



SCOTTISH OFFICE
WHITEHALL, LONDON SW1A 2AU

Prime Minister⁽²⁾

Prime Minister

You may like to look
through Annex A.

MEASURES AGAINST CRIME - PAPER BY THE POLICY UNIT

DUB
17/4

In your letter of 13 February you invited my comments on a note prepared by the Number 10 Policy Unit which discussed work already done or in hand on elements of our strategy for dealing with crime and which suggested a number of areas to which we should give further attention. The note was, of course, written in terms of England and Wales and did not look north of the border where, although in some respects the position is similar, in others, including legislation and organisation, we are very different. Accordingly, taking account of Leon Brittan's full response of 14 March, which covers a number of areas where we are on common ground (as for example in the development of new technology for the police) where we rely on the special scientific or forensic expertise of the Home Office, I think that you may find it helpful to have a statement about the situation in Scotland. This seems apposite not least because the Criminal Justice (Scotland) Act 1980 broke ground which is now being covered in the Police and Criminal Evidence Bill.

Annex A to this letter provides a general review of the progress of our policies in Scotland; Annex B is a more detailed note on efficiency in the prison service which seeks to cover the same ground as the corresponding annex to Leon's letter; and Annex C - provided by the Crown Office - deals with a number of issues relating to the prosecution and court services.

I am copying this minute and enclosures to Leon Brittan, Jim Prior and James Mackay.

C.Y.

G.Y.

17 April 1984

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION



17 APR 1984



ANNEX A

MEASURES AGAINST CRIME: SCOTLAND

I. Introduction

1. This note describes briefly the action taken in Scotland to uphold law and order and combat crime.
2. Provisional figures for 1983 show that recorded crime in Scotland rose by about 3 per cent. This followed increases of about 6.6 per cent in 1982 and 12.0 per cent in 1981. The number of recorded offences in 1983 rose by just over 7 per cent.
3. The number of crimes cleared up by the police again rose in 1983 and the detection rate increased to 30.9 per cent from 29.8 per cent in 1982. The table attached gives the breakdown by crime and offence group for 1982 and 1983. There were increases in cases recorded for all crime groups; but the increase in offences represents the net result of a substantial rise in the number of motor vehicle offences and a fall in miscellaneous offences.

II. Steps taken

Police

4. The Criminal Justice (Scotland) Act 1980 modernised the law on police powers in ways corresponding broadly to those dealt with in the current Police and Criminal Evidence Bill. The new police powers of detention have been in operation since June 1981, and monitoring shows that approximately half of detentions lead to an immediate charge. The powers of stop and search for offensive weapons have also proved successful, with around a quarter of searches leading to the discovery of a weapon.
5. Police training has been reviewed. Probationer training has been extended and now places greater emphasis on relationships with the public, including ethnic minorities (although the problems are, of course, not comparable to those in England).
6. Police morale is high and recruits of good quality are entering forces. All forces are up to strength except in Strathclyde where, despite the fact that our public expenditure plans make adequate provision for the force to operate at full

establishment, the police authority is restricting recruitment to secure a contribution to the financial economy required of it.

7. Chief constables are actively pursuing policies which will increase the visible police presence and develop contacts with the public by involving officers with the community more than in the past. At least two forces are planning to introduce Neighbourhood Watch Schemes.

8. Although large-scale public disorder has not been seen in Scotland in recent years, police equipment and training to deal with disorder have been improved and contingency plans for mutual aid have been reviewed.

Police-public relations

9. A circular on local consultation between the community and the police was issued in March 1983. Statutory backing for such consultation is not thought necessary in Scotland, where it is traditional for policing to be undertaken in ways which have the support of the community. In the light of the circular, forces are actively developing their previous arrangements for local consultation and they have been asked to provide an assessment of the progress they have made. These reports should be available in the course of April.

10. As noted above, it has been customary for Scottish police forces to regard community involvement as an important part of their activities. Indeed it can be claimed that the Scottish police service deserve much of the credit for the evolution of community policing initiatives in the late 1960s and early 1970s. This involvement has taken a wide variety of forms, and chief constables are increasingly aware of the potential benefits to policing and crime prevention to be derived from it.

11. The system of dealing with complaints against the police in Scotland, which differs markedly from that in England and Wales and was favourably commented on by the Home Affairs Committee (HC98-I, 28 May 1982), has been reviewed in consultation with police authorities and police associations and, as announced last December, minor improvements are being introduced.

12. Increased attention is being given to the development of local crime prevention initiatives. The police and local authorities will shortly be consulted on a crime prevention circular which corresponds broadly to Home Office Circular

13. The experimental use of tape recording in the questioning of suspects has been in progress in several forces in Scotland for 4 years, and the results will soon be fully evaluated.

14. Sentencing Policy

The 1980 Act introduced compensation orders to take some account of the needs of the victims of crime. The Criminal Injuries Compensation Scheme remains available for the victims of violence. Almost all sheriff courts now have available the community service order as an alternative to imprisonment. The policy for release on parole is under review in consultation with the Parole Board for Scotland, although in recent years the proportion of eligible prisoners released on parole has been noticeably lower in Scotland than in England and Wales. Recently renewed emphasis has been placed on the paramount importance to the Secretary of State and to the Parole Board of concern for public safety when violent offenders are being considered for parole, or when those sentenced to life imprisonment are considered for release on licence. Means of reducing the number of petty offenders in prison are under consideration, including improvements in fine enforcement.

15. Offences

The 1980 Act introduced for the first time into Scotland the statutory offence of vandalism and this has largely superseded the common law charge of malicious mischief. Vandalism charges under the Act are now widely in use. The provisions in the Act to deal with football hooliganism by banning alcohol from designated sports grounds or from public service vehicles conveying passengers to or from a designated sporting event, together with associated offences of drunkenness and enhanced police powers, have proved successful. There has been a marked reduction in the amount of disorderly behaviour on major sporting occasions.

16. Prisons

The May Committee of Inquiry into the UK Prison Service identified no need for substantial changes in the organisation of the Scottish Prison Service; but considerable efforts are being made to strengthen the management of the service and to secure the more effective use of resources. A fuller account is given in Annex B.

17. Courts

The Criminal Justice (Scotland) Act 1980 made a number of significant changes to established Scottish criminal procedure. Many of these were prompted by the growing pressure of work on the criminal courts, others created new statutory offences in particular areas of public concern. A fuller account is given in Annex C.

18. Alternatives to Prosecution

Detailed consideration continues to be given to further ways in which the burden on the courts can be lessened. One promising area has been examined by the Stewart Committee in their second report entitled "Keeping Offenders Out of Court: Further Alternatives to Prosecution". Among the topics presently under consideration are diversion schemes whereby in suitable cases criminal proceedings are not instituted but the offender is referred by the Procurator Fiscal on a voluntary basis to a Social Work Department or other caring agency. Such schemes are in their infancy.

19. In the area of road traffic, consideration is being given to the establishment in Scotland of vehicle rectification schemes (along the lines of the Nottingham experiment) in which motorists are allowed the opportunity of carrying out repairs to vehicles found by the police to be defective.

20. Reassessment

It is accepted that systematic assessment of the effects of new policies is needed. This is already the practice in Scotland: for example, certain provisions of the Criminal Justice (Scotland) Act 1980 have been monitored closely - notably the use made of, and results achieved from, police powers of stop and search. The importance of continually assessing results of changes in operational methods or deployment of manpower will be re-emphasised to chief constables. Consultations on the basis of a draft circular, corresponding to Home Office Circular 114/83, are well advanced.

21. Value for money

Emphasis has already been placed on the need to secure the most efficient, effective and economical use of police resources. HM Inspectorate of Constabulary in Scotland are to be strengthened by the appointment of an additional HM Inspector; policy guidelines have been prepared as a basis for more

systematic and rigorous inspections which will pay greater attention to securing value for money.

22. Public support for the police

A main objective of the police in Scotland is and always has been to secure and maintain the support of the public and to operate with their consent. The difficulties experienced elsewhere with ethnic minorities have largely been avoided. The police are, however, very conscious of the benefits of publicity and of the need to retain their protective role: they are actively seeking to develop this further and build on the efforts already made. It is, of course, for chief constables to decide how their resources should be deployed on the various tasks facing their forces, and they are well aware of the need to exercise discretion and judgement, where appropriate. Scottish responses to the recent British Crime Survey showed a high level of public satisfaction with the Scottish police.

23. While it is simplistic to suggest that traffic patrol duties (which can influence the incidence of reckless or drunk driving from which death and serious injury can result) could be abandoned and the trained resources used on other duties, the balance of effort devoted to the various duties by different forces can usefully be examined, as will be done by the Inspectorate, although it has to be remembered that no two forces operate in identical circumstances.

SCOTTISH OFFICE

April 1984

EFFICIENCY IN THE SCOTTISH PRISON SERVICEThe May Committee:

1. The May Committee of Inquiry into the UK Prison Service identified no need for substantial change in the organisation of the Scottish Prison Service. For the most part the Committee concentrated its attention on the situation in England and Wales, but the relevance and application of the Committee's recommendations to the Scottish Prison Service have been considered in detail. The Scottish response to it and to the Financial Management Initiative has paralleled developments in England and Wales.

Manpower Control:

2. Manpower accounts for just under 70 per cent of total prison costs in the Scottish Prison Service. The current manpower ceiling of 2,740 staff is 88 less than the complement of 2,828. Overtime working is estimated at about 8 hours per officer per week. Reliance on overtime to carry out the essential tasks of a prison service is unsatisfactory and an additional 220 staff will therefore be recruited in phases between 1 April 1984 and 31 March 1986. This increase should not only bring establishments up to full complement but also take account of other essential increases in staffing required as a result of recently-improved annual leave entitlements, new building works and certain additional needs.

3. This staffing increase does not take account of the number of additional staff (170 overall) required for the re-opening in 1985 of the refurbished Greenock Prison and the opening in 1987 of Phase II of HM Prison, Shotts.

4. When the new Common Working System is introduced in England and Wales it will affect Scotland also by bringing with it a change from conditioned hours of 40 net per week to 42 gross hours per week. In anticipation of this change, a new duty system (neutral in terms of expenditure) has been drawn up in consultation with the Scottish Prison Officers' Association.

5. The Scottish Office participates in a joint review of Prison Service manpower by the Home Office Prison Department and Treasury, which is examining ways of strengthening methods of assessing manpower needs and management's capacity to apply those methods.

6. A Staff Inspection resource was introduced within Prisons Group in 1978. Their remit includes the independent and direct examination of work to see what needs to be done, that the organisational structure is conducive to efficient performance and that staff numbers and gradings are appropriate. To date 17 establishments have been inspected and reported upon. The intention is that there should be 5-year cyclical programme of inspections for all establishments.

7. As an aid to implementation of staff inspection reports, a Concordat between the Trade Union and Official Sides of the Scottish Prison Service Whitley Council was signed in May 1983. The Concordat is due for review in 1985.

Resource Control Review:

8. Whilst the first and second stages of the Prisons Resource Control Review identified substantial potential savings for England and Wales (in the order of £2m-£2.15m), the potential savings for Scotland were put at only £12,000 - in relation to vehicle usage. The Scottish Prison Service was described as operating in "what can best be described as a frugal and careful manner". A number of recommendations, for example on the redeployment of vehicles and the provision of official vehicles for Headquarters staff incurring heavy mileage costs, have been implemented. Action has also been taken on recommendations relating to inmates' kit. Longer term considerations, such as integral sanitation, are being pursued with Home Office. Consideration is also being given to the transfer of responsibility for general day-to-day administration of prison vehicles to the Scottish Office Motor Transport Unit.

9. Computerisation of Chief Officers' Details is being studied, as is standardisation of the present manual Detailing process.

Other Measures:

10. Other measures instituted include the following:-

- (i) The management accounting system for prison expenditure has been developed to enable expenditure under broad functional classifications to be identified. This enables functional resource costs in establishments to be critically reviewed and provides a basis for developing accountable management at Governor level. The system also enables operating costs at different establishments to be compared to identify comparable areas of expenditure which show divergence and offer scope for potential savings.

- (ii) A pilot scheme of budgetary control was introduced in 1983/84 at 3 establishments; is being extended to 3 further establishments in 1984/85; and will be brought into operation at all Scottish penal establishments in 1985/86.
- (iii) Arrangements are being made to provide training in financial management for Governor grades.
- (iv) In recognition of the high incidence of overtime hours worked, and in particular of the effects which prolonged overtime is generally held to have on effectiveness, consideration is being given to means of ensuring the most effective use of overtime in operational and value-for-money terms. This may develop into a more wide-ranging efficiency unit.
- (v) Work is in hand to produce an Information Technology Strategy for the Scottish Prison Service, as part of a policy of considering where new technology might usefully be employed.
- (vi) A Feasibility Study has been commissioned on the use of computers for inmate and staff records.
- (vii) A computerised production and stock control system for Prison Industries is being implemented to enhance efficiency of stock holding and stock control. The new system will also provide faster access to up-to-date information for production planning purposes.
- (viii) A system of Operational Assessment was instituted in June 1983, under which establishments are visited fortnightly by a senior Governor from Prison Headquarters.
- (ix) Research is in hand to gauge the effect of the new sentencing arrangements for young offenders as a result of the Criminal Justice (Scotland) Act. Initial indications are that they have led to a reduction in the number and length of custodial sentences served by young offenders.
- (x) Special provision has been made at 2 establishments (Barlinnie and Inverness) for dealing with small numbers of prisoners whose behaviour causes serious management problems - sometimes leading to incidents in which considerable damage can be done to the

penal establishment and which can be costly to repair and in manpower. The question of whether there is a need for additional facilities to deal with difficult and disruptive prisoners is at present under consideration by a Working Party which hopes to report by the end of the year.

Conclusion:

11. The action outlined above reflects the high degree of importance attached to efficiency and effectiveness in the general sense and to ensuring the effective use of manpower in particular. The May Committee suggested that there was scope for improved efficiency of manpower and that, with changes in the Prison Rules, the role of the Prison Officer might usefully be broadened. This proposal too is being actively considered. Although the steps already taken have gone some way towards achieving immediate objectives, due attention must also be given to remedying staff shortages; the recently-announced increase in manpower will be helpful. Wear and tear on prison fabric and the problems caused by overcrowding must be considered also. Long-term solutions are dependent upon the redeveloped Greenock Prison and the new prison at Shotts being brought on-stream.

DEVELOPMENTS RELATING TO COURTS

1. Judicial Examination

The Criminal Justice (Scotland) Act made a number of major changes to the procedure in solemn cases which involved the prosecution of the more serious crimes. An accused person may now be, and regularly is, questioned by the prosecutor before a sheriff at an earlier stage. The objects of such judicial examination are to restrict the matters to be disputed at the trial; to allow the authorities to verify any genuine defence in the initial stages of the enquiry; and at the same time to prevent the presentation by the accused of spurious defences on the day of the trial. Time is still required for the effects of judicial examination to be properly evaluated, but the general impression is favourable.

2. Trials

The 110-day period within which persons in custody must be brought to trial remains in force but, recognising the increasing pressures on certain sittings of the High Court of Justiciary, a trial is now required to commence within the 110-day period and need no longer be concluded within that time. Accused persons who are not in custody must now have their cases brought to trial within 12 months of their first appearance on petition before the court. Two diets are no longer compulsory in solemn cases, yet provision remains for any preliminary question to be resolved prior to the trial itself at a preliminary diet held specifically for that purpose.

3. Delays in Criminal Cases

Despite policy initiatives in recent years directed towards reducing the volume of straightforward cases dealt with in the Sheriff Courts, the delays in criminal cases between first diet and trial diet continue to increase. This is generally because the crimes being dealt with have tended to become more serious and their disposal by the courts more time-consuming. An Operational Review Team has been set up to consider practice and procedure; their main study in this area has been of whether it would be feasible to computerise the criminal procedures in the Sheriff Clerks' Office.

4. Evidence

In all cases provision now exists for certain routine matters of evidence to be proved by way of certificate thus avoiding the attendance of witnesses (particularly expert witnesses) whose evidence is not to be disputed. The number

of minor road traffic matters which may be proved by the evidence of a single witness has been expanded.

5. Intermediate Diets

In summary cases the 1980 Act has introduced into Scottish courts intermediate diets between the first calling of a case and day of the trial. These are designed to ascertain the state of preparation of the parties and to discover whether the accused intends to adhere to his plea of not guilty, with the object of reducing the inconvenience caused both to the public and to the authorities by late pleas tendered at the trial diet. There have been discussions with interested bodies to examine the use of intermediate diets and to consider their effectiveness in improving the efficiency of the courts.

6. Compensation

A general system of compensation for the victims of crime administered by the criminal courts now exists in Scotland as a result of the enactment in the 1980 Act of a number of provisions following upon the report of the Dunpark Committee. These provisions place the question of compensation for the victims at the forefront of the mind of the sentencing judge and give a compensation order precedence over any fine imposed.

7. Bail

The Bail Etc (Scotland) Act 1980 abolished the requirement which had always existed in Scotland that a person was required to hand over in cash a sum of money to the court before his release on bail. The system of money bail was replaced by the release of an accused person on a formal undertaking by him that he would observe certain conditions which were backed by the sanction of further criminal proceedings for their breach. Money bail, while still a possible additional condition of release, is now only rarely imposed with the result that lack of funds is no longer a reason for committing a person to prison prior to his trial. The same Act allows police officers in appropriate cases to liberate arrested persons under formal undertaking to appear at court at a later date.

8. Despite the important new measures introduced by the above Acts the pressure of work continues to grow in the Scottish criminal courts. The number of reports received by the Procurator Fiscal Service from the police increased in 1983 by approximately 6 per cent. The Procurator Fiscal Service dealt with 322,652 police reports in 1983 (1982 - 304,652; 1979 - 288,203). ~~These were disposed of as~~

2 Significant examples of disposals included in these figures are

follows:-

		(1982)	(1979)
No Proceedings taken	41,876	(34,514)	(34,065)
Warnings given	16,704	(14,900)	-
Figures for fixed penalties offered are not yet available			

The following trials, ^{not including cases disposed of on a plea of guilty,} were held during the year

High Court	256	(254)	(298)
Sheriff Court (Solemn)	854	(949)	(708)
Sheriff Court (Summary)	11,367	(11,168)	(10,327)
District Court	9,238	(8,881)	(7,108)

9. Procurator Fiscal Fixed Penalties

This pressure has partially been eased by the removal from the judicial process (and particularly from the Sheriff Courts) of the majority of minor road traffic cases. Following upon the report of the Stewart Committee on the Motorist and Fixed Penalties, the Transport Act 1982 has provided in Scotland since 1 June 1983 a system which allows a wide range of road traffic offences to be dealt with not by prosecution but by a conditional offer of a fixed penalty made to the motorist by the Procurator Fiscal. In order that the fixed penalty system can be operated entirely at the level of the District Court the powers of that court have now been extended to include the endorsement of driving licences, and disqualification from driving in certain circumstances for persistent offenders. The maximum fine which a District Court can impose has been increased to £500. The fixed penalty system is now in nationwide operation throughout Scotland and initial figures suggest that the system is operating successfully and that approximately 85 per cent of offenders are accepting the Procurator Fiscal's conditional offer.

10. A further development may be an extension of this scheme to other minor offences, with the Procurator Fiscal entitled to offer a fine which could not exceed £50. In the opinion of the Crown Office this is the only reasonable solution to the increases in the demands on the prosecution service, without considerable increases in manpower.

11. Police Fixed Penalties

The Transport Act 1982 contains further provisions for the issue of fixed penalty notices by police officers. Discussions are in progress with interested bodies as to the appropriate time for the commencement of these further provisions.

12. The recent legislation and the schemes developed or under consideration do not, however, remove concern about the increasing burden placed upon Scottish criminal courts. Experience shows that an increasing number of summary cases, many of them legally aided, are going to a full proof at the trial diet and that many trials are taking longer to complete. The increase in white collar crime, particularly commercial fraud, is also most worrying and the Crown Office has plans, which are almost completed, to set up a special unit to deal with such cases.

CROWN OFFICE

April 1984



FLC 84

10 DOWNING STREET

From the Private Secretary

24 April, 1984

Measures Against Crime -
Paper by the Policy Unit

The Prime Minister was most grateful for your Secretary of State's minute of 17 April giving his comments on the paper by the No. 10 Policy Unit on Measures Against Crime. The Prime Minister has asked the Policy Unit to take your Secretary of State's paper into account in their work on this subject.

I am sending copies of this letter to Hugh Taylor (Home Office), Derek Hill (Northern Ireland Office) and Christine Duncan (Lord Advocate's Office).

DAVID BARCLAY

John Graham, Esq.,
Scottish Office

JH