I would like to make you aware that yesterday I wrote once again to the family of Craig McClelland. As you know, the Justice Committee have had an interest in the independent reports into Home Detention Curfew, which were commissioned following Craig’s murder by James Wright.

I have met Craig’s family a number of times and at the most recent meeting on 28 November, I asked my officials, Police Scotland and the Scottish Prison Service to provide detailed answers to the specific questions that the family had provided. In my letter to the family I have set out the answers to their questions so that they have the opportunity to consider that information. The family also indicated that they wanted a full public inquiry into the circumstances of James Wright’s release and Craig’s tragic murder. I undertook to consider this request, in light of the specific circumstances of the case and the subsequent actions that have already been taken.

As you will know, a statutory public inquiry cannot establish criminal or civil liability for what happened in an incident. The focus of an inquiry is first to determine the details of what happened and to make recommendations that can help prevent a similar incident happening again.

James Wright was released from prison whilst serving a short-term sentence under Home Detention Curfew. Arrangements for the release of prisoners under HDC have been in place since 2006. Its introduction was approved by Parliament through the Management of Offenders (Scotland) Act 2005.

A criminal prosecution established James Wright’s guilt for the murder of Craig McClelland, following his breach of HDC. While their formal remit was to examine more widely the operation of HDC, the independent reviews by the Inspectorate for Prisons and Inspectorate of Constabulary, undertaken earlier this year, did look at the circumstances of Wright’s release and subsequent breach of HDC. The review by the Inspectorate for Prisons confirmed that the application process and James Wright’s subsequent release on HDC complied with the existing policies and guidance, as they applied at that time. However, both review reports recommended a number of important changes to arrangements for the release of individuals on HDC and also to strengthen the powers available to the Police when someone is unlawfully at large from HDC. The Scottish Government, Police and SPS have accepted those recommendations in full. Immediate reforms have already resulted in substantial changes to the process for approving prisoners for release on HDC and further statutory changes are being progressed.

Having considered the circumstances, I have indicated to the family that I am not persuaded that a full public inquiry is the appropriate way forward, given the reviews and actions that are already being taken in response to this case. I have made clear to the family that this decision bears absolutely no relationship to the weight of the loss they have felt.
I am committed to ensuring that all the lessons from Craig’s death are learned, and that all parts of the criminal justice system fully respond to the Inspectorates’ recommendations. Their independent reports identified 37 recommendations all of which have been accepted. I am determined that when the follow-up is completed 6 months after their original reports that the Inspectorates will point to clear improvements that have been made.

What I have also actioned, and I have indicated this to Craig’s family, is to ask for some further work by the Inspectorates. I have shared with the independent Inspectorates the answers provided to the family’s questions by Police Scotland, the SPS and Scottish Government. As part of their on-going work to review the implementation of their reports’ recommendations, I have asked the Inspectorates to consider the responses about Craig’s death and whether these raise any further issues or concerns that require to be addressed. The Inspectorates undertake their work independently of the Scottish Government, Police Scotland and SPS.

I hope this reply is helpful in clarifying my determination to ensure that appropriate actions are taken following this tragic case.

Humza Yousaf
Cabinet Secretary for Justice
18 December 2019