



The Scottish Parliament
Pàrlamaid na h-Alba

JUSTICE COMMITTEE

AGENDA

15th Meeting, 2018 (Session 5)

Tuesday 15 May 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 4 in private.
2. **Management of Offenders (Scotland) Bill:** The Committee will take evidence on the Bill at Stage 1 from—

Liz Dougan, Partner, Brazenall and Orr Solicitors;

Leanne McQuillan, President, Edinburgh Bar Association;

Dr Louise Brangan, Policy and Public Affairs Manager, Howard League Scotland;

Douglas Thomson, Criminal Law Committee, Law Society of Scotland;

Dr Hannah Graham, Lecturer in Criminology, Scottish Centre for Crime and Justice Research, University of Stirling.

3. **Justice Sub-Committee on Policing:** The Committee will consider a report back from the Sub-Committee meeting on 10 May 2018.
4. **Work programme:** The Committee will consider its work programme.

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Edinburgh
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The papers for this meeting are as follows—

Agenda item 2

Paper by the clerk - Management of Offenders (Scotland) Bill J/S5/18/15/1

Private paper - Management of Offenders (Scotland) Bill J/S5/18/15/2 (P)

[Management of Offenders \(Scotland\) Bill and accompanying documents](#)

[SPICe Briefing: Management of Offenders \(Scotland\) Bill](#)

[Written submission from Edinburgh Bar Association](#)

[Written submission from the Howard League Scotland](#)

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

[Written submission from the Scottish Centre for Crime and Justice Research](#)

[All written submissions received on the Bill](#)

Agenda item 3

Paper by the clerk - Justice Sub-Committee on Policing J/S5/18/15/3

Agenda item 4

Private paper - work programme J/S5/18/15/4 (P)

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Management of Offenders (Scotland) Bill

Note by the clerk

Introduction

1. The [Management of Offenders \(Scotland\) Bill](#) was introduced on 22 February 2018. It is a Scottish Government Bill. The Bill makes provision in three discrete areas, linked by a common theme of the management of offenders:
 - electronic monitoring of offenders: drawing together various legal provisions on monitoring into a single source and making some updates to the law including extending the potential for monitoring;
 - disclosure of convictions: making substantial amendment to the Rehabilitation of Offenders Act 1974, the general approach being to reduce the requirement to disclose convictions (for instance by, in general, shortening the period during which a prior conviction must be disclosed);
 - Parole Board for Scotland: a small number of reforms concerning the membership and administration of the Board.
2. A SPICe briefing on the Bill can be accessed [here](#).
3. The Committee launched a [call for views](#) on the Bill on 16 March 2018. The deadline for responses was 20 April 2018. All written submissions received and accepted as evidence are published on the Committee's [webpage](#).

Justice Committee consideration

4. At its meeting on [24 April 2018](#), the Committee took evidence from the Scottish Government Bill Team (the group of officials responsible for assisting the Cabinet Secretary for Justice in formulating the policy and drafting of the Bill and in steering it through the Parliamentary process).
5. At its meeting on [8 May 2018](#), the Committee took evidence from two panels of witnesses. The first panel comprised representatives of Community Justice Scotland and Social Work Scotland. The second panel comprised representatives of Families Outside, Positive Prison? Positive Futures, Scottish Women's Aid and Victim Support Scotland.
6. At its meeting on 15 May 2018, the Committee will hear from representatives of the Edinburgh Bar Association, Howard League Scotland, the Law Society of Scotland and the Scottish Centre for Crime and Justice Research, as well as Liz Dougan, Partner, Brazenall and Orr Solicitors.

7. Written submissions from the Edinburgh Bar Association, Howard League Scotland, the Law Society of Scotland and the Scottish Centre for Crime and Justice Research can be accessed [here](#).
8. At future meetings in May and June the Committee will hear from other professionals and organisations working in the criminal justice sector, as well as the Cabinet Secretary for Justice.

Justice Committee

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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 10 May 2018 when it took evidence on Police Scotland's proposed use of digital device triage systems. These are more commonly referred to as 'cyber kiosks'.
2. The Sub-Committee took evidence from Detective Superintendent Nicola Burnett, Police Scotland, and Kenneth Hogg, Interim Chief Officer of the Scottish Police Authority.
3. On 2 May 2018 the Scottish Police Authority Board agreed Police Scotland's 3-year implementation plan: *Serving a Changing Scotland Creating capacity to improve*. The plan included a proposal to manage cybercrime with kiosks to triage data from devices locally.
4. In 2016 Police Scotland conducted trials of the Cellebrite Digital Device Triage System in Edinburgh and Stirling. The Sub-Committee requested information on the analysis undertaken and whether any issues were raised. The Sub-Committee heard that human rights and data protection assessments were not undertaken prior to the trials.
5. Police Scotland has selected the Cellebrite product and anticipates rolling out 41 kiosks across the force area later this year. Police Scotland gave an assurance that equality and human rights and data protection assessments will be undertaken, officers trained, and issues addressed before the roll-out of cyber kiosks. The anticipated date for introduction is autumn 2018.
6. The Sub-Committee also considered its forward work programme and agreed to schedule evidence sessions on Police Scotland's firearms licencing process and Police Scotland's digital, data and ICT strategy prior to summer recess.