



**JUSTICE 2 COMMITTEE**

**AGENDA**

**32nd Meeting, 2006 (Session 2)**

**Tuesday 21 November 2006**

The Committee will meet at 2.00 pm in Committee Room 4.

1. **Declaration of interests:** Michael Matheson MSP will be invited to declare any relevant interests.
2. **Custodial Sentences and Weapons (Scotland) Bill:** The Committee will take evidence from—

Fiona Moriarty, Director, Scottish Retail Consortium;

and then from—

Professor Alexander Cameron, Chairman, and Niall Campbell, Member, Parole Board for Scotland; and  
Professor Roisin Hall, Chief Executive, and Robert Winter, Convener, Risk Management Authority;

and then from—

Dr Andrew McLellan, HM Chief Inspector of Prisons, and John McCaig, HM Deputy Chief Inspector of Prisons.

3. **Custodial Sentences and Weapons (Scotland) Bill (in private):** The Committee will consider the main themes arising from the evidence session, to inform the drafting of its Stage 1 report.

Tracey Hawe  
Clerk to the Committee

## **Papers for the meeting—**

### Agenda Item 2

Members are reminded to bring with them copies of the Bill, the Explanatory Notes and the Policy Memorandum, available from Document Supply or on the Parliament's website:

<http://www.scottish.parliament.uk/business/bills/80-custsentwea/index.htm>

Written submissions J2/S2/06/32/1

Lines of questioning (PRIVATE PAPER) J2/S2/06/32/2

## **Documents circulated for information only—**

Letter from European and External Relations Committee to the Justice 2 Committee on the European Commission's Legislative and Work Programme 2007, dated 13 November 2006

Scottish Legal Services Ombudsman press release and notices on the Law Society's refusal to comply with recommendations, dated 13 November 2006

Letter to Convener, Public Petitions Committee from Minister for Justice on Petition PE504, dated 9 November 2006

Correspondence from Cathie Peattie MSP on the Legal Profession and Legal Aid (Scotland) Bill, dated 30 October 2006

## **Forthcoming meetings—**

- Tuesday 28 November, Committee Room 2
- Tuesday 5 December, Committee Room 1

**J2/S2/06/32/1**

**Custodial Sentences and Weapons (Scotland) Bill: written submissions  
from witnesses**

Please find attached written submissions to the Justice 2 Committee on the Custodial Sentences and Weapons (Scotland) Bill from:

- Scottish Retail Consortium
- Parole Board for Scotland
- Risk Management Authority

Clerk to the Justice 2 Committee  
16 November 2006

## SUBMISSION FROM SCOTTISH RETAIL CONSORTIUM ON CUSTODIAL SENTENCES AND WEAPONS (SCOTLAND) BILL

### **SRC Response to Sections 43 to 46 of the Bill containing provisions relating to restrictions on the sale of non-domestic knives and swords**

The Scottish Retail Consortium (SRC) was launched in April 1999 as a retail trade association for the full range of retailers in Scotland, from the major high street retailers and supermarkets to trade associations representing smaller retailers.

The Scottish retail sector employs 261,000 people, 1 in 10 of the national workforce, in 26,500 outlets. In 2004 Scottish retail turnover was £21 billion, accounting for 12% of total Scottish turnover.

The retail sector is key to the revitalisation and renewal of urban and rural communities across Scotland. The SRC's members provide a vital community service, a focus for physical regeneration, and sustained investment in people and places.

The SRC's parent association is the British Retail Consortium (BRC) with offices in London and Brussels.

#### **Overview**

The SRC appreciates the opportunity to comment on Sections 43 to 46 of the Custodial Sentences and Weapons (Scotland) Bill relating to restrictions on the sale of non-domestic knives and swords.

The SRC supports the objectives of Sections 43 to 46 of the Bill to put in place safeguards which will help prevent potentially dangerous weapons falling into the wrong hands. The SRC are also fully supportive of the role that the Bill will play in the Executive's reform of knife crime law, and the wider package of measures to tackle knife crime and violence more generally.

Furthermore the SRC is in agreement with the Scottish Executive that additional measures need to be taken to tackle knife crime. Retail staff can be victims of knife crime, and the SRC welcomes any steps that will reduce the chances of retail staff and others from falling victim to knife related crime.

#### **Licensing Sellers of Swords and Non-domestic Knives**

The SRC took part in the Scottish Executive consultation '*Tackling Knife Crime - a Consultation*', published in June 2005, and we are pleased to note that the vast majority of concerns we raised in response to the consultation have been dealt with. However we still believe that a number of key areas require careful consideration during the scrutiny of the Bill:

1. *Definition of a non-domestic knife:*

The SRC believe that there is still some ambiguity surrounding the definition of 'non-domestic knife'. This term needs to be absolutely and clearly defined, and the definition should exclude as many types of knives that are generally used in domestic situations as possible.

Many of our members sell a range of knives, including stanley knives, camping knives, swiss army knives and pen knives, and it would be unfair to target retailers who sell these legitimate and commonly used knives, with a licensing scheme. The SRC would suggest that the definition proposed by the Scottish Executive in the consultation paper could encompass more products than is intended, and would refer back to the SRC's original suggested definition of a non-domestic knife:

*'a knife that is primarily designed to slash or stab and could not reasonably be described as having a legitimate domestic or business purpose'.*

2. *Cost:*

It is impossible to estimate the cost of a new licensing system without knowing exactly what type of knives would be covered by the system (hence the importance of a clear definition), and without knowing what the conditions of a licence would be. However, the following represents the potential direct costs of introducing a licensing scheme:

- Installing/upgrading CCTV systems.
- Development and implementation of new systems to record all transactions in relation to the sale of a non-domestic knife.
- Obtaining photographic evidence of the purchaser's identification.
- Regulating the display of knives on the licensed premises e.g. blacked out windows, locked cases etc.

Furthermore, factors such as staff training and staff stress caused by enforcing new regulations in potentially inflammatory circumstances must be taken into account. It is also important to note that the cost of a licensing scheme will be disproportionately higher, and will have a greater impact, on smaller retailers.

3. *Consistency of approach:*

The SRC are clear about the need for the Scottish Ministers to set, by statutory instrument, minimum conditions for any knife dealer's licence. However we have concerns regarding local authority powers to impose additional licence conditions.

As we understand it, different conditions could apply to the sale of different products in different areas of Scotland. The SRC are concerned that this may cause confusion, and could potentially be difficult to administer, particularly where a retailer trades in more than one local authority area.

## **Conclusion**

Retailers take their role in the sale of age-restricted products very seriously, and we feel that it is important to note that SRC members do not sell the type of knives that are used in violent crime (for example sword sticks, push daggers, death stars, or butterfly knives). SRC members sell products that are used on a daily basis within a domestic and DIY environment.

We are fully supportive of the package of measures being developed to tackle the problems associated with knife crime, and with violent crime more generally. However we would urge the Scottish Executive to:

1. Develop a licensing scheme that:
  - i. Minimises any negative impact on legitimate sellers and purchasers of non-domestic knives.
  - ii. Is fully transparent.
  - iii. Is uniform across all local authority areas.
  - iv. Is based on a clear definition of a non-domestic knife.
  - v. Is as easy and cost effective for businesses to administer as is practicable within the boundaries of the law.
2. To continue to support a full range of non-legislative initiatives to tackle the problem of knife crime, including continued support for the Violence Reduction Unit and Action on Violence in Scotland, and the consideration of additional knife amnesties.

## SUBMISSION FROM PAROLE BOARD FOR SCOTLAND ON CUSTODIAL SENTENCES AND WEAPONS (SCOTLAND) BILL

The members of the Parole Board for Scotland were pleased to be afforded the opportunity to comment on the proposals contained in the above Bill in so far as they relate to the release of offenders on licence and the recall of licensees whose behaviour in the community indicates that they present as a risk of causing harm.

The members of the Board had the following observations to offer.

### **1. Section 6, Setting of custody part**

The members noted that it is proposed that all offenders who are sentenced to a term of 15 days or more will be made the subject of a custody and community sentence where a minimum of 50% of the term of the sentence must be spent in custody. Given that all prisoners serving such a sentence are to be assessed on a regular basis in order to assess the risk of serious harm that the offender may pose to the public it is difficult to envisage how this will be achieved with offenders who have been sentenced to a combined sentence of less than 12 months. In such cases the actual time spent in custody will be of such short duration that little if any effective work to address offending behaviour could be arranged and undertaken during the custody period. Such offenders are generally described as a “public nuisance” as opposed to a “risk of serious harm” and the Board consider that resources should be focussed on those offenders who present a risk of serious harm to the public.

The members further noted from the proposed provisions contained in section 27 of the Bill that those sentenced to a custody and community sentence of less than 6 months are not to be the subject of supervision in the community. The members consider that this proposal reinforces the position that such individuals should not be the subject of custody and community sentences.

Another difficulty that is likely to arise in connection with the inclusion of such offenders within the provisions of the Bill is the matter of the provision to the Parole Board of information about the offence or offences that resulted in the individual being sentenced to a term of imprisonment. At present the Parole Board relies to a great extent on the detailed information contained in the report that is prepared by the judge who presided at the offender’s trial. It is not clear whether sentencing Sheriffs are to be asked to provide post sentencing reports in a manner similar to those currently prepared by High Court Judges. If sentencing Sheriffs are to be required to prepare a post sentence report in respect of all offenders who receive a sentence of 15 days or more, this will represent a considerable burden. Given the short time frame available the Parole Board is likely to encounter great difficulty in processing such cases. These problems will be particularly acute in circumstances where the Scottish Ministers revoke such an offender’s licence and the likelihood will be that the sentence will have expired before the Parole Board can consider the case.

### **2. Section 2, Parole Board rules**

The members of the Board look forward to contributing to and commenting upon the draft rules.

The members noted that the Board is to be given the powers to cite witnesses to appear before a hearing of the Board in order to give evidence to it or to produce documents. The members commented that the Parole Board Rules as presently framed provide for the Board to cite witnesses only when it is sitting as a Tribunal dealing with the case of a life prisoner or a recalled extended sentence prisoner. This has proved to be problematic when the Board convenes an oral hearing to consider the case for re-release of a recalled determinate sentence prisoner as, in such cases, the Board does not have the powers to cite witnesses. The members of the Board welcome the proposed extension of the Board’s powers to cite witnesses.

### **3. Section 10, Review by Parole Board**

The members noted that the Bill as currently drafted provides that:

Before the expiry of the custody part of the prisoner’s sentence, the Parole Board must determine whether section 8(2) applies in respect of a prisoner.

In order to assess the risk of serious harm that the offender may pose to the public the Parole Board requires access to a dossier of reports that contains information about:

- the prisoner's previous offending record;
- the offence that resulted in the sentence currently being served;
- offence related work undertaken while in custody;
- the prisoner's behaviour in custody;
- psychological or psychiatric intervention while in custody;
- the prisoner's proposed home background on release; and
- the community based supports and specialised counselling services that will be made available to the prisoner on release.

The foregoing reports are gathered together by officials of the Scottish Prison Service from a variety of sources. Experience over the years has taught the Board that a number of reports may be submitted late or the Board may require to seek at its own hand additional information. In these circumstances, it will not always be possible for the Board to conclude its consideration of each case and arrive at a determination before the expiry of the custody part of the prisoner's sentence.

The Board therefore suggests that paragraph 10(2) of the Bill requires to be amended to reflect the foregoing.

#### **4. Section 11, Release on community licence following review by the Parole Board**

Sub-paragraph (4) of this section requires that in the case of a determination under section 10(2) "the direction must be implemented on the expiry of the custody part of the prisoner's sentence". For the reasons explained above that will not always be possible.

In addition, over the years it has been the Parole Board's experience that for a variety of reasons it is advisable to provide for a prisoner's release with what is described as a "forward date" as opposed to release on the prisoner's parole qualifying date or, as is now proposed, immediately upon expiry of the custody part of the sentence. Usually release on a forward date arises where the Board wishes to see a prisoner further benefit by way of a gradual re-introduction into the community by way of additional home leaves from the Scottish Prison Service's open estate or where suitable accommodation arrangements are not in place because the agencies that provide accommodation cannot earmark accommodation for an individual until such time as release from custody has been agreed and a specific release date established.

The members of the Board therefore consider that sub paragraph 11(4) of the Bill requires to be amended in order to accommodate the situations described above.

#### **5. Section 12, Determination that section 8(2) applicable**

The members formed the view that sub paragraph 12(4) (a) and (b) could be re-drafted in the interests of transparency.

#### **6. Section 17, Life Prisoners – Review by Parole Board**

The members noted that sub paragraph (2) provides that **before** the expiry of a life prisoner's punishment part, "the Parole Board must determine whether subsection (3) applies in respect of the prisoner.

For reasons similar to those set out at paragraph number 3 of this submission it will not always be possible for the Board to conclude its consideration of a life prisoner's case before expiry of the punishment part of the life sentence.

In the circumstances, the members of the Board are of the view that paragraph 17(2) of the Bill requires to be redrafted to reflect the fact that the Board may not always be in a position to reach a determination before expiry of the punishment part.

#### **7. Section 18, Release on life licence following review by Parole Board**

The members noted that the provisions contained in this section require that where the Board is satisfied that a life prisoner is not likely to cause serious harm to members of the public it must direct the Scottish Ministers to release the prisoner on life licence. It also provides that the Scottish

Ministers must release the prisoner on life licence and, where the punishment part has not yet expired, the prisoner must be released on the expiry of the punishment part.

The members of the Board are of the view that these provisions are somewhat restrictive. The members of the Board are of the view that provision should be made for the Board to direct a life prisoner's release with a forward date. Such a provision would enable the Board to direct the release of a prisoner subject to all the necessary community supports, including suitable accommodation, being put in place.

#### **8. Section 34, Effect of revocation**

The members consider that this section would benefit from re-drafting in order that it is clear from the outset that confinement of a custody and community prisoner until the expiry of his or her sentence and the confinement of a life prisoner in custody until he or she dies is wholly dependant upon the Parole Board not directing their re-release on licence.

#### **9. Schedule 1, Section 2, Membership of the Parole Board**

The members of the Board particularly welcomed the proposal to include amongst its membership a person who has knowledge and experience of the way in which, and the degree to which offences perpetrated against members of the public affect those persons. The members commented that this was a welcome development that would enhance the expertise of the Board.

#### **10. Financial Memorandum, The Custody Part, Risk Assessment and Decisions to Release**

The members noted with concern that paragraph 151 of the Financial Memorandum contains a proposal that the Parole Board Rules will be amended in order to ensure that decisions reached by Tribunals of the Board are unanimous. In order to achieve this it is proposed that Tribunals of the Board will comprise of only two Board members, as opposed to three at present. The members of the Board are of the view that one of the strengths of the Board and of Tribunals is the considerable breadth of experience of the members. The members consider that restricting the membership of Tribunals to only two members will ensure that the Board is not in a position to draw on the wide experience of its members. At present the chairman of a Tribunal must be a person who holds or has held judicial office or a solicitor or advocate of not less than 10 years standing. The members understand that it is not proposed to alter the status of the chairman, or convener, of the Tribunal, therefore if a Tribunal is to consist of only two Board members and it is clear that one must be a legally qualified member, the Board will not be in a position fully to utilise the expertise of individual members.

A further concern that the members have in relation to the proposal that all Tribunal decisions require to be unanimous is that such a requirement is incompatible with the right of the individual to a fair trial, as protected by Article 6 of the ECHR. The two members of the Tribunal would know from the outset that they were required to reach a unanimous decision. The need to reach unanimity will have the obvious effect of pressurising the decision makers to come to a common view rather than assessing the matter dispassionately and independently having aired their individual views in discussion. Ultimately there may be no common ground and the Bill makes no provision for such circumstances. It may be that a two member Tribunal agrees not to direct the release of a life prisoner but there is disagreement about the timing of the next review, again the Bill is silent with regard to how such a matter is to be resolved.

11. The members also noted that paragraph 173 of the Financial Memorandum advises that savings of £50,000 will accrue as a result of the Parole Board not being required to consider cases involving the recall to custody of licensees. That is not correct. The calculation does not reflect the fact that the Board considers such recall cases during the course of each of its 48 casework meetings that are held each year. Such casework meetings will continue to require to be convened in order to consider the cases of offenders who have a statutory right to have their case for release on licence considered under the provisions of the Prisoners and Criminal Proceedings (Scotland) Act 1993, as amended, and to consider the case for re-release of licensees who have been recalled to custody by Scottish Ministers. As yet no indication has been given as to when all those offenders who have rights under the 1993 Act will have completed that part of their sentence (two thirds) that they must serve in custody before they are released, but indications are that it will be some years.

Certainly there will not be fewer cases to be considered at each casework meeting as any reduction resulting from recall cases being considered only by the Scottish Ministers will be more than offset by the costs incurred in dealing with the anticipated increase in the number of recalled offenders who will have their cases referred to the Board for consideration of re-release. However, the Board will continue to look at how it conducts its business with a view to making efficiency savings when any new arrangements are introduced.

I along with other representatives of the Board look forward to giving evidence to the members of the Justice 2 Committee on Tuesday 21 November 2006.

## SUBMISSION FROM RISK MANAGEMENT AUTHORITY ON CUSTODIAL SENTENCES AND WEAPONS (SCOTLAND) BILL

The Justice 2 Committee has called for views on the stated purposes of the Bill and on the extent to which improvements can be expected and policy objectives met as a result of the Bill's proposed measures. Views are required on the general thrust of the policy proposals and also for specific areas of concern to be highlighted.

The Bill has two main policy objectives. The first is to end the automatic and unconditional early release of offenders. The second is new controls of the sale of non-domestic knives and swords.

This response from the Risk Management Authority (RMA) is primarily concerned with the provisions for custodial sentences.

### **The Merits of Risk Assessment and the Use of Combined Sentences**

The RMA agrees that ending automatic and unconditional early release and replacing this with combined sentences should assist in meeting the policy objective to provide a clearer, more understandable system for managing offenders. This should also assist in improving public knowledge, transparency and public understanding of the criminal justice system.

The RMA welcomes the commitment to take account of public safety by targeting risk, not just the risk of re-offending but also the risk of serious harm.

The RMA also welcomes the policy position that addressing re-offending is assisted by the monitoring and supervision of offenders in the community. It is important to integrate offenders back into the community and to continue the rehabilitative process after a period in custody, on a supervised basis. It will be important to ensure that adequate resources are in place to provide the levels of supervision and support required to carry out this work effectively if public confidence is to be enhanced.

However, it is important that public expectations are appropriately managed. Risk assessment is not and never will be an exact science. When dealing with prediction in any field, the complex interaction of individual behaviour and environmental factors means that a degree of uncertainty is always present which has to be managed.

### **The Assessment Process**

The RMA welcomes the proposals to undertake assessments of the risk of serious harm for offenders prior to their supervised release into the community. The RMA has very recently commissioned work to produce a Risk of Harm Practice Manual for practitioners in Scotland. However, the RMA is concerned about the Bill's proposals for risk assessments for the offenders serving very short sentences. The proposals to conduct risk assessment for every offender serving a sentence of 15 days or more are not in line with best practice in risk assessment, as it will be neither practicable nor necessarily appropriate to conduct formal risk assessment for offenders serving short sentences of under a year. It is the RMA's view that the Bill's proposals as they stand could give the false expectation to the public that all offenders serving a period of 15 days or more will be subject to a risk assessment of both re-offending and of serious harm. This is not possible and it is RMA's view that the Bill needs to differentiate between formal risk assessment and the assessment of needs. For many prisoners serving sentences of under a year, all that can be reasonably assessed will be acute needs, frequently of a physical nature, such as addictions and physical or mental illness. Whilst such needs may be related to offending, their assessment should not be confused with the process of risk assessment.

Risk assessment is a complex process, not a simple test. Risk assessment methods form a continuum of increasing sophistication to match the severity of harm. Just as in the medical setting, basic screening will precede referral onto more lengthy and intensive assessment as required.

Further clarification is required of the difference between the risk of re-offending and the risk of harm. Risk of re-offending can be carried out at a basic screening level. Risk screening is the first

level of risk assessment, it can be undertaken relatively quickly perhaps with the use of a single actuarial tool and it is useful for the allocation of resources and for flagging up individuals who might warrant a more in-depth assessment. Unfortunately, validated tools for this purpose are currently only available for sex offenders, not for violent offenders. The RMA will commission a research project and the first phase of the development for a risk screening tool for violent offenders this financial year. Risk screening measures the probability of offending but it is based on groups, ie the method relies on historical factors and gives the likelihood of re-offending for a particular group of people, but it does not tell you much about an individual offender. Offenders subject to custody terms of between 15 days and 6 months who are thought to present a risk of harm are likely to be screened for risk of re-offending, rather than given a formal risk assessment which could not easily be undertaken in this relatively short custody period. While the difference between the two types of risk assessment could at first glance be seen as little more than a play on words, the difference is actually extremely important and the public should be made aware of this so as to avoid false expectations building up. Risk screening with actuarial methods does not measure risk of harm.

Risk of harm requires more intensive assessment. Assessment can be undertaken on individual offenders to identify factors which may lead to re-offending and to serious harm being inflicted. This can only be undertaken via formal risk assessment which involves information gathering via various sources, analysis, use of risk assessment tools and a full process to involve structured professional judgement. The time commitment for this to be undertaken properly for individual offenders and the dedicated and appropriately trained staff resources required for each individual offender mean that it would simply not be possible for the majority of prisoners spending less than 6 months in custody.

A basic principle in research on offender management is the need to target resources appropriately. In risk assessment this means allocating the most time and expertise to the assessment of those offenders at risk of serious harm to the public. The proposals in the Bill to undertake risk assessment in generic terms for all offenders serving a custody period of 15 days or more could have the unintended and unfortunate outcome of diverting resources from those who require intensive risk assessment and would give false expectations to the public. The RMA's view is that the provisions in the Bill should recognise a continuum of assessment. This would allow for those offenders who have been risk screened, and the results of which show cause for concern, to have a more in-depth risk assessment undertaken. This would also allow for a more transparent and understandable position for the public.

## **Risk Management**

One of the most important factors for the Committee to bear in mind when considering this proposed legislation, with its intention to improve public protection and to raise public confidence, is that risk assessment is no good on its own. Effective risk assessment has to translate into good risk management as a continuing process. Factors can change once offenders are back in the community which could change the level of risk posed by an offender. Therefore, the police and social work, who will be primarily responsible for the offenders in the community, must have the necessary resources in place to ensure that they can handle the resource intensive work connected with good risk assessment and management. The provisions introduced by the Management of Offenders Act and the introduction of MAPPA will be crucial here, but make very heavy demands on resources and skills. The proposals for setting conditions and providing support and supervision for such numbers may be unrealistic. Many offenders serving sentences of under 6 months will have significant needs and chaotic lifestyles. They will present a high risk of re-offending, but typically not a high risk of serious harm to the public. This revolving door population which already clogs up prison resources may be increased by extending crude assessment of risk to those serving very short sentences, as they will have a high potential to breach their licence conditions.

## **The Role of the Risk Management Authority**

The process of proper risk assessment is crucial to the overall risk management of offenders. Practitioners must ensure a consistent approach to risk assessment and risk management and follow best practice. The RMA has published standards and guidelines for risk assessment. These

were prepared for assessors undertaking risk assessments for the High Court under a Risk Assessment Order. However, they are promoted as the basis of best practice in risk assessment for wider application. The need for consistency and best practice in risk assessment is publicised in many reports which have been compiled after tragic cases of sexual offending have occurred and more generally in SWIA's inspections of criminal justice social work practices. The RMA has a statutory responsibility to promote the use of best practice in risk assessment throughout the criminal justice sector. The RMA accepts that best practice can be an ever changing position given the developments and outcomes in research which informs best practice. The RMA has a statutory remit to keep up to date with developments, nationally and internationally in risk assessment and management and to advise Scottish Ministers on the development and review of policy in this area. Further, they will ensure that new and tested developments in the field are adapted into best practice guidance and disseminated throughout the criminal justice sector and that training is available for practitioners in this regard. The RMA will shortly publish the standards and guidelines for risk management. These will be for use with offenders subject to an Order for Lifelong Restriction but will also be for wider application for risk management in general.

### **The Parole Board**

The RMA has some concerns about the demands which will be placed upon the Parole Board by the Bill to assess the risk of serious harm. In their current function the Parole Board receives information gathered over a period of years. Where there is a risk of serious harm these will include formal specialist risk assessments. This level of specialist risk assessment cannot be carried out for those serving very short custodial sentences, so, under the new proposals, will not be available to the Board when considering the risk posed by the majority of the offenders whom they are considering. This raises questions as to what criteria will be used by the proposed tribunals and the levels of experience, skills and knowledge which members may have in understanding the principles and technical issues around risk assessment.

### **Provisions Relating to Knives and Swords**

The RMA has little authority to comment on that part of the Bill that seeks to limit the sale of non-domestic knives and weapons. However, the availability of weapons inevitably contributes to the commission of serious violent offending, and as such the RMA welcomes all effective means of reducing this eventuality. However, we would offer the view that the reduction of weapon related crime requires more than legislation. The Violence Reduction Unit recognises that cultural change promoted by a public health approach is required to reduce the level of violence in Scotland and we would recommend the work of this team to the Committee.

### **Summary**

In summary, whilst the RMA welcomes the objectives of the Bill to assist in public protection and the rehabilitation of offenders it is concerned that the proposed extension of the assessment of risk of harm to those doing sentences as short as 15 days may in fact have the opposite effect. By bringing in many needy and chaotic lifestyle offenders who will typically present a low risk of serious harm, resources may be diverted from those who do present a risk of serious harm. We welcome the focus on risk assessment and management, but in our statutory function to advise on evidence based policy and best practice we would want to be reassured that appropriate structures with sufficient resources will be available.