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Audrey Nicoll MSP
Convener of Criminal Justice Committee
The Scottish Parliament
Edinburgh
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By Email: Audrey.Nicoll.msp@parliament.scot

3 September 2024

Dear Convener,

I thought it would be helpful to update the Committee on arrangements which are being made by the Crown Office and Procurator Fiscal Service (COPFS) to ensure that there is a swift response by prosecutors in Scotland, as similar as possible to that in England and Wales, to the serious and widespread rioting and public disorder seen elsewhere in the United Kingdom in recent weeks.

The disorder, which was incited by right-wing extremists and clearly intended to create fear in minority ethnic and faith communities across the United Kingdom, resulted in violence against the police and others, damage to property and the use of social media to incite such behaviour. It has had a hugely detrimental impact on communities, including in Scotland. It was motivated by hate, racism and prejudice and it calls for a robust response to ensure that public confidence is maintained, and that further offending is deterred.

While it remains the case that Police Scotland have no specific intelligence that such disorder will take place in Scotland, prosecutors have been working with colleagues in Police Scotland and the Scottish Courts and Tribunals Service (SCTS) to develop plans to ensure that the response to all such criminality is robust and swift and that the justice system could cope with widespread criminality of this nature.

I will issue instructions later this week on behalf of the Lord Advocate to Police Scotland which will direct that those who are arrested for such criminality should expect to be remanded in custody to appear in court at the earliest opportunity.



Those accused can expect prosecutors to oppose their release on bail to ensure that public safety is prioritised and can also expect, in early course, to be

prosecuted on indictment, including in the High Court of Justiciary if necessary. To ensure that justice is delivered swiftly, prosecutors will prioritise such cases ahead of existing investigations in order to bring the accused before the court at the earliest opportunity.

These arrangements will be kept under review for as long as necessary and it is my hope that there continues to be no such offending in Scotland.

The experience of elsewhere in the UK shows that offending related to violent disorder has included the stirring up of racial and religious hatred by publishing written material online. Scotland's prosecutors are committed to tackling crimes motivated by hatred and prejudice whether committed on social media or in person. They have a range of tools available to them to deal with reports of this nature robustly.

It is hoped this response from prosecutors, alongside the work of police and others in the criminal justice system, will build public confidence in protection of our communities and seek to contribute to deterrence of this offending.

In the event that such offending takes place in Scotland I will ensure that the Committee is updated on the actions taken by prosecutors to deliver swift and robust justice.

Yours sincerely,

A handwritten signature in black ink that reads 'Ruth Charteris'.

RUTH CHARTERIS KC
Solicitor General for Scotland