



The Scottish Parliament
Pàrlamaid na h-Alba

Justice Committee

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Dear Humza,

Follow-up from the Justice Committee meeting of 23 April 2020

My thanks to you and your officials for appearing before the Committee at the first virtual formal meeting of a parliamentary committee. I am grateful to you for agreeing to write back to members with more information on a number of subjects, as set out below.

I appreciate that the Committee is requesting information on a range of issues across the justice portfolio. It would be helpful therefore, to members, if you could provide information as it becomes available, in separate letters, if necessary.

The police service

As you will recall, the Committee is interested in the impact of the current lockdown on types and levels of offending – both pre-existing offences and those created in response to the COVID-19 pandemic. In relation to pre-existing offences, the Committee is interested in data on areas where offending might have decreased (e.g. as a result of premises being closed) and where they might have increased (e.g. domestic abuse).

I understand that Police Scotland publishes [quarterly performance statistics](#) which detail the number and type of recorded crimes and that the next update is to be provided towards the end of May (apparently covering the period January to March 2020). However, it seems that this may not provide the information the Committee is seeking. Would you confirm if more relevant data is being collated and, if so, provide

this for the Committee? I note that Police Scotland has recently published a brief [update](#) on recorded crime during Scotland's coronavirus response, which provided data on crime trends.

Would you also provide details of the number of Police Scotland's workforce who are absent due to a COVID-19 diagnosis, symptoms or caring for others who have COVID-19 by divisional area and confirm whether this information is available in the public domain.

The Chief Constable has established an Independent Advisory Group to look at Police Scotland's use of new emergency powers to tackle the coronavirus. During your evidence to the Committee you referred to the Chair of the Group dealing directly with members of the public who made complaints on social media about the police and the use of the emergency powers. Do you have any concerns about this approach, for example, leading to confusion amongst members of the public about the complaint handling process, and also in terms of maintaining the independent nature of scrutiny of complaints, for the duration the Group is active?

Personal Protective Equipment (PPE)

In your evidence to the Committee you indicated that you were to have a discussion with representatives from the Scottish Police Federation (SPF), on the afternoon of 23 April, to discuss their concerns that the face masks provided to police officers did not provide them with adequate protection. You were also to discuss the concerns of the SPF about some of the revised guidance from Police Scotland. Would you please provide an update on whether these concerns have been addressed to the satisfaction of the SPF?

It would be helpful if you were also able to provide an update on the provision of PPE equipment for all those in the justice sector who are providing essential services, and whether previous issues have now been resolved. The Committee would also be grateful to receive an update on the level of testing of those workers, and any plans to increase the levels of testing being carried out and a timescale for doing so.

The Scottish Prison Service

In relation to the prison service you agreed to provide details of the number of prisoners to be released early and the time period for doing so. There will be cost implications for those organisations who will be required to provide support to those released from prison as well as the local authorities. Details of the resource implications for those services and of discussions with COSLA would therefore be very much appreciated.

You indicated that you are reflecting on suggestions of ways to monitor the impact on the human rights and mental wellbeing of prisoners of changes implemented during the current pandemic. This includes suspension of prison visits, limited exercise and changes to rules on showering. It would be helpful if you would provide the Committee with details of the overview mechanism to scrutinise the use of the new rules, once available.

The Scottish Courts and Tribunal Service

In your evidence to the Committee you indicated that the Scottish Courts and Tribunal Service (SCTS) has a system of prioritisation for dealing with court cases and you committed to providing a link to that information.

In addition to this you agreed to keep the Committee updated about the on-going discussions of the options being considered to address the backlog of progressing solemn and summary business and a timescale for doing so. The Committee would appreciate being kept informed of progress in assessing options and the resource implications.

You also indicated that you would provide an update on 'non-urgent' business being considered by the courts, in particular the granting of new guardianship orders and addressing powers of attorney issues.

The Justice Committee appreciates your commitment to seek its views prior to making a final decision on additional measures to deal with trials in solemn cases. The Committee would also appreciate being kept informed of progress in assessing options.

Fiscal fines

The Coronavirus (Scotland) Act 2020 has increased the maximum fixed penalty available from £300 to £500. Here the committee looks forward to receiving the information, you agreed to provide, on the new types of offences that can now be diverted from prosecution in summary court proceedings as a result of the change, as well as the number of cases that have been diverted due to the increase to £500.

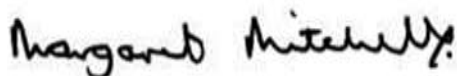
Guidance for parents

Notwithstanding the statement by the Lord President, there remains a level of uncertainty amongst parents regarding the circumstances in which a child can move between the homes of parents who do not live together. You gave a commitment to consider how to address this issue, such as making a statement to reiterate the guidance. Would you please confirm how this is to be addressed? You also agreed to review the guidance to ensure that it reflects the logistical realities across Scotland, such as the islands and rural areas.

Scottish Fire and Rescue Service

Finally, with regards to the Scottish Fire and Rescue Service (SFRS), would you please provide details of the number of its workforce who are absent due to a COVID-19 diagnosis, symptoms or caring for others who have COVID-19 by local authority area if that is possible, and confirm whether this information is available in the public domain. The Committee should also be grateful if you would also provide details of the assistance that the SFRS is providing to other agencies at this time, such as the service it is providing to the Scottish Ambulance Service.

Best wishes



Margaret Mitchell MSP
Convener, Justice Committee