Bill. Sacro's responses can be found in the official report of the Justice 1 Committee at

www.scottish.parliament.uk/business/committees/justice1/reports.htm

The main components of this legislation which we are attempting to influence are in relation to the use of bail and remand. We believe that the daily remand population in Scotland's prisons (approximately 1,200 plus on any one day), could be significantly reduced if better use were made of Bail Supervision. We were able to provide strong evidence to the Committee of the success of Bail Supervision services delivered by Sacro.

Release and Post Custody Management of Offenders

In June, the Justice Minister, Cathy Jamieson launched a high-profile set of proposals aimed at reforming the current system and scrapping the “automatic early release” of prisoners. These radical proposals will, in our opinion, probably become law by the end of the year. The new system is basically much clearer in terms of helping the public, victims and others involved within the criminal justice system, in understanding exactly what sentence length means.

Under the new proposals all sentences over 14 days will comprise of a “custody part” and a “community part”. The “custody part” will form a minimum of 50% of the sentence. At the time of sentence this will be made clear to the offender and indeed the court may, at that time, increase the 50% as it sees fit. Once in custody, offenders will be subject to continuous review of the custodial part of their sentence. Where there are concerns that an offender should not be liberated at the end of the custody part of their sentence, there will be mechanisms, via the SPS, Scottish Ministers and the Parole Board, to extend this. Finally, once released from custody, all offenders will be required to be on licence (i.e. supervised), until the end of the “community part” of the sentence.

These changes will have implications for Sacro in terms of a number of issues. These include greater numbers of offenders being subject to Statutory Supervision at any one time and the various knock on effects of this. They may also effect some of our Throughcare Services in the way in which referrals are received. For more information on these proposals the web link is: www.scotland.gov.uk/publications/2006/06/20120843/0.

National Strategy for the Management of Offenders

The Scottish Executive published this National Strategy in May. The document basically sets out the Minister’s vision for how all agencies which work within the criminal justice system will work together to tackle and reduce re-offending. Cathy Jamieson has set a target of “a 2% reduction in reconviction rates in all types of sentence by 2008”. This target is, in our opinion, no mean feat, and will require significant improvements to the current system in order to achieve it. The Strategy advises that a “new approach will redesign services around offender groups” which are (in no particular order of priority):

- Less serious/first-time offenders
- Offenders with mental health issues
- Offenders with substance misuse problems
- Persistent offenders, including young offenders coming through the youth system
- Prisoners needing resettlement and rehabilitation services
- Violent, serious and sex offenders
- Women offenders.

As can be seen from the above list, Sacro are currently hugely involved with the majority of these groups and it is hoped that these involvements will only strengthen over time. The web link for this interesting, and relatively concise document is: www.scotland.gov.uk/publications/2006/05/19094327/0.

> Community Justice Authorities – Update

As you will be aware the eight Community Justice Authorities are slowly starting to take shape. Currently seven chief officers have been appointed (the exception being Glasgow), and preliminary meetings have taken place with elected members. The next stage is for each of the CJAs to complete Local Action Plans and submit them to the Minister for approval. This year (2006/07) is being termed a “shadow” or “transitional” year, with the CJAs being required to be fully functional by the following year i.e. 2007/08.

Sacro will continue to be involved in consultations about the role of the voluntary sector, in particular about how to determine which agencies will be statutory partners of each CJA, that is have a statutory right to be consulted and participate in CJA meetings. At the moment, it looks like we will be statutory partners in six of the eight authorities.

> Criminal Justice Social Work Research Centre (CJSWRC)

Some readers may well be aware of this organisation, which is based at Edinburgh University. They provide a variety of resources for practitioners involved in working with offenders. This resource is **not just for social workers**, and their internet portal is excellent. The CJSWRC are happy for Sacro staff to register as users of this portal. For more information visit: www.cjsw.ac.uk/pls/portal30/.

> Feedback

Any feedback on this briefing or further enquiries about topics raised herein would be welcome. The Criminal Justice Advisor can be reached at: trichley@national.sacro.org.uk.

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