

## Question 1

For monitoring purposes, the Scottish Government have access to the Scottish Prison Services management information system, which as of 15th December 2021 showed that there were 2,178 individuals held on remand<sup>[1]</sup>. This includes individuals who were 'untried' (1,837) and those 'convicted awaiting sentence' (341). As of 15<sup>th</sup> December 2021, 658 individuals (of the total 2,178) had been held on remand (either untried or awaiting sentence) continuously for more than 140 nights. Using this management information, it has not been possible to distinguish between the different remand statuses over time.

It should also be noted that the 'untried' population will include individuals whose trial has commenced but not concluded, as well as those awaiting commencement of a trial. As a result, the figures referenced above reflect only that an individual has held the same status for an extended period, but do not reflect the relationship between these times on remand and the ongoing court procedures to which they relate.

## Question 2

As per the latest official statistics release (see <https://www.gov.scot/publications/scottish-prison-population-statistics-legal-status-2019-20/>), in Table 1 below, we have provided the information requested for the 10 year period to 2019-20. The data provided is based on departures and transitions that have occurred in each year, which ensures that all days in custody are estimated. The estimates provided here represent *all* remand departures and transitions from the remand to the sentenced population, which will include, where applicable, time spent as 'convicted awaiting sentence' as well as 'untried'.

**Table 1: Departures and transitions from remand after more than 140 days in each financial year to 2019-20**

	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20
All Departures & Transitions	14,895	13,458	13,460	13,458	12,936	12,082	11,063	11,315	11,526
Total Departing or Transitioning after more than 140 days	424	381	374	391	370	349	503	782	966
% of departures and transitions taking place after more than 140 days	2.8%	2.8%	2.8%	2.9%	2.9%	2.9%	4.5%	6.9%	8.4%

### Notes:

- **Departure or transition from remand:** for the purposes of analysis, a departure or transition is counted within the dataset when an individual has ceased to be recorded as occupying a cell within prison for one or more nights, or they have received their first sentencing warrant, after a period held in custody under a remand warrant.
- **Time on remand:** Time spent with a remand status (untried/convicted awaiting sentence) before departure or the first intersecting sentencing warrant.

## Question 3

Unfortunately, the Scottish Government does not hold the information requested.

## Question 4

The Scottish Government hold some of the information requested in question 4. In Table 2 below, we provide the volume of remand departures and transitions per year by banded time period for the 10 years to 2019-20. We also provide the average number of days (denoted by the mean) spent on remand per year to 2019-20.

However, we cannot provide all of the information requested. As stated previously, the longitudinal dataset on the prison population has been recently developed, with further developments planned and ongoing. The information pertaining to the maximum (or the greatest) length of time spent on remand in each year has not yet been subjected to sufficient quality assurance and auditing for publishing. The Scottish Government are working towards this at the present time.

It should also be noted that the figures provided here relate to *all* time on remand and not just time awaiting trial. It is not yet possible to distinguish between remand statuses over time. The Scottish Government have however published figures on the different 'journeys' through custody that an individual may experience when they enter remand. Figures on the volume of different custodial journeys are available in the latest official statistics release (<https://www.gov.scot/publications/scottish-prison-population-statistics-legal-status-2019-20/pages/7/>), as well as the median number of days associated with each overall custodial journey. Data are available from 2009-10 to 2019-20.

**Table 2: Departures (and transitions) from remand per year by time on remand**

Banded Time on Remand	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20
1 day or less	691	700	733	674	697	638	529	585	539
2-7 days	1,926	1,653	1,696	1,660	1,512	1,320	1,249	1,321	1,205
<=2 weeks	1,902	1,636	1,662	1,729	1,542	1,391	1,352	1,299	1,240
3 weeks	2,286	1,969	1,933	1,810	1,726	1,693	1,395	1,441	1,297
4 weeks	2,252	2,028	2,078	2,016	2,033	1,877	1,742	1,707	1,818
5 weeks	1,522	1,397	1,421	1,378	1,447	1,331	1,270	1,221	1,250
6 weeks	855	758	790	778	730	722	677	592	661
7 weeks	412	384	381	346	332	384	336	348	364
8 weeks	337	298	291	307	300	298	321	286	295
9 weeks	205	224	200	225	205	212	207	212	225
10 weeks	179	164	152	143	142	172	139	160	126
71-140 days	1,904	1,866	1,749	2,001	1,900	1,695	1,343	1,361	1,540
> 140 days	424	381	374	391	370	349	503	782	966
Departures and Transitions	14,895	13,458	13,460	13,458	12,936	12,082	11,063	11,315	11,526
Mean number of days	37.9	39.0	38.3	40.9	40.5	41.9	41.9	45.7	50.8

### Notes:

- **Departure or transition from remand:** for the purposes of analysis, a departure or transition is counted within the dataset when an individual has ceased to be recorded as occupying a cell within prison for one or more nights, or they have received their first sentencing warrant, after a period held in custody under a remand warrant.
- **Time on remand:** Time spent with a remand status (untried/convicted awaiting sentence) before departure or the first intersecting sentencing warrant.

## Question 5

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)

Unfortunately, the Scottish Government does not hold the information requested.

However, you may wish to note that we publish official statistics on criminal proceedings in Scotland annually (<https://www.gov.scot/publications/criminal-proceedings-scotland-2019-20/>). These data provide the total volume of convictions in Scottish courts per year, as well as the volume of custodial sentences issued. Unfortunately, the criminal proceedings data does not distinguish whether an individual appeared in court from remand or otherwise.

The published official statistics on the prison population provides information on liberations from custody, broken down by whether the departure was from the sentenced or the remand population (<https://www.gov.scot/publications/scottish-prison-population-statistics-legal-status-2019-20/>). However, as explained in the publication, the available data on liberations from custody does not contain information on case outcomes, so it is not possible determine the numbers of individuals who were held on remand who are ultimately convicted and/ or sentenced to custody.

[1] The information provided here is counts of individuals held on remand. Individuals may be held on remand as an accused in more than one case proceeding through the criminal justice system. The data at present does not allow us to distinguish between multiple cases and attribute periods on remand to specific cases. The information provided here should not be interpreted as information on how long criminal cases take to conclude.