

## Justice Committee

### Offensive Behaviour at Football and Threatening Communications (Scotland) Bill

#### Written submission from Sacro

1. In light of the serious events of the football season past and the apparent increase in sectarian related behaviour at certain grounds around the country, Sacro welcomes the principles behind the new legislation. However, Sacro believes that certain aspects of the Bill require further consideration by the Justice Committee.

2. The definitions for "offensive behaviour", "regulated football matches" and "threatening behaviour" appear very wide ranging. Sacro accepts that there is a need to ensure that the legislation is framed in such a way as to cover the spectrum of potential criminal activity. However, our concern is that if the Bill were enacted in its current form, it could lead to individuals being brought into contact with the criminal justice system inappropriately. Such net-widening could be counter-productive, have a negative impact on sentencing and community supervision, and would arguably not reflect what was originally intended as a means of dealing with the problems surrounding football.

3. Sacro would also query the Scottish Government's figures provided on the impact of the legislation. These figures suggest that most offenders could potentially receive Fixed Penalty Notices, many might be dealt with by short sentences and only a small proportion would receive longer custodial sentences or Community Payback Orders. Whilst Sacro acknowledges that the courts will determine the most appropriate sentence in each case, we would suggest that a more effective sentencing approach could be made through the use of Community Payback Orders (CPOs), which have the potential to address the root causes of this type of offending behaviour. For example, the CPO programme requirement could include an obligation for those convicted to attend a programme of groupwork activity around specific football-related offending. Sacro is experienced in delivering cognitive-behavioural based groupwork programmes with a range of offenders. These could be easily adapted to focus on football-related offensive/threatening behaviour. Such a programme could be used with offenders to help them recognise the effects of their behaviour on victims and wider society.

4. Equally, the CPO conduct requirement, which obliges that an "...offender must, during the specified period, do or refrain from doing specified things" could be utilised. This requirement, which would supplement the supervision (of the offender) requirement, could be used to ban the individual from attending football matches or televised events in public houses etc<sup>1</sup>. However, it should be noted that in many circumstances, non-compliance with this requirement might not be known to a case manager until guilt is established. Should the offender fail to comply with the requirement, then the case manager would report it to the relevant court.

---

<sup>1</sup> The CPO programme requirement, like the conduct requirement, can only be made when a supervision requirement is in place.

5. Whilst Sacro welcomes the underlying principles of the Bill in tackling aggravated offences, Sacro calls for much more focus on addressing the underlying causes of bigotry, hatred and intolerance when applying sentencing options.

Paolo Mazzoncini  
Director of Operations East, Sacro  
26 August 2011