

Subject ID: 67910
Work ID: 14747



SOCIAL WORK and HEALTH
Director: Dr Robert Peat

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SOCIAL ENQUIRY, COMMUNITY SERVICE AND RESTIRCTION OF LIBERTY REPORT

Surname Watt aka Carroll Date of birth 18.12.83
Forename John Ewan Occupation Unemployed
Address 32 East Mill Road Caravan Park, Marital status Single
Brechin
Court Forfar Sheriff Date of court 18 May 2006
Offence Assault to injury
SER author Emma Ferrier

Basis of report

- One office based interview with Mr Watt at the Brechin Social Work Department on 5 May 2006.
- Telephone discussion with Dr Shaw, Brechin Health Centre.
- Telephone discussion with Ms Jenny Davis, Social Worker, Dundee Criminal Justice Service, who supervised Mr Watt's most recent probation order.
- Telephone discussion with East Port House.
- Telephone discussion with Serco monitoring services.
- With reference to the complaint.
- With reference to the SCRO check dated 2 May 2006.
- The writer has no prior knowledge of Mr Watt and he is not previously known to this department.



INVESTOR IN PEOPLE

Outstanding matters

At the time of interview, Mr Watt informed that he had no other outstanding matters to come before the court. However, he has since appeared before Arbroath Sheriff Court on a complaint alleging unlawful sexual intercourse with a 14-year-old girl on Saturday 6 May 2006. Mr Watt was remanded in custody in relation to this alleged offence. According to the SCRO check, there is also an outstanding road traffic matter at Dundee Sheriff Court, which last called on 27 April 2006.

Mr Watt advises he is not currently subject to any court orders, but that he has an outstanding financial penalty of approximately £140, which he pays at a rate of £5 per fortnight. He admits that he has fallen behind with his payments.

Background and personal circumstances

Mr Watt reports that he was born and raised in Dundee by his maternal grandmother, whom he regards as his mother and refers to as 'mum'. He advises that he has never had any contact with his birth mother since moving to live with his grandmother as a very young child. He states he has no idea of her current whereabouts. Mr Watt also advises he had no contact with his father throughout his childhood, but that he met him when he was approximately 17-years-old, whilst in prison. He has not maintained contact since that time. Mr Watt could not be sure that he does not have any siblings, but has never met them if he does.

Mr Watt recalls his childhood in negative terms, indicating that his grandmother regularly physically abused him. During interview, he described incidents of having been punched, kicked and hit with weapons, including shoes and household utensils. He advises that such abuse would occur almost daily, for trivial rule breaking, such as being 5 minutes late.

In spite of his childhood difficulties, Mr Watt remains in contact with his grandmother, although he states he tries to spend as little time with her as possible, as he feels she continues to try to control him. During discussion with Dr Shaw, Brechin Health Centre, it transpired that although there were no specific reports of abuse, his medical records do show numerous visits to casualty with injuries, which may have been consistent with beatings as described by Mr Watt. Further to this, a letter is contained within his file from a child psychologist indicating that Mr Watt's grandmother was 'a domineering woman' who managed his behaviour by threatening him with the police, and that Mr Watt was placed on the 'early warning register' until it became obsolete in 1988.

Mr Watt advises that he had social work involvement throughout his whole childhood, culminating in him being accommodated at the age of fifteen, after running away seven times. He advises that nobody had believed him about the abuse he suffered until his grandmother began threatening social work staff a few months later. Unfortunately, Mr Watt's social work records are held by another local authority and it has not been possible to gain access to them due to time constraints.

Mr Watt informs he attended mainstream education in Dundee, leaving at the age of 15 with no formal qualifications. He indicates that he has since undertaken training courses in painting and decorating, car mechanics and electrical fitting, and that he has been employed periodically, although not legitimately.

Mr Watt currently resides at the above address, and has done for approximately one year. However, he states that he regrets moving there, as his grandmother also owns a holiday caravan at the same caravan park and 'makes his life hell' when she visits. Mr Watt states that he would like to move on and believes he is very close to the top of the local authority housing waiting list for accommodation in Brechin. When asked about his current circumstances, Mr Watt indicated that he was not in a relationship and had no children. However information has subsequently come to light, which would suggest he had been in a relationship with the 14-year-old girl to which the outstanding charge relates, since at least January this year. If this information were proven to be correct, it would throw into question his truthfulness throughout interview.

Mr Watt advises that he spends most of his time with his friends, who are also his only support network. However, he admits that most of his friends are involved in offending behaviour. He reports to also enjoy playing his computer and playing football, but only if he is not consuming alcohol, which he does most of the time.

Mr Watt is currently unemployed and reports to be in receipt of Job Seekers Allowance amounting to £89 per fortnight.

Health/addictions

Mr Watt advises he previously broke both of his wrists and has been left in a great deal of pain as a result of this, particularly throughout the winter months. However, discussions with his GP indicate his wrists were only fractured in 2001, and that this would not normally cause lasting pain. Also, that he has not presented since that time with pain, and is not prescribed painkillers.

Mr Watt informs that he has previously experienced regular thoughts of self-harm and has harmed himself on a number of occasions up until approximately one year ago. He states that, although he has no current thoughts of self-harm, he continues to feel low and he sleeps a lot, which he attributes to depression. Dr Shaw confirms that Mr Watt attended casualty in Kirkcaldy in July 2004, having slashed his forearm with a knife after witnessing his girlfriend with another male. However, this is the only record of self-harm in his medical notes, and Mr Watt had reported at this time that he had no plans to take his life and there was no psychiatric history in his family. Dr Shaw also confirmed that Mr Watt is not currently prescribed medication.

Alcohol – Both Mr Watt and Dr Shaw reported that Mr Watt has a significant problems with alcohol. Mr Watt indicates that he and a friend regularly share 2 bottles of vodka and a bottle of cider per day, on 4-5 days per week. He states the only reason for him not to drink this amount would be if he did not have money to purchase the alcohol. Mr Watt states that he does become more aggressive when drinking and 'gets wound-up easier', but that this depends on the 'atmosphere at the time'. Mr Watt advises that he has previously received alcohol counselling, but he

says the counsellor only saw him twice, then never came back. He states that he would like to stop drinking and has asked for help from his GP. Dr Shaw confirms that he made a referral for Mr Watt to Tayside Alcohol Problem Service (TAPS) on 18 April 2004. As this was only 4 weeks ago, it is unlikely Mr Watt will have been offered an appointment yet.

Drugs – Mr Watt admits that he smokes cannabis on a daily basis. He believes that it 'keeps him off the drink'. He states he has no current interest in other illicit substances, but admits to previously having used amphetamines and ecstasy. He states he stopped using these substances at the age of 20, because he felt they made him paranoid and aggressive.

Mr Watt states that he has no other addictions.

Attitude towards current offence

Mr Watt informs that he has no recollection of the offence as a result of being heavily under the influence of alcohol at the time. He states he has no idea who the victim was and believes he had not met him before. Mr Watt advises that he feels confused at present, as he is not fully convinced that he actually committed the offence. However, he states that he has accepted responsibility "to get it over and done with". Mr Watt states that if he did commit the offence then he is sorry as he is 'not into hitting people with weapons'. However, it is the writer's opinion that this remorse he expresses for his actions is generated by the consequences for himself rather than the victim. Mr Watt appeared unable to demonstrate any victim empathy at all, going as far as to say that the victim deserved what had happened, because he has subsequently made threats against Mr Watt.

Analysis of offending behaviour (including risk assessment)

Mr Watt committed his first offence in 1999 and has accrued an extensive range and number of offences since that time, 67 in total. The SCRO check displays offences of various natures, including thefts by housebreaking and shoplifting, malicious mischief, possession of offensive weapons, contravention of the firearms act, various road traffic offences, attempt to pervert the course of justice, breach of the peace, forgery and uttering, wilful fire raising, reset, assault to severe injury, breach of bail, and breaches of community disposals including community service, probation and restriction of liberty. Disposals for these offences have included a supervision requirement, financial penalties, community service, admonition, probation, restriction of liberty, disqualified from driving and numerous periods of detention and imprisonment. Mr Watt has persistently shown disregard for orders of the court, having breached both bail orders and each of the community based disposals imposed.

Based on the information available to date, and using the revised Hampshire model of risk assessment, Mr Watt is assessed as posing a high risk of harm to the community. This assessment takes account of the high level of harm already caused, the number and types of offences previously committed, Mr Watt's dependence on alcohol and his tendency not to comply with court orders. The

outstanding allegation of unlawful sexual intercourse with a 14-year-old was also factored in to the assessment, as an unconvicted offence.

Mr Watt is also assessed as posing a high risk of reoffending, due to his current age, age at first conviction, previous custodial sentences and number of convictions in the last 2 years. Mr Watt also scored high on a needs assessment and achieved a moderate motivation score. Taking account of each of these factors, he is assessed as posing an overall high risk to the community at this time.

Given the level of assessed risk, it is essential that Mr Watt address a number of issues in order to reduce this, including undertaking alcohol counselling, securing employment or a training placement, addressing his cognitive skills and victim awareness, undertaking anger management counselling and looking at peer and family relationships. Conversely, if Mr Watt does not address these issues, the level of risk he poses will, at best, remain the same, but may even increase.

Relevant disposals

Deferred sentence

Although Mr Watt has other court matters outstanding, they are not at this court. As such, I can identify no purposeful reason for deferring sentence today. A period of deferment for good behaviour is unlikely to be in the court's mind as a result of the serious nature of the index offence, as well as Mr Watt's extensive offending history.

Financial penalty

Given the serious nature of this offence, it is unlikely the court will be minded to impose a financial penalty. However, Mr Watt is in receipt of £89 per fortnight, Job Seekers Allowance, and has a limited disposable income with which he offers to pay a compensation order in favour of the victim. However, Mr Watt readily admits that his motivation to pay such an order after the money is in his hands is negligible. As such, he requests that £5 per fortnight be deducted straight from his benefits, if this is possible. I queried this with the Sheriff's Clerk's office, who agreed to enquire whether this was possible.

Probation

The requirements of a probation order were explained to Mr Watt, including attendance at groupwork. Mr Watt admitted that he has previously breached a number of probation orders, but attributed this to his previous drug misuse. He states he would now be in a position to comply with the conditions and agreed to such an order being imposed. However, reservations are expressed with regard to his motivation and ability to complete such an order, primarily due to his previous failures to comply, but also as a result of his resistance to the idea of groupwork. Discussion with Ms Jenny Davies, former probation supervising officer, indicate that Mr Watt's previous order was extremely difficult to manage as recently as October 2005, due to his negative attitude and reluctance to comply.

In the event of Mr Watt being made subject to probation, the basis of any action plan would be to address the following areas:

- Core Cognitive behavioural groupwork programme
- Alcohol counselling
- Anger management counselling
- Victim awareness
- Employability
- Thinking skills
- Life skills training
- Peer relationships

Probation with unpaid work

Mr Watt was made aware of the terms and conditions of this disposal, and he stated he would comply. Any such order imposed by the court as a direct alternative to custody, would be supervised in accordance with national objectives and standards. However, reservations are again expressed in regard to Mr Watt's motivation to comply.

Probation with condition of East Port House

Mr Watt advises that he was previously resident at East Port House, and stated he does not wish to return. He states that he has worked hard to move on over the last year and that returning to Dundee would put him 'right back where he started'. He believes he would lose his caravan and his place on the Brechin housing list, as well as allowing him to reacquaint with his former associates in Dundee. However, the prospect of Mr Watt being bailed to East Port House for assessment was discussed with [redacted] who advised we should contact them on the day of Mr Watt's court appearance to ascertain whether a place is available for him, if the court is minded to consider this as an option.

Community Service

Mr Watt was informed of the terms and conditions of a community service order. He indicated he understood and stated he would be willing to comply. Having discussed matters with Dr Shaw, Mr Watt's GP, it would appear there are no medical conditions which would preclude him from undertaking such an order.

Mr Watt has previously breached community service, and other community based disposals in the past. As such, reservations are again expressed about his ability to complete such an order. However, any such order would be supervised in accordance with national objectives and standards.

Restriction of Liberty Order

Mr Watt currently resides in a caravan. Discussion with [redacted] Serco monitoring services indicates that, whilst it is possible to install monitoring equipment into a caravan, it is not recommended due to the excessive movement and resultant motions reports which are generated. They would also have to research the caravan

further before they could say for definite that the equipment would be suitable. As such, if the court is minded to impose such an order, it would be necessary to allow a further period of 4 weeks, in which to carry out a further full assessment. It may be of note that Mr Watt has previously been subject to restriction of liberty orders, which he has breached.

Custody

Mr Watt is assessed as being at very high risk of receiving a custodial sentence today. He has previously served a number of periods of detention and imprisonment and therefore is sure that he would be able to cope. There are no physical or current mental health problems that would affect his ability to complete a period of imprisonment. The implications of such a sentence for Mr Watt would include the loss of his caravan and his place on the Brechin housing list. Mr Watt states that he is anxious to avoid a further custodial sentence but he realises it is a distinct possibility. Although a period of imprisonment is likely, it is also essential that Mr Watt addresses the areas previously identified in order to begin to reduce the level of risk he currently poses. As such, the court may wish to give consideration to adding a period of supervised release to any custodial sentence, with conditions to adhere to the action plan as detailed for probation, above, but particularly to undertake alcohol and anger management counselling.

Conclusion and summary

Mr Watt was fully cooperative during interview, and presented as a very negative and defeatist young man. He demonstrated very little desire or motivation to change his life situation, and appeared resigned to living his life as it currently is. Mr Watt is currently unemployed and resides in a caravan; he aspires to move to local authority accommodation but is not presently seeking employment.

Based on information available to date, Mr Watt is assessed as posing a high risk of harm and high risk of reoffending, thus posing a high risk to the community overall. He has expressed a willingness to comply with a number of community based disposals as outlined above, but his motivation to engage is questionable and he has previously breached probation, community service and restriction of liberty orders.

In dealing with this matter, a number of sentencing options are outlined above. However, it is difficult to recommend any community based options with confidence.

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Emma Ferrier
Social Worker
Criminal Justice Services

EF/SD: 16.05.06

Subject ID: 67910
Work ID: 19920



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SOCIAL ENQUIRY & COMMUNITY SERVICE REPORT

Surname Watt Date of birth 18.12.83
Forename John Ewan Occupation Unemployed
Address No fixed abode – Marital status Single
..... currently HMP Perth
Court Forfar Sheriff Date of court 3 December 2009
Offence Breach of Bail; Breach of Probation Order; Opening Lockfast Place
SER author Alison Hendry

Basis of report

Mr Watt appeared at Arbroath Sheriff Court on Tuesday, 1 December 2009. Sentence was deferred for a psychiatric report and Mr Watt is due to appear again on 22 December 2009. He remains in custody.

The court may also wish to view the psychiatric report and I would therefore ensure the contents of such a report would be made available to the court. It may therefore be of benefit to defer these matters once again to allow a decision to be made regarding the other outstanding matters.

If the court wishes to deal with these matters today however, please see attached Social Enquiry report which was compiled for Arbroath Sheriff court.

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Alison Hendry
Social Worker
Criminal Justice Services

AH/JT - 02.12.09



INVESTOR IN PEOPLE

Subject ID: 67910
Work ID: 22185



Social Work and HEALTH
Director: Dr Robert Peat

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SOCIAL ENQUIRY REPORT

Surname Watt Date of birth 18.12.83
Forename John Ewan Occupation Unemployed
Address HMP Perth – no fixed abode Marital status Single
Court Arbroath Sheriff Date of court 1 December 2009
Offence Assault to Injury whilst on bail
SER author Alison Hendry

Basis of report

This report is based on the following sources of information:-

- One prison based interview with Mr Watt on 24 November 2009
- With reference to the complaint and the summary of evidence supplied by the court
- With reference to a Scottish Criminal Records Office check dated 11 November 2009
- With reference to departmental records and previous reports
- The risk assessment tool is based on the Hampshire model, which uses clinical and actuarial tools and the self report of Mr Watt
- Knowledge of Mr Watt as his supervising officer

Mr Watt fully co-operated with the compilation of this report.



INVESTOR IN PEOPLE

Outstanding matters

Mr Watt is due to appear at Forfar Sheriff court on Thursday 3 November 2009 in respect of various matters including Breach of Bail (Structured Deferred Sentence) Opening Lockfast Place with Intent and Breach of Probation order.

Mr Watt is in breach of his probation order, he was complying with a period of high tariff structured deferred sentence until he was remanded for this offence.

Background and personal circumstances

Mr Watt advised that he was born in Dundee and raised by his maternal grandmother. He believed for a significant period that his grandmother was in fact his mother. He never met his real mother and continues to regard his grandmother as a parent. He has very brief contact with his father when Mr Watt was seventeen years of age however this contact was not successful, due to his fathers drug use.

Mr Watt stated his childhood was extremely traumatic, and this is verified by department records. He described his mother (grandmother) as "evil" as she routinely abused him both physically and mentally. Mr Watt was encouraged to be violent and aggressive towards others and if he did not act accordingly, would be punished. Mr Watt finds it difficult to recount his time as a child but believes his experiences in the care of his mother are the "root of all his problems".

Mr Watt attended mainstream schools, leaving at the age of 15. He did not enjoy school and obtained no formal qualifications. He stated he learned the basics and has no literacy problems. Mr Watt was accommodated at the age of 15 due to his difficult background. He then met others who were involved in criminal activities and it would appear that this was the start of his offending behaviour.

He was previously employed as a labourer in the building trade for short periods but has never managed to hold down a job for any length of time. Mr Watt enjoys work and found his previous periods of employment and previous community service orders to be positive experiences for him.

Prior to being remanded Mr Watt was living in homeless accommodation in Montrose. He was due to be offered a tenancy in the very near future. This appears to have become a pattern in that he has been at the top of the housing list on many occasions but always offends and is remanded. He will need to present as homeless on release. Due to his risk factor however he will be housed as a priority.

Mr Watt has applied for and received his CICS health and safety certificate. This would have allowed him to apply for work on building sites. Mr Watt is hopeful of gaining employment when released from prison.

Mr Watt is currently single. He was in short tem relationship around two months ago, and was probably the most settled I have seen him. This relationship ended shortly before he was remanded.

Mr Watt currently has a job in the prison and states he enjoys this as it "keeps him busy".

Health/addictions

Mr Watt is physically well.

He believes he has concerns regarding his mental health but has made no attempts to discuss these issues with a general practitioner. A referral was made to the community mental health team in respect of Mr Watt however he failed to register with a general practitioner, and the community mental health team was therefore unable to offer support at that time. It is my assessment that a mental health assessment is required, however Mr Watt has continually failed to adhere to instruction regarding this.

Mr Watt has used alcohol as a means of coping since he was a young man. He has in the past drank to excess for significant periods of time, but more recently has been drinking bottles of "buckfast" tonic wine, two to three times per week.

Mr Watt started using drugs at the age of 15 and still smokes cannabis, and uses amphetamines on occasion. He does not believe he has a drug problem but is aware the professionals in his life assess his drug use as problematic. Again, Mr Watt appears to smoke cannabis as a means of coping, and believes this stops him getting angry.

Attitude towards current offence

Mr Watt advised that he had returned to his flat from a night out in Dundee. He stated he was drunk and had been sleeping. He was awoken from his sleep by banging on his door. He advised he answered the door and although he did not know the two men well, he recognised one of them from having met him in HMP Perth. The men said they wanted to come in and he felt unable to say no to them. On reflection he continued to find it difficult to think of another way he could have dealt with this as he believed they did not look as if they would take no for an answer.

He advised that they were being very loud, turning his music up and asking that he do things for them for example get them a drink and get them a tissue from the bathroom. Mr Watt stated he got the impression they wanted him out of the living room area. An argument started and Mr Watt advised that the victim of the offence stood up brandishing an empty bottle at him. Mr Watt became threatened as it occurred to him the man must have brought the empty bottle with him as it did not belong to him. Mr Watt takes full responsibility for picking up a bottle of his own and then assaulting the man as described in the complaint.

It is my opinion that Mr Watt has always found it difficult to accept responsibility for his actions. Although he stated he felt threatened and there was a high level of provocation he did go on to accept full responsibility for his own violent reaction. He accepts that he has anger management problems and he is fully aware that when he

loses his temper there is a high likelihood someone will be injured. He states he wishes to address such issues, but has failed to do so in the past.

Mr Watt showed little victim empathy, however stated this was due to the fact he had asked them to leave his house and then felt they were threatening him. He did acknowledge that his actions were extreme and that no one deserved to be injured to such an extent at his hands.

Analysis of offending behaviour (including risk assessment)

Mr Watt has a number of previous convictions for a variety of offences. He states that his previous offending which involved a number of dishonesty and road traffic offences were related to his drug use. Mr Watt also has convictions for Malicious Mischief, Firearms Offences, Wilful fire-raising, Public Indecency and Assault to Severe Injury.

Mr Watt is currently assessed as a high risk of re-offending due to predictive factors such as current age, gender, age at first conviction, previous custodial sentences and number of convictions in the last two years.

He is also currently assessed as a high risk of harm to himself and to others due to the nature of his previous convictions, undiagnosed mental health issues, addiction issues and his previous failure to comply with court orders. Based on his offending history is assessed as being a risk to peers, associates, and the general public. This therefore causes concern for the management of the risk he poses.

Mr Watt scored high on his needs assessment with the main areas of concern relating to accommodation problems, lack of life skills, lack of thinking skills, inability to form stable relationships, his negative friends and associates, his mental health and his use of leisure.

Mr Watt is beginning to take responsibility for his offending and his behaviour, he now needs to progress with making significant changes in order to reduce the risk he poses.

Mr Watt needs to:-

- Reside in stable and secure accommodation
- Address issues around his mental health
- Address his drug and alcohol use
- Avoid negative peer associates
- Fully comply with any court orders

Mr Watt is assessed overall as a high risk offender at this time.

Relevant disposals

Deferred sentence for specialist reports

The court may feel it would be of benefit for a psychiatric report to be considered. In order to successfully manage Mr Watt's risk, Criminal Justice Services would need an assessment of his mental health. He has failed to comply with requests and instructions to register and then attend with a general practitioner and it may be that such an assessment could only be successfully achieved if there was a compulsion for Mr Watt to do so.

Financial penalty

Mr Watt is currently remanded at HMP Perth and is therefore not in receipt of any income. Should he be released from custody he would be required to claim benefits and may then be in a position to repay a financial penalty.

Probation

Mr Watt is currently in breach of a probation order. He has however adhered to the instructions of a high tariff structured deferred sentence. Based on his risk he meets the criteria of a probation order and would therefore be assessed as suitable. A risk management plan would include:-

- Weekly contact
- Attendance on the core programme
- Referral to the drug and alcohol team
- Referral to mental health services

As noted the above referrals have been made in the past and I have concerns that Mr Watt would again fail to comply, however Mr Watt clearly needs supervision in the community and based solely on this criminal justice services would be willing to offer probation in order that we could monitor his behaviour. Mr Watt would need to be motivated to comply.

Probation with unpaid work

As noted above, Mr Watt is assessed as suitable for probation and is also assessed as suitable for completing hours of unpaid work. This disposal is available as an alternative to custody.

Community Service

The terms and conditions of a community service order were explained to Mr Watt who advised he understood and would be willing to comply. Mr Watt has successfully completed a previous community service order and continues to be assessed as suitable for undertaking hours of unpaid work.

Custody

Mr Watt is fully aware he is at risk of a custodial sentence, based on the severity of this offence and the fact he has committed a similar offence in the past. Mr Watt needs to address his offending behaviour and it is my assessment that he needs monitored whilst in the community. If Mr Watt was to receive a custodial sentence today the court may wish to consider some post custodial supervision. Alternatively he may be instructed to adhere to a community based disposal for the outstanding matters being heard later this week.

Conclusion and summary

Mr Watt appears today for an assault to injury, where he assaulted a man with a bottle. He accepts full responsibility for this and appears to be moving towards a commitment to address his offending needs.

He is a young man who has experienced a traumatic childhood and continues to present as a deeply troubled and angry young man. He is currently assessed as a high risk offender and would benefit from addressing his mental health issues, substance misuse and in complying with any community based disposal.

The court may wish to consider deferring sentence to allow for a psychiatric report to be completed, whilst Mr Watt is in custody. This would be extremely beneficial in the long term with regards to managing the risk he may pose to others in the future.

Alternatively there are community based disposals available to the court. Mr Watt is aware he is a high risk of a custodial sentence, however was adamant he would attempt to address the highlighted issues as well as comply with any instruction as part of a community based disposal.

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Alison Hendry
Social Worker
Criminal Justice Services

AH/JMW 26.11.09 3.58pm

Subject ID: 67910
Work ID: 23368



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SOCIAL ENQUIRY, COMMUNITY SERVICE AND RESTRICTION OF LIBERTY REPORT

Surname Carroll (Watt) Date of birth 18.12.83
Forename John Ewan Occupation Unemployed
Address 48 Glamis Road, Kirriemuir Marital status Single
Court Arbroath Sheriff Date of court 27 April 2010
Offence Police (Scotland) Act 1967 S41(1)(A) Bail;
Emergency Workers (Scotland) Act 2005 S1(1)
SER author Alison Hendry

Basis of report

This report is based on the following sources of information:

- numerous weekly appointments with Mr Carroll and one especially regarding this report on 20 April 2010
- with reference to the complaint and the summary of evidence supplied by the court
- with reference to a Scottish Criminal Records Office check dated 29 March 2010
- with reference to departmental records and previous reports
- the risk assessment tool is based on the Hampshire model, which uses clinical and actuarial tools and the self report of Mr Carroll
- knowledge of Mr Carroll as his supervising officer

Mr Carroll fully co-operated with the compilation of this report.



INVESTOR IN PEOPLE

Data Protection Act 1998

Outstanding matters

Mr Carroll is due to appear at Forfar Sheriff Court on 10 June 2010. He was placed on a high tariff structured deferred sentence on 4 February 2010 – for breach of probation orders.

He has been complying with a period of high tariff structured deferred sentence since his release from custody on 9 March 2010.

Background and personal circumstances

Mr Carroll advised that he was born in Dundee and raised by his maternal grandmother. He believed for a significant period that his grandmother was in fact his mother. He never met his real mother and continues to regard his grandmother as a parent. He had very brief contact with his father when Mr Carroll was 17 years of age however this contact was not successful, due to his fathers drug use.

Mr Carroll stated his childhood was extremely traumatic, and this is verified by department records. He described his mother (grandmother) as "evil" as she routinely abused him both physically and mentally. Mr Carroll was encouraged to be violent and aggressive towards others and if he did not act accordingly, would be punished. Mr Carroll finds it difficult to recount his time as a child but believes his experiences in the care of his mother are the "root of all his problems".

Mr Carroll attended mainstream schools, leaving at the age of 15. He did not enjoy school and obtained no formal qualifications. He stated he learned the basic's and has no literacy problems. Mr Carroll was accommodated at the age of 15 due to his difficult background. He then met others who were involved in criminal activities and it would appear that this was the start of his offending behaviour.

He was previously employed as a labourer in the building trade for short periods but has never managed to hold down a job for any length of time. Mr Carroll enjoys work and found his previous periods of employment and previous community service orders to be positive experiences for him.

Prior to being remanded Mr Carroll was living in homeless accommodation in Montrose. He was due to be offered a tenancy in the very near future. This appears to have become a pattern in that he has been at the top of the housing list on many occasions but always offends and is remanded. Mr Carroll was offered temporary accommodation on release from custody and is currently residing at the address cited. He was offered a tenancy last week in Arbroath and this was scanned by the police and deemed suitable. However this tenancy has been withdrawn due to issues with the previous tenant. Mr Carroll was disappointed with the withdrawal of this offer. It is hoped he will be offered another permanent tenancy in the near future.

Mr Carroll has applied for and received his CICS health and safety certificate. He is hopeful this will enable him to seek appropriate employment. Efforts to secure employment are frustrated at this time by him being temporarily housed in Kirriemuir.

Mr Carroll is currently single.

Health/addictions

Mr Carroll is physically well.

Mr Carroll has recently been assessed by a psychiatrist. He does not have a mental illness however it was suggested that his traumatic childhood continues to have a negative impact on him and a psychology report was recommended. Although the court requested a psychological assessment, Mr Carroll has not heard from a psychologist regarding this.

Mr Carroll has used alcohol as a means of coping since he was a young man. He has in the past drank to excess for significant periods of time, but more recently has been drinking bottles of "buckfast" tonic wine, at weekends. Mr Carroll has significantly reduced his alcohol intake since his most recent release from custody. This appears to have been having a positive effect on his physical health and general well being.

Mr Carroll started using drugs at the age of 15 and still smokes cannabis on occasion. Prior to his most recent period in custody Mr Carroll was using a significant amount of cannabis and workers felt this directly affected his mood and demeanour.

A referral was made to the drug and alcohol team and Mr Carroll has attended an initial screening appointment. This is positive in that this is the first time Mr Carroll has shown any motivation to address his alcohol use.

Attitude towards current offence

Mr Carroll was released from custody on the day these offences were committed. He attended at Criminal Justice Services offices and was given a lift to his new temporary accommodation in Arbroath. He was visited by the police regarding his sex offender registration status and then went out in Arbroath to a local public house. Mr Carroll advises that he remembers having a game of pool with several people he met in the bar and then does not recall anything.

He has no recollection of leaving the bar or being picked up by the police, and does not know why an ambulance was called or why he required one. Mr Carroll appeared quite frightened regarding this total black out and has since stated that he intends to reduce his alcohol intake.

Mr Carroll was informed both by the police and myself regarding the circumstances of the offences. Mr Carroll was extremely regretful for his

behaviour towards the ambulance drivers and advised he has no recollection of events and cannot understand why he would have been abusive towards people trying to help him.

These circumstances appear to have encouraged Mr Carroll to reduce his alcohol intake.

Analysis of offending behaviour (including risk assessment)

Mr Carroll has a large number of previous convictions for a variety of offences. His previous offending includes a number of dishonesty and road traffic offences which were related to his drug and alcohol use. Mr Carroll also has convictions for malicious mischief, firearms offences, wilful fire-raising, public indecency, assault to injury and assault to severe injury.

Mr Carroll is currently assessed as a high risk of re-offending due to predictive factors such as current age, gender, age at first conviction, previous custodial sentences and number of convictions in the last two years.

He is also currently assessed as a high risk of harm both to himself and to others due to the nature of his previous convictions, addiction issues and his previous failure to comply with court orders. Based on his offending history is assessed as being a risk to peers, associates, and the general public. This therefore causes concern for the management of the risk he poses. In saying this however, Mr Carroll does appear settled and motivated at this time.

Mr Carroll scored high on his needs assessment with the main areas of concern relating to accommodation problems, lack of life skills, lack of thinking skills, inability to form stable long-term relationships, his negative friends and associates and his use of leisure.

Mr Carroll is beginning to take responsibility for his offending and his behaviour, he now needs to progress with making significant changes in order to reduce the risk he poses.

Mr Carroll needs to:

- reside in stable and secure accommodation
- address his current alcohol use
- avoid negative peer associates
- fully comply with any court orders

Mr Carroll is assessed overall as a high risk offender at this time.

Relevant disposals

Deferred sentence for specialist reports

The court requested a psychological assessment in respect of Mr Carroll and this would have been extremely beneficial both to Mr Carroll and to Criminal Justice Services – to enable us to work more effectively with him.

Mr Carroll has received no appointment or information regarding the compilation of such a report.

Structured deferred sentence

Mr Carroll is currently subject to a high tariff structured deferred sentence. He is complying well and attends all appointments. He has recently shown motivation in addressing his alcohol consumption with the drug and alcohol team. He is also showing an increased interest in addressing offence focussed work and recently completed a full risk assessment in respect of himself.

The court may wish to defer sentence to monitor his progress during this deferment period or indeed impose a further structured deferred sentence.

Financial penalty

Mr Carroll is currently in receipt of benefit payments. As noted above he finds it difficult to budget effectively and currently leaves himself with no means of purchasing food etc. Mr Carroll would find it difficult to repay a financial penalty at this time.

Probation

Mr Carroll is currently in breach of a probation order. He has however adhered to the instructions of a high tariff structured deferred sentence. Based on his risk he meets the criteria of a probation order and would therefore be assessed as suitable. A risk management plan would include:

- weekly contact
- assistance in getting ready for group work
- to continue to attempt to find employment and/or volunteer work
- to meet and work with the drug and alcohol team

Mr Carroll is however addressing all these issues currently as a condition of the high tariff structured deferred sentence. He is due to return to Forfar Sheriff Court in June regarding the structured deferred sentence. The court may wish to defer sentence to monitor his compliance at this time.

Probation with unpaid work

As noted above, Mr Carroll is assessed as suitable for probation and is also assessed as suitable for completing hours of unpaid work. This disposal is available as an alternative to custody.

Community service

The terms and conditions of a community service order were explained to Mr Carroll who advised he understood and would be willing to comply. Mr Carroll has successfully completed a previous community service order and continues to be assessed as suitable for undertaking hours of unpaid work.

Custody

Mr Carroll is fully aware that based on his previous offending and previous custodial sentences he continues to be at high risk of receiving a custodial sentence. He has lived a pattern of being in the community for short periods and then being in custody for short periods. Mr Carroll is well aware he needs to break this cycle and he currently appears motivated to address specific issues. Custody would be detrimental at this time, especially regarding Mr Carroll's housing situation. He is currently at the top of the housing list for the Arbroath area. Such a sentence would also negatively impact on his current motivation and the positive progress he is currently making.

Conclusion and summary

Mr Carroll appears today for police assault and obstructing paramedics in their line of duty. He accepts full responsibility for this and appears to be moving towards a commitment to address his offending needs.

He is a young man who has experienced a traumatic childhood and can continue to present as a deeply troubled and angry young man. He is currently assessed as a high risk offender and would benefit from addressing his alcohol and substance misuse as well as complying with any community based disposal.

The court may wish to consider deferring sentence to allow Mr Carroll to continue to evidence his current compliance and motivation. Alternatively there are other community based disposals available.

.....
Alison Hendry
Social Worker
Criminal Justice Services
AH/LH 22.04.10 2.39pm



CRIMINAL JUSTICE SOCIAL WORK REPORT

1 Personal details

URN: S5051/99K	SID: 67910	WID: 43044	
Name	John Carrol	Gender: Male	
DOB	18.12.83	Age	31
Address	33 Abbot Street ARBROATH		
Post code	DD11 1HH		
Court status	Bailed ☒	Remanded in custody ☐	Ordained ☐
Comments			

Current court order/Licence: No other Court Order at this time.

2 Court details

Court	Forfar Sheriff
Date of Court	30 April 2015
Comments	

3(a) Current offence details

Offence(s) Criminal Justice and Licensing (Scotland) Act 2010 S38(1)	Date offences committed 29 November 2014
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3(b) Outstanding matters

The Criminal History Information check dated 14 April 2014 indicates that there are no outstanding matters.

4(a) Basis of report/verification of information

- Interview with Mr John Carrol dated 23 April 2015
- Sight of Criminal History Information check dated 14 April 2015
- Sight of historical Social Work records
- Sight of previous background report dated 15 July 2010
- Case discussion with Joyce McPherson, Support to Families Team
- Case discussion with Alison Hendry, Social Worker, previous Supervising Officer
- Case discussion with Phil Catherall, Unpaid Work Co-Ordinator
- Case discussion with Chevrolet Wallace, Practice Nurse, Arbroath Medical Centre

4(b) Verified sources of information

	Tick as appropriate
Complaint/Indictment	X
Departmental information/service records	X
Medical information	X
Criminal History Check	X
Summary of Evidence	

Risk assessment tool(s): Due to a technical error, the report writer did not have any access to the LSCMI risk assessment tool. Therefore, the risk assessment contained within is based on information gathered during the assessment process.

Comments: Mr Carrol attended the report interview and engaged fully in the process.

5(a) Offending analysis- current

Analysis of current offence(s)

Context:

Mr Carrol advises that he had spent the best part of 29 November 2014 at Arbroath Harbour fishing and consuming alcohol, with a group of associates. At some point in the day, Mr Carrol cannot recall exactly when, two Police officers arrived at the Harbour and began speaking to one of Mr Carrol's associates about an unrelated matter. Mr Carrol advises that at this point he said 'hello' to the Police Officers, who then asked him to get down from the wall that he was standing on, as it was not deemed safe. Mr Carrol advises that he then refused the Police request and became embroiled in an argument about this, before aggressively shouting and swearing at them, in an effort to get them to leave. Mr Carrol advises that the Police Officers then arrested him and he spent the night in the Arbroath cells.

The above is Mr Carrol's account of the offence, however, there is a discrepancy between this and the outline of the offence found in the Court papers, which state that Mr Carrol did 'shout, swear and act aggressively' towards an ambulance technician and a Paramedic, not the Police as Mr Carrol advises. When challenged about this, Mr Carrol remained steadfast that it was the Police that he was shouting at and that there were no medical professionals at the scene. Despite this discrepancy, Mr Carrol's self reporting of the circumstances remain consistent with the Court papers.

What is the level of responsibility for the offence?

Mr Carrol takes full responsibility for his actions on that day, however, initially looked to place some blame on the Police Officers due to how unreasonable he believed they were being. After discussion, Mr Carrol conceded that he alone was responsible for his reaction. Further to this, Mr Carrol did not look to blame his intoxication for his behaviour.

What is the level of planning?

It would appear that there was no planning involved in this offence, rather it was a reactionary outburst from Mr Carrol. However, there were opportunities for Mr Carrol to de-escalate the situation, which he did not do.

What is the individual's attitude and insight into the offence(s)?

Mr Carrol believes that his actions were 'stupid' and that for the sake of listening and following the Police Officers advice, he could have avoided this offence. Mr Carrol is further disappointed as he had been trying to stay out of trouble, but finds himself appearing before Court for another offence.

What is the level of recognition by the offender on the impact/consequences of the index offence(s)?

Mr Carrol showed some insight into how this offence might have impacted upon the victims and wider community. In terms of the direct victims of the offence, Mr Carrol felt that they may have suffered fear due to his aggressive behaviour. In terms of the wider community, Mr Carrol said that anyone who was in the area who may have witnessed the incident may also have been in fear or upset at what they were seeing.

5(b) Offending analysis – previous offending

What is the pattern/history of previous offending?

Mr Carrol has a considerable amount of convictions for a variety of offences, including crimes of dishonesty, road traffic offences, assault to injury, public indecency and breaches of the peace. These offences have been dealt with by way of Admonishment, financial penalty, Community Service, Custody, Probation and Community Payback Order with unpaid work.

6 Personal and social circumstances relevant to offending behaviour and sentencing

Accommodation

Mr Carrol resides at the above address which is his own tenancy that he accessed through a local housing association. Mr Carrol has been living at this address for around a year and advises that someone had broken into and set fire to his previous tenancy. Mr Carrol lives at his current address alone, however, advises that his partner comes to stay on occasion and likewise he stays with her sometimes.

Significant relationships/background

Mr Carrol advises that he was born and raised in Dundee, where he lived with his grandmother. John advises that for many years he believed that his grandmother was actually his mother and that the nature of this relationship has had long lasting negative effects on him. Mr Carrol advised that he was abused physically and mentally at home and encouraged to act aggressively towards others. Mr Carrol reported that he began offending at around age thirteen, committing offences such as shoplifting and vandalism, however, was not caught at this time. At age 15 Mr Carrol was accommodated by the local authority and it was at this stage where he met other young people who were offending regularly and Mr Carrol's offending increased. Mr Carrol did not go much deeper into his childhood and family relationships, but did say that this experience has in some way shaped who he is today and will likely have a lasting impact throughout his life. Mr Carrol has not had any contact with any family members for a number of years and said that he would like it to stay that way for the time being.

Mr Carrol advised that he left Dundee at age 19 in order to get away from trouble and leave his life behind. He spent a few years living on the streets in places such as Fraserburgh, Fife and Edinburgh, before settling in Angus. It was in Arbroath where Mr Carrol met his current partner, who has been with for around three years. Mr Carrol and his partner have a two year old daughter and he tells me that there is Social Work involvement. Discussion with Joyce McPherson from the Support to Families Team confirms this to be the case and advises the writer that Mr Carrol engages well and that there are no immediate concerns for the welfare of his daughter, however, advises that the relationship between Mr Carrol and his partner can be strained. Mr Carrol himself describes his relationship with his partner as 'stressful' and that if they did not have a child together he would have likely put an end to the relationship. The writer asked Mr Carrol if the relationship was worth the stress it was putting him under and he said that it was worth it to make sure his daughter is being looked after, implying that he does not trust his partner's parenting.

Training/education/employment

Mr Carrol advises that he was educated in mainstream schools in Dundee and left education at age 15 with no formal qualifications. Mr Carrol advises that he did not enjoy school but made a lot of friends there. Since leaving school, Mr Carrol has

worked numerous jobs including painting and decorating, gardening and as a panel beater. Further to this Mr Carrol has attended training courses through employment relating to car mechanics and body fitting. Mr Carrol is currently unemployed and is finding it difficult to find work. When asked if he is actively looking for work at the moment, Mr Carrol said he was not as he 'can't be bothered'.

Financial circumstances

Mr Carrol advises that he is in receipt of £140 per fortnight, by way of Employment Support Allowance.

Health

In terms of physical health, Mr Carrol advises that he feels he is in good health and has not had any issues for as long as he can remember. In terms of his mental health, Mr Carrol advises that he suffers from depression and anxiety. Mr Carrol feels that he has always had underlying mental health issues, and was prescribed Citalopram around a year ago to assist with his mood levels. Further to this, Mr Carrol was referred to the Community Mental Health Team for assessment, however, has not worked with the service since June 2014. Mr Carrol advises that in early 2015, he had been arrested by the Police following an incident where he had tried to cut his throat with a knife. Mr Carrol said that this happened following an altercation with his partner, who had told him to 'just kill himself'. Mr Carrol advises that he is not suicidal, and that this incident took place due to stress which had built up as a result of the unhealthy relationship he has with his partner. Mr Carrol feels that this is not something he feels he would do again. Mr Carrol has since sought support for this through his GP who referred him into Insight Counselling.

Leisure/recreation

Mr Carrol advises that he has very little spare time at the moment, but when he does he likes to play his computer or go fishing. In the past Mr Carrol enjoyed watching football and hanging out with friends, however, he now likes to keep to himself and does not spend any social time with friends.

Drugs/alcohol use

Mr Carrol advises that he began using alcohol at age 18 and has continued to do so to the present date. Social Work records indicate that Mr Carrol had previously engaged with the Alcohol, Drugs and Blood Borne Virus team in 2013, regarding his alcohol use, however, was not assessed as needing support at that time. Given that Mr Carrol's level of alcohol use has not increased since that time, this level of intervention may not be suitable at this time, however, given his mental health and reactionary behaviour; continued alcohol use could be a barrier to desistance.

In terms of drug use, Mr Carrol advises that between the ages of 16 and 20 drugs were a big factor in his life. When Mr Carrol was 16 he began using Cannabis along with 'party drugs' such Ecstasy and Amphetamines and this continued until this lifestyle began to take a toll on Mr Carrol's mental health. Mr Carrol advises that he stopped using these substances when he was 20, but has smoked the odd 'joint' on rare occasions.

7 Risk assessment

Risk factors

- Criminal history
- Education employment
- Family/marital

- Leisure/recreation
- Alcohol/drug problem
- Procriminal attitude/orientation
- Antisocial pattern
- Lack of consequential thinking

Protective factors

- Recent completion of an unpaid work order
- Stable accommodation
- Positive engagement with services

Analysis from risk assessment

Pattern:

Mr Carrol has a long history of offending behaviour dating back to 1999 when he was 15 years of age and he has reoffended on an almost yearly basis. Mr Carrol did however, refrain from offending in 2012 and 2013, however then reoffended again in 2014.

Nature:

Mr Carrol has committed a wide range of offences including crimes of dishonesty, road traffic offences, assault to injury, public indecency and breaches of the peace. Due to the varied nature of the offences there is no clear pattern of offending, however, I believe Mr Carrol's alcohol and historic substance misuse to be pertinent factors in his offending.

Seriousness:

Mr Carrol has serious offences in relation to assault to injury and wilful fire-raising, and many of his past offences have involved significant planning. More recent offences include being found in possession of a knife and breach of the peace. This would suggest that Mr Carrol's offending remains serious and that he presents a level of risk in the community.

Likelihood:

Mr Carrol's prolific history and attitude towards his offending would suggest that he may reoffend again in the future. At report stage, Mr Carrol displayed an anti social attitude when questioned about his numerous road traffic violations. Mr Carrol advised that he 'does not believe in driving licenses or car insurance'. Further to this Mr Carrol made it clear that any kind of intervention by the Court would likely 'not have much impact' on him as only he can decide to stop from offending. Offending behaviour has been a fixture in Mr Carrol's life for 16 years and it appears to just be how he lives his life. Positively Mr Carrol did refrain from offending in 2012 and 2013, so he has displayed the ability to desist from offending; however, his stressful relationship and alcohol use may prove to be barriers to desistance at this time.

Serious harm/imminence:

There is no assessment of imminent serious harm.

Suitability for community disposal/public protection issues:

Mr Carrol is assessed as suitable for a community disposal.

8 Review of relevant sentencing options

Financial Penalty

Mr Carrol has experience of paying financial penalties for prior offences and is aware of the consequences should he fail to comply with this disposal. Mr Carrol advises that if he was disposed of with a financial penalty, he could afford to make payments of £20 per fortnight.

Community Payback Order

From the information gathered during the assessment process, Mr Carrol is assessed as having a high level of risk/needs. There are a number of areas in Mr Carrol's life which may require support, and could potentially present as barriers to desistance. These areas are alcohol use, pro-criminal attitude, lack of consequential thinking and interpersonal relationships. I feel that a Community Payback Order with a period of supervision may be of benefit to Mr Carrol, as it would allow for the supervising officer to explore these areas with Mr Carrol and develop a case management plan to address these needs. Previous supervising officer Alison Hendry advises that Mr Carrol benefits greatly from having this type of support and that there would be scope for successful intervention. Following the successful completion of an unpaid work order in 2014, Mr Carrol is assessed as suitable for a further period of unpaid work.

Custody

Mr Carrol is aware that due to his offending history, he is at risk of Custody today. Mr Carrol has had prior experience in custodial settings and this has not acted as a deterrent in terms of further offending. Furthermore, I feel that any custodial sentence at this time would negatively impact upon the work Mr Carrol is undertaking with the Support to Families Team and any potential work with Insight Counselling. Mr Carrol would not be deemed as vulnerable in a custodial environment.

9 Conclusion

Mr Carrol is a 31 years old man, who has an extensive offending history and appears before the Court today for an offence under the Criminal Justice and Licensing (Scotland) Act 2010. Having analysed the information gathered for the preparation of this report, it is my assessment that Mr Carrol has a high level of risk/needs. At this time, Mr Carrol appears to have many stresses in his life and potential mental health issues which may be exacerbated by the stresses of his intimate relationship and his alcohol use. Furthermore, Mr Carrol has displayed an anti social attitude which I believe to be a pertinent factor in his offending behaviour. While the index offence alone may not warrant structured intervention, the nature and pattern of offending suggests that if there is no intervention at this stage, Mr Carrol may continue to offend, and this would present a risk to the local community. Positively, Mr Carrol has shown an ability to refrain from offending, which is evidenced by his desistance throughout 2012 and 2013, however, his recent offending behaviour suggests that there is scope for further work to be undertaken.

Taking into account the above information, it may, if the Court be minded, an option to impose a Community Payback Order with offender supervision, to address Mr Carrol's criminogenic needs. This would allow for the supervising officer to develop a case management plan, focusing on areas such as consequential thinking, alcohol use, interpersonal relationships and Mr Carrol's offending attitude. This work, in conjunction with his engagement with the Support to Families Team and Insight Counselling, may assist Mr Carrol to move towards a pro social life and gain the skills necessary to manage his stress in a positive manner. Mr Carrol has agreed

to undertake such an order and is aware that any failure to comply could result in further consequences.

All other disposals are available today.

10 Report writer details

Name: Jamie McBean

Position: Social Worker

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Office telephone/fax: 01307 473675 / 01241 431898

Signed: Date: 27.04.15

JMCB/MC 27.04.15 16.19PM