

Submission – Commission on Justice in Wales

As requested I provide some thoughts and reflections from Scotland that may assist the Commission in the development of policy for Wales. I appreciate that the legislative and administrative landscape is different and some actions may neither be realisable nor desirable. There are also some cultural differences but fundamentally many of the issues are similar and the solutions likewise. These are also reflections that are more anecdotal than evidence based though I assume former colleagues at Scottish Government can provide that. Finally, I'd be happy to expand further if that's sought.

Alcohol

Tackling alcohol abuse was essential. Licensing was brought under criminal justice ministerial control from the local government portfolio though powers remained with local boards strategic direction changed. I believe that it was only then that a real concerted effort could be made. Policy moved from encouragement and demands for more education to a more rigorous regime driven by the department that faced many of the consequences.

Both protecting communities and indeed individuals from harm or self-harm required that steps be taken and the mantra that it was all about education simply wasn't working. It's wasn't simply price but availability and promotion. Minimum Unit Price was just one aspect of a concerted campaign invoked to reduce the abuse of alcohol.

Encouraging licensing boards to restrict the expansion of outlets and consider the oversupply in many deprived communities was encouraged even if much more needs done on the latter. Addressing how alcohol was sold and displayed from two for ones through to promotions throughout shops and supermarkets was vital. Alcohol is not simply another commodity and shouldn't be sold as such.

Imposing tighter regulations on both on and off sale trade, increasing the professionalism of the trade and restricting alcohol sales to youngsters through legislation on both purchase and proxy purchasing was vital.

Moving from alcohol being an excuse for unacceptable behaviour was also important in seeking to address a culture. Specific legislation allied to a concerted drive to address that mythology was essential. Likewise reducing the drink driving limited added to a mood change in cultural attitudes.

Policing

A single service was brought in for the Police along with Fire and Rescue. It was driven by financial necessity but afforded an opportunity to provide the best possible service across the entire country. Though the full extent of hoped for savings hasn't been made and there have been issues that have hampered it, a single police service offers opportunities for Wales as in Scotland. The reduction of officer numbers has been limited in comparison to a significant drop in England and Wales.

Moreover, the opportunity to have not just scale but policy delivered across the jurisdiction has been achieved. Major incidents are dealt with better with the availability of specialist resources is

available everywhere not simply within the larger forces. Likewise addressing policy issues such as domestic violence has improved with the availability of ensuing uniform procedures and practices.

Violence

Addressing a culture of violence was also commenced. Violence itself was seen as a public health issue not simply a crime outcome. It has resulted in inter agency work as well as efforts to tackle deep rooted social mores or perceptions. The Violence Reduction Unit has done extraordinary work that has been allied to by other agencies from Medics Against Violence through to addressing bullying in schools. There's an understanding that a holistic approach is needed and that addressing the issue at source not just its manifestation is required. It won't be quick or easy but already remarkable results have been achieved.

Success in tackling a knife pandemic was rooted in that though added to by ensuring that adverts and messages were based on evidence of what would work. Recognising that it was peers that could be persuasive not personalities sports or otherwise and likewise that it was fear that encouraged the carrying of weapons rather than wickedness or machismo for most.

Tough action was taken but married to education and messaging that would resonate. Providing information through the medical profession for example that there was no safe way to stab someone and that knives were not defensive weapons worked well as did other innovative actions from those professionals.

Tackling Youth Offending

A major shift away from law enforcement alone was invoked and the whole systems approach brought in. Inter and multi-agency working was established. It did require an agreed strategy that was evidenced based but thereafter had to have the "buy in" across agencies from the Judiciary through Prisons, Police and Prosecutors to Youth and Community workers. A recognition of the need for collaboration and solutions across agencies such as education health employment and housing not simply law enforcement was pivotal. My own experience was that all recognised that and appreciated that though they may have a different focus cooperation was essential and indeed it was achieved. The collaboration at local level was significant and seeking solutions for individual's social problems rather than enforcing a criminal solution was more often achieved.

Punishment

Moving from short custodial sentences to community disposals was invoked with a presumption against sentences of less than three months which is now to be extended to a year. Progress has been made though consideration will have to be given to whether it should be made mandatory though to the great credit of the Judiciary training provided and direction given is fully supportive of it.

There was some political and press hostility allied to public concern. However, I believe that they were overcome by a concerted effort to make clear the benefit of community disposals not simply in terms of outcomes and success but cost to the public purse and benefit to community and offender.

Innovative schemes that asked for community suggestions for work done together with a high profile for actions being taken saw a mood swing towards them of support. Numbers of young offenders have dropped significantly and prison numbers remain high due to other factors such as historic sexual crimes and an older prison population. Promoting the work done increased public awareness and support and thanking those on schemes provided benefit for them is being valued as well as having an opportunity to contribute usefully to others. My own experience was that schemes such as litter picking were of less benefit than those that interacted with the community such as working with the handicapped or elderly. It should be about payback but not ritual humiliation, there should be greater flexibility for those working with them to give praise and even reduce hours to be done if great efforts are being made.

Inter-Agency Working

As mentioned in several aspects whether tackling knife crime or youth offending achieving inter agency working was essential. Progress still has to be made and much more needs done especially in conjunction with health. However, developing a culture of cooperation takes time and needs nurtured. Bringing agencies together to try and solve minor issues from housing to release dates was essential. The coordination and cooperation were helpful and from that will only grow. As an aside similar embedding of individuals in other departments worked well in achieving increased cooperation not simply in supporting rehabilitation but in tackling serious offending.

Some could be very minor but have significant effect. Bringing parties around the table to discuss with the prison service when and how prisoners are released was essential. Routine gate releases from prison on a Friday morning was disastrous and a recipe for a speedy return by Monday morning. Allowing earlier release and giving prior notice to housing could allow for a place to go to as well as access to benefits and medication often denied by Friday gate releases. Those such changes were what might be termed low hanging fruit. Quite simple but significant in effect. Bringing parties around the table to discuss was essential though for that and helped foster a belief that all were seeking to achieve the same outcomes and break down barriers that had been imposed.

Domestic Violence

This was recognised as a major issue and driven by police and prosecutors supported by Judiciary and aid agencies. Specialist courts were developed that allowed for speed and expertise. It tied in with support for victims being provided immediately it was identified as well as concurrent action against the perpetrator. Again, though improvements can be made it was a significant step forward.

I'm sceptical about other specialist courts but accept that specialist sheriffs were the critical factor. It wasn't so much drug courts but the skills of those operating in them that was most beneficial. Encouraging and keeping on track as important as threats and further sentencing.