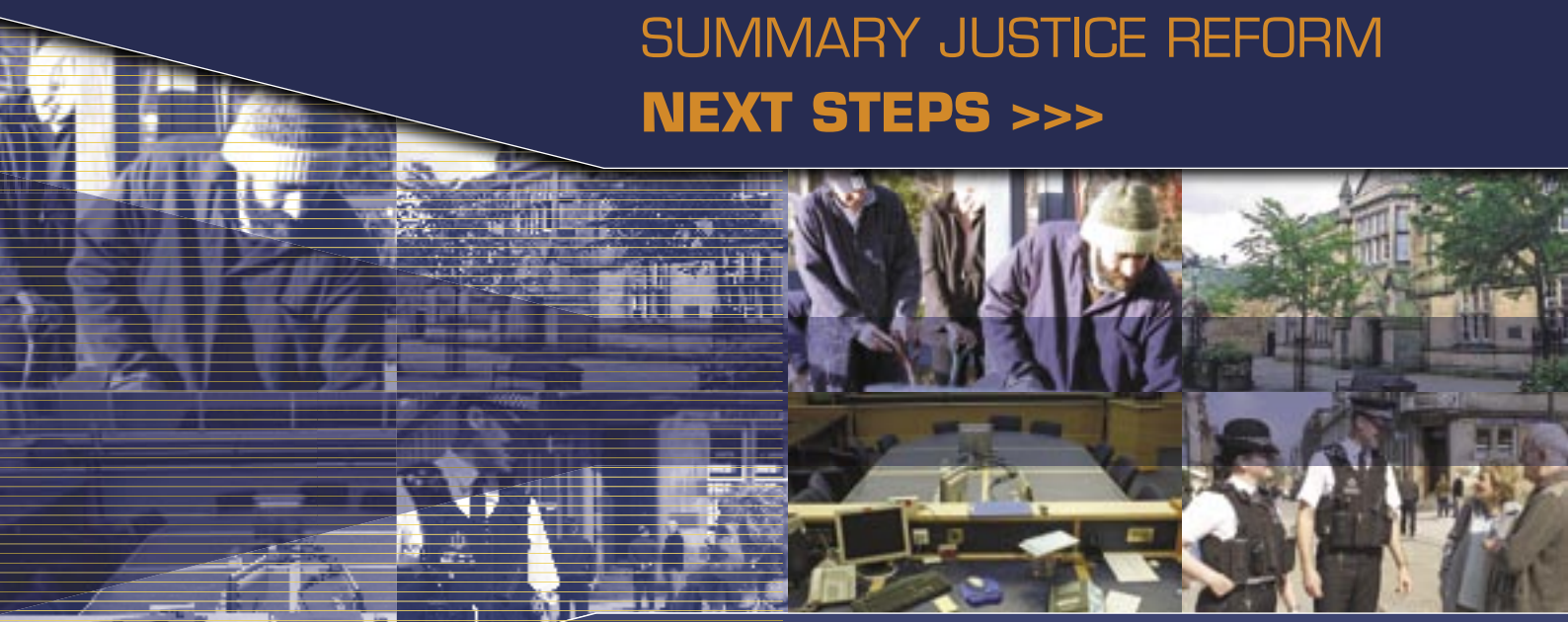


SMARTER JUSTICE,
SAFER COMMUNITIES
SUMMARY JUSTICE REFORM
NEXT STEPS >>>



safer
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SCOTTISH EXECUTIVE

What is summary justice?

Almost all cases which come to court in Scotland - 96% - are heard by a judge who sits without a jury. This can be a sheriff, one or more lay justices, or (in Glasgow) a stipendiary magistrate. These are, in the main, less serious cases, ranging from breaches of the peace to assaults and weapons offences, and including nearly all road traffic offences.

But they are also those offences which are most likely to affect local people and local communities. They are the offences experienced by most victims and known about by most people. How we handle those offences and those who commit them is key to building safer, stronger communities and to rebuilding public confidence in our justice system.

The process of dealing with these offences is known as 'summary justice'. Administration of summary courts is currently handled by the national Scottish Court Service and by 30 local authorities.

The Executive's Approach – Smarter Justice, Safer Communities

Scotland is set upon the most radical reform of its criminal justice system for more than a generation.

We have already reformed the way we handle our most serious cases – those which go to the High Court. How we reform summary justice is central to our wider vision of a more efficient and effective justice system, working together to dispense justice fairly and reduce re-offending. We are tackling antisocial behaviour, giving new powers to the police, local authorities and others and investing in resources to support local people who are working to improve their communities. We are reviewing the children's hearings system, making sure that it best meets the needs of children and helps reduce their offending behaviour. We are improving support for victims of crime. And we are reforming the way in which we manage sentenced offenders, balancing tough interventions with joined up support and supervision.

We have spent time looking at the running of the summary justice system, with the help of an expert Committee chaired by Sheriff Principal John McInnes. On 22 March 2005 we published our vision for the future 'Smarter Justice, Safer Communities; Summary Justice Reform - Next Steps'.

Our Vision for Summary Justice

Summary justice reform lies at the heart of a better criminal justice system – a system which delivers justice fairly and speedily – where the sentence fits the offence – where the rights of victims are given full and proper regard – where restoring and repairing some of the harm caused by offending becomes an everyday part of how we do business – and where reducing re-offending is the common goal.

Summary justice is where most offenders first come in contact with the adult criminal justice system, and where most crimes are dealt with. If we can improve how we deliver summary justice we can reduce re-offending.

But this is not just about greater efficiency and more streamlined structures. It is also about rebuilding community confidence and involvement in our criminal justice system, starting with how we tackle anti-social behaviour right through to how we handle the most serious offences. All justice is delivered in the interests of the community but that is not always apparent. It can seem remote, run by professionals and accountable only to other professionals. Its processes can seem slow and hard to understand. The people whom we consulted last year told us that they find it hard to engage with the system.

And they were also not convinced that it delivers effective responses to less serious crime. They told us that the volume and persistence of less serious crime undermined the quality of their lives. There are no victimless crimes, and the victims are often communities which are already disadvantaged. For them, tackling low level crime is as important as dealing with serious crime.

So we need to do two things:

- **Improve the summary justice system so that it operates effectively and makes a visible difference in tackling less serious crime; and**
- **Improve the links between summary justice and local people so communities can be more involved in how the harm caused by low-level offending is repaired and reduced.**

How we will achieve our vision

We will:

- Maintain the key community link provided by lay justices, while investing in their recruitment, training and appraisal;
- Broaden opportunities to take up the role of lay justice; and
- Offer wider opportunities for local communities to become involved in the justice system.

We will:

- Bring the administration of Scotland's courts under single management, but keep service delivery local and flexible;
- Strengthen the links between courts and communities; and
- Redesign fine enforcement to make it more effective.

We will:

- Provide more opportunities for individuals to make amends for their actions without getting a criminal record, through alternatives to prosecution; but also
- Ensure that alternatives are tough and effectively enforced.

We will:

- Ensure that cases which need to be prosecuted get to court more quickly; and
- Make better use of court time.

Our Goal is to build community confidence in the summary justice system. That means:

- > **Speedy justice** - whose impact is visible to communities;
- > **Effective justice** - swift, sharp responses at the right level to deter reoffending;
- > **Joined up justice** - police, court service, prosecutors working together as partners;
- > **Modern justice** - 21st century communications, not piles of paper;
- > **Visible justice** - simplified systems and structures, with clearly signposted opportunities for local people to get involved;
- > **Flexible justice** - developing services appropriate to local needs without sacrificing core principles of fair and equal justice for all; and
- > **Communities at the heart of justice** - more investment in roles for lay people within the justice system.

What happens next?

Where changes to the law are needed, we will make them during the lifetime of the Parliament. But legislation only provides the framework – delivering better justice needs partnership working between all those involved. And it requires a closer partnership between the Executive and the communities it serves.

So our priorities are:

- > **Finalising proposals to change the law, with stakeholders;**
- > **Strengthening partnership working; and**
- > **Setting up new ways of working with communities where these are needed.**

For further information or to request a copy of the report please visit our website at www.scotland.gov.uk/about/JD/CP/00019008/Homepage.aspx (where the report can also be accessed online). You can also contact the summary justice reform team by post at:

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