



by [Staff reporter](#)

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### **Comment: The Tories' brand of tough justice won't make Scotland a fairer or safer place**

Crime and injustice as a raison d'être for seeking election is compelling. An MSP for a matter of weeks, Russell Findlay has gained attention for a powerful [maiden speech](#) challenging, intelligent questioning of the SNP government on these issues.

A veteran crime reporter and true crime author turned newly elected Conservative MSP for the West of Scotland, this is not Findlay's first rodeo. Given his assertive style in this arena who might be well advised to buckle up.

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Findlay's maiden speech in the first justice debate of this parliamentary session put the spotlight on injustices he attributes to Scotland's justice system: "George Beattie said, citing a BBC *Rough Justice* programme and arguing Beattie is a victim of a wrongful murder conviction.

Willie Beck, who maintained his innocence until his death. Unanswered questions about the deaths of Kevin Mcleod, Emma Caldwell, Sheku Bayoh. [Four fathers in Mi](#) justice from authorities, as their local area faced organised crime violence, only to find the "perversion" of official responses allegedly enabling it. In Findlay's words, c Scotland".

Miscarriages of justice, wrongful convictions, institutional corruption and fatal failures are not just the stuff of febrile nightmares or story lines in *Making a Murderer* at From (Birmingham Six member) Paddy Hill, to the Post Office Horizon scandal and the Daniel Morgan report, these egregious cases cause public furore for good reason.

The Scottish Criminal Cases Review Commission recently wrote to 73 people with criminal convictions relating to the Post Office scandal, saying they want to "try to v of the problem" and "want anyone who has been wrongly convicted to know that a remedy is available." Seventy three people.

Then there are lesser known cases, scandals without high profile names: the [UK miscarriages of justice registry database](#) contains more than 300 people and 600 years c

A challenge for the Scottish Conservatives is whether this emphasis reveals irreconcilable differences in their justice politics. Tory MSPs lambasting so-called "soft touch demanding "tougher justice", while lamenting "rough justice" and "rampant injustice" seems curiously contradictory.

While no party has a monopoly on seeking to support victims' interests, victims and their families are at the centre of Conservative justice politics.

Parts of their manifesto and forthcoming Victims Bill may find common ground with the views of other parties, whereas other parts of their prospectus sit in tension, pa Findlay's emphasis on miscarriages of justice and blistering criticisms of justice agencies.

Take their manifesto pledge of 'Suzanne's Law. If passed, this law will bar individuals from being released on parole if they do not reveal the location of the body.

The wrongly convicted will not be able to tell victims' families and the parole board where the body is if they did not kill them, effectively making a wrongful murder c death sentence.

Similarly, their manifesto commitment of introducing 'whole life custody' (life without parole), a regressive and staggeringly costly failed policy from the US, may only injustice in such cases. Findlay speaks of "consuming lives or cutting them short." Well, this policy will do just that.

Thirdly, Conservatives rightly call attention in their speeches and manifesto to the anguish of families grieving a sudden death in custody and waiting years for Fatal Ac saying this must change. Hear, hear.

But what do they think the consequences of *their* proposed actions will be? It may be hard to convince people of their allyship with families when their political agenda and imprisonment, meaning more affected families and more prison overcrowding, and likely prospect of more deaths in custody and Fatal Accident Inquiries.

In recent years, and continuing into this first justice debate, the Scottish Conservative strategy seems to be a capricious pick'n'mix: politicising and undermining the ind parole board, police and other justice agencies, worrying about their workloads while asking for them to do more, calling for their reform, appealing for their expansion resourcing.

Conservative justice spokesperson Jamie Greene's speech in this debate paid tribute to justice and emergency workers, saying "we all owe them a huge debt of gratitude calling for judicial reform.

Findlay's speech catalogued putative systemic failings, alleging "rigged systems" and "corrosive" injustice, in a critical departure from traditional party narratives:

*"Bad faith, back covering and secrecy contaminate too many of our institutions... Our police complaints system betrays the public and the honest officer; our prosecuti capable of malice and routinely betrays victims; and our courts are secretive, self-serving and chronically inefficient. Our parole system treats victims as a nuisance, an complaints system is a toothless charade."*

Ooft. One wonders what Scottish justice professionals make of being praised as "heroes," diagnosed as part of the problem, and framed as part of the solution, by memb party, in the same debate.

Again, few things require more *good* faith and trust in police investigations and the judiciary and courts to get it right than their party's proposal to see people sentenced in prison.

What the Scottish Conservatives can reasonably be predicted to unite around is the appetite for more punitive punishment. On wanting to "put criminals behind bars," as put it, their party is consistent.

Scotland already punishes more of our own at higher rates than most other European nations. They know that.

'Tougher justice' might be on brand for the party with a penchant for posing with tanks, but, in Scotland, it is a strategy of opposition, not alternative government.

Calls for ratcheting up sentencing and preventing release from prison are politically expedient for those who won't have to resource or run our justice system, nor deal v victims.

A tension the Conservatives need to grapple with is that more imprisonment and more punitive systems are not effective deterrents and can increase the likelihood of m victims.

'Tough justice' and 'rough justice' have this in common: they won't make Scotland safer or fairer.

Where it will be hard for others to argue with Findlay and the Conservatives is on the pernicious impact of organised crime, especially for victims.

Holyrood fell quiet as Findlay spoke of being a victim of a horrific attack at his home by an organised crime-linked figure, witnessed by his daughter.

His attacker is now eligible for release on parole. From violence and intimidation, to theft, corruption, trafficking and drug markets, these are not abstract arguments or i

[One national survey study](#) indicates 1 in 10 Scots report being personally affected by serious organised crime in the last three years. [Another Scottish study](#) finds that, for those impacted by organised crime, 'fear and violence form part of the background of everyday life.'

These victims and communities deserve more of the parliament's attention, empathy and action.

*Dr Hannah Graham is a criminologist and academic, commenting in an individual capacity.*

Tags

[Justice](#)

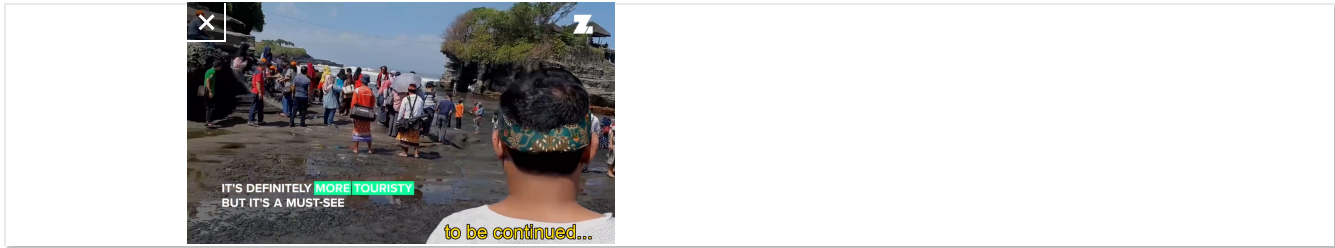
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