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24 January 2021

**Ian Maxwell
Chief Executive Officer
Scottish Football Association**

Ref: David Martindale, Livingston FC

Dear Ian Maxwell,

I am writing this unsolicited letter following coverage of David Martindale's impending case on yesterday's BBC Football Focus. Until that broadcast I was unaware of the case and I have no relationship with him, nor his representatives nor Livingston FC. Although immediately prior to the hearing, I trust that you will accept this submission.

Within my field of criminal law, penology and criminology I am probably best known for my work spanning three decades on the Hillsborough Disaster. However, my research, teaching and publications also have focused on prisons, penal reform and prisoner rehabilitation. This includes in-depth research in Scotland's prisons.

Throughout my work I am aware of the institutional difficulties faced by prisoners leaving prisons unscathed by the difficulties they face inside and the uncertain futures they experience in the community. Clearly, the intention of a progressive penal system is that prisoners 'serve time' as punishments proportionate to the offences they committed. Sentence remission is granted to enable a prisoner who has met or exceeded all expectations to be released on licence to live and work in the community.

Granted remission, it is clear in David Martindale's case that the punitive element of his sentence had been realised. He admitted his guilt and in prison he took the opportunity to gain a University degree. His release laid the foundation for continuing rehabilitation which clearly has been

successful. Almost a decade on, his progress at Livingston FC and his appointment as the Club's interim manager demonstrates the Board's confidence in his employment as a 'fit and proper person'.

I expect that Livingston's confidence is based not only on the success of the Club under his management, but also on how he has adjusted to working with players, all involved with the Club and the media. His media statements have been contrite and show humility in the face of exceptional public scrutiny.

I believe that within its grasp the Scottish FA has the opportunity to acknowledge David Martindale's remarkable personal and professional transition. By accepting he passes the 'fit and proper person' test, the SFA not only, rightfully, would recognise his transition but also demonstrate to other authorities and employers that those who have committed serious offences, through their own efforts and with the support of others, can turn their lives around.

Yours sincerely,

Phil Scraton

Professor Phil Scraton PhD, DLaws, DPhil, MA, BA (Hons)