

# **SCOTTISH PARLIAMENT KNIFE CRIME DEBATE**

Friday 23 January 2009

Report Prepared by the Scottish Parliament Official Report



---

# CONTENTS

Friday 23 January 2009

	Col.
<b>KNIFE CRIME DEBATE</b> .....	1
Opening Remarks.....	1
What is the cost of knife crime?.....	5
Why does a person carry a knife?.....	14
What is the law doing? .....	38
What does the future hold? .....	57

---

## ALPHABETICAL LIST OF PARTICIPANTS

- A** Bill Aitken MSP (Glasgow) (Con)
- B** Richard Baker (North East Scotland) (Lab)  
Jon Bannister (Scottish Centre for Crime and Justice Research)  
Robert Brown MSP (Glasgow) (LD)
- C** Detective Chief Superintendent John Carnochan (Violence Reduction Unit)  
Assistant Chief Constable Campbell Corrigan (Association of Chief Police Officers in Scotland)  
Alex Cunningham (Aberlour Child Care Trust)
- D** Major Alan Dixon (Salvation Army)  
Nigel Don MSP (North East Scotland) (SNP)  
Morag Driscoll (Scottish Child Law Centre)
- E** David Edgar  
Gordon Ellis (Scottish Youth Parliament)  
John Evans (Victim Support Scotland)  
Fergus Ewing MSP (Minister for Community Safety)
- G** Reverend Ian Galloway (Church of Scotland)  
Marlyn Glen MSP (North East Scotland) (Lab)  
Trish Godman (Deputy Presiding Officer)  
Dr Colin Gray (Royal College of Psychiatrists)
- H** Robin Harper MSP (Lothians) (Green)  
Gillian Henderson (Scottish Children's Reporter Administration)  
Amy Homes (Ipsos MORI Opinion)  
Hayley Hughes (Prince's Trust Scotland)
- K** Alan Kennedy (Urban Fox)  
Stephen Kidd (Scottish Youth Parliament)  
David Koppel (Medics Against Violence)
- L** John Lamont MSP (Roxburgh and Berwickshire) (Con)  
Professor Alastair Leyland (MRC Social and Public Health Sciences Unit)  
Peter Lockhart (Law Society of Scotland)  
John Logue (Crown Officer & Procurator Fiscal Service)
- M** Paul Macdonald (Macdonald Armouries)  
Kathleen Marshall (Scotland's Commissioner for Children and Young People)  
Mr Frank McAveety MSP (Glasgow Shettleston) (Lab)  
Ian McDonough (Sacro)  
Gerard McEneaney (Children's Panel Chairmen's Group)  
Jacqueline McGhie (News of the World Save Our Streets Campaign)  
Linda McGlynn (Urban Fox)  
Maureen McGonigle  
Stuart McKenzie (Royal College of Nursing)  
Duncan McNeil (Greenock and Inverclyde) (Lab)  
Richard McShane (Bartara Association)  
Wendy Metcalfe (Greenock Telegraph)  
Nanette Milne MSP (North East Scotland) (Con)  
Angela Morgan (Includem)  
John Muir  
Craig Murray (Howard League Scotland)
- N** Gina Nowak (YouthLink Scotland)
- P** Mark Paterson  
Jayde Peacock (Urban Fox)  
John Pollock (Association of Chief Police Officers in Scotland)
- R** Councillor Luciano Rebecchi (Inverclyde Council)  
Yvonne Robson (Association of Directors of Social Work)
- S** Britta Schuessler  
Sandy Scrimgeour (Street Pastors)  
Clare Sharp (Scottish Centre for Social Research)  
Michelle Silvester (Mothers Against Murder and Aggression)  
PC Geoff Smith ('Campus Cop')  
Thomas Sneddon (Urban Fox)
- T** Brian Taylor  
Lesley Thomson (Area Procurator Fiscal for Glasgow)
- U** Gregor Urquhart (Young Scot)
- W** Kate Whaley (Mothers Against Murder and Aggression)



# Scottish Parliament

*Friday 23 January 2009*

[THE DEPUTY PRESIDING OFFICER *opened the meeting at 10:16*]

## Knife Crime Debate

### Opening Remarks

**The Deputy Presiding Officer (Trish Godman):** Good morning. My name is Trish Godman and I am one of the Parliament's Deputy Presiding Officers. I have the privilege of chairing today's meeting. It is my pleasure to welcome you to the Scottish Parliament's debating chamber for this Public Petitions Committee sponsored debate on knife crime. In particular, I welcome John Muir, whose petition has brought us all here.

The Scottish Parliament was founded on four principles: openness, accountability, the sharing of power and equal opportunities. Ten years on, those founding principles continue to underpin the work of the Parliament and its members. The Public Petitions Committee has been one of the big successes of the Parliament in its first 10 years, as it has given you—the people—the chance directly to influence legislation and decision making, just as John Muir has done.

The Public Petitions Committee has organised the debate to provide a forum for each of you to have your say on how we should address the problem of knife crime. There are, of course, many issues that you will want to raise during today's proceedings and I want to ensure that you have the opportunity to do so. For some of you, it will be the first opportunity you have had to question directly parliamentarians, Scottish Government ministers, the police and representatives of the legal profession who are among us today.

Everyone here has an equal voice. The debate is an opportunity for views to be expressed, questions to be asked and opinions to be challenged. Some of you will have had close personal experience of knife crime. You may hear things said that you will not want to hear, and you may hear expressed views that you do not agree with. However, I ask you to listen with an open mind to what each person has to say. The format for today's proceedings has been designed to encourage open and frank discussion—it is about asking questions and bringing out answers. This is your Parliament. I hope that you will continue to engage with the Parliament in the future.

As I said, this is an open debate. Should you wish to speak, you should simply raise your hand. Once you have been invited to speak, I ask you to wait until the red light on your microphone comes on before you speak, as I had to do, and to state your name and where you are from or the name of your organisation. I also ask for some patience initially, while our broadcasters get used to where each of you is sitting—they were a bit unsure about where I was sitting. Please stand when you speak, so that we can all see you.

I am delighted that Brian Taylor, BBC Scotland's political editor, is here to help to facilitate the debate and discussion. I invite Frank McAveety, who is the convener of the Public Petitions Committee, to make a few introductory remarks, before we hear from John Muir.

**Mr Frank McAveety (Glasgow Shettleston) (Lab):** Thank you very much, Deputy Presiding Officer. We normally face the Presiding Officer's chair when we speak, rather than people behind us.

I will identify a number of key issues, but first I thank John Muir for lodging the petition. It was not easy for him to come to the Public Petitions Committee, but he made a formidable presentation to us. The reaction from committee members, many of whom are at the back of the chamber, was a desire to explore the problem of knife crime in greater depth.

We recognise that knife crime will be tackled in other ways—for example through policy interventions and legislation—but as a committee, we felt it to be important to bring together some of the people in Scotland who experience knife crime-related difficulty or who have to manage the issues that the victims of knife crime confront.

I welcome everyone to the Parliament. When we debate such issues, the communications that we receive are always quite compelling. Only last week, I received a communication from someone who was hoping to attend today's event, in which she summed up the challenge that all of us in Scotland face as we try to deal with knife crime. She had already lost one member of her family to knife crime when another member of her family became a victim of it—the matter is being dealt with in court. She said:

“at the end of the day anything I have to say will go in one ear and out the other ... nobody cares.”

I am extremely concerned that someone feels that way. If we can make progress in addressing such concerns, we might be able to reassure the wider public that we are facing in the right direction when it comes to knife crime.

We will explore the key challenges that are faced by people in communities, and their

experiences. I welcome those who have been courageous enough to come to explain what knife crime means to them and to the communities in which they live. I welcome, too, those who have to deal with the issue in a professional capacity and through support work: you will give us an insight into what we need to do. I also welcome people including John Carnochan, who is sitting beside me, who is making efforts to intervene much earlier in the behaviour patterns of—mainly, but not exclusively—young men. He wants us to be able to intervene much more effectively so that we can minimise the conduct that can result from people believing that it is okay to possess and, ultimately, to use a knife.

Although the point has been overstated in the past six months, we now have in the international community a leader who believes that change can come from below. If, in any small measure, we can help to produce change through today's discussion, that would be an extremely welcome development.

Thank you for taking the time to be here. Participation in today's event is one way of making a difference in the future, so I hope that it will shape and influence the decision-making process in which all parliamentarians are involved. I welcome you to the debate, and I look forward to hearing your positive contributions throughout the day.

**The Deputy Presiding Officer:** Thank you. I invite John Muir to make his opening remarks.

**John Muir:** First, I would like to say good morning to everyone who has made the effort to be here. Unaccustomed as I am to serious public speaking, I will have to read from notes.

We will go back to the start of the situation. My son Damian Peter Muir died at the hands of an individual who could have been prevented from such wickedness, had the appropriate action to avert his destructive past been taken at the first opportunity. As his record showed, his record for violence was second to none. If the circumstances of Damian's death had been unique, I could have been persuaded to accept that his death was an isolated tragedy, but there was nothing unique or isolated about it. His death could most certainly have been avoided.

Today must be the pivotal point in the fight against violent crime and, in particular, against knife and weapons crime. Any and all honest men would recognise that there has been very nearly criminal institutional failure and neglect on the part of the authorities in which the protection of the Scottish nation is vested. That failure is borne out by the frequency of incidences of knife crime and by the disgraceful statistics that shame Scotland. I remind this learned assembly that those statistics

relate to real people and are not an academic board game.

Each and every one of the statistics represents a real victim—a person whose life has been taken or shattered along with the lives of their family and friends. Blame will achieve little and political infighting will achieve nothing. Systemic failure by us—the Scottish nation—to remove decisively the menace of knife crime in terms that criminal recidivists understand, will mean more needless carnage on the streets of Scotland. The main question for this assembly is this: Are we going to allow the blood of the general innocent majority to be spilled on our streets because of the concerns and rights of the criminal minority?

I want to speak about recent happenings. In my area in January, a person who had been arrested and tried for being in possession of three knives—not one knife—got 10 months. That is laughable when we consider the fact that greater sentences can be passed under the current rules and laws.

In another case from my area, a person with a life licence who was involved in knife crime was sent to prison for six months, was out in less than three months and spent Christmas at home. His life licence has not been revoked.

There is another case from December 2008. A young man against whom three charges of violent conduct had been made was released on bail. He then killed someone with a knife and was given eight years for culpable homicide. That was another preventable death. I say loud and clear so that everyone understands that a spokesman—it does not matter whether they were in the Parliament or wherever—said that it seems that that was an accident waiting to happen and that it was pretty surprising that the youth was given bail in two separate circumstances, with tragic consequences. The spokesman said that people will wonder whether a robust enough approach to bail is being adopted. My, my, my. My family was told that 18 months ago.

I have provided a paper on a suggested fire-break policy, which might be of interest. It is perhaps worth having a look at it during the meeting in the light of the issues that will be discussed. The Parliament's committees could consider it at a later stage.

I am trying to impress on this assembly that there can be no half-measures when individuals have clearly demonstrated that they have a violent, or potentially violent, lifestyle and arm themselves with knives or other dangerous weapons. Put them away the whole way.

There should be no academic social experiments or risk management for the public. We are beyond that. Dangerous individuals will otherwise continue to be at large, and we will

continue to have the blood of our victims on our hands. If any one party has a private agenda or superiority complex in order to protect the status quo in the balance of power, that clearly does not serve the collective, and it is doomed to relative failure and half-measures will rule the day. We will present weakness, which will send the wrong signals, and the violence will remain unchecked. There should be no sanctuary from accountability for anyone.

Our son Damian, a brother to Vicky, Christopher, Stephen and Karin, is now consigned to the shameful violent statistics that have blighted the Scottish nation for decades. The issue is nothing new and, contrary to suggestions, knife crime is not restricted solely to gang warfare. Although that is accepted all too frequently, it also involves lone wolves preying on the innocents. I trust that I have given you something to think about and take forward. Thank you for your attention.

### What is the cost of knife crime?

10:30

**The Deputy Presiding Officer:** Thank you, John. We now move to the first of our four sessions, in which discussion will centre on the cost of knife crime to our public services—police, medical staff, social work and others—as well as the economic and social costs. It gives me pleasure to invite Brian Taylor to start the discussion.

**Brian Taylor:** I thank everyone for joining us and give my thanks for being invited. Was not John Muir's speech an astonishingly eloquent statement of the challenge that faces Scotland? The eloquence and power of John Muir's presentation should not, however, blind this assembly to the need to consider seriously whether the proposal that he advances is the right one, or whether it needs to be changed or altered in any style without, I am sure, our going down the road of half measures that John suggested.

You will know that there have, in advance of this discussion, been one or two noises-off regarding who is and who is not here. If you will forgive me, I intend to make no comment on that subject—given the nature of John Muir's speech, it would be utterly inappropriate to do so. Let us stick to the subject in hand.

This session is about the impact of knife crime. I want to hear first from some of the community representatives who are here today. I invite Richard McShane to make a couple of remarks from his perspective.

**Richard McShane (Bartara Association):** I represent a tenants and residents association in

Easterhouse in Glasgow. I sympathise totally with John Muir. Families such as his have been badly let down by the system. Forty years ago in Easterhouse people were being stabbed, slashed and murdered; today they are still being stabbed, slashed and murdered. It does not happen at the same level now because the population is not the same, but there is still a massive failure in our community that comes from politicians past and present. They are failing to protect families such as John Muir's and other families in my community.

Offenders are carrying out knife crimes and within two days are back on the streets under bail warrant, on bail conditions or tagged. There is apathy in our community, as Frank McAveety mentioned at the start of these discussions. Right through our community is the attitude: "Why bother? Why bother coming here today? Who cares?" I hope that something happens here today to show that we do care.

**Brian Taylor:** Thank you. The evidence of the attendance today and the seriousness with which the subject is being addressed answers Frank McAveety's point. I invite Mark Paterson to give his perspective. I will then open the discussion up generally after the first couple of contributions from the community sector.

**Mark Paterson:** I am a victim of violent knife crime and I am glad that my parents do not have to go through what John Muir goes through. I honestly do not know how they would cope.

The person who stabbed me was also being looked for by the police for nine other crimes. They do not know where he is; he should have been on probation, but they could not find him because he had moved house without telling them. There was absolutely no way of finding him, let alone of convicting him or keeping his convictions. John Muir's son's attacker's conviction went down from 17 to 15 years and then down again to 11. If we cannot keep such people off the streets or even rehabilitate them—which would be better—we will go downhill. I have nothing else to say about that.

**Brian Taylor:** Thank you. Would Kate Whaley or Michelle Silvester from Mothers Against Murder and Aggression like to comment?

**Kate Whaley (Mothers Against Murder and Aggression):** In England, we are probably moving along the same lines as John Muir and are looking for much the same thing: mandatory sentencing.

Although strategies, long-term work, support work and intervention are great and are much needed for the longer-term future, something has to be done to protect tomorrow's Damian Muir, but that is not happening. Tomorrow's Damian exists—he is waiting and he will happen. The murderer will be on a tag and, in England, he will

have been cautioned—he would not be cautioned in Scotland, because you do not have cautions—he will be on bail and he will be known to the police. The family will also be known to the police and the mother will have a history with the police. We know all that and we know that the crime is waiting to happen. We know who will commit the crime and we know that the most likely scenario is that the victim will be an innocent.

My nephew was stabbed in June last year. He was 16 and he was a great kid. He had brilliant GCSE results, which he did not live to see, he was a fantastic artist, a fantastic cook and a fantastic musician. He was attacked by four kids, who were all known to the police, and two of them were armed. He received multiple stab wounds. It was devastating for the family, but it was a statistic waiting to happen. We can either sit back and wait for more deaths, or we can do something now to prevent tomorrow's Damian. We can do the long-term work to address what might happen in ten years' time, but our kids need to be protected today.

**Brian Taylor:** Thank you for your contribution and for joining us today.

I invite Duncan McNeil MSP to make a contribution, from a community perspective from Greenock.

**Duncan McNeil (Greenock and Inverclyde) (Lab):** We have been well warned as politicians here today that participants are here to listen to real people and not necessarily to politicians. We will obviously hear about the pros and cons of tougher sentencing and whether, as John Muir said, we are using the measures that are now in place effectively.

John Muir spoke very eloquently. He has campaigned effectively against knife crime and has seriously challenged the politicians in the process. It is important, from a community perspective, to recognise that although John speaks for the Muir family, he also speaks for his neighbourhood, for the Inverclyde community and for the west of Scotland. John does not set one option against the other: he does not see tougher sentencing as an alternative to the long-term work that we must do to challenge and end our violent culture in the west of Scotland. He has visited people in Greenock jail who have committed murder with knives.

We support the work of Medics Against Violence—I have met them. We also support the work of the Violence Reduction Unit; indeed, we had John Carnochan in our community four or five years ago. We support all those initiatives, but John Muir's most powerful argument is the democratic argument—the popular argument that tougher sentencing for violent adult repeat

offenders is necessary for the people and the families who they live with, for the children who suffer their violence every day, for the women who live with those individuals and for our communities. We are here today to ensure, I hope, that we can make a difference. The success of today will be judged not by how many people have turned out but by whether we effect change. That will be the democratic test. I hope that we succeed.

**Brian Taylor:** I would like to see hands in the air to indicate who wants to comment on the impact of knife crime on communities. Come on—don't just sit there like lemons.

**John Pollock (Association of Scottish Police Superintendents):** I am an officer in Strathclyde Police. In my experience, the impact is felt on a number of levels: there is the impact on the individual who is affected by the crime and there is the impact on the family. Knife crime is also a signal crime to communities—people are aware of what is happening and it sends a signal to them about what their neighbourhood is like. That impacts on a number of factors, including people's lifestyles: they are not prepared to go out. For example, until we operated a pilot scheme in Easterhouse, shop owners and people running businesses would not see many members of the public out at night because knife crime was having that impact. When the pilot scheme was in operation, they felt able to come out.

There is an issue in respect of the reputation of the nation and how Scotland is viewed in this year of homecoming. There is also an impact on regeneration. Although there is a desire to encourage people to come and live in estates, they will not do that. The impact is felt on almost all levels.

**Brian Taylor:** Is it as serious as John Pollock is saying, and is the impact such that it vitiates all other efforts to improve the environments in some of our more troubled communities?

**John Pollock:** There is no doubt that the impact is felt much more widely than simply from a criminal justice perspective.

**Brian Taylor:** Are there any other contributions on this area—perhaps from one of the medics?

**David Koppel (Medics Against Violence):** I am a surgeon in Glasgow, and we founded Medics Against Violence to try to address issues that went wider than the specific issue of sentencing. I do not feel qualified to comment on sentencing—

**Brian Taylor:** You can just comment on the impact that you see in your experience.

**David Koppel:** In terms of the impact of violent crime or violence, our unit in Glasgow admits 90-odd patients a month. About 60 per cent of those



admissions are the result of interpersonal violence, including knife crime, crime involving other types of weapon and old-fashioned fist fights, in which the injuries can be quite severe. The financial impact on the unit is huge. We could admit 90 elective patients instead, and do 90 operations that are needed by patients with cancer or other problems. We are not doing those operations because we are dealing with interpersonal violence.

**Brian Taylor:** Thank you.

Anyone else on the impact of knife crime? Perhaps someone from Urban Fox would like to contribute.

**Alan Kennedy (Urban Fox):** We ran an event in the east end of Glasgow at which there were 130 young people. More or less every one said that knife crime is a big issue at their schools and in their areas. It is appalling, to be honest.

**Brian Taylor:** Tell me the extent of the knife crime that you witness.

**Alan Kennedy:** It is not really what you witness; it is more that you know that it is there. It is not that every day, when you walk down the street, somebody is getting stabbed. It is the fact that you know it could happen.

**Brian Taylor:** It could happen at any time—it is there in the background.

**Alan Kennedy:** When you are walking in the city centre, you know that somebody 10 yards away could have a knife. It has got to that point.

**Brian Taylor:** Is permanent low-level fear the impact on the community—or maybe even high-level fear?

**Alan Kennedy:** It is the mentality it causes. If you are in the city centre, you should not really need to think, “Am I going to get stabbed today?”

**Brian Taylor:** Any impact for good in the community is knocked out by the fact that there is knife crime.

**Alan Kennedy:** It is hard to explain. Why should our young people need to think about people bringing knives into their schools?

**Brian Taylor:** The problem is really widespread.

**Alan Kennedy:** That was a big issue at the event.

**Morag Driscoll (Scottish Child Law Centre):** I would like to ask the members of Urban Fox a question. I have the impression from talking to young people at the centre that the reason why people carry knives is often that they are afraid of knives. I wonder whether incidents such as the loss of Damian Muir give an extra impetus for

people to carry knives who might otherwise not have carried one. There is a cycle.

**Brian Taylor:** Thank you for that. Does anyone from the Urban Fox group want to comment?

**Alan Kennedy:** If that was the case, everybody would be carrying a knife.

**Detective Chief Superintendent John Carnochan (Violence Reduction Unit):** On the impacts, knife carrying is in many communities considered normal behaviour and that is what we need to get over. Three young men were murdered in London one weekend, and the Home Secretary called a round-table meeting. There were loads of people there because they were outraged by the murders. The violence reduction unit started looking at violence four or five years ago, and we waited for the outrage over the three or four people who were being murdered in Glasgow every weekend. However, it tended to get three or four lines in the *Evening Times*. I am delighted that there is outrage. We need to raise the issue in Scotland now so that everyone can have a say. The key is, as you have said, that we do the appropriate thing—we have to think about what the right thing to do is.

10:45

**Brian Taylor:** Can you describe what your unit does and the reason for its existence?

**Detective Chief Superintendent Carnochan:** We came together because we realised—Sir Willie Rae realised—that for the past 30 or 40 years we have been doing the same things, as described by our colleague from Easterhouse. The detection rate for murder in Strathclyde is 98.7 per cent: catching people who commit murder is relatively straightforward, but preventing people from committing murder is very difficult. We have begun, along with colleagues who work in health, to consider ways to deal with that in the longer term. We do not want to justify such crime; we want to understand why it happens and why young men—for it is invariably young men—are committing it.

We have found that, in criminal justice, we wait to act until the point of impact—when the crime actually occurs. Many of the victims will have been offenders the night before. The people whom David Koppel’s team are stitching up will have been stabbed the night before and will stab somebody the next night. We miss the point by dealing with the offenders only at one end—we are missing opportunities to deal with the behaviour that causes the violence in the first place. People kill people, not knives, and we need to tackle their behaviour. You are right that the only solution for some people is to send them to

jail—there is no doubt about that—but I do not think that mandatory sentences will work.

**Brian Taylor:** We will come to that later.

**PC Geoff Smith (“Campus Cop”):** I am a campus-based police officer with Strathclyde Police at St Mungo’s academy in Glasgow. I have been in post for five years, and one of the main reasons why I was assigned to St Mungo’s academy was the level of gang violence around the school. I concur with the members of the Urban Fox group—there is a fear of knife crime among young children, young adults and parents. When a parent phones me at school and tells me that their child has been bullied and they have told a teacher about it, their major concern is that the child who has been doing the bullying will come back into school and knife their child. In reality, that will probably not happen, but that is their overriding fear.

The parents fear that their children will get knifed when they go out on the streets at night or to events in the city centre, so the children do not get out and about in the community or use the facilities for which we pay taxes. That is one of the overriding impacts of knife crime and the fear of violence in the east end of Glasgow, and it is pervasive throughout Scotland.

**Professor Alastair Leyland (MRC Social and Public Health Sciences Unit):** I will speak about the disproportionate impact of knife crime on certain communities. The figures for all assaults and deaths due to assault—about half of which are due to knife crime—show that a young man aged 15 to 34 is about 30 times more likely to be murdered than if he lives in one of the most deprived parts of Scotland than if he lives in one of the most affluent parts. That perhaps goes some way towards explaining why there is so little outrage in the papers about the deaths—the bodies are in the wrong places.

**Brian Taylor:** That is a chilling thought, but it is certainly true.

**Wendy Metcalfe (Greenock Telegraph):** We have been involved with John Muir since the start of his call for Damian’s law. No community has felt the impact of Damian’s death more than Inverclyde, and we have also suffered the high-profile murder of a schoolboy called Darren Pyper.

I want to share the views of my readers with you. When we found out about the call for Damian’s law, we immediately launched an online poll. The statistics speak for themselves: 717 Inverclyders voted in support of Damian’s law, and only 53 voted against it. Inverclyde Council robustly stepped forward and passed a motion that called for Damian’s law, and Darren Pyper’s family also backed the call. Mr Muir has spoken this morning about wanting no half measures—the

people of Inverclyde want something robust to be done.

On a personal note, I found out a few days ago that I am going to have a baby boy. If John Muir’s brave battle to bring Damian’s law to fruition makes the streets safer for my son, I can only thank him for what he has done.

**Brian Taylor:** Thank you for your contribution, and many congratulations—that is good news.

**Stuart McKenzie (Royal College of Nursing):** I will bring in the concept of another community: the community of nurses, who have an impact on everybody’s lives and who work in accident and emergency departments and in community settings throughout Scotland. We have the privilege of reaching into families and working with them in clinical areas, at bedsides and in homes.

Nurses support not only the victims of crime but the perpetrators, who have often themselves been victims of violent crime, so the cycle continues. The concept of unconditional positive regard runs through the ethos of nursing. The Royal College of Nursing would like today’s event to result in a debate that enables us and our governing body—the Nursing and Midwifery Council—to devise a strategy whereby nurses can continue to work with communities objectively and support everyone who is involved in knife crime.

As a psychiatric nurse, I know that the impact of knife crime on national health service provision goes far beyond the surgical table and recovery centres. It goes on into community rehabilitation for people who suffer from anxiety and panic disorders and require many years of follow-up from psychiatrists, psychologists and psychiatric nurses.

**Brian Taylor:** Tell us more about that. Why does that develop? Is it because of individual incidents or the general, social fear that Alan Kennedy described?

**Stuart McKenzie:** I can answer that personally and professionally. I am 33 and can remember growing up in the Gorbals in Glasgow. As a teenager, I understood that—as our friends from Urban Fox tell us—someone carrying a knife could have been only 10m away.

There is a concept that knife crime is acceptable within certain groups. I have had the pleasure of working with many young men who are recovering from having been assaulted and, many years after the incident, still live with the dreams and trauma. They are unable to go out, get work or have a normal relationship with someone regardless of how they choose to live. They may have been perpetrators in the past, but everything changes when they become victims. This is not the opinion of the Royal College of Nursing but, in my

experience, the cycle gets more vicious for them: they continue to commit more offences or they come out of the game—that is how they see it—become self-excluding and do not involve themselves in society. We are not talking about people who choose to be violent; we are talking about intelligent, articulate young men who have not had certain opportunities at other points in their lives. It falls on nursing staff, particularly those in the community, to work with them to build up the skills that make them valued members of society.

That goes back to the brave gentleman's point about how we deal with knife crime in the future. It is not only about now: knife crime will not go away with the flick of a switch and nurses will continue to put shattered lives back together.

**Brian Taylor:** Thank you very much. That was a particularly good contribution on an area that I had not thought about at all. The matter goes much deeper.

**Councillor Luciano Rebecchi (Inverclyde Council):** We were asked about the effects on communities and how much money is spent chasing criminals when it could be used in the community. Go and ask all the old people who are frightened. We now have white light to make it safer for them to see, but the criminals are still out there.

Earlier, it was said that we have mandatory four-year sentences. I would like to know how many people have had those sentences; then somebody can tell me that they are not working. Most people here will be under the same impression as I am. If I had murdered somebody and been sentenced to eight years in prison, after a given period of time I might be released on licence. If I then decided to rob a shop with a knife, gun or samurai sword, I might get six months in prison but my licence would not be revoked. What message would that send to other people? It would say to me that I was better being a criminal because, if I were to stick to the law, I would get penalised. Older people feel that.

The other circle that we must break is young people thinking that there is nothing for them to do and that the knife carrier is a god. When I was young, we stayed away from bad boys as our parents told us to. We must get that idea back. I would love you to go into primary and secondary schools and show the children such things. Do we really want to keep seeing headlines such as the one from the north-east that I have with me? That is what gets me.

What happens when somebody who is out on licence commits a serious crime? I am talking not about riding a bike without lights but about a serious crime with a gun or a knife. He might use

it, even if he did not intend to, and somebody else could become another figure on the death roll. He would not be put back in jail, as the case would go up to a committee that would decide that it was a minor offence, but the victim would be a nervous wreck, frightened to go home and worried about the criminal being able to walk the streets as a god.

That is what it is like and that is what happens to communities. Many communities have been ripped apart because of that, as the criminals become the owners. If we go back years, we can see that happening. Will we become like America, where everybody carries a gun? Is that what we are saying? That is wrong.

We might not have the wording right, but we must do something to make people realise that the law is trying to protect them, the unborn child and older people so that they feel safe to go out. That is the most important thing. It will return the whole of Scotland to being the happy place to live in that it used to be.

**The Deputy Presiding Officer:** I will suspend the session for five minutes to allow everybody to stretch their legs and have a comfort break but, before that, I will pick up on something that Alan Kennedy from Urban Fox said. He asked why young people should think about taking knives into our schools. Perhaps everybody could take the next five minutes to think about that, as it will link us neatly into our next session.

10:56

*Meeting suspended.*

11:03

*On resuming—*

### **Why does a person carry a knife?**

**The Deputy Presiding Officer:** Before we move to session 2, I remind those of you who are sitting in the front row to face towards the front when you speak. I know that you feel that you want to turn around, but if you do that, the official report staff cannot hear your comments.

In session 2, we will discuss why a person carries a knife. I invite Brian Taylor to start the discussion.

**Brian Taylor:** Thank you. The topic for this session is: why carry a knife? What are the motivations, the causes, the social reasons or whatever? If anyone wants to contribute more widely, they should not feel constrained from doing so, but first let us try to focus on why people carry knives. I have called on the Urban Fox group rather regularly, but we got some good

contributions from them earlier, so I wonder whether one of them will contribute now.

**Thomas Sneddon (Urban Fox):** Hi, I am Thomas Sneddon from YouthBank and the Urban Fox programme.

A lot of people say that they carry a knife for protection. The police are there to protect people, but a lot of people think that the police do not protect them as well as they should and that they need to take their protection into their own hands. That is why a lot of people carry weapons.

**Brian Taylor:** Is it genuinely about protection or is it about a fear of—

**Thomas Sneddon:** Some people carry knives to intimidate others or create the impression that they are big or hard, or that people should not mess with them. Other people see them and think, "That's what I need to do to protect myself, so I don't get touched."

**Brian Taylor:** What is the primary reason? Is it about image—about people saying, "I'm the big man"—or is it about a genuine fear of attack and requirement for self-defence?

**Thomas Sneddon:** Some of it is about image, but there are two separate groups. There is a group of people who do it for image and to look hard—they think, "Nobody's going to touch me because I've got a weapon." There is a group who genuinely do it because they think that it will protect them, but at the end of the day it does not always work like that.

**Brian Taylor:** Thank you. Who wants to contribute to the debate more generally?

**Kathleen Marshall (Scotland's Commissioner for Children and Young People):** Some research has been done on why young people carry knives. Action for Children published a report last year about knives and gun crime, and we did a poll on our website. Some 1,300 young people voted, and the results show that the main reason why young people carry knives is fear. In the poll, 66.9 per cent said that the reason was fear and 13.6 per cent did it for street cred, 14 per cent for respect, and 5 per cent for the buzz.

I agree with Thomas Sneddon that there are two groups. I will read two quotations from the Action for Children report, because it makes the issues more real when we hear what young people say. A 15-year-old from Glasgow said:

"I have carried a knife before to protect my mum."

She carried a knife to protect not just herself but her mum. A 16-year-old from Govanhill said:

"There is nothing to do, so we go about looking for fights."

There are two reasons in those two comments. There is a kind of cycle, but we have to bear it in mind that there is a spectrum of reasons.

Everyone agrees that there is a problem, and it is a problem for young people, too. We all want an effective solution. We have heard a lot of outbursts of very justifiable anger about things that have happened, and we have to take account of that. The justice system must be compassionate to victims and their families, but in a sense it must be dispassionate, too. We have to consider the evidence and try to get the effective solution that we all want.

**Geoff Smith:** You will be getting bored of me shortly. This is where my boss panics about what I am about to say.

Having worked in schools for a number of years, and having been a police officer in the east end of Glasgow for 15 years, I have arrested a number of individuals for carrying knives, and pretty much every one will say that they do it for their own protection. In my experience, that is true. They carry a knife for their own protection, but they usually do so because of a violent act that they have committed previously. They are protecting themselves against something that they have already done. It is the same when a child brings a knife to school. They do so because of something that they have already been involved in. They feel that the situation will escalate, and they bring in a knife to try to counter that.

I find that people whom I arrest for carrying knives in the east end of Glasgow do it when they cross into other territorial areas. There is a fear when they cross into another area, usually because of something that they have done previously, which could be an individual act or a gang act. That situation can go on through generations—the event could be something that happened 10 years earlier. It can be dangerous for people to leave territorial areas in Glasgow, and it is dangerous when people commit violent acts in and around schools because they then feel that the situation will escalate.

**Brian Taylor:** Tell me about the territorial thing. We encountered it in covering the Glasgow East by-election. We heard early on that there were territories and that, if someone moved out of their territory, others saw that as an aggressive act and the person would be in danger.

**Geoff Smith:** Others will see it as an aggressive act if the person is already involved in a gang and a territorial problem. A lot of children tell me that they would feel intimidated if they walked into a different area because of the gang involvement and the territorial situation, but when I speak to gang members, they say, "We wouldn't have a go

at him because he's not a gang member. He doesn't fight." They target individuals.

Territorialism and gang fights are planned, just as football matches are planned—it is recreational violence. As the Commissioner for Children and Young People said, people go out looking for a fight, and fights are often pre-arranged.

**Brian Taylor:** To be frank, it sounds as if it will be difficult to deter people from doing that.

**Geoff Smith:** It is very difficult once someone is 15 and that is what they are about—that is what they enjoy doing, what they get their adrenaline rush from, what they are really good at, and what they are there for. They might have a gang of younger boys or girls below them, and they use their power and their alpha male skills to control them. The key to deterrence is early-years education and parenting skills. That is the only way that you can divert people away from that kind of violence.

**Brian Taylor:** Sorry to keep this going, Geoff, but what about Thomas Sneddon's point that the police do not offer sufficient protection or that people do not feel that sufficient protection is coming from the police, so they resort to self-defence with a knife?

**Geoff Smith:** I agree that some individuals do not feel that they can go to the police, but they are often the individuals who commit a lot of violence in the first place, so they will never come to me. My working in a school is changing that to a great degree. I work with gang members all the time, so they come to me if they feel that there is a problem. They do not bring a knife into school, because they will come to me first, tell me that there was a problem last night, which they think might recreate itself in the school environment, and ask me to deal with it. It is about building up trust.

**Gina Nowak (YouthLink Scotland):** I just want to follow up the comment about territorialism. We did some research with 146 young offenders at Polmont about two years ago and we found that 15 per cent of the people we spoke to said that they would continue to carry weapons and 10 per cent said that they might or probably would continue to carry weapons when they were released from Polmont—mainly because of fear and for their own protection, because of territorialism.

**Thomas Sneddon:** Some people have said that they will not attack people who are not part of a gang, but I know from personal experience that sometimes that is not true. Easterhouse is quite territorial. There are different schemes and I stay in one scheme. I am not part of a gang and I do not fight—I do not see any point in any of it—but I was attacked by a gang just for being in the wrong

place at the wrong time. I went up to give my friend a book and when I went back to the end of the road I got attacked. I have no gang links or anything, so it is not always just about people in gangs targeting other people in gangs. It can happen to anybody if they live in the area.

**David Edgar:** I have something to say about territorialism. A lot of people in here are from Easterhouse. I am from the other territory, if you like.

**Brian Taylor:** Remind us who you are again, please.

**David Edgar:** I am from Barlanark, and I am a victim of knife crime. From my experience, the territorialism is all about the gangs. When people are with the gang they can go and fight people, but when they are not with the gang they are by themselves and need a knife in case one of the gangs get them when they go into another area—it would be a gang against one person, so they need something else.

**Brian Taylor:** So, the blade replaces the protection of the gang.

**David Edgar:** Yes, because there is no gang any more. When they get on the bus to go to their job or, say, for something to eat in McDonald's they will be thinking that people from a gang in one of the territories might get on and that if, say, five boys from a gang get on the bus they will need something to defend themselves with.

**Brian Taylor:** Kathleen Marshall said that carrying knives is partly about protection, partly about the buzz element and partly about showing off. Do you think that it is principally about protection, or is a lot of it about image?

**David Edgar:** Obviously, I do not know for sure, but I cannot see that a lot of people would put a knife in their pocket and say, "I'm going to go out and stab somebody today." I would say that it is mostly for protection. That is the experience of people in the area where I stay in the east end, and that is what knives are used for. People do not want to go into other areas and face a gang of, say, 10 boys by themselves.

**Hayley Hughes (Princes Trust Scotland):** I want to share my experience of working in a front-line role with young people, predominantly in Glasgow. To go back to what John Carnochan said before the break, I agree that, for a lot of the young people we work with, it has become part of their culture to carry a knife and to be involved in that activity.

**Brian Taylor:** They think nothing of it.

**Hayley Hughes:** For a lot of the young people I have worked with, to carry a knife or to be the victim of a knife crime is normal.

**Brian Taylor:** It is part of growing up.

**Hayley Hughes:** It is not really seen as out of the ordinary. We have a team project, which is a 12-week personal development programme for young people. It is not unheard of for a young person to come in on a Monday morning and to say that they were stabbed at the weekend. Sometimes, they are friends with the people who stabbed them; it is not unheard of for these relationships to build up again.

We work with many people who are involved in the gang culture in Glasgow. The gentleman from the "campus cop" scheme spoke about how that was a big issue in Glasgow, particularly in the east end. We see the problem at two ends. Our main concern about the 15-year-olds who join our programmes is that they sometimes try to come with a knife because it is part of their lifestyle and they are actively involved in gang fights. We also see 18, 19 and 20-year-olds who want to leave that lifestyle behind, but it still impacts on them. They might have convictions and have spent time in prison, which will impact on their chances of getting a job. When we try to put some of the young people in our employability programmes on work experience in particular areas, they tell us that they cannot go into those areas. Such situations can have massive, long-term effects on young people, which they do not realise at the time.

11:15

**Angela Morgan (Includem):** I am Angela Morgan from Includem. We work with high-risk young people who are difficult to engage with. They are challenging and have often exhausted the resources of other agencies. I want to share with you a typical case study. I asked one of our staff members yesterday to give me a young person's story. This is the story:

"A's mum was murdered by his now estranged father, resulting in his care placement. From a very early age he has had a chronic history of repeated homelessness and alcohol and drug use that compound his mental health issues. He is very aggressive, when under the influence, to both himself and others. He has high levels of self-harming. He was arrested relating to possession of a knife, which is symptomatic of other high-risk activities—*theft and assault—all done under the influence of drink and drugs.*"

When he was arrested in connection with gang activity, he predictably gave protection as the reason for carrying a knife. In my staff member's view, he was not particularly attracted to the knife culture.

Going back to what John Carnochan said, that kind of story is not an excuse, but I think it helps to understand the links between the behaviour that we all want to see the end of—particularly the tragic circumstances that prompted this debate—

and those sorts of life inequalities to which Alastair Leyland referred earlier.

**Brian Taylor:** Undoubtedly, we will have to come to a fairly hard choice on the action to be taken. Do we take the petitioner's perspective? Or do we take the view, as John Carnochan said, that that is not necessarily the way to go? Right now, I think we are getting out some really valuable information about the background of knife crime culture and what underpins it.

**Jon Bannister (Scottish Centre for Crime and Justice Research):** I want to make two points. The research evidence suggests that we should not consider young people as a single category, that there are many different types of young person and, therefore, that there are different reasons why young people carry weapons. Some undoubtedly carry them for status, some undoubtedly carry them for what they perceive to be protection and some carry them with the intent to commit offences. We must remember that those are different groups. What we do know is that certain young men, when they get ready to go out in the evening, put the knife in their pocket just as they would put on their aftershave or choose their tie. It is a normal part of life and is done almost without thinking.

That brings me to my second point. I have just finished a project examining territoriality in Britain as a whole, which threw up interesting things. Territoriality, just like the problem of violence and knife crime, is long standing and embedded in certain communities in Scotland. Territoriality ultimately means that such communities and the young people who grow up in them are cut off from the rest of society. There are young people who grow up in those communities who can express who they are only through violence. Their identities are structured according to violence because they cannot move beyond those communities.

There are also young people who grow up observing that but not necessarily participating directly. They also lead a bounded existence. It might be true that they are more mobile than their more violent contemporaries, but their mobility is still restricted. The true cost of knife and weapon carrying is that young people, generation after generation, are unable to participate in and contribute to society.

**John Pollock:** A question was asked about the protection that is afforded to people. My police force has an average of 200 detections for knife crimes every month. That has been the case for the past four or five years. There can be no doubt that officers are detecting a large number of people who are in possession of knives.

I agree entirely with the last speaker about the fact that people carry knives for myriad reasons, but two important ones need to be mentioned. First, some people carry them because they have made a decision, conscious or otherwise, that they are prepared to use a knife. Secondly, some people carry them because, in too many places, it is regarded as acceptable to carry a knife, and society's response to that has proved to be inadequate.

**Brian Taylor:** John Muir has drawn my attention to a news story—written by one of my colleagues—that features comments from gang members. The report mentions the names that gangs give to areas of the east end of Glasgow, such as “the Rebel lands”. One gang member says that he gets “satisfaction out of fighting” and that “it’s an adrenaline rush”. Another says,

“If I’d been brought up somewhere else I wouldn’t be here now talking about this”.

The story quotes one gang member who feels that his fellow gang members are his brothers in arms. He says:

“If he goes down, I go down with him; if he gets stabbed, I get stabbed ... if he dies, I die”.

That gives a sense of the territorialism and the gang loyalty.

**Paul Macdonald (Macdonald Armouries):** I represent Macdonald Armouries and the Macdonald Academy of Arms. I am anti-crime, but pro-blade in a cultural and traditional sense.

As the gentleman from Strathclyde Police said, the main reason why people carry knives is for self-defence. However, as we all know, that is a dangerous approach because, if we are not prepared in our minds and hearts to defend ourselves, carrying a length of steel—regardless of length or type—will make no difference. That is why, in many of the situations that we are discussing, someone’s blade ends up being used against them.

We should consider what can be done to educate the younger generation about the serious and real dangers of carrying a blade for self-defence. As was pointed out by the gentleman who spoke before me and by John Muir, youngsters on the streets will carry a blade as easily as they carry a mobile phone. That might be true, but the reason for that might be that those youngsters lack a sense of responsibility for the blade that they are carrying. In rural communities, people are brought up to respect blades, because they use them from a young age. That gives them no fear of the blade at a later age, which means that they are less likely to carry a blade with the idea that it might help them to defend themselves.

The blade has never acted by itself. If people are not prepared to use it to defend themselves, it will not do anyone any good.

**Kate Whaley:** We need honesty in our hearts and minds. If we want to know why young people are carrying knives, we simply need to look at the statistics. Yesterday we saw that robbery at knife point has gone up by 18 per cent. Young people are carrying knives to mug your grandma—plain and simple. If knives are being carried for protection, why was only one of the 28 young men who were killed in London in the past year armed? What were those people protecting themselves against?

**Brian Taylor:** You do not buy the protection theory.

**Kate Whaley:** Absolutely not. As Alan Kennedy said, if knives were carried for protection, all young people would carry them, but they do not. Knives are carried by a minority; that is related to criminal behaviour and wanting to be part of a gang. We do research and work with high-risk, vulnerable young men and women in secure training units in Medway and Durham. Those kids are at the end of the criminal spectrum—once they are in secure training units, there is nowhere else for them to go, so they are at a point where they can be honest with us. Eighty-seven per cent of them tell us that they carry knives for criminal activity, because they need them to rob or hurt people.

**Brian Taylor:** Geoff Smith says that the people whom he has lifted always give protection as their reason for carrying knives. You think that that is just an excuse, rather than a reason.

**Kate Whaley:** I ask the sensible mums and dads who are here, when we tell our children off, do they say, “Mum, I did that because I’m really naughty and I knew that it was wrong”? No, they do not. We are talking about young people. They will give a myriad of excuses for carrying weapons that reflect well on them. Very few of them—especially if they are not already inside the criminal justice system—will say, “I carry that knife because on Fridays and Saturdays I go out mugging, and without the knife I cannot do it.”

**Detective Chief Superintendent Carnochan:** First, let us put to one side the notion of robbery and crime—we are talking about violence. What Kate Whaley describes is not the experience in Scotland.

The second point that I want to make—perhaps for the rest of the day—is that, although young people are popping up in every comment, violence is an issue for everyone. Young people are the at-risk group. A 10 to 29-year-old is five times more likely to be murdered in Scotland than in England. Knife crime in Scotland is three and a half times the level of that in England and Wales. The

robbery level is much lower—we have very little of that.

**Brian Taylor:** So the issue is not people going to the off-licence with a knife in order to rob it.

**Detective Chief Superintendent Carnochan:** We have lots of young men whose only offending behaviour is violence—they do not move into a range of other offences.

There is a myriad of issues. What is emerging is what I expected to merge—that there is no single solution to the very complex problem. However, we should not stop looking for solutions and should remember that some of the measures that work are relatively straightforward. We should support parents, because if the problem starts there, that is where we will make a difference. We should limit access to alcohol, because that has a significant effect on levels of violence, and we should limit access to knives—that is about legislation and policing.

Education should be at the heart of what we do. The vast majority of young people—in Glasgow, I think that the figure is 70 per cent—are absolutely fine and will live good lives. Five per cent are troubled and troublesome and will be recognised by social services and education at a very early stage. We need to examine what we are doing to support those young people. The remaining 25 per cent are the young guys who are at risk.

**Brian Taylor:** They could go either way.

**Detective Chief Superintendent Carnochan:** Yes. It is luck more than good judgment that determines whether they become alcoholics or drug addicts. We must bear it in mind that it is about risk. There is no one simple solution, but there are some simple solutions that will have an effect.

**Brian Taylor:** That was a great contribution.

**Duncan McNeil:** John Carnochan mentioned five points of action, but there is a sixth—the exclusion from society of the violent people whom he described.

**Detective Chief Superintendent Carnochan:** Let us consider the issue in health terms. If violence were a disease—which it is, in some respects—we would isolate and treat the contagious young men who have it. Let us do that. However, we should not just isolate them and lock the door—that is silly and does not take us anywhere.

**Duncan McNeil:** I accept the five points that John Carnochan has made; I ask him to accept the sixth—that exclusion is appropriate. We do not lock up people with mental health issues, but we lock away those who are criminally insane, as they present a danger to society.

11:30

**Detective Chief Superintendent Carnochan:** Absolutely—I do not disagree with the notion. I said at the outset that there will be young men, and older men, who are a significant risk and they will need to be locked up. I do not have an issue with that whatsoever. However, I am saying that that should not be the first resort. Let us think about doing that, because it will not achieve what we might think it will.

**Brian Taylor:** By the end of the day, the committee is looking for us to achieve a pointer to action that could be taken and a judgment on the petition. The plain fact is that we need either support for the petition or a judgment that it should not succeed. However, I am sure that John Muir would agree that it is good that, as well as discussing his petition, we are hearing about issues such as education, alcohol, deprivation and community support.

**Morag Driscoll:** An important point that was made by another speaker—I apologise for not remembering who it was—was that young people are not a homogenous group. We do not talk about adults as all the same. Young people are not all the same. They are people; they are human beings like the rest of us. We have to remember that they are as different from each other in their needs, strengths and problems as are all the rest of people in society. There is no one size to fit all and there is no problem that is the same for all either. We need to consider a range of problems.

In the children's hearings system, the idea is to find a solution that suits the child, even if their situation seems almost identical to that of another child. We must consider what the problems are for the individuals and what solutions and approaches suit different offenders. We must also consider how many of the offenders have been known to the children's hearings system since they were children and came in as victims of abuse, neglect, ill-treatment and other problems from the beginning. What are we doing now to support the children who may be the offenders in 10 or 15 years' time? We talk about one solution, such as mandatory sentencing, but there is no one solution that will fit every situation.

**Brian Taylor:** That is accepted, but the point that Duncan McNeil is making is whether such sentencing could be one solution. To use a dreadful phrase, is it part of the armoury to be used against the problem?

**Peter Lockhart (Law Society of Scotland):** I am a criminal defence solicitor, representing the Law Society of Scotland. I am from Ayr and have about 30 years' experience in the criminal courts. In that time, I have probably heard more excuses



for why people carry knives than everyone else in the chamber.

The Law Society welcomes the debate and we welcome any initiative that will reduce knife crime in our society, because it is a problem. Not only is there a cost to the national health service, but there is an enormous cost to the criminal justice system. I will talk specifically about why people carry knives. However, one issue that comes up time and again is about what the law is doing through sentencing. If I may, I will say a little more about that after lunch, as I see that the subject will come up then.

**Brian Taylor:** That is fine. I would welcome your contribution.

**Peter Lockhart:** On the reason why people carry knives and the excuses that they give for that, we have heard a lot of anecdotal evidence about protection. It is important to remember that, as far as the law is concerned, if someone is charged with being in possession of an offensive weapon, there is a defence that they may have a reasonable excuse. However, in many cases with which I have dealt, the situation arises that somebody has a knife and, although they may not in law have a reasonable excuse for possessing it, there may be mitigating circumstances. In my submission, that means that an automatic jail term is not justified. As I say, I have dealt with many cases that fall into that category. It is important to bear it in mind that not everybody who is caught in possession of a knife has a criminal intention to use it.

**Brian Taylor:** What purpose could there be for carrying a knife other than—

**Peter Lockhart:** I will give an example. I recently had a case that involved a businessman who attended a course in Scotland. He flew from Bournemouth to Prestwick and attended his course. He had only hand luggage and he had booked online, so when he went to catch his return flight he went immediately through to the security detectors, where his bag was searched and was found to contain a Swiss army knife, the blade of which was longer than what is permitted. The police arrested him and took him into custody. He appeared from custody at Ayr sheriff court, where he pled guilty, because he had no reasonable excuse.

When the police asked the man—as I would ask a client and as the sheriff would ask—why he had the Swiss army knife, he said that he travelled a lot and that he occasionally used the bottle-opener that was part of it to open a bottle of beer in his hotel. When the sheriff sentenced the man, he did not jail him. The sheriff told him that ignorance was no excuse in the eyes of the law, which is correct, and that taking a knife on an aircraft was

foolish. However, the sheriff accepted the explanation. The man was fined and punished, but he was not sent to prison.

Much has been said about sending people to prison. It is worth bearing it in mind that, when sending a person to prison, a sheriff or judge must consider the public interest, deterrence and rehabilitation. I stress that the view of most of us in the legal profession is that there is no doubt that people who go out armed with a knife and use it should feel the full force of the law, because that has an element of punishment and keeps them off the street.

**Brian Taylor:** Kate Whaley made the point that some people say that they carry a knife for protection, which she reckons is a bogus excuse. What is your view on that?

**Peter Lockhart:** I disagree. Some people say that, but the situation varies. From a legal point of view, what is important about why somebody carries a knife is what our colleagues, the police, do. When an officer arrests somebody, they caution the arrested person and ask them about the situation. The key to why that person is carrying a knife is often in what they say at that time, but that is not all that matters. The facts and circumstances of the offence are considered. If somebody is caught in possession of a knife in the early hours of the morning while they are drunk and being aggressive—perhaps outside a nightclub—that is entirely different from being caught with a knife at 9 o'clock in the morning when going into Marks and Spencer.

**Stuart McKenzie:** I caution people against bandying about the word “criminal” and labelling youths. When I put up my hand to speak about 10 minutes ago, we were getting into the dangerous territory of labelling young people as criminals. In my medical capacity as a nurse, I see the negative side of labelling. People who are labelled can spend the rest of their lives trying to break free of it.

We live in a culture in which committing one offence makes it difficult to obtain employment and to break free of that label. I urge delegates to ensure that whatever we discuss today comes with the caveat of rehabilitation. We should not simply lock people up in maximum-security environments when they are dangerously or criminally insane. That is absolutely the opposite of what we are working towards. I have worked with violent offenders and people who have been committed because of violence that is associated with mental illness, and the more we label people, the more we isolate them and create larger groups.

The issue is social. The youth of today are struggling because of the inadequacies of

politicians 40 to 50 years ago in post-war Britain. We could now end up labelling our young people—with whom I, as a nurse, work daily to try to build up and engender relationships—all in one melting pot. I stress that prison will not be a healthy or safe place for people to be without the right therapeutic environment and investment in our prison services.

**Brian Taylor:** That contribution was good. Let us talk not stigmatisation, but statistics. “Criminal Proceedings in Scottish Courts 2006/07” says that of the 3,534 people who were convicted of a main offence of handling an offensive weapon, 38 per cent were aged under 21, 35 per cent were aged between 21 and 30 and only 27 per cent were aged over 30.

**Stuart McKenzie:** I am not a criminologist or a statistician. I emphasise that Scotland has a violent criminal underworld with which the police struggle daily and which regularly uses knives and other weapons.

As was identified in research by nurses, through the World Health Organisation, the next weapon of choice, for people who will not carry knives, is the glass bottle. Let us remember that the national drink of Scotland, Irn-Bru, comes in a glass bottle.

**John Muir:** I refer to the example of the gentleman who was searched at the airport and his conversations with the arresting officers. I can hardly come to terms with that. I am continually speaking to police officers about how they feel about the issue. If common sense is flung out the window, where do we go from there?

I know for a fact that, if someone looks as if they have a weapon and have intent, there must be a reasonable excuse to stop and search them. It might then be established that they have one, but surely a businessperson should never have found himself in that sort of situation. That was overzealous policing. Recommendations could be made to the police. That man whose case we heard about might have said, “For goodness’ sake, I’m a businessman travelling. Who am I going to stab?” Those are not the people that knife crime measures are trying to prevent from carrying a knife. Boy scouts carry knives. The Sikh national dress includes a kirpan. A kirpan would not cut you—although it would certainly give you a big bruise.

**Brian Taylor:** But, John, would your law not catch those cases as well as the others that we have been talking about? It is all very well talking about intent, but would your law not catch those people regardless?

**John Muir:** If John Carnochan had done a search on that guy, he would have sussed out right away whether he was a potential knife carrier

with the purpose of using it. I cannot understand why the system is used as it is.

**Richard McShane:** Over the past 40 years, we in Easterhouse have had our fair share of the sorts of incidents that we have been hearing about. I agree with the police officer who talked about alcohol, which is one of the biggest youth problems that the police face. Where I stay, we have four off-sales within 150yd of each other. We are taking the fuel to the kids.

There is also territorialism, which has been there for more than 40 years. We do not have the same gang culture that we had 40 years ago—then, there were more than 1,000 teenagers involved in the gangs—but we still have the remnants of it, and that is the excuse for carrying knives. If you ask a kid in Easterhouse why they carry a knife—I am sorry to disagree with Kate Whaley on this—they say it is for protection. Even the kids who do not carry knives tell us that that is why those who do have them carry them.

**Brian Taylor:** Do you think that that is a genuine answer, or is it an excuse, which is what Kate Whaley reckons?

**Richard McShane:** It is a fear in our community.

**Brian Taylor:** A well-founded fear?

**Richard McShane:** It is a well-founded fear. They are worried about what would happen if they did not carry a knife. We must take that fear away and replace it with another fear: that they will be penalised if they carry a knife. In our society now, it is pensioners who are afraid, as we have heard. They close their doors at 5 o’clock, and they do not go back out into the community again after that.

There has been success over the past year in bringing people together to talk about things. We are working well with the police in Easterhouse. We must have social cohesion in our communities and bring people together. What Stuart McKenzie from the Royal College of Nursing said is true: we cannot stigmatise all young people. Last year, I took a meeting to Lochend high school involving the police and councillors. The first question, from a young girl aged 13, was, “Why are we all classed the same?” We have got to stop that. We must identify who the problems are in our communities. Once we have found out who the problems are, we have to penalise those people who are committing the crimes.

**Mark Paterson:** I am a victim of violent crime. Everyone is talking about protection as the excuse for carrying a knife. Protection or not, a person carries a knife to stab or attack someone. Whether or not they were attacked first, their ultimate goal is to harm someone with that knife. None of my friends has ever carried a knife, and I have never

carried a knife in my entire life. I have never heard of anyone other than neds carrying knives. As was said earlier, when people talk about protection, they really mean protection from other neds—say, someone from another territory, or another ned from the same area who they just happen to have annoyed.

**Brian Taylor:** Is that not protection nonetheless? Perhaps it is from someone who has criminal intent, but it may be a well-founded fear.

11:45

**Mark Paterson:** Had they not started off the chain reaction in the first place or had they not been in that particular gang, they would not have needed that protection. I totally agree with what others have said. I can walk through areas other than Cranhill where people do not know me; in fact, I have walked to the opposite end of Easterhouse from where I stay and no one has said a thing to me. However, in my area, because people know me and grew up with me, they have no problem with singling me out. If someone does not know you or knows that you are not from that area, they tend to ignore you. The most dangerous area for me is Cranhill, because people know me from school, know that I went to an opposing territory and know that I stay just across the road. I do not come from Edinburgh but I am sure that if I went to a bad end of this city no one would say a thing to me—unless, of course, they thought that I was not normal.

A lot of knife crime is caused by the territory issue, but alcohol is also a problem. Someone said earlier that the amount of alcohol going into communities should be reduced; I know that people have also suggested raising the age limit for buying alcohol, but 12-year-olds and even eight-year-olds are still managing to get alcohol and carrying out violent knife crime. Raising the age limit from 18 to 21 will just mean that they will ask their ma to get alcohol instead of their brother. That happens. When I was 16 or 17, I went to my mother for drink. It is accepted that people drink, just as it is accepted that people carry knives. Until we knock out that acceptance, nothing will get done. We have to destroy the whole preconception that knife crime is a result of protection; you would not need to protect yourself if you had not bottled those guys the other day. Until we can get rid of all the smaller problems—such as people saying, “It’s all right for him to carry a knife; he’s not going to use it”, or, “I’m sure that that 18-year-old isn’t going to give that knife he’s just bought to a 16-year-old”—the bigger problems will not go away.

**Gordon Ellis (Scottish Youth Parliament):** When we discussed knife crime and mandatory sentencing at the Scottish Youth Parliament’s

November meeting, there was a clear difference between young people from rural and urban areas. Those in rural areas did not see that there was much of a problem, while those in urban areas thought that there was a massive problem.

As in today’s discussion, the issue of a society of fear came up in our debate. That view is perpetuated by the media and the news. I cannot open a paper without seeing a report about someone being stabbed, injured or killed by a young person. If you tell someone that they are stupid often enough, they will start to believe you. If you tell a young person that they are a thug often enough, they will become one.

In a survey of more than 200 young people in vulnerable communities and areas of high unemployment, Action for Children Scotland found that 73 per cent of them thought that young people carried knives as a form of protection. Kate Whaley’s comment that that is just an excuse might be right to an extent, but I believe that a large majority of those young people are telling the truth. Time and time again, the message from the media and the news is, “Young people carry knives and they’re going to stab you,” so they think that the best way of protecting themselves is to do the same and carry a knife. Although I agree that that is probably not the best solution, those young people see it as the most sensible thing to do. Similarly, 72 per cent and 71 per cent, respectively, thought that drug and alcohol abuse also led to knife crime. That issue has also been raised in the chamber.

My worry is that we are forcing people who have been violent in the past into the stereotype of those who commit knife crime. Some of you have said that we should watch those people because they are the ones who will commit knife crime. As I said earlier, if you tell someone often enough that they are going to commit a knife crime because they are violent, they will.

**Brian Taylor:** Thanks very much. Geoff Smith and John Pollock have their hands raised.

**John Pollock** *rose*—

**Geoff Smith** *rose*—

**Brian Taylor:** It is a case of, “After you, Claude.” “No, after you, Cecil.”

**Geoff Smith:** Virtually all the people I have arrested for carrying a weapon—not just a knife—have had a history of violence in their life all the way from the year dot. The vast majority of people I deal with would not dream of carrying a weapon. They also would not dream of raising their fist to somebody or of raising their voice at somebody in a massively aggressive manner.

The people who are arrested for carrying weapons are right at the top end of the scale of

violence. There is a huge history of violence in their lives before that time, and tackling that is the key to solving the problem. We are talking about a tiny minority of people—I am deliberately not talking about young people. We are looking at what makes them violent in the first place and what makes them, at some point in their lives, feel that they have to carry a weapon to hurt somebody else. And they do carry a weapon to hurt somebody else—that is their reason for carrying it. It might be carried to protect themselves from somebody they have hurt earlier, but the aim is still to hurt somebody else.

**John Pollock:** I was not aware of anybody labelling anyone in the debate. I think that everybody has been careful to avoid that, accepting the wide spectrum that exists in society.

There must be very few people who turn 31 and start to carry a knife: that habit starts at a much younger age. We do not stereotype within the police service. I will give two examples. We have closed-circuit television operations in Glasgow, and we are able to see CCTV images of fights that have taken place at pre-arranged times at territorial boundaries. Nobody who carries a knife to those fights takes it there for any reason other than to engage in a fight. They may say that it is only for their protection, but that is like a boxer saying that they are wearing gloves for their own protection when they are going into a boxing ring to have a boxing match.

Recognising that facilities are an issue in communities, we have arranged to bus young people to regional facilities. On those occasions, we must have a police presence because, in the past, some young people were targeted by other individuals who saw them coming in and viewed them as fair game. The young people come in to take part in swimming, badminton and gym activities—they present no threat to anybody—but the response of some other people is to go along to ensure that they are not able to enjoy the facilities.

I fully accept the comment that was made by a member of the Law Society and the comment that was made by the petitioner about the case involving the businessman, but I would not like to stereotype businessmen, as white-collar crime does exist, and I would not want us to consider that example as a typical aspect of knife crime in the west of Scotland.

**Brian Taylor:** Perhaps he could invest in a bottle opener rather than buy a Swiss army knife.

**Paul Macdonald:** As much as there is a danger of stigmatising young people as criminals, there is also a danger of stigmatising the knife as a weapon. The knife is a cultural tool first, and always has been locally, nationally and globally.

Everyone who is here has kitchen knives in their home. The knife has always existed as a cultural tool first. It can be used as a weapon, but the first weapon that is picked up is criminal intent. That comes before the knife, the bottle, the fist or the brick is used on the street.

**Brian Taylor:** Thanks for that. Our politicians have been very patient. I will allow them to speak soon, then this afternoon we will get down to the nitty-gritty of the issue in the petition.

**David Koppel:** As I said earlier, I am a surgeon in Glasgow. I have a question. We are asking why people carry knives. Maybe, in developing strategies to deal with knife crime and other violent crime, we should take the converse approach and ask why young people, in particular, do not carry knives.

**Brian Taylor:** Let us ask our politicians to comment on what they have heard so far on the background to and reasons for the knife culture. This afternoon, we will get down to a decision on the petition, but let us talk about the background issues just now.

**Richard Baker (North East Scotland) (Lab):** It has been particularly interesting and helpful to hear the experiences of people who have been victims of knife crime. Obviously, many of them see what the knife culture is about and have pinpointed some of the problems. It has been interesting to hear about a range of issues, including education. As people have said, the education issue is about attacking the knife culture and ensuring that people do not think, for whatever reason, that having a knife will protect them. I noted, though, that some people are dubious about whether that is a valid reason in many instances. We have had many interesting contributions on education, but it will be interesting to reflect later in the day on the issues of sentencing and offences committed while on bail.

**Robert Brown (Glasgow) (LD):** I found the analysis of why people carry knives particularly interesting. We obviously heard different points of view on that, with some people being sceptical about the personal defence reason. That the situation is a bit more complex than we might think is shown by the important point that was made about the different types of young people who carry knives for different reasons. There is a link in that regard with the big-man image, because some people undoubtedly carry knives in order to fit that image.

**Brian Taylor:** “No Mean City”, the razor king and all that sort of stuff.

**Robert Brown:** Absolutely. Somebody also touched on the criminal underworld aspect of knife carrying, whereby people’s existence is different from the rest of society. Unfortunately, that knife

culture impacts on our communities. There is certainly a category of people who look for fights. All of us who are local representatives—councillors, MSPs or whatever—know that there are people in our areas who gather on the edge of their territory and engage by design in fights with other people. We also know that some people just get drawn into that on the fringes. The reference to a hard core of 17 to 25-year-olds seems a valid analysis in that regard, because it indicates what we might be able to do about the problem.

We must try to deal with the public safety element at one end while dealing with the issue of those in the middle who might be drawn one way or the other by cultural deprivation, local community issues, image issues and all that, with a view to seeing what can be done. The issue is complex, but we are beginning to see a number of different situations that we must analyse to find possible solutions.

**Bill Aitken (Glasgow) (Con):** There have been very interesting contributions, all of which are valid to an extent. However, one reason why so many people carry knives is that they know that they will get away with it, in many instances. That is not to be critical of the police, because the practicalities are such that they cannot stop and search everyone. However, the police have particular powers under the Criminal Justice (Scotland) Act 1980 that I would like them to use more frequently, particularly as the number of police officers has now increased. There is a lesson to be learned from that situation.

There was a case in the newspapers this morning that is eloquent testimony to the way in which things have gone wrong with the deterrent effect. A man stabs another man four times and is charged with assault to severe injury. The judge, who is certainly not a soft-option merchant, indicates that a sentence of six years is appropriate—which it is, and I have no argument with that. Unfortunately, that sentence must be discounted by a third because of the plea, and the man gets out after serving half the sentence. The six-year sentence is therefore reduced to 23 months. What sort of message does that send out?

I hear what John Carnochan says—we have discussed it privately and I know exactly where he is coming from—but we cannot take away the discretion of the courts by imposing mandatory sentences. If we had them, someone would inevitably get caught up who should not be subject to a mandatory sentence.

We will discuss later how the law operates at the moment, but the discounted sentences and the exaggerated early releases are sending out the wrong message. I am afraid that that message has

been assimilated and acted on by the people whom we are all here today to combat.

12:00

**John Lamont (Roxburgh and Berwickshire) (Con):** Politicians are here to listen to the experts and people who have experienced, or whose lives have been blighted by, knife crime. From John Muir's speech at the start, we know that he has first-hand experience of knife crime, and none of us can imagine the emotions that he has gone through as a result of what has happened to his family. However, the issue is much wider than the loss of lives, although that is, obviously, the most significant issue. Knife crime blights communities. We have heard about its costs to the national health service, which we must also consider.

A number of suggestions have been made about what we should do. We must consider how education in schools is working and assess which schemes are working well and which are not. We must also consider prisons, which undoubtedly have a role to play. In prisons, we need to do more to tackle the problem. More needs to be done to rehabilitate prisoners. There should be no revolving door. When they come out of prison they should not go back into it because they have committed a similar or a different crime.

There are many issues to consider, and it is positive that people can put their ideas into the pot today.

**Brian Taylor:** People will be called on later to give their views on the petition and other things that might be done. I shall call the minister to speak in a moment. However, Gregor Urquhart has been very patient. I call on him to speak first.

**Gregor Urquhart (Young Scot):** I will be brief. The discussion has been interesting—Mark Paterson and Alan Kennedy were particularly interesting—but it seems to me that we are having two separate debates, one of which is reactive and is to do with policing, sentencing and short-term ideas. I hold up my hands and say that I do not have expertise in such things. The other debate is on the more proactive things that we can do, including in education. John Carnochan from the violence reduction unit spoke about such things. We need to find the root causes of problems and we need cultural change. We should consider education in schools and out of school in informal education settings. If we really want a long-term solution, we must consider the knife legislation and the roles of education and alcohol.

**Brian Taylor:** I stress that the issue is not purely for Parliament or Government—it is for all of us.

**Gerard McEaney (Children's Panel Chairmen's Group):** Good afternoon. I am the

chair of the children's panel chairmen's group in Scotland.

We know who the young people whom we are talking about are from when they are very young. They are not a hidden group; we can identify them. We have known about them for years. It is sad when I see a young person whom we know about, who has been a victim of neglect and drug-abusing parents and has an horrendous background, coming before a children's hearing at the age of 15 or 16 because they have committed an offence. However, it is too late to consider what we can do with 15 or 16-year-olds, as their culture is ingrained. We are dealing with young people for whom violence is simply part and parcel of who they are.

A young chap from the Scottish Youth Parliament talked about people being brought up in such a culture, and John Carnochan spoke about a disease. They are right. If a person is told often enough that they are a useless and worthless thug when they are being brought up, they will grow up to become such a person. If a person is brought up in a household in which domestic violence is simply part and parcel of what they see daily from a very young age, they will accept that such conduct is the norm. We need to break that cycle and culture and make very early interventions, which may mean more regularly making hard choices about removing young people from families.

**Brian Taylor:** Given the increasing resort to violence, is the philosophy that underpins children's hearings still pertinent these days? Is it still right to pursue such an approach?

**Gerard McEneaney:** I think that it is more relevant now than it has ever been. People who have been neglected, abused and brought up in a violent culture and have been victims of violence at 15 or 16 are the same people as those who perpetrate violence.

I accept that young people need to take more responsibility as they get older—I am not saying that they should be allowed to abdicate responsibility because of their background—but we need to start making choices at a much earlier stage about whether it is acceptable for young people to grow up in a culture of violence.

**Brian Taylor:** Your approach is based on understanding and sympathy, but, as we heard from the *Greenock Telegraph* editor, it is hard for members of a community such as Inverclyde to show understanding and sympathy when they feel such anger.

**Gerard McEneaney:** I understand that—I have a lad of 22, and although he has never been involved in knife crime, he was restricted in where

he would go and what he would do because of the fear that he would be a victim.

I work with Apex Scotland to rehabilitate people and get them into jobs—putting them in prison and throwing away the key is not the answer. We need to give people, and young people in particular, hope and meaningful lives. We need to say to them, “You are a welcome member of society and we will help you to get there,” but we must start doing that much earlier.

**Professor Leyland:** I would like to broaden the debate slightly. I come from a health background, and we have been examining trends over the past 10 or 20 years. We have noticed that death rates are coming down for practically every age group, with the exception of the 15 to 44 age group, in which death rates have started to rise. An examination of the detail behind the statistics shows that four principal causes are driving the increase in death rates. Those include assault, but they also include suicide and the use of drink and drugs, the rates of which are all going up and causing an overall increase in the death rate within that age group.

We are talking about a pattern of reckless behaviour that is damaging to the self and to others in the community. Is what is happening with regard to knife crime and carrying knives symptomatic of a society that is failing its most vulnerable groups?

**The Minister for Community Safety (Fergus Ewing):** I welcome this Public Petitions Committee debate. It is, as the Presiding Officer said, a strength of the Scottish Parliament that members of the public and MSPs can come together to debate such serious issues. I congratulate John Muir on his courage in speaking out today.

The debate is not about knives, but about violence: that is the key problem. The impact that violence has had in our country is, as many speakers have said, abominable and entirely unacceptable. Many examples have already been given: surgeons in Glasgow deal with a facial injury every six hours, and, as has been said, the rate of murders committed with a knife is three and a half times higher in Glasgow than in England and Wales. The problem here is much greater than it is south of the border, and there is no question about its impact or scale.

In the second session of today's debate, we discussed why people carry a knife. It is interesting to note that there is no clear consensus on the reasons. That brings us to the two key strands of the debate. The first is the question of what we do with people after crimes have been committed, how long sentences should be, and whether and to what extent the length of sentence is an effective deterrent. Scotland locks up more

people than does Serbia, but that does not seem to have solved the problems that we are discussing today, even given that, as Bill Aitken pointed out, many people get out of prison long before the end of their sentence.

The second strand is about how we prevent the appalling statistics from being part of our nation's culture and reality—as they have been over the past decades—10, 15 or 20 years from now. As Geoff Smith of the “campus cop” scheme, the Royal College of Nursing, Medics Against Violence and John Carnochan have all said, we need to consider early intervention and the early years. We need to look at parenting skills, and think about providing youngsters with more things to do, particularly those youngsters who have not had chances in life. We need to help parents who are unable to read and write or who have drink and drug addiction problems, whose parents might have had those problems, too. Until and unless we tackle those root causes of the culture that leads to somebody wanting to carry a knife or having the mindset that it is necessary to do so, we will never tackle the problem or move towards a solution.

The purpose of today's debate is to come up with solutions and talk about the way ahead, and to discuss what we can do more of and what we can do better. On the negative side, we have all collectively failed, but on the bright side, a huge amount of good things are being done. In the third session this afternoon, we will focus more on what we should do and on finding solutions rather than ascribing blame. That is the key challenge for all of us, whether we are the police, Government ministers, procurators fiscal, legislators or simply members of the public.

**The Deputy Presiding Officer:** It is clear that there is no single reason why people carry knives. Is the reason self-protection, criminal intent or territorial? Is it, as the minister and Bill Aitken said, because people know that they will get away with it due to a reduction in sentences? As the minister said, we will examine the law more closely this afternoon. I ask you to think over lunch about whether we need a change in the law. Do we need Damian's law? That will be the question for this afternoon's first session.

That concludes this morning's session. We will now break for lunch. We will start the third session promptly at 1 o'clock.

12:13

*Meeting suspended.*

13:00

*On resuming—*

### **What is the law doing?**

**The Deputy Presiding Officer:** Having discussed where we are and how we got here, the committee is interested in gathering views on what people think of the law in this area. Of course, the core issue in Mr Muir's petition is mandatory custodial sentencing.

**Brian Taylor:** We did the groundwork exceptionally well this morning. We heard a lot of information about the reasons why knives are carried and we were told that the damage that knife crime causes has an impact not only on the victims but in a much wider sense. In our first session this afternoon, we will deal with the question of the law, with particular regard to the proposal in John Muir's petition, but also with regard to the question whether the law in this area should be amended or upgraded in general. A criminal justice bill is pending, and we have an opportunity to contribute to the debate around that. As the Presiding Officer said at the start of the discussion, everyone's point of view is as valid as everyone else's in this debate.

I invite John Muir and Duncan McNeil to present the argument in the petition.

**John Muir:** There has been a slight change in my attitude to my proposal. After hearing what was said this morning, and having spoken to some politicians yesterday afternoon, I thought that that change would have been suggested by others today, but it has not been.

It seems that the word “mandatory” is a stumbling block that is preventing us from achieving cohesion. As I said on 26 September, if that word is seen to be wrong in some way, another word should be substituted in order for the proposal to be discussed and pursued.

I felt that mandatory sentences were the right way forward. However, we are not just trying to change the law; we are trying to ensure that the existing laws are properly implemented because, if they are, we have every chance of beating the knife-carrying thugs on the streets. This morning, I said that we knew of a case in which someone who was carrying three knives got only 10 months. That is the sort of thing that we hope we can stop.

I do not want to be rude, but I have to say that the mention of mandatory sentences seems to act like a laxative on politicians. It seems to upset their stomachs, and they do not know where to go. At the end of the day, we are not here to suit John Muir; we are here to take the collective a further

step forward. We, as the collective, have the power to make the changes.

Irrespective of what Mr Carnochan and the other police representatives say, all that the police are doing is implementing Government policy in a straight line. If we wish to try to alter what the police do, we have to kink that policy and insert a new part. That is the way forward. We have to be stronger in our self will.

I am disappointed that I cannot get what I am looking for, but I have to cut my losses and look to what the consensus position might be. If that means that the word “mandatory” has to be removed from the proposal, so be it. I made that offer on 26 September, but no one asked me this morning whether the offer was still open.

My decision might disappoint some people who are here, but I am not disappointing myself. The turnout today and the comments from everyone this morning have been like a breath of fresh air to the Scottish public. I am quite sure that those who are watching this event today and those who watch it on television tonight once the newshounds get hold of the story will understand that the word “mandatory” is holding the proposal back.

I will sit down and listen to what everyone says on the matter, but I think that removing the word “mandatory” from the proposal will enable people to find more common ground.

**Brian Taylor:** That was a remarkable speech. Given the background of the experiences that you have suffered, you have been so co-operative and collaborative. Keeping in mind that mandatory sentencing is still on the table, it is not gone from sight, and we have an offer of co-operation and collaboration. Collectively—to use John Muir’s word—we are searching for solutions at this stage within the criminal justice system. I invite Duncan McNeil to speak.

**Duncan McNeil:** I agree with you, Brian, that all the way along, John Muir has approached the situation by trying to get whatever he could out of the democratic process and our responsibility is to be as responsive to him. He raises significant points as well as that about mandatory custodial sentencing.

One of the reasons that we are here is that there has been significant focus on violence and knife crime in Scotland’s culture. We know of many important initiatives that have been taken to tackle such crimes, for example, the one involving Frankie Vaughan, as well as the amnesties and education programmes today. Such initiatives have been going on for some considerable time, as has the jailing of such criminals. We have approached the problem in a balanced way.

So, John Muir visits our local jail and we expect the Medics Against Violence to do education work—I have argued for and then been vilified and stigmatised for calling for such interventions, for example, into the lives of children who live with parents who abuse alcohol and drugs. However, early intervention is important. Politicians need to intervene and so do Governments. If we are to make those interventions a cost-effective reality, we need to front-load intervention work with significant investment. I am not making a party-political point, but I think that we have failed to do that over some time.

John Muir mentioned existing penalties. Only 30 per cent of those who are convicted receive a custodial sentence and 81 per cent receive a sentence of six months or less, despite the fact that the incidence of those who are convicted of carrying an offensive weapon is increasing.

If we cannot have mandatory sentences, as John Muir suggested, and we cannot win that politically, we need to go beyond the presumption of a jail sentence, certainly for those who are adults, repeat offenders, those who have violent records or those who are out on bail. I think that we can win that argument politically; certainly the public are ahead of us in that regard. [*Interruption.*] I say to the minister, Fergus Ewing, that I had hoped that we could make our comments without being heckled. I had hoped that we could avoid that today; we are being witnessed by the public.

There are those who are against mandatory minimum sentences, which are currently on our statute book, on the basis that they are costly and would expand our prison population. Of course they would; some would say that that is a price worth paying. Others argue the principle that such sentences represent too much interference in the justice system and prevent the judiciary from using its flexibility when handing down sentences.

As I pointed out, minimum sentences are laid down for certain offences. The Government has no compunction about sending the strongest political message to the judiciary that it should not send certain people to jail. That is contradictory. If the Government can tell the judiciary that it cannot send people to jail for less than six months, it should certainly send it the strongest possible message that our most violent people should be taken off the streets. There is a popular argument for that. The democratic process has brought us to this point today.

The criminal justice bill presents us with an opportunity. I hope that, given the consensus that John Muir has shown today—he has been prepared to deal—the politicians will not go for half measures but will meet him half way. I hope that we will use the powers that we have and improve significantly, through the criminal justice bill, our



ability to take the most violent offenders off our streets and keep our communities safer.

**Brian Taylor:** Thank you for that excellent speech, Duncan. It is open to anyone and everyone to contribute, but I will first invite one of the participants from the Crown Office to set out the current position. Let us get some basic facts on where we are with regard to the prosecution of these matters.

**Lesley Thomson (Area Procurator Fiscal for Glasgow):** I am the procurator fiscal for Glasgow. For attendees from outwith Scotland, I should say that the procurator fiscal is the public prosecutor. I want to share my prosecutorial experience of why people carry knives—there was a lot of discussion about that this morning. I have worked in all parts of Scotland, apart from the north of Scotland, and my experience is that people who carry knives do so because they have an acceptance of violence. That is my understanding of the situation from what I have seen through the years.

We in the prosecution service recognise that we have a role to play in solving this serious problem. I will try to explain this as simply as I can. We regard knife crime as serious. Our role is to play our part in the judicial process and to ensure that fiscals take knife crime seriously and present it appropriately in court.

There are two areas over which we have control: how quickly knife crime cases get into court; and the forum in which knife crime cases are held. I would not like anyone here to think that we have control over sentencing—my colleague John Logue might say something about that.

In recognition of the seriousness of knife crime, our policy was reviewed in mid-2006. Given that that is a fairly short period for following cases through, the statistics have perhaps not yet come through fully. Our policy was reviewed to ensure that cases were brought before the court quickly. Anyone who is caught carrying a knife, whether they use it or not, is arrested by the police. The police keep them in custody and we then take the decision on the case and put it before the court the next day. That quickens up the process. If a plea of not guilty is tendered at that stage, we oppose bail if the person has one or more previous convictions involving the possession or use of a knife. If the person has a previous conviction for a similar offence, we have control over the court in which the case is heard. We put the case before a sheriff and jury court, because that maximises the sentencing powers that are available to the judge who makes the ultimate decision on the case. We have a robust knife crime policy within the framework in which prosecutors work.

13:15

**John Logue (Crown Office and Procurator Fiscal Service):** I am the head of policy for the prosecution service in Scotland, so I work closely with Lesley Thomson. I am a prosecutor, although at the moment I am responsible for developing prosecution policy. I suspect that I am going to play up to the stereotype of lawyers by starting with a disclaimer, but it is not intended to be unhelpful in any way; it is intended to outline the limitations on how the prosecution service can comment. The practice of sentencing is a matter for the judiciary, which is independent—as is the prosecution service—so we cannot comment on it today.

The policy on sentencing is a matter for the Government; again, the prosecution service is independent of the Government so I cannot comment on that, but I can make a couple of general comments that might inform the debate on those issues.

First, we accept that knife crime, violence that is committed using knives and the possession of knives are very serious matters. None of my fellow prosecutors throughout the country would disagree with that, and Lesley Thomson has explained the policy that underpins that position. The crime is serious and needs to be dealt with by the criminal justice system. However, as a prosecution system that covers the country and responds to all knife crime, it is important that we recognise that there is a wide variety of knife crime. There are the most serious and tragic cases, such as the one in which Mr Muir has been involved—the death of his son. At the other end of the spectrum, there are cases not unlike the one that Mr Lockhart described, in which someone who may not previously have been in trouble with the police is brought before the courts in respect of an allegation that they have committed a crime in relation to a knife. The law has to deal with all those circumstances; that is why the policy that Lesley Thomson outlined focuses on the most serious cases—the people who have previous convictions for violence and who have demonstrated that they have already committed violent offences or have been caught in possession of a knife.

Finally, I will make a brief point on statistics, to help inform the debate. Reference has been made to the statistics on sentencing. The figures show that, because our new policy on the prosecution of knife crime is targeted on the most serious of cases, since 2006 76 per cent of all those who have been convicted have been sentenced, in line with that policy, to periods of imprisonment. Those periods range from two months to three years—the maximum possible is four years—and the average sentence that is imposed by the courts is

slightly over a year. Those are the most up-to-date figures available on how the criminal justice system deals with people at the most serious end of the range of offences that knife crime covers.

**Brian Taylor:** I have been handed some information regarding a news story on the BBC website. At least two people have been killed in a knife attack at a crèche in Belgium. Local media reports suggest that as many as five people may have been killed. The attacker was wearing black and white make-up and he attacked folk, including children, at the crèche. Knife crime happens not only in Scotland. We have an extensive problem here, but the problem also exists elsewhere. Of course, the story is an extreme example of what we are discussing today, but we are discussing the death of John Muir's son and the matters that can be taken in hand to deal with the problem.

I will open the debate wider. I invite contributions from anyone and everyone on what can be done by the criminal justice system.

**Peter Lockhart:** That is a poignant story, which perhaps brings the issue home to us.

It has been an honour and a privilege to participate in the debate. I hope that we have all learned a lot. Perhaps the lesson that we have learned above all is that there is not a simple solution. Knife crime will be reduced in Scotland, indeed in society in general, by a range of initiatives and moves.

On behalf of the Law Society of Scotland, I welcome John Muir's indication that he would no longer propose a mandatory prison sentence for persons caught in possession of a knife. That is the appropriate way forward. As I said, in my view such a mandatory sentence would result in injustices, and that would be wrong.

I will follow up on what my friends from the Crown Office and Procurator Fiscal Service said about the initiatives. It is important to stress that in our society here in Scotland we have been considering the issue and attempting to address it. Over the past few years, the various Administrations have taken a number of initiatives, which are making a difference, but we have a long way to go. The first major change was the increase in sentences that could be imposed by courts. Sentences have been increased to a maximum of 12 months' imprisonment on summary—when a sheriff sits alone—and four years' imprisonment in cases before a jury. That has had an impact.

The other issue that is raised time and again is bail provisions. Bail is always a difficult and emotive subject. There have been amendments to the legislation on bail. In December 2007, major changes were introduced that made it much more difficult to obtain bail. Let me give you an example.

A client of mine was on what we call a petition, which meant that he would be taken before a sheriff and jury in due course on a charge of possession of two knives; no violence was involved. He was detained in custody and, when he appeared in Ayr sheriff court, the Crown opposed bail on the ground that he had a previous conviction for a crime of violence; as John Logue and Lesley Thomson said, that is the Crown's position in such cases. The legal position now is that, if someone has a previous conviction for violence, bail will be granted only in exceptional circumstances. In my experience, it is very difficult to persuade a sheriff to grant bail in such cases. In my client's case, bail was refused. An appeal to the High Court was unsuccessful, and he remained in custody pending the resolution of his case.

It is interesting that, at the end of the day, my client pled guilty and a prison sentence was not imposed, because of very unusual and mitigating circumstances that I do not want to go into today. It took me 40 minutes to persuade the sheriff that a prison sentence should not be imposed, and I do not want to keep you here all afternoon. However, the case highlights the fact that the Crown and the courts have changed their approach to bail for those charged with knife crime—never mind those found guilty of it. We should bear in mind that there is a presumption of innocence at that stage.

The changes have resulted in a reduction in the number of people who are caught with knives, an increase in the number of those who have been refused bail and an increase in the length of custodial sentences that have been imposed. Sentencing is a difficult issue that we could debate all week, but there are signs that the initiatives that I have described are beginning to bear fruit.

**Jacqueline McGhie (News of the World Save Our Streets Campaign):** I am the Scottish chief reporter for the *News of the World*. Since last July, we have been running a save our streets campaign, in conjunction with John Muir's campaign, as a result of the rising tide of violent crime in Scotland and throughout the UK. As part of that campaign, we canvassed people throughout Scotland, took to the streets and held roadshows. We found that by far their biggest concern was knife crime. We heard the same story time and again from thousands of people—readers getting in touch with us and people on the streets. They feel let down by the justice system and by sentencing policy, which they do not think is anywhere near strong enough. They think that they are watching perpetrators of crime going through a revolving-door system, in which people are sometimes bailed days after the offence. Sentences are not strong enough. This morning John Muir mentioned a case from the past year of a serious violent offender in his area who was

back out after only three months, because of early release. Such schemes should be scrapped. If you listen to the people of Scotland, you will find that they want tougher sentences, the end of early release and better rights for victims.

**Councillor Rebecchi:** I am Luciano Rebecchi, a councillor in Inverclyde. I will repeat one point that I made this morning. We have been talking about people who have not been found guilty; I want to talk about people who have been found guilty, are out on licence and commit the same type of crimes again, using weapons, and are not brought back to jail. That is wrong. I will say it 1,000 times: if someone has committed a crime, they should do their time or, if they are released early, they should be taken back in if they offend again. Surely that is part of their conditions of release, but it is not happening. It did not happen in the case to which John Muir referred and it has not happened in our area. That is the issue that really bothers me.

We can argue about the wording on mandatory sentences for having a knife and sort that out with the legal people, but surely the legal people have a responsibility—they sit on committees knowing that offenders have used weapons while out on licence and had nothing happen to them.

I talked about working with people. At 5 o'clock at night, agencies disappear and forget the client who is outside and who needs help at that time. We must find a system whereby agencies work together and communicate. I really mean that. People suddenly think, "I'm the boss. I'll no speak to them." That is wrong. The client is the most important person.

Peter Lockhart talked about an incident at an airport. Most of us have been on a plane lately. Did the airport not have a bin that people could put scissors and nail-files in and a sign to tell them not to carry those items in their cases? That businessman obviously thought, "I'm better than the rest—they'll no bother me." He was wrong. If I have to follow the rules, so does he. What could he do with a knife? Quite a bit.

As a young boy, I went to Italy—the connection is obvious from my name. Over there, people had flick-knives, which interested me at that age. At that time, the size of knife that people were allowed to carry was reduced—to two fingers, I think. People there were also allowed to carry imitation guns. If I walked into a shop with such a gun that did not have a red, green or whatever colour cap on it, I could be done for attempted murder. Why? Because if someone thought that that was a real gun, they could have a heart attack and die. We must examine that situation, but the first point is the most important.

I am old enough to remember operation blade. We have all these initiatives that switch off

suddenly at 12 o'clock one day—tomorrow brings a new initiative and a new horizon. What happens to all the work that goes into helping to reduce crime? Suddenly, that slows up and disappears because organisations do not have the manpower—they do not have this or that. The policeman on the beat is not given the chance to work at the issue. Who gets the information? Part of the problem lies in that. That is my personal view. I have worked with the police for a long while and I have just spoken to one of the police officers here. I was involved with introducing pub watch, which aims to make public houses safer by allowing pubs to communicate with one another if someone is going around causing bother. That was a long while ago, and the system has been upgraded. We are looking for such measures, which allow us to work together and communicate.

If someone who has committed a major crime with a weapon offends again while out on licence, he should automatically be taken back into jail. If that happened, the public would say that we were at least doing something.

**Angela Morgan:** I am from Includem. I will give a more preventive perspective on the law that has been inspired by what Councillor Rebecchi said about when services are available. As I said, Includem works with the most challenging young people—the 5 per cent whom John Carnochan mentioned.

I will give a couple of caveats. First, if effective earlier intervention reduced our business, I and the staff of Includem would be absolutely delighted. We hear the histories of the young people with whom we work and the damage that has been inflicted on them, as well as the damage that they have inflicted on others, so we would welcome anything that stopped that.

Secondly, we believe absolutely in the use of prison for adult serious offenders. We believe in the key principles of deterrence, punishment and rehabilitation. I emphasise that, although we are a voluntary sector organisation, we are not a soft touch. We believe in young people, in justice and in protecting our communities. It is important to say that because of the context in which the debate has arisen.

13:30

Our approach is to get alongside young people. We develop a relationship with young people who will not engage with other agencies, who have little experience of effective relationships with adults and who resist influence. The relationship has a purpose; it is not simply about buddying or being their friend. Instead, it is about being able to influence them, to challenge their offending behaviour, to make them aware of their impact on

victims and ultimately to give them a different vision of themselves, a sense of hope and a chance to re-engage with all the things—education, employment and health—that will help them to become decent citizens.

One issue that has not yet been mentioned and which might be described as the bull that needs to be taken by the horns is the effectiveness of prisons and prison sentences. On the basis of evidence, I question the rehabilitation, deterrence and—I would argue—punishment effects of prison sentences. Many young people will say that we are a damn sight harder to work with because we are constantly at them, challenging them and tracking them down. Sheriffs and children's panel members call us serial stalkers because we do not wait for these young people to turn up for appointments. After all, that is just not going to happen; you might as well write out the breach order in advance. We know where they and their friends live and our staff will be out on the streets of Drumchapel tonight tracking them down and not letting go of them. Persistence and stickability are the key words here.

**Brian Taylor:** So you do not think that increasing prison sentences has any deterrent effect.

**Angela Morgan:** If we are looking for effective measures, we need to look at the hard facts of reoffending and reconviction rates.

**Brian Taylor:** The sceptic might say that putting these young people behind bars for four years will mean four years of peace for Inverclyde.

**Angela Morgan:** I agree, but then they get out of prison and come back to the same community.

**Brian Taylor:** And perhaps come back worse.

**Angela Morgan:** Yes. I think that that is what the evidence shows. The effectiveness of prison is a key issue that we need to consider not just in this debate but in deciding ways of taking these matters forward and the processes that we need to put in place. We also need to examine the evidence about other methods that will help to reduce reoffending and protect communities.

**Brian Taylor:** Let us cut to the chase. Are you saying that you are not in favour of using enhanced prison sentences?

**Angela Morgan:** I have no issue with people who commit serious crimes such as murder being sentenced to prison. However, there must be proportionate responses to the spectrum of knife crime—which, after all, ranges from having a penknife through to murder—to ensure that we address key needs with regard to rehabilitation, punishment and deterrence.

**Brian Taylor:** Thank you.

**John Muir:** When I spoke this morning with some passion about our family situation, I was representing the public face of tragedy. I came here hoping that someone in the conclave would stand up and say, "Yeah, you're right." We did not get that from any of you. That certainly gives someone with a petition a wonderful feeling, and I am very upset about it.

However, it proves the point that I made in my letter to Parliament, in which I said that those with fixed agendas and inflated egos would rule the day. We have not had a chance to go through anything; we might have had a chance if we had had some backing. People invited to this meeting stated publicly, clearly, strongly and forcibly their objectives, which did not include any consideration of mandatory sentences. They had their policy and were running with it. It is very difficult to fight against that and I doubt that those who were interested in taking forward mandatory sentences would have had a hope in hell of doing so.

I keep listening to what everyone is saying. I say to the limp handshake brigade who are suggesting soft options that they are not going to work. I am speaking on behalf of the almost 16,000 people who have advised me of that, but no one standing up today has taken that into account.

We really deserve what we get. When my son died 18 months ago, I made it quite clear that I thought that there would be no change—and there will be no change today. We are all sitting here like clucking hens; the do-gooders, the limp handshakers and the kowtowers are all together, and I can go no further. It disappoints me, and I can see the disappointment on a number of other faces here, but that is just the way life goes; we do not always get what we want.

Before I retire, I would like to make sure that what I have suggested as a fire-break policy is implemented immediately without fail. The petition should certainly be carried forward to the Justice Committee. The fire-break policy is clear, simple and straightforward; we all have a copy of it. We cure the violent present and prevent a violent future. I wasted my time thinking that someone would pick something up from it and come with us along what has been a bumpy road these past 18 months. I have to have some sense and realise when I can go no further, and it appears that I hit the brick wall today. On your own heads be it. You had an opportunity to change Scotland for the better but a culture change will be a long time coming. Today was an opportunity overlooked.

Thank you for your attention.

**Brian Taylor:** Thank you for your contribution, John. We understand your anger and pain. While you might not get everything that you are seeking, I am confident that the mood of the meeting is

such that you are going to see progress from today and from the petition. How these issues are dealt with in Scotland is going to improve.

I have been staggered and startled by the discussion today—by the stuff about territoriality, which I had vaguely thought about, by the stuff about the psychiatric impact, by the amazing passion of John Muir, and by the stress that others have put on the need for rehabilitation and education. It has been quite startling.

**Detective Chief Superintendent Carnochan:** First, I say to John Muir that it is not a waste.

**Brian Taylor:** Absolutely not.

**Detective Chief Superintendent Carnochan:** We have an opportunity in Scotland because we can hold events such as this and hear authentic voices. We need to add to that.

I have been a cop for 34 years. If I thought that it would work to give people four years in the jail the first time they are caught carrying a knife, I would be your man, but it does not. It does not work even as a deterrent. When young men are running around in gangs, the last thing they are thinking about is what might happen if they kick someone in the head or hit them with a baseball bat. I know that we are speaking about knives today, but violence is the issue for those young guys. It is about their behaviour and the risk; it is about alcohol. My friend from the children's hearings system was saying that the overwhelming number of referrals comes from the criminal justice system, so the drama has become the crisis, and the crisis is difficult to deal with.

Councillor Rebecchi talked about short-termism. Councillor, you and the other politicians have to take some responsibility for that short-termism, because you react to things very quickly but do not stay with them. There is no consistency. We react to headlines in the newspapers about one or two very dramatic incidents, but men are recalled on licence most days, loads of young men get the jail, and loads of young men get stabbed. The headlines are there and you have to take some responsibility for that. You are speaking for the readers of the *News of the World* and not for me when you say that, and we must keep that in mind. The high-profile incidents are here to be debated; they get us here to discuss the problem. However, when we are here, we need to take the opportunity to discuss the problem properly.

The truth of the matter is that the sin of these young men is ignorance. They know no better. The gangs have been in Glasgow for 40 or 50 years. If you want mandatory sentences, look at Percy Sillitoe and the razor gangs. When Percy Sillitoe was chief constable, everyone who was caught with a razor got two years in the jail. Their great-great-grandsons are still carrying knives in

Glasgow. It did not work. The same gangs are still in the same areas; it does not work.

If people are violent, get them in jail—I have no problem with that—but when they are in there, do something about it. I would like to see mandatory rehabilitation. As Duncan McNeil and Gerard McEneaney from the children's panel said earlier, we need to make hard decisions. If we know a young boy who was born into an inexperienced family where there might be drug or alcohol abuse, or violence and domestic abuse, we need to do something about that young boy here and now. We cannot wait until he falls off the cliff. We should not worry about where to put the ambulance at the bottom of the cliff; we need to build a fence at the top in the early years.

Right now, we in the criminal justice system will do the best that we can on that. Honestly, if I thought that mandatory sentencing was the way, I would be shouting about it. John Muir should not underestimate what we have done today or forget that Scotland is on a journey. There is a consensus among parties that has never existed before. Last week, I was at a Home Affairs Committee meeting and a Home Office meeting on a strategic plan on knife crime. We should be glad that we are living in Scotland. I am proud to be living here and I am proud of where we are on knife crime, because we are going the right way. There are no John Muirs down in England—people do not have the opportunity.

I am sorry that John is disappointed but, believe you me, this is not an initiative. I am not here for an initiative. I could have retired five years ago. We are changing the way we do business. Make no mistake about it, I will be asking politicians and professionals what they are doing about knife crime. I am happy to be asked, too.

**Brian Taylor:** Another point is about the sentencing council that is coming. Do people imagine that, as a consequence of this debate and others, the sentencing council will be light on knife crime? I do not think so.

**Robin Harper MSP (Lothians) (Green):** I speak as a long-time member of the Howard League for Penal Reform. Many people have mentioned rehabilitation, but we have not had much mention of the conditions in prisons. My conversations with the chief inspector of prisons and his assistants have reinforced what I thought I knew and changed it into what I know I know, which is that our prisons are not designed to rehabilitate. The net effect of being sent to prison is to dehumanise and strip young people of any sense of self-worth from the moment that they go down the stairs in the court to a holding cell.

If we change the sentencing system—it may need to be changed in certain respects—that will

have very little effect. It will have a short-term effect and, yes, knife crime might go down. However, the majority of people in our prisons are young and the majority of them have severe educational, personal, psychological or drug problems. A significant proportion of them were in care for most of their lives before they went to prison. We need to address the problems of the prison system and invest in it so that it is part of the solution in that it attempts to help, reform, change and assist people and allows them to leave the system feeling better about themselves than they did when they went in. If we do not do that, we will lose all the way through.

**Mr McAveety:** I want to reassure John Muir. His personal experience exemplifies what we have read for months and months in submissions to the Parliament. In Scotland, when we get close to something, we have a terrible habit of finding reasons not to climb the wall to try to make a difference. I can give three absolute assurances on behalf of the Parliament. The Public Petitions Committee has treated the petition and the issues that John Muir has raised in a markedly different way from the way in which it has treated other petitions. The fact that John is here today with a series of folk, some of whom do not agree with him, is testament to the fact that we want to interrogate the issue to find a solution that will make a difference in the future. As a teenager 25 years ago—looking at me, it is hard to believe that that might be true—I believed in a Scottish Parliament being established to try to get the parliamentarians of Scotland to address Scottish issues that were experienced in the area that I come from. The young boy Thomas Sneddon is from Craigend, which is where I started out in public office.

Exactly 10 years ago, I was a secondary school teacher in the area. On a Saturday morning at half past 11, 14 teenage boys lost a cup semi-final 4-3. I was the team manager. They were in the changing room afterwards crying because they had lost. Eight hours later, I was at a local hall, and two of the boys from that football team were being chased by five other boys who were part of a gang. Three of those other boys were in the same football team. In those days, I felt that I could intervene, although I do not think that I could do that now. The two boys said, “Thanks very much for helping us out, Mr McAveety.” I spoke to the three boys, who had every weapon imaginable—the sort that John Carnochan and other police officers deal with—and asked why they were chasing boys who, eight hours ago, they had been hugging and crying with. The response was the classic one in the east end of Glasgow—“Cause he was in ma bit.” That is the reality. What made the difference in those eight hours? Those boys were utterly loyal on the football field but,

eight hours later, they were utterly disloyal and were prepared to take out, damage or exterminate somebody.

I do not have a simple answer. I have been an educator and a public servant, but I do not have a definitive answer—nor does anyone else here. However, what we have is a willingness to try to tackle such situations.

The reason why a Government minister, spokespeople from the political parties and some senior police officers are here, as well as individuals and community representatives, is that we need to find a way forward. The other members of the Public Petitions Committee and I may not always agree with everyone who petitions the Parliament, but we give John Muir a cast-iron guarantee that, in doing our best for each and every petitioner, we will try to find a solution that makes him feel better about what he is doing.

13:45

I cannot intervene on the emotional turmoil that John Muir and other parents have had to face. God forbid, I do not want it to happen to me or my family. However, the issue is to try to prevent it for other families. When I was a teacher, I met too many boys who said, “I didnae mean to do that on Friday night, Mr McAveety, but I’m in court.” Those were boys who were nice 99 per cent of the time boys but who did really bad things. They have to pay a price for that, which may require custodial sentences. I am not the expert—other parliamentarians are engaging on the issue. I give John Muir my assurance. He might feel disheartened about some elements of the issue, but I want to give him strength. He has moved the issue on dramatically, and we need to continue to do that.

Sorry I took so long, Brian. I am the custodian of the Public Petitions Committee, and I feel strongly that it is different from any other committee of the Parliament. I give John Muir my absolute commitment.

**Brian Taylor:** You have not lost, Mr Muir—you are winning.

**Nigel Don (North East Scotland) (SNP):** Not only am I on the Public Petitions Committee—which is why I am here—I am a member of the Justice Committee and, more important, I am parliamentary liaison officer for the justice ministers. In that capacity, I spend a lot of time talking to my colleagues about issues such as this. Although everyone who understands the issue is concerned that we should address it, there is a general view that the word “mandatory” would be a problem. It is necessary that we treat the criminal, as well as the victim, individually. I am delighted that John Muir has recognised that. To be fair to

Mr Muir, he did so at the Public Petitions Committee and he has not changed that position today. That is a necessary part of making progress.

I am here to listen—I was not expecting to say anything. However, we must just register that this meeting is an unprecedented event and that it will not be ignored. Do not fear that there are only 10 MSPs here, and that the rest of them will forget about it—there is not the slightest risk of that. By the end of this weekend, everyone will know what we were doing and will want to know what happened. It is clear from today that we need to have appropriate sentencing. There is a general feeling that in some cases that needs to be higher, and that it needs to be made to stick.

The other overwhelming message is that we need to understand the communities from which these youngsters come, and that we should start intervening very early on so that the problems that these youngsters are simply reflecting in their behaviour are eliminated as far as possible.

**Richard McShane:** I have supported John Muir's campaign all the way along, but I knew that he would run into some difficulties because of the discretion on the part of the sheriffs, to which the politicians and others have referred. John has put his hurt and his feelings aside and he is trying to help the people of Scotland. That is why he is here today.

Jacqueline McGhie said something about severe penalties. I totally agree. That has been our major problem. I have listened to the judiciary today, and I hear that they are robust on knife crime and that they are giving longer sentences and so on. I do not know what planet the judiciary are living on, because that is not the case. Where I live, in the east end of Glasgow, knife crime is on the increase. Whatever laws we have in place are not working. I know that there should be discretion for adult cases, and that that is down to the sheriff, but what if a 13-year-old is carrying a knife? You do not need any discretion for that. What punishment is there for a 13-year-old carrying a knife? They know that they can get away with it. On my estate and others, 12, 13 and 14-year-olds are carrying knives. That is where I hope that some sort of mandatory sentence will be introduced. I am not talking about throwing those 12, 13 and 14-year-olds in jail. They must know that there is a punishment for carrying knives. That is what I was hoping that I would hear today.

**John Pollock:** Passion can be a bad thing, but it is not necessarily a bad thing. Throughout my 30 years in the police service, I have retained a passion for serving communities. At the same time, there requires to be a reasoning behind that.

We must be aware that our efforts to tackle violence, and knife crime in particular, need to be improved; otherwise, our disappointing figures—and, according to statisticians, knife crime is underreported—will not improve. We must also ensure that communities do not lose faith in the justice system. There would be real dangers to us all if they did.

We must challenge the behaviour of offenders through a combination of life coach and sports coach. I was 12.5 stones until six months ago, when I eventually decided that I had the power within me to make a change. A number of young people and older people do not believe that they can be any different and they are not given messages telling them that they can be different. They need to be given a message that says that their behaviour cannot continue because of the impact that they are having on society—on other members of the community who have rights.

I accept the reasons why a mandatory sentence would be problematic. However, I strongly believe that there should be a presumption of a mandatory residentially based programme, with post-programme community links into such things as employment, health and education services. That should be provided not only when there is a reason for it, as under the current legislation on knife crime. We must be aware of the need to challenge unacceptable behaviour without stereotyping or labelling. The last thing that a child or young adult needs is to continue in a career that involves the use of violence, gratuitous or otherwise. The statistics for post-prison results are not good.

Part of the answer will involve increasing the resources in prisons. I visited Polmont as a police officer and was surprised at the level of resourcing. It is not surprising that prisons do not do very well on rehabilitation.

**Jon Bannister:** I would distinguish between dealing with the problematic population that we have today and preparing ourselves so that we do not have a problematic population in the future. I will begin by talking about the group that we have today.

I have looked all around the world at whether imprisonment works. That is part of my job. If it worked, as John Carnochan said earlier, I would support it vigorously, but it does not. We might send those whom we catch to prison because we seek retribution, but do prisons rehabilitate them? Not the prisons that we operate today. Does imprisonment act as a deterrent? It does not. Evidence from all around the world shows that people who engage in violent conflict are least likely to be aware of the consequences of those actions, both for themselves and for others. They are located so strongly within violent communities

that the violence within the community is the thing that preoccupies them, as opposed to potential imprisonment. Unfortunately, therefore, imprisonment does not work.

The future requires us to address the root causes of violence, and there are multiple approaches that we have not discussed, which are starting to come into operation in Scotland. Scotland is ahead of the game, although that is not to say that we do not have a horrific problem in Scotland.

Some things happen by accident. I am sure that politicians do not set out to make our lives more difficult and problematic, but sometimes they do that. In Scotland, a rationalisation of sports resources is taking place, simply because we cannot fund everything. One thing that is commonly said is, "Let's get young people to use sports resources instead of being taken down the road of violence." However, we cannot afford sports facilities in every community, so we centralise them. The problem is that many young people cannot go to those facilities because territoriality prevents them from doing so. That is an unintended, negative consequence of policy that was developed for another set of reasons.

Another current policy is the rationalisation of schooling. The idea is that, by having fewer schools, we can have better schools. A consequence of the policy is that schools are drawing children from broader communities and children have to cross territorial boundaries to go to school. By accident, our schools now hold the potential to challenge the violent, gang-related behaviour that our communities face.

**John Evans (Victim Support Scotland):** Last year, we supported about 100,000 victims of crimes of all sorts throughout Scotland. Our witness service supported about 80,000 witnesses who turned up in court to give evidence and required support during the process. However, we do not claim to speak for every victim. As we have discussed, people carry knives for all sorts of reasons, and victims are affected in as many different ways by crimes. It is not necessarily serious crimes that affect victims the most. They can be most affected by relatively minor crimes. That is our approach.

What do victims want from the criminal justice system? In general, we find that they have a basic need for information because they are often left out of what goes on. That is true at the beginning of police investigations, and often they are not kept up to date with the progress of cases up to the point at which the fiscal makes a decision. Victims want an explanation of what is happening and why. They say, "I turned up at court today. Why was the case put off for the third time?"

Another thing that victims look for is understanding. In our experience, a problem arises in relation to sentencing. The person sits in the High Court and hears that the individual has been sentenced to eight years' imprisonment but, as Bill Aitken said, by the time the discounts and early release are taken into account, the person spends much less time in prison. People do not understand the process. There is a need for clarity about what is happening.

Not every victim of crime is looking for retribution. What they want is an explanation of why the crime happened to them. Victim impact statements, which are about to be introduced, will be a helpful part of that process. It is a cathartic experience for the victim to explain to the sentencer how they feel about what happened to them. Alongside that, we hope that the proposed Scottish sentencing council will provide an element of consistency in sentencing. Victim Support Scotland does not support mandatory sentencing. Instead, we call for consistent sentencing and greater understanding.

We also need continuing support for victims and witnesses in the system. Once the sentence has been passed and the offender has been put in prison or whatever, continuing support is required for the victim and their family. They need practical support, emotional support and, often, financial support. They might be left with injuries that require them to go back and forwards to hospitals for treatment. Who pays for that? As a result of the injuries that they sustained from the crime, they might no longer be in employment, or might find it difficult to get employment. Who picks up the tab for that?

My final point is on bail. I have had several cases recently in which bail conditions have been attached to the offender but the person who is mentioned in the conditions was not informed. That seems to be a grey area, because the courts and the police are not responsible and nor is the fiscal. For example, if a bail condition is imposed to prevent someone from going near the shop that they robbed, the most able person to report a breach will be the shopkeeper. The same thing applies in cases of domestic abuse. However, if the person does not know about the bail condition, they cannot report a breach of it.

14:00

**Brian Taylor:** I think that the Presiding Officer is about to announce a short break. Before our final session, I ask all of you to think of ideas, whether they are on sentencing, on a minimum tariff, on rehabilitation or whatever. Let us try to boil down our discussions and come up with ideas that will help Frank McAveety and the committee.



**The Deputy Presiding Officer:** There are some serious issues on the table. As Brian Taylor said, in our next session we will focus on where we go from here.

We will take a five-minute break.

14:01

*Meeting suspended.*

14:09

*On resuming—*

### What does the future hold?

**The Deputy Presiding Officer:** In session 4, we focus on where we will go from here. I invite Brian Taylor to start the discussion.

**Brian Taylor:** This has been an astonishing meeting. Someone asked whether anything like it has been held in the chamber before: I think this might be the first time there has been such a discussion on this scale.

We have had a remarkable discussion so far, and we should now try to boil it down in order to come up with some ideas for effecting change.

**Mark Paterson:** I remember reading in our briefing paper that a person who gets caught with a gun apparently gets an immediate five-year sentence and that if a person is caught three times with drugs, they get seven years. I am not sure about a straight-to-jail policy for knives, but there should be something similar. If someone is caught so many times, it is obvious that they are not just using the knife for their job or whatever. If a sensible person is cautioned twice, they will stop and check what they are doing, but a ned will think, "I'd better not get caught again." For someone who goes out with the intention of attacking someone else, and who gets caught three times, that would be fair: it would help considerably in preventing people from being stabbed if that person is in jail. A straight-to-jail policy for people who are caught the first time will not work, however. Rehabilitation is probably the best idea, but where do we start?

**Brian Taylor:** That is idea number 1—lengthy sentences for repeat offending.

**David Edgar:** Four years ago, I was going to work when I was attacked by three youths of around my age. I was chased on to a road and was knocked down by a car. While I lay there on the ground, with my leg broken in four places, they came over: one stabbed me, one was kicking my face and the other was jumping on my broken leg. The two who kicked me were let off because they grassed on the one who stabbed me. The one who stabbed me got a jail sentence of something

like three years. I think he only did half of that, and now he is out.

I see the people who did that to me quite a lot now. One has been placed in a housing scheme across the road, about 500yd from where I live. I was very lucky to survive. Some people are stabbed once and die. I was lucky that I turned on my side, and the knife only penetrated my back and my side. People in the worst-case scenario actually die. A life should not mean a sentence of 15 years in prison or whatever—it should be a life for a life. The person who does that comes out of jail and has their life to go on with. The person who dies? That is that—they are never seen again. I am surprised that nobody has said yet today that it should be a life—or at least more than 15 years—for a life. To me, it is terrible that one person will never come back, while the other person can go and live their life afterwards, and their family can still see them.

**Brian Taylor:** That is idea number 2—higher minimum tariffs for the most serious offences.

Do the guys from Urban Fox want to contribute?

14:15

**Thomas Sneddon:** I agree with what Mark Paterson said about repeat offences. Knife crime is a major problem in Scotland and it will not disappear overnight. It will be here for a while.

I do not think that prison is a good way of rehabilitating people; it is a short-term fix for a long-term problem. Rehabilitation would be a good way to make people realise their mistakes. Prison does not work as well as it is supposed to.

**Brian Taylor:** Thank you. That was idea number 3—increased use of rehabilitation. We have had three speakers and three ideas.

**Alan Kennedy:** I have not got a lot to say about putting people in jail, but Richard McShane said that 12 and 13-year-olds on his estate were going about with knives, so a lot more work should be done in schools, to get to people early.

**Brian Taylor:** That is an excellent point, thank you.

**Craig Murray (Howard League Scotland):** I want to echo a number of points that Robin Harper made before the break. Prison is the last resort. Under the Criminal Procedure (Scotland) Act 1995, a sheriff can impose a prison sentence only if there is no alternative. That is a reflection of the fact that prison should not be an end in itself but should be a means to an end. It should be part of a process of rehabilitating the prisoner.

As we have heard, people who commit offences with knives are often victims. We fail in our duty if

we simply incarcerate them without giving them the opportunity of re-education and rehabilitation.

Prisons do not work. In particular, custodial sentences of less than six months do not work—a point that is increasingly part of the currency of discourse in prisons. If you speak to prison officers and people involved in penology, they will wholeheartedly agree with that. As has been said, the purpose of sentencing is punishment, deterrence and rehabilitation. I suggest that the last of those three is by far the most important.

If we spend a moment putting ourselves in the shoes of a prisoner who is in custody for knife crime, we will learn that they are dehumanised by incarceration. At present, little in the way of rehabilitation or education is available to them. I invite everyone here to ask themselves how much time prisoners spend thinking about the crime they have committed and its possible consequences; the answer is that they think about it very little.

Studies have been done in England on restorative justice—I believe that John Carnochan may have done some work on it as well. Having prisoners face the consequences of what they have done is one way forward.

I am a member of the Howard League and I believe that prison sentences, if they are to be imposed at all, should be the last resort. Emphasis on education, rehabilitation and possibly restorative justice would be a positive way forward that would show that we are modernising the criminal justice system in Scotland and moving away from simply incarcerating people for the sake of it.

**Morag Driscoll:** I endorse a lot of what has been said by Robin Harper and the other speaker from the Howard League.

People in jail are a captive audience. We have a great deal of expertise in Scotland, and organisations such as Includem do intensive work. I am a former children's reporter and have heard many young people say that, in the future, Polmont jail will seem like the soft option. It is physically a lot more comfortable than their lives have been, and they are not afraid of it because it is full of their friends. They all say that the work that they have done with Includem, and the other youth justice options, have been the hardest things that they have ever done, and not soft options.

Can we combine incarceration, if it is necessary, with the expertise that organisations have in working with young people, so that we can get the best of both—if there can be a best in prison?

**Ian McDonough (Sacro):** Any long-term solution must lie in early-years education, from the age of five upwards. Two specific issues need to

be dealt with very early, one of which is the culture of not grassing. Many children grow up in an environment in which the worst thing they can ever do is grass someone up. That needs to be tackled when children are at a very early age.

Secondly, we should teach young people how to deal constructively with conflict. It does not come naturally, but it can be taught, and such teaching needs to be rolled out systematically across Scotland.

**Gina Nowak:** YouthLink Scotland, on whose behalf I am speaking, represents the youth-work sector, which works with young people in informal learning environments.

Some people here may be aware of what happens with proceeds-of-crime money. It is taken from criminals such as drug dealers and redistributed in the communities from which it came. Last year, YouthLink Scotland distributed money from the cashback for communities scheme. We had £3 million to distribute to fund things for young people to do in their communities, but we received £18 million-worth of proposals for projects, such was the demand for funding. The vast majority of the proposals were for diversionary activities. There is no shortage of people out there who want to work with young people in such activities—we have the people and the good will, but not enough money to fund everything.

People are looking for local solutions to local problems, and great partnership work is going on at community level involving the police, health care providers, Careers Scotland and others. Project evaluations are just coming in now, so I hope that we will soon have evidence on outcomes for the young people who have been picked up in the diversionary projects.

I want to say something about short-termism. We need more funding to sustain and maintain existing projects and to create new activities and services for young people. We can progress prevention, early intervention and diversionary work, which are making a difference in communities. The bigger issue is how to tackle the life inequalities of people who live in areas of multiple deprivation. We must improve their life chances. The clear links between social deprivation and violence cannot be ignored.

Intergenerational approaches are needed, rather than just work with young people. When we tell young people not to carry knives, we may be challenging their values and belief systems and those of their parents, families and friends, who may all see carrying a knife as normal.

**Reverend Ian Galloway (Church of Scotland):** I am representing the Church of Scotland with a

national hat on. In my day job, I am a parish minister in the Gorbals.

Much of what has been said today has been inspiring, but it has also been painful. Painful memories have been brought back to me, because I have conducted funerals of young people who have been murdered, and I have worked with their friends and families in their communities. Those occasions have been desperate, but they have also been wee moments of possibility, because hundreds of people in one place have all hurt badly. Something has happened in their midst that they have despaired about.

It is important that all the energy and passion of everybody here who sees knife crime from a professional angle is focused, but there is also energy and passion among people who are here from communities in which knife crimes have taken place, and who have demonstrated that they know what happens in their communities. It was said that professional services have disappeared at certain times, and that communities have then been left to get on with things. That was an important thing to say.

Primary 1 schoolteachers in the Gorbals can say which children will be the perpetrators of violence later on. It is not the case that we do not know who they will be. However, there is huge energy among people in communities. They need more confidence, but they also need support in order to be powerful in their communities.

John Muir has done us all a huge service by channelling his pain and bringing it here today. The solution may not be what John wants, in terms of the length of sentences, but we must avoid the situation in which professionals—most of us here are professionals—think that they know best and so prevent creativity among people, in their communities, in gathering around the issues and telling us—not asking—what needs to happen. Whatever ideas are taken forward from here, I would like to see renewed efforts not to make local people simply fodder for elections once every four years, but to trust them every day, every week and every month to be involved and to be a huge part of the solution to these problems. There are wonderful people in the community that I am privileged to serve, who have great ideas to contribute. We must ensure that we do not, for fear of having our professionalism eroded, prevent resources from going into enabling local people to have a real say in what happens in their communities.

**Brian Taylor:** That was a great contribution. Thank you very much indeed. We are still on the hunt for ideas.

**Kathleen Marshall:** I very much endorse what has just been said about trusting communities. It is important to remember that young people are an integral part of those communities. We must take into account what we have heard about their fears, about territorialism and the fact that they are often the victims of knife crime. I often hear about money being wasted when people invest in community facilities that they think young people will use but which are inaccessible because they cross territorial boundaries.

In looking for solutions, it is important to recognise that there is no one-size-fits-all solution. There are very few really serious offenders— young people who seem to have no fear. I have heard about young people in Northern Ireland getting knee-capped for joyriding. They come out of hospital and do it again, sticking two fingers up at the paramilitaries. If knee-capping will not stop them, what will? Once, when I spoke about those young people having no fear, a psychologist said to me afterwards, “You may think that, but they are actually very fearful young people. They have grown up in fear and live in a fearful environment.” We must tackle them in a specific way. The excellent work that Includem does is a way of doing that.

We have talked about the recreational culture among other young people for whom there is fun in fixing up a fight. There is a possible win, win situation there in that they want things to do that are exciting, stimulating and not risk-averse. Let us therefore invest in such activities to keep them off the streets. We have heard from YouthLink Scotland about the desire for that.

Other young people genuinely feel fearful and may carry knives because they are afraid for themselves or their mothers. We must make them feel safe, and there is a bit of hope in that. When my staff went out with detached youth workers, young people raised the issue of safer streets. It was poignant that the young people who felt safest were the ones who belonged to gangs. There is a bit of hope in the fact that they said that, although they belonged to gangs because that made them feel safe, they did not want their younger brothers and sisters to belong to gangs. They wanted to make things better for their younger siblings.

If we can somehow harness that and the huge amount of hope that is latent in those young people we can, as well as giving them hope, get somewhere because they are the majority. We can do specific things for the very hardcore group, but let us engage those young people by investing in proper resources for them. That will take more than the proposed £18 million, which is a drop in the ocean in terms of finances in Scotland.

**Brian Taylor:** Thanks for that, Kathleen.

**Peter Lockhart:** What does the future hold for sentencing? We have a highly skilled, highly trained judiciary, which would say privately that sentencing is one of its most difficult tasks. On the one hand, there are calls to reduce the number of people who go to prison; on the other hand, there are calls to lock more people up. We have heard today about inconsistencies in sentencing. I commend the introduction of a sentencing commission. Privately, a lot of sheriffs and judges will probably appreciate it—although not initially. Guidelines will be issued, which is a good and positive move for the future.

14:30

**Brian Taylor:** I will call the minister at this point, as we are getting a wee bit short of time. We are looking for more ideas for the Public Petitions Committee. In its evidence to the committee, the Scottish Government said that it would not be unhappy

“Were the Sentencing Council”—

the body that is due to be established—

“to decide that there should be a presumption that an individual will go to prison if they are found carrying a knife unless there are strong mitigating factors”.

Is that still broadly your position? What do you make of what you have heard today?

**Fergus Ewing:** For a number of reasons, we think that there should be a sentencing council. Today we have heard differing suggestions, some of them conflicting, about what should be done. All have been advocated with a lot of passion and conviction, and all are worth paying careful heed to. There have been calls for minimum tariffs and stiff sentences for repeat offenders. People have said that prison does not work at all or have called for rehabilitation or early intervention.

We think that there has undoubtedly been inconsistency in some of the sentences that have been issued, especially for the most serious crimes, which creates a lot of anger. There is a general consensus, at least across the political parties, that people who commit the most serious of crimes must be locked up for a long time and belong in prison. They are evil and will not be listening to this debate; even if they were, they would not pay a blind bit of notice to it. They are not interested in the law, which is just words on a page to them.

However, unless there is a sentencing council, there will be inconsistency; some people who have committed the most serious crimes will receive sentences that are twice or three times as long as the sentences that are received by others. The point of a sentencing council is not to take the role of sentencing away from judges. The Government

and all parties believe that, at the end of the day, judges must determine the sentence for the person who has been convicted of crime; they must have an element of discretion. Today we heard from Peter Lockhart about one case that made people think. No one seriously suggests that the businessman with the Swiss army knife should have been given a prison sentence. He was a silly ass and spent a night in Ayr prison—not, I suspect, one of his happiest experiences. However, it is wrong to say that he should have gone to prison.

It is immensely to John Muir’s credit that he has come here today and stated that prison sentences may not be right for absolutely everyone. A sentencing council would allow an open and transparent process. One of the first issues with which it would be likely to deal is knife crime, probably because of the debate that John Muir has achieved today. That may take time—Government is not the quickest of beasts—but the way ahead in sentencing policy is to build up a consensus that there should be a sentencing commission to look at issues dispassionately and coolly, to come up with a range of sentencing that is appropriate for particular offences, and to pass that as a policy to judges.

Sentencing policy is only one of the areas that have been highlighted today. Early intervention, diversion and prevention—Gina Nowak mentioned the cashback for communities scheme—are the future. We must try to change the culture and attitudes; in particular, we must divert the small minority of youngsters who, sadly, are steered towards a life of antisocial behaviour or crime.

**Brian Taylor:** Duncan McNeil made the point that sentencing must be left to judges’ discretion, but you are about to tell them not to issue jail sentences of less than six months. Is that not interfering with judicial discretion?

**Fergus Ewing:** Judicial discretion should operate within fairly clear parameters. That is what happens at the moment with many statutory offences: road traffic legislation, for example, sets the maximum sentence for particular offences. The statute law governing knife crime states that possession of an offensive weapon will, in the most serious cases, attract a maximum sentence of four years. Just today I read of a case in which a sentence of 47 months was passed by Lady Smith. It is clear that stiff sentences are being imposed in the most serious cases.

**Brian Taylor:** Would you welcome that happening yet more frequently?

**Fergus Ewing:** Yes. Perhaps one option that the sentencing council might consider is whether there should be a presumption in favour of a prison sentence for knife crime and, if so, in what

circumstances. Should it be just for repeat offenders, for those who have committed offences while out on bail, and/or for offences in which injury has been caused as opposed to simple possession of an offensive weapon? Those are all serious issues in a wide spectrum of cases. The way ahead is for a sentencing council to look at all such issues together. Finally, that sentencing council would be open to hearing all views in order that it is not—to take Ian Galloway's point—just the professionals, politicians and law makers who have a say, but the public. It would be their sentencing council, too.

**Richard McShane:** One of the contributing factors to crime is poverty. Where there is poverty, there is crime. Where there is crime, there is violence. Where there is violence, there are deaths. To follow on from what Kathleen Marshall said, in my community and the east end of Glasgow, we were given hope by the phoenix campaign, which was run by the police. The police will confirm how successful it was in reducing crime—it got kids off the streets to do other activities—but its funding was withdrawn. At the end of the campaign, there was a disco and the kids loved it. That was last February.

Everybody in this room has a choice about where to go tonight, but kids on the housing estates do not. We do not have the resources. At the height of the violence, Easterhouse was changed drastically and we have a different type of housing now. In the 1960s when Frankie Vaughan came, we got a centre and a lot of gang members off the streets. The report by the police showed that crime was cut. It worked. As Councillor Luciano Rebecchi said earlier, we should get back to things that worked in the past.

We are desperate for a community centre and we need more resources. Kids will be walking my streets of Easterhouse tonight and if you ask them what they are doing they will say, "Nothing. We have nothing to do." The Government has to put more resources into the problem. If it does that, we can get the kids off the streets the police will not have so many people to deal with.

**John Evans:** Victim Support Scotland's being a pro-victim organisation does not mean that we are anti-offenders. On solutions for the future, the organisations that are represented here today have a clear contribution to make in working with young people, with Geoff Smith and the other campus cops and through informal learning encounters—I love that phrase—that offer us an opportunity to work in informal settings. We work with staff and volunteers, many of whom have been victims themselves and have really passionate stories to tell. I would like to think that if we were to exploit such opportunities, we could start to make a difference to some young people's

lives because they need to appreciate the consequences of what they have been doing.

**Detective Chief Superintendent Carnochan:** I make the appeal that although the debate, which was born of a tragedy, has been about sentencing, we should broaden it out and give it more thought. We should consider what can be done through the criminal justice system and sentencing. We could just keep a lid on the problem, but unless we do all the other things, the flow of such crimes will not stop and we will always get what we have always got.

There is a busy landscape out there. We have deskilled communities over the decades. You have a problem with health? Doctors will fix it. You have other problems? The police and teachers will fix them. Communities are completely deskilled—someone spoke about inequality, and they were absolutely right.

Violence in Scotland is now treated as a public health issue; it is in the chief medical officer's report. We are the only country in Europe that has that approach—we recognise that that is the issue. When local authorities deliver services, they need to think of services for young people as core business and not as an addition. They would not think of reducing services for pensioners, but they think about reducing them for young people. Schools close at 4 o'clock in the afternoon and jannies do not like having those boys in at night. That is absurd—schools are a community resource and we need to use them. Local authorities need to do something about that—we need to chap at their door.

As I think Jon Bannister said earlier, I have never met a politician of any colour who did not want to do the right thing. However, if politicians ask 10 social workers what needs to be done, they will get 10 answers; if they ask 10 cops, they might get eight or nine answers, because we might not be quite as bright. Every professional has their own way of dealing with things, which leads to short-termism.

The situation is fuelled by newspapers, which say, "This is a problem, and it needs to be dealt with now." We need to give out consistent, clear messages, and to set a direction and absolutely stick with it. If any politician seeks to nudge away from that direction, we need to push them back on to the road.

The direction we should take should involve early years and support for those who are most at risk. Those who are most at risk live in the communities that have been mentioned, where people die earlier and where there are poorer O level results, more teenage pregnancies and more alcoholism. There is an absolute link. We need to ensure that there is that consistent message. We

need to educate young people at school while the problem is occurring, and give them as much help as we possibly can.

We should not give up on those who are already committing violence—we only give up at the last moment. In America, communities have been sacrificed: millions of people are in jail because people have given up on them. We cannot get into that situation. This is Scotland in 2009: there are only 5 million of us, and we have an opportunity to do something, starting with today's debate on John Muir's idea.

**Brian Taylor:** If you ask 10 lawyers, you will get 11 answers and an invoice for your trouble.

**Detective Chief Superintendent Carnochan:** I cannot afford to ask 10 lawyers. [*Laughter.*]

**Alex Cunningham (Aberlour Child Care Trust):** I am a service manager of a detached youth project in the south-west of Glasgow—I know that we have been discussing the east end, but I work in the Govan and Pollok areas. We provide a detached street work programme that focuses on dealing with gangs and territorial issues through conflict resolution. Conflict among young people arises if their need for safety, belonging and respect is not met, and if their fears are high and their trust in others is low. They do not have an awareness of the skills that are involved in dealing with conflict or the choices around it, and that results in violence. There is a lack of positive role models in their lives, and the only option that they perceive is to revert to antisocial behaviour to gain acceptance among their peers. We try to shift that ideology by providing young people with a non-violent tool to deal with conflict, which gets them away from carrying weapons.

I agree with my colleague from YouthLink—who, I must say, has been unsuccessful in getting funding—that we are carrying out ad hoc, piecemeal work. There is no sustainable funding for projects such as ours. My friend from Includem and I are fighting for sustainable funding for the voluntary sector, but it has not materialised. We end up working on small areas that involve small pieces of work and short amounts of time. The issue that we are discussing involves a longer process, given the amount of things that we need to tackle. I support effective early intervention—we need to work with young people and tackle the issues at an early age before they reach the stage at which agencies such as mine come in and end up simply firefighting.

**Brian Taylor:** We are close to running out of time, so I ask those on the Opposition front benches to comment concisely on the criminal justice system.

**Jon Bannister:** The point about the piecemeal nature of much of the funding in this area is important. There is no doubt that the greatest potential, and the way ahead, lies in the development of education and prevention programmes. We do not wish to neglect those who have developed offending profiles or our consideration of how we deal with them; we want to prevent the same thing from occurring in the future. There is much in place—although a lot of it has not been evaluated—but one of the key problems is that the funding tends to be piecemeal.

Just as we need to be consistent in parenting, we need to consider what message we send to young people if we make something available and then take it away. We are aware that some of the biggest problems are in our most deprived communities, but deprivation in no way, shape or form causes those problems—it acts as an accelerant.

In those communities—particularly in violent communities—small strategies are funded with £50,000 or £100,000 and are in place for six or nine months, or perhaps a year. We have hopes for the success of such initiatives, but they have to tackle all the influences that young people might have absorbed in their community throughout their life, from zero to 20. Such initiatives have a lot of potential, but people are frequently offered only small chances that are given and then taken away. It is very attractive to announce that another new initiative is being put in place, but without doubt the initiative soon disappears.

14:45

**Sandy Scrimgeour (Street Pastors):** Street Pastors is a national organisation that provides a church response to urban problems. Typically, we go out one night a week from 10 o'clock to 4 in the morning.

The point that I want to make is that we are a local initiative from a local community group. We have in place agreed procedures with the police for taking possession of drugs, weapons and, if necessary—which we hope means never—guns. I believe that we should never underestimate the impact that local groups can have. I realise that much of what I am saying has already been said, including by John Carnochan who talked about community groups just a moment ago.

To Frank McAveety's committee I say that I see the benefit of having a two-pronged attack. As has been mentioned, we need early years intervention, so that young people realise that, unlike in computer games, victims do not always get up after they have been shot or stabbed. We also need sentencing options. We need to look at

whether sentencing needs to be tightened to give the perpetrator and the victim a clear message. Yes, early years intervention is needed, but we have a 10 to 15-year gap before that will become effective. That might be where John Muir's petition comes in. We need to do something about the issue here and now. One measure that I urge the committee not to overlook is the impact of having properly trained and focused community groups.

**Brian Taylor:** I now ask the party front-bench spokespersons to respond briefly.

**Richard Baker:** First, I say to John Muir that this has been a great day, although I am sure that the campaign is far from over.

I will talk about sentencing, although I believe that rehabilitation and education are vital, too. As some may know, a criminal justice and licensing bill is coming up. The minister suggested that a presumption in favour of custody might come through a sentencing council, but we also need to take on board the need to strike the right balance that people have talked about. At the moment, only 30 per cent of people who are charged with carrying a knife receive a custodial sentence. The Scottish Government's proposed presumption against sentences of less than six months would affect some 81 per cent of custodial sentences for knife crime. I am concerned about the balance that the Government is moving towards. Far more work needs to be done on achieving consensus on those issues, but perhaps we will be able to achieve greater consensus during the progress of the bill.

**Brian Taylor:** Should there be higher sentences for knife crime to avoid the possibility that they will fall under the presumption against custodial sentences of less than six months?

**Richard Baker:** That proposal is certainly worth looking at. In the previous parliamentary session, we actually increased the maximum sentences for carrying a knife. We need to look at what works. As the gentleman from the Law Society said, we have seen a reduction in the number of people charged with carrying a knife since we introduced those tougher sentences.

I do not say that sentencing alone is the solution—of course education and investment in rehabilitation in the community are important—but we must recognise that sentencing plays an important role. John Muir and all the rest of us are here today because we are not making enough progress on knife crime. Some progress has been made, but it is nowhere near enough, and levels of knife crime in Scotland are still far too high. That is the key thing that we need to take from today.

**Robert Brown:** Although I did not agree with a good bit of Richard Baker's remarks, he made one comment with which I agree when he said that we

need to look at what works. We have heard evidence today that prison does not work.

Another point to put into the discussion is that prison costs somewhere between £30,000 and £40,000 per annum per person. That would be fine if it stopped people being damaged or killed but, given that it does not, those public resources, which we all pay for through our taxes, could arguably be better used.

On the issue of prison sentences, we need to come back to the viewpoint of local communities. The justice system must be perceived to be working by local communities. If, as someone pointed out, children of 12, 13 and 14 are going about with knives, the system needs to deal with that.

**Brian Taylor:** Would you back stiffer sentences for knife crime, along the lines that Richard Baker suggested?

**Robert Brown:** Not necessarily. I am not against looking in a bit more detail at people with repeat convictions and so on, but communities want to see something that works: something that stops people doing this kind of thing in future, that takes away their motivation to do it—I hope that most of us do not have such motivation—and which gives us safer streets and more law-abiding communities. To my mind, that means we should put the emphasis on spending public resources and effort on trying to stop people wanting to do such things in the first place and, if they have already committed offences or are on the fringes, to rehabilitate them early on.

We have to be careful not to mix up serious assaults involving knives or other weapons, in which people are badly injured or killed, with the offence of carrying a knife. There is a spectrum, and we have to get the right response.

We already have more than 8,000 people in our prisons, which is beyond the safe operating level. It would cost £4,000 per individual to increase that number—it would cost about £75 million to put in prison the rest of those who are convicted of knife crime but who are not sent to prison at the moment. We should bear that in mind when we consider other ideas in the background, such as opening facilities in the evenings or imposing alternative sentences, which are part of the whole package.

**Bill Aitken:** We have all come here today with the sincere intention of contributing to the debate, and I pay tribute to everyone.

The most compelling evidence came from those who are on the front line—the people from Easterhouse, the victims of horrific assaults and John Muir. I pay particular tribute to John for recognising that his original proposal was not

going to find favour and for backing down from it. It is incumbent on us to go some way towards fulfilling John's basic, principal intention of making our streets an awful lot safer than they are today.

There might well be a place for a sentencing council, provided that it is not staffed by the usual amalgam of people from the chattering classes, who are all totally remote from the realities of what is going on out there. A sentencing council would have no credibility unless there were people on it who recognised the real world of some of the estates in our cities.

Of course there are inconsistencies in sentencing—there always will be. When something is governed by human beings, there will always be mistakes. We all make mistakes in our everyday lives.

Fergus Ewing referred to the main thing that is wrong with sentencing, although he misdirected himself slightly. The six-year sentence that Lady Smith imposed yesterday was, she thought, quite appropriate. However, under the Du Plooy judgment she had to discount it by one-third, which effectively cut the sentence to just under four years, and because the sentence is under four years, the guy will be out after 23 months. What sort of deterrent is that? Absolutely none.

**Brian Taylor:** Briefly, please.

**Bill Aitken:** A lot of other things have to come out. I am particularly attracted to the idea of more easily available recreational facilities for young people, because young people use up a lot of steam at such facilities, which can take a lot of potential problems off the streets. There is room for intervention.

I am sorry that we have been talking about this for an awful long time. The situation is now serious. John Muir has put us behind the 8-ball and we should respond positively.

**John Muir:** I thank the convener of the Public Petitions Committee and Fergus Cochrane, the clerk to the committee, who organised this event. They got many people interested, and we have had a reasonable conversation about how people feel about crime and so on.

It is nice to come into a parliamentary building and listen to what is being said. When the politicians get on their feet and start talking, they are long on rhetoric and short on action. They must improve. I have been campaigning for 18 months to try to get things done. Some things have been good, some have been bad and some have been difficult. I wrote a poem about speaking to politicians and everything else. It is called "The Mirror Image", because any time I asked a politician to help me out, they said that they would look into it.

Politicians and Judges PLEASE look at yourself

Current laws and Sentences endanger our health  
The streets are awash with BLOOD BRIGHT RED  
No matter the weapon, the victims are DEAD

QUESTION YOURSELF with mirror in *hand*  
How deep is your head buried in *sand*  
Murder by GUN, CLUB or *KNIFE*  
It's totally appalling—THIS LOSS OF *LIFE*

When will the CARNAGE come to a *stop*  
We need more ACTION and much less *TALK*  
Our son we did lose and others a *daughter*  
It's killing us SLOWLY, this terrible *slaughter*

The public is calling to reclaim the *street*  
Worry and despair is entrenched so *deep*  
The gangster and yob and knife wielding *thug*  
Should be squashed underfoot just like a *bug*

Please get it together before it's too *late*  
Before sisters and brothers meet murderous *fate*  
Mothers and Fathers, Husbands and *Wives*  
Despair at the demise of their LOVED ONES' *LIVES*

We are pursuing petitions which we think are *RIGHT*  
The public in thousands are joining the *FIGHT*  
May God in his wisdom hear our every *PRAYER*  
Strengthen and Sustain us through this *SORROW* we *bear*.

Thank you for listening intently and for your co-operation. I trust that Frank McAveety will have something to work with to take the issue a good bit forward. I thank Brian Taylor.

**Brian Taylor:** That was fantastic. I am going to a Burns supper tonight, and I will not hear anything as good as that.

**Mr McAveety:** I used to be a teacher of English, and give John Muir 10 out of 10 for his poem.

I thank John and re-emphasise that the members of Parliament who are here appreciate that he, as a member of the public, has raised an issue of great sensitivity, on which I hope that he and others feel that we are making progress.

There is consensus out there in communities that we need to make a difference. As the convener of the Public Petitions Committee, I think that this has been an incredibly valuable opportunity for committee members, many of whom have remained here all day, to generate ideas about how we should take the petition forward.

Young David Edgar said, "I was lucky; I was only stabbed in the back." I hear such comments all the time in my area. We must sometimes stop and reflect on what has been said. We seem to have accepted a level of violence, whether knives or other implements are involved. I have had that conversation in neighbourhoods over the years. However, other members, whose areas do not have that scale of violence, stop me and ask me to explain. We need to re-emphasise the impact of the violence.



I hope that the debate will ensure that all elected members—at national or local level—campaign for additional resources to ensure that young people have things that will keep them occupied, so that they can make positive choices in their lives.

We are all from different backgrounds. There are people out there, young and old, who want to do bad things, and we need to deal with them in order to reassure the public. That issue was raised by Victim Support Scotland and others.

The cost of putting people in prison has been mentioned. Some folk in prison are not intrinsically bad, although they have done bad things, and there is a range of debates to be had around that. We need to identify paths forward for people who are in prison and dealing with a sentence.

I talked earlier about youngsters I wanted to see the back of after four hours. However, if all of us do the right thing, those youngsters can make a contribution. The right thing is for all of us—not just the members of the Public Petitions Committee—to digest the points that have been made by John Muir and others. The minister rightly mentioned the sentencing council and the debates that we will have in the chamber in the months ahead.

15:00

We need to create a consensus in Scotland, even though politicians, occasionally, disagree—the fact that we disagree occasionally might surprise people. We need to be on the same side that the wider public are on.

We want to reassure people such as John Muir. He has come to us with an extreme experience, but people see a range of experiences in their communities that they think are just not right. All of us who have the privilege to represent those communities need to find a way to amplify that feeling in the chamber. With that privilege comes a responsibility to create a debate that can make a difference in the areas that matter.

On a personal level, I thank the youngsters who have come to this event from various parts of the east end of Glasgow. They came here because they responded to the debate among young people in the area and told me that they wanted to come to the Parliament. The fact that they have spoken as well as anyone in the chamber—in fact, they have spoken better than anyone else—shows that they want a future for themselves and the other youngsters who they care about.

Violence exists in all age groups. Tragically, the evidence shows that the main victims of violence are young people—people's loved ones. We need to change the culture of violence in this country and stop people reaching for the blade or the

broken bottle or using their fists to address problems.

It has been an absolute privilege to be here today. Last night, at half past 10, I was in a crowded restaurant when I got a phone call from number 10. The person who called said, "The Prime Minister would like to meet you tomorrow," and I said, "I have been waiting years to say this: tell him I'm too busy; I have something more important to do."

I am here because it is important that we try to address the concerns of the wider public across all the constituencies and regions of Scotland. I hope that those who have attended today feel that they have made a positive contribution. I assure them that we will take on board their comments and work with the petitioner—because he is a Scottish citizen—to try to make a real difference.

**The Deputy Presiding Officer:** That concludes this Public Petitions Committee debate on knife crime.

I thank each and every person who has attended today for participating in a positive way. Like Frank McAveety, I particularly thank Thomas Sneddon, Jayde Peacock, Alan Kennedy, Mark Paterson and David Edgar. I know that some of our attendees have travelled a long way to be here.

I thank Brian Taylor for facilitating the discussion, and I particularly thank John Muir for bringing the subject to the attention of the Scottish Parliament and for working extremely hard since his petition was first received.

I hope that everyone feels that their voice has been heard and that someone has listened at least. More important, I hope that everyone feels that something positive will come out of this event.

A transcript of this meeting, produced by the official report, will be published on the committee's website. The clerk will contact everyone with details of that.

I wish everyone a safe journey home. I hope that things will change.

*Meeting closed at 15:03.*

