



The Scottish Parliament
Pàrlamaid na h-Alba

JUSTICE COMMITTEE

AGENDA

6th Meeting, 2018 (Session 5)

Tuesday 20 February 2018

The Committee will meet at 10.00 am in the Mary Fairfax Somerville Room (CR2).

1. **Decision on taking business in private:** The Committee will decide whether to take item 5 in private.
2. **Brexit and policing and criminal justice:** The Committee will take evidence, in round-table format, from—

Helen Nisbet, Assistant Procurator Fiscal, Specialist Casework and Head of International Co-operation, Crown Office and Procurator Fiscal Service;

Clare Connelly, Advocate, Faculty of Advocates;

Michael Clancy, Director, Law Reform, Law Society of Scotland;

Detective Chief Inspector Lorraine Henderson, EU Constitutional Change Programme, Specialist Crime Division, Police Scotland;

Dr Philip Glover, University of Aberdeen;

Dr Leandro Mancano, Lecturer in EU Law, Programme Director of the European Law LLM, University of Edinburgh.

3. **Brexit and policing and criminal justice - witness expenses:** The Committee will be invited to delegate to the Convener responsibility for arranging for the SPCB to pay, under Rule 12.4.3, any expenses of witnesses in the evidence session.
4. **Justice Sub-Committee on Policing:** The Committee will consider a report back from the Sub-Committee meeting on 8 February 2018.
5. **Work programme:** The Committee will consider its work programme.

J/S5/18/6/A

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The papers for this meeting are as follows—

Agenda item 2

Paper by the clerk - Brexit and policing and criminal justice	J/S5/18/6/1
Private paper - Brexit and police and criminal justice	J/S5/18/6/2 (P)

[Written submission from the Crown Office and Procurator Fiscal Service](#)

[Written submission from the Law Society of Scotland](#)

Agenda item 4

Paper by the clerk - Justice Sub-Committee on Policing	J/S5/18/6/3
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Agenda item 5

Private paper - work programme	J/S5/18/6/4 (P)
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Brexit: Policing and criminal justice

Note by the clerk

Introduction

1. At its meeting on [30 January 2018](#) the Committee held two round-table evidence sessions – one on Brexit and family law, and another on Brexit and civil, commercial and consumer law. The Committee subsequently agreed to hold a further round-table evidence session – on Brexit and policing and criminal justice.
2. This round-table evidence session is an opportunity to have a free-flowing discussion about the implications of the UK's exit from the European Union on policing and criminal justice in Scotland. Issues which might be considered include Europol and Eurojust, data-sharing for law enforcement purposes, criminal justice tools such as the European Arrest Warrant, and the potential scope (and likelihood) of any agreement with the EU.

Justice Committee consideration

3. At its meeting on 20 February 2018, the Committee will take evidence in round-table format from representatives of the Crown Office and Procurator Fiscal Service, the Faculty of Advocates, the Law Society of Scotland and Police Scotland, as well as Dr Philip Glover, University of Aberdeen.
4. Written submissions were received from the Crown Office and Procurator Fiscal Service and the Law Society of Scotland, and can be accessed on our [webpage](#).

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Feedback from the Justice Sub-Committee on Policing

Note by the clerk

1. The Justice Sub-Committee on Policing met on 8 February 2018 when it took evidence on Her Majesty's Inspectorate of Constabulary in Scotland's strategic review of undercover policing in Scotland.
2. The Sub-Committee took evidence from Michael Matheson, Cabinet Secretary for Justice, Scottish Government, Derek Penman QPM, HM Chief Inspector of Constabulary in Scotland, and Stephen Whitelock, Lead Inspector, HM Inspectorate of Constabulary in Scotland.
3. The Sub-Committee also considered its forward work programme and agree:
(a) to keep under review the issues raised in the evidence received on undercover policing; (b) to invite written evidence from the Association of Scottish Police Superintendents, Police Scotland, the Scottish Police Federation and Unison Scotland in relation to Police Scotland's review of custody provision; (c) to undertake further work on the financial management and leadership of Police Scotland and the Scottish Police Authority (SPA); (d) to write to the Public Audit and Post-legislative Scrutiny Committee seeking an update on any future work it might have planned in relation to finance and governance issues relating to Police Scotland and the SPA; and (e) to write to the SPA seeking clarification of issues relating to the SPA Board.
4. The Sub-Committee will next meet on 22 February 2018, when it intends to hold an evidence session on Durham Constabulary's reports on Police Scotland's Counter Corruption Unit.