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Margaret Smith
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Our Ref: HW/MS/Consult11/Offensive Behaviour

Date: 26th July 2011

Justice Committee
Room TG.01
The Scottish Parliament
Edinburgh
EH99 1SP

Dear Justice Committee Members

Offensive Behaviour at Football and Threatening Communications (Scotland) Bill

Scotland's Community Justice Authorities welcome the opportunity to offer comments on this Bill. In Particular Scotland's Community Justice Authorities welcome the objective of the Bill which is to tackle sectarianism by providing for two new criminal offences:

- preventing offensive and threatening behaviour related to football matches; and
- communication of threatening material particularly where it incites religious hatred.

Given the role of Community Justice Authorities in allocating and prioritising monies for Criminal Justice Social Work Services, our comments concentrate on the financial memorandum contained in the accompanying documents to the Bill. We would also welcome the opportunity to give verbal evidence on these specific matters to the Committee, should the Convener deem this appropriate.

There is an assumption that 15% of summary cases brought under the new legislation will result in a "Community Payback Order". It is further estimated that there will be between 50 and 100 additional summary cases per annum and that this would therefore result in an additional 8 – 15 Community Payback Orders a year costing between £18k and £36k.

The memorandum states that "*against a background of some 14000 community sentences imposed in each year across Scotland, with direct support funding of £100 million from central Government, any additional cost to Local Authorities arising from the new measures are not considered to be significant*".



However given the difficulty in predicting with any certainty the Police and the Courts use of new legislation we welcome the commitment from the Scottish Government to monitor and review these costs in consultation with COSLA once the legislation is implemented.

There are two further recourse considerations we would wish to bring to your attention.

Firstly the costs involved in relation to the preparation of Criminal Justice Social Work reports. We believe the Courts will be particularly anxious to obtain background material about those involved in sectarianism/hate crime.

Secondly we would welcome in the longer term a commitment by the Scottish Government to monitor and review the requirement to provide post release supervision for those whose sentences will require a period of monitoring in the community following release from a custodial sentence.

Finally we welcome the recognition within the policy memorandum that local Government has a vital role in supporting communities to overcome issues such as sectarianism.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Helen Wright'.

**BAILIE HELEN WRIGHT
CHAIRPERSON
COMMUNITY JUSTICE AUTHORITY CONVENERS GROUP**