



Justice Vision and Priorities delivery report - key achievements and impact of Covid 19



CRIME AND JUSTICE

1. Introduction: Justice Vision and Priorities

1.1 The [Justice Vision and Priorities for Scotland](#) was published in summer 2017. Developed by Justice Analytical Services and the Justice Board for Scotland, with membership made up of the Chief Executives and leaders of our justice organisations, it set out an evidence-based set of outcomes along with a collective commitment to seven key collaborative priorities for 2017-2020 shared across our justice organisations and partners.

1.2 The Vision and Priorities were accompanied by a [Delivery Plan](#) which underpins the work on the priorities. It was planned to be revisited annually to report on progress and to be updated with new activity. The 2018-19 update confirmed that the Justice Vision and Priorities would contribute towards the delivery of a number of outcomes in the new National Performance Framework, published in 2018.

1.3 Prior to COVID 19, the plan was to report on the progress against the outcomes and to publish a new Justice Vision and Priorities in March 2021; however, the unprecedented impact of COVID 19 on both policy progress and on the justice system necessitated the establishment of a programme of work for system recovery of the justice system and to ensure a flexible, effective and efficient justice system for the future - the Recover, Renew, Transform (RRT) programme. At present, the programme is still working through the “Recovery” stage, and the work to develop a new Vision and set of priorities will be informed by the RRT programme. This will include drawing on some of the innovations that have been introduced across the justice system during the COVID 19 pandemic. More information on the RRT programme is provided in Section 6.

1.4 The purpose of this report is therefore to summarise the current picture of progress and to highlight our key achievements under the seven justice priorities since 2017. Importantly, the report also describes the impact of COVID 19 on policy development and on the justice system, which has shaped the aims and objectives of the RRT programme.

2. The current picture

2.1 The 2017 Vision and Priorities was built on the outcomes and approach set out in the first Strategy for Justice in Scotland in 2012. By drawing on the evidence base, it reflected on both achievements and challenges for the immediate and longer-term, identifying four key outcomes and seven priorities for 2017- 2020 to help ‘shape our collective effort, inspire collaboration and frame a shared vision for the future’.

2017 Priorities and Challenges

PRIORITIES

| | |
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| 1 | We will enable our communities to be safe and supportive, where individuals exercise their rights and responsibilities |
| 2 | We enable our people, economy and infrastructure to respond to major risk, recover from emergencies and adapt to emerging threats |
| 3 | We will modernise civil and criminal law and the justice system to meet the needs of people in Scotland in the 21st Century |
| 4 | We will work with others to improve health and wellbeing in justice settings, focusing on mental health and substance use |
| 5 | We will work to quickly identify offenders and ensure responses are proportionate, just, effective and promote rehabilitation |
| 6 | We will improve the experience of victims and witnesses, minimising court attendance and supporting them to give best evidence |
| 7 | We will use prison only where necessary to address offending or to protect public safety, focusing on recovery and reintegration |

CHALLENGES



Increasing inequality and adverse childhood experiences



prevention and early intervention



concentration of crime and victimisation



people's experience of justice system



emerging crimes and threats



BREXIT



high prison population



physical and mental health and wellbeing

On the priorities and challenges, our current evidence shows aspects where we continue to make progress, where the situation has remained unchanged, where there is a mixed picture, and also where there is more to do.

Overall, the lower levels of crime and victimisation reported in the Vision and Priorities document have been maintained but significant challenges remain such as an increase in illicit drug use, a rise in custodial sentences and the prison population, and a fall in the use of community sentences.



Crime

- ▶ **Crime has fallen by 46% since 2008-09, and by 21% since 2016-17.** Results from the 2019-20 Scottish Crime and Justice Survey (SCJS) show that around 1 in 8 adults were victims of crime in 2019-20 (11.9%) compared to 1 in 5 in 2008-09 (20.4%). The SCJS detected no change in the overall victimisation rate between 2018-19 and 2019-20.
- ▶ **Police recorded crime remains at one of the lowest levels since 1974. Between 2018-19 and 2019-20, the number of crimes recorded remained almost unchanged.** In terms of shorter term trends, the number of crimes recorded by the police in April 2020 to January 2021

was lower than the same period in 2019-20. It should be noted that the restrictions put in place to limit the spread of COVID-19 will have had an impact on these figures.

- ▶ **Fall in convictions in most categories between 2017-18 & 2018-19.** The decline in convictions in 2018-19 was driven by falls in breach of the peace (13%), common assault (12%) and crimes against public justice (11%). However, convictions for sexual crimes increased by 9% in 2018-19 from 1,112 to 1,215 people.
- ▶ **Lowest number of convictions in last 10 years.** In 2018-19, the number of people convicted in Scottish courts decreased by 6% to 78,503. This is in line with the general downward trend of the last ten years.
- ▶ **While the number of sexual crimes recorded by the police fell in 2019-20, this follows an increasing trend over the last decade.** Multiple factors lie behind the long term increase in recorded sexual crime including a greater willingness of victims to come forward, historical reporting, more online offending and the impact of new legislation. The SCJS for 2018-19 & 2019-20 combined estimates that 3.6% of adults experienced at least one serious sexual assault since the age of 16, unchanged from 2008-09.
- ▶ **Violent crime has fallen over the long term although the detailed picture is mixed.** The

SCJS shows a 39% fall in violent crime between 2008-09 and 2019-20. Police recorded crime shows that non-sexual crimes of violence increased by 16% in 2019-20. This increase is due to the recording of new crimes under the Domestic Abuse (Scotland) Act 2018, following its enactment on the 1st April 2019. All other non-sexual crimes of violence collectively decreased by 5%. These crimes remain at a lower level than all years between 1980 and 2011-12. The number of crimes of handling an offensive weapon which was not used in other criminal activity recorded by the police has increased in recent years but remains significantly down over the longer term.

- ▶ **The number of homicide victims has remained broadly stable over the last eight years.** There were 64 homicide victims recorded by the police in Scotland in 2019-20, a 35% decrease from 2010-11. Since 2012-13, the number of victims of homicide each year ranged between 59 and 64.
- ▶ **Women are more likely to experience partner abuse.** The SCJS for 2018-19 & 2019-20 combined, estimates that 3.2% of adults had experienced partner abuse in the year prior to interview. A higher proportion of women than men experienced this, at 3.7% and 2.6% respectively.
- ▶ **The number of domestic abuse incidents recorded by the police has remained relatively stable between 2011-**

12 and 2018-19. There were 60,641 incidents of domestic abuse recorded by the police in 2018-19, an increase of 2% on 2017-18. In 2018-19, 41% of all incidents recorded by the police included the recording of at least one crime or offence

P o l i c i n g

- ▶ **The number of police officers has been maintained.** There were 17,234 full-time equivalent (FTE) police officers in Scotland on 31 December 2020. This was 1,000 (+6.2%) more officers compared to the position at 31 March 2007.
- ▶ **Increase in crime clear up rate.** The clear up rate for all recorded crimes was 51.5% in 2019-20, up from 51.0% in 2018-19. Clear up rates have been relatively stable over the last decade following a generally upward trend since 1976.
- ▶ **The majority of adults (55%) believe the police in their local area were doing an 'excellent' or 'good' job in 2019-20.** This is a decrease from 61% in 2012-13, but unchanged since 2018-19 (56%). This figure is lower for victims of crime and those living in the 15% most deprived areas of Scotland.

Hate crime

▶ **Police recorded hate crime has remained stable** between 2014-15 and 2019-20, the number of hate crimes recorded by the police has been relatively stable, at around 6,300 to 7,000. In 2019-20, 62% of hate crimes included an aggravator for race, 20% sexual orientation, 8% religion, 4% disability and 1% transgender identity. The remaining 5% had multiple hate aggravators.

▶ **Increase in hate crime charges.** There has been an increase in the number of charges reported to the Crown Office and Procurator Fiscal Service in 2019-20 compared to 2018-19 for all categories of hate crime (race, religion, sexual orientation, disability and transgender identity). Racial crime remains the most commonly reported hate crime, followed by crimes with a sexual orientation aggravator

Alcohol and drug use

▶ **Self-reported illicit drug use amongst adults has increased in recent years.** Where the drug types included in the SCJS are generally consistent over time, self-reported drug use has increased since 2008-09 and 2017-18 (from 7.6% in 2008-09 and 7.4% in 2017-18, to 9.7% in 2018-20). Between 2017-18 and 2018-20, self-reported use of any drug listed in the survey during the 12 months prior to interview, increased from 9.5%

to 13.5%. In the 12 months prior to interview, those aged 16-24 were the most likely to have reported using drugs and cannabis was the drug most commonly used by adults.

▶ **Alcohol & drugs remain a factor in many violent crimes.** The 2019/20 SCJS found that offenders were believed to be under the influence of alcohol and/or drugs in over half (55%) of violent incidents. This was lower than both 2008/09 (68%) and 2018/19 (78%). There has been some fluctuation over the years in the proportion of violent crime where offenders were believed to be under the influence of alcohol, with the latest results suggesting 44% of cases in 2019/20.

Community safety

▶ **Improved public perception of local crime rate since 2008-09 but there is no change since 2018-19.** The public feel safer in their local communities. The SCJS found that, in 2019-20, 73% of adults thought that the local crime rate had stayed the same or reduced in the past two years. This shows an improvement from 69% in 2008-09 and no change since 2018-19 (73%).

▶ **Most adults feel safe walking alone after dark, unchanged from 2018-19.** The SCJS found that over three-quarters (77%) of adults said that they felt 'very' or 'fairly' safe walking alone in their neighbourhood after dark in 2019-20, unchanged from

2018-19 (78%) but an increase from 66% in 2008-09.

- ▶ **Number of fires fallen 37% in the last decade.** In 2019-20, there were 24,472 fires in Scotland, down 9% on 2018-19 and 37% lower than in 2010-11. There were 27 fire fatalities in 2019-20 - 48% lower than in 2010-11 and the lowest in the last decade.

Criminal and civil proceedings

- ▶ **Rise in custodial sentences in 2018-19.** The number of custodial sentences increased by 2% between 2017-18 and 2018-19, from 11,980 to 12,220. The proportion of all sentences resulting in custody rose to 16%, the highest over the past decade. This contrasts with the fall in the proportion of community sentences, from 21% in 2017-18 to 19% in 2018-19.
- ▶ **Reconviction rates are at their lowest level for 21 years. The average number of reconvictions per offender was 23% lower than it was a decade ago.** The fall in the last decade was mostly driven by younger age groups, with average reconvictions decreasing by 19% for under 21s, 29% for 21-25 year olds, and 25% for 26-30 year olds. Average reconvictions also decreased for the older age groups over the decade, but to a lesser degree, with a 7% decrease for 31-40 year olds and 6% for the over 40s.

- ▶ **No. of children referred to SCRA on offence grounds down by almost two-thirds in last 10 years.** Statistics published by the [Scottish Children's Reporter Administration](#) (SCRA) show that, in 2019-20, 2,840 children were referred to the Reporter on offence grounds. This constitutes a decrease of 64% since 2010-11.

- ▶ **Long-term downward trend in initiated civil law cases, normalising after the rise in caseload in 2017-18.** There were 72,100 civil law cases initiated across the Court of Session and sheriff courts in 2018-19 (excluding summary applications). This represents a decrease of 11% from 2017-18, which continues the long-term downward trend in court business levels over the last ten years.

P r i s o n s a n d c o m m u n i t y s e n t e n c e s

- ▶ **The prison population had grown prior to COVID 19.** [Daily population figures for Friday](#) published by the Scottish Prison Service, show that the prison population rose from around 7,500 in April 2018 to around 8,300 in November 2019, but fell sharply in the early days of lockdown. This was due to a drop in the number of sentenced admissions following the Coronavirus outbreak and the

early release of prisoners. The remand population was at 1,114 on 27th April 2020, but grew to over 2,000 by September. Since October 2020, there have been slight falls and rises in the remand population, but overall it has remained stable, reaching 1,946 on 25th January 2021 (26% of the overall prison population).

during 2019-20, was 1% lower than in 2018-19. Seventy per cent of these had an unpaid work or other activity requirement, while 62% had an offender supervision requirement. Community payback orders accounted for around 96% of all social work orders imposed in 2019-20.

▶ **The number of Community payback orders imposed**

3. Key achievements under the Justice Vision and Priorities

3.1 An [overview of progress](#) on the actions set out in 2017-2018 Justice Vision and Priorities Delivery Plan was published on October 2018 together with new approaches and additional actions for 2018-2019. It showed considerable progress had been made under the seven Justice Vision priorities. This report builds on that progress report and describes some of the key achievements under each priority for the whole period 2017-2020.

Priority 1 - We will enable our communities to be safe and supportive, where individuals exercise their rights and responsibilities.

- We have embedded a new approach in seeking to eradicate domestic abuse through criminal law reforms that better reflect how victims' experience domestic abuse and a renewed and enhanced focus on challenging perpetrator behaviour through expansion of behaviour change programmes for domestic abusers.
- We established the [Victims Taskforce](#) which has brought together leaders across the justice system, third sector support organisations, local authorities and the legal profession to focus on a victim-centred approach, trauma informed practice and key aspects of our response to gender-based violence.
- We have continued to reinvest money from proceeds of crime into communities through the [Cashback for Communities](#) Programme which runs across all 32 local authorities. Phase 4 was successfully completed in March 2020 with a formal evaluation published in December. The current Phase 5 runs from April 2020 to March 2023 with committed funds of up to

£19 million to support a mix of national and local projects, delivered by third sector and community organisations.

- There has been support for and investment in community based projects to tackle sectarianism working with young people and adults in school, college, university, workplace, community and online settings. We have also continued with ongoing work on marches, parades and static demonstrations with Police Scotland, local authorities and event organisers to balance maintaining public safety, limiting disruption to the life of the community and the protecting freedom of speech.
- There has been ongoing investment in the [Scottish Violence Reduction Unit](#) and violence reduction programmes such as [Medics Against Violence](#) (including the hospital-based [Navigators](#) programme), Mentors in Violence Prevention Scotland and [No Knives Better Lives](#).
- The Grenfell Inquiry phase 1 recommendations report has now been published and sets out the position in Scotland.
- The Scottish Biometrics Commissioner Bill was passed by the Parliament in mid-March 2020 and became an Act in April 2020. The Act establishes the office of Scottish Biometrics Commissioner and provides for its functions in relation to the acquisition, retention, use and destruction of biometric data for criminal justice and police purposes.
- There has been ongoing implementation of the [National Missing Persons Framework for Scotland](#) through the Working Group for Missing People and National Coordinator working in and with local areas to improve multi-agency working and response for those who go missing and support for people who return.
- Police Scotland have now embedded their 'Ethics Advisory Panels Structure' which provide an opportunity for officers and staff to raise and discuss issues they feel raise an ethical dilemma and allow the views of panel members to inform the final decision. Triage Portal was launched at the end of last year inviting anyone to submit an Ethical Dilemma to the team, which will be assessed and an agreement will be reached as to what level they best sit at. Over the course of the last year there have been a number of training events for Panel members and there are currently 90 trained regional panel members, 30 national members and 24 trained chairs. Since the inception of the Independent Panel, the team have approached approximately 100 different organisations from the Public, Private and 3rd Sector in Scotland.
- Legislation (the Civil Partnership (Scotland) Act 2020) was taken forward to introduce mixed sex civil partnership. That work has continued and the first mixed sex civil partnerships are expected in June 2021.

- The Children (Scotland) Act 2020, to improve how family cases are dealt with by the courts was also progressed and is now in the implementation phase.
- Work across Safer Communities and Justice Directorates ensured that each area was sighted on the consequences of EU Exit on the Justice system and the safety of our communities.
- Following the terror attacks in 2017, 2019 and 2020, and prior to COVID 19, discussions were held with partners regarding the delivery of safety and security in Publicly Accessible Locations and more widely in Scotland. Advice was provided to Scottish Government business units delivering major events etc. regarding safety and security.
- The Scottish Government committed within the 2018-19 Programme for Government to review the Strategic Police Priorities (SPPs), following a three year period in which the policing system has continued to develop, and the leadership and governance at the Scottish Police Authority (SPA) and Police Scotland has been strengthened. The [updated SPPs](#) were published in December 2019, following a public consultation. At the heart of the SPPs is a commitment to work collaboratively to keep communities, safe and deliver preventative services, sitting alongside the prioritisation of equality and human rights to support positive criminal justice outcomes and continuing to inspire public trust by being ethical, open and transparent, thus build a positive reputation at a local, national and international level. We expect that these priorities will remain in place for a period of 6 years, with a plan to consult the SPA, Police Scotland and local authorities, halfway through this period to help us consider whether they remain relevant and appropriate.
- Despite constraints on Scotland's public services through a decade of UK austerity, policing services have been maintained and improved. In 2020-21 the policing budget is over £1.2 billion, increasing to £1.3 billion in 2021-22. This will eliminate Police Scotland's structural deficit and deliver a sustainable budget position, while protecting the workforce. We committed to protect the police resource budget in every year of the current Parliament – a boost of £100 million by 2021. We have exceeded this commitment. This investment supports the delivery of the Joint Policing Strategy, to meet changing demands, and to strengthen support to communities. Overall we have increased police funding year on year since 2016-17 and we have invested over £9 billion in policing since the creation of Police Scotland in 2013.
- Governance of the SPA has been stabilised and strong and effective leadership is in place in Police Scotland. The SPA provide oversight and hold the Chief Constable of Police Scotland to account, this role is central to ensuring that all operational policing matters are shielded from undue political intrusion.

- In November 2019, the Cabinet Secretary for Justice announced that a Public Inquiry into the death of Sheku Bayoh was to be set up. On 26 November 2020 the Cabinet Secretary for Justice announced the setting up date for the Public Inquiry into the death of Sheku Bayoh and the appointment of two assessors – Raju Bhatt and Michael Fuller QPM to support Lord Bracadale. On 30 November 2020 the Public Inquiry was officially passed over to Lord Bracadale to begin work.

Priority 2 - We will enable our people, economy and infrastructure to respond to major risk, recover from emergencies and adapt to emerging threats

- The spending capacity of the Fire Service was increased by £15.5 million in 2018-19, a further £5.5 million in 2019-20 and another £6.1 million increase in 2020-21.
- The Counter Terrorism Unit continues to engage with all the Emergency Services and consequence management partners in delivering appropriate and proportionate preparedness to respond to the threats and risks posed by a terrorist incident. Prior to COVID 19, the Unit has developed and overseen delivery strategies with the Emergency Services against each of the significant threats in the National Security Risk Assessment and continues to assess capacity against these and refresh the documents against emerging and evolving threats.
- We have continued to deliver the ambitions of the [Cyber Resilience Strategy](#), particularly on the actions relating to raising cyber resilience of the public, private and third sectors. National partners have been key to the successful implementation of this strategy
- In September 2020 the SPA approved Police Scotland's '[Cyber Strategy 2020](#)' which sets out the establishment of a National Centre of Excellence and increased recruitment of specially trained officers and staff to tackle the rise in cybercrime. The centre of excellence will bring together the expertise of around 100 officers and staff already working in the cyber field. It will be boosted with an extra 50 officers and staff in the short-term, but this number will rise over time.
- The Emergency Services Mobile Communications Programme (ESMCP) is a Home Office led programme to deliver the next generation of mission critical communications to be known as the Emergency Services Network (ESN). The programme will provide for the exchange of data, in addition to voice. ESN will replace the current Airwave radio system that currently provides critical voice services and is therefore, considered as part of the critical national infrastructure. On the 4th February 2021, we published the Infrastructure Investment Plan which outlined Scotland's commitment to the programme in working with Home Office to support the delivery of the new critical national infrastructure for an Emergency services network

(ESN). The ESN will also contribute towards the government's wider policy of enhancing mobile coverage through the Shared Rural Network.

Priority 3 - We will modernise civil and criminal law and the justice system to meet the needs of people in Scotland in the 21st century.

- The Digital Evidence Sharing Capability (DESC) Programme is a collaborative cross-Justice initiative to provide a common platform for the collection, management and sharing of digital evidence across the criminal justice sector. The wider CJ Reform Programme aims to deliver, not only DESC, but Virtual Court Hearings, Digital Productions, Virtual Summary Courts, Remote Police and Witness Evidence. If successful, all of these could lead to significant improvements, albeit at a significant initial undertaking in terms of finance and resources.
- In order to better understand the decision making process that juries go through, we undertook the [largest and most realistic mock jury research of its kind ever undertaken in the UK](#) published in October 2019. From November 2019 through to March 2020, a broad range of stakeholder events took place to seek views on all of the research findings and any implications they may have for criminal justice reforms.
- The implementation of the Trafficking and Exploitation Strategy has continued and the [second annual progress report](#) was published in June 2019. (Also priority 6.) In summer 2019, a [public consultation](#) was launched on section 38 of the Human Trafficking and Exploitation (Scotland) Act 2015 relating to the duty to notify. The analysis report for the public consultation was published on 30 April 2020.
- The Defamation and Malicious Publication (Scotland) Bill was introduced to the Scottish Parliament in December 2019 and passed Stage 3 in March 2021. The Bill will simplify and modernise defamation law, while ensuring that a better balance is struck between freedom of expression and protecting someone's reputation
- We have continued to reform the tribunals system to benefit efficiency and access to justice.
- Following a period of public consultation, we intend to work closely with stakeholders to develop proposals for a new statutory framework for a modern, forward-looking and user-centred Legal Aid system for Scotland.
- The Legal Aid Payment Advisory Panel was established to advise on an evidence-based approach for a review of fee levels for legal aid services - an important step towards modernising the system of feeing to ensure that it is fair to both the taxpayer and the provider, and is sustainable for the

future. The final meeting of the Panel has now been scheduled for 19 March 2021.

- In October 2020 the Cabinet Secretary for Justice confirmed that the Scottish Government would accept the single recommendation made by [independent review of the miners' strike](#) - to pardon certain convictions linked to the strike.
- [The final report](#) from Dame Elish Angiolini's Independent Review of Complaints Handling, Investigations and Misconduct Issues in Relation to Policing was published on 11 November 2020 and made 81 recommendations. This Review was considering the effectiveness of law and practice in the entire complaints and investigations landscape, in order to make recommendations for improvements to ensure the system is fair, transparent, accountable and proportionate, in order to strengthen public confidence in policing in Scotland. The review made 81 recommendations.
- The Victims and Witnesses (Scotland) Act 2014 introduced various measures to improve the support and information available to victims and witnesses of crime. This included provisions to introduce a new financial penalty of a restitution order to be available to the courts for those convicted of assault on police or police staff (under section 90(1) of the Police and Fire Reform (Scotland) Act 2012.) The monies received to be used for support services for victims of that offence. Implementation involved UK Section 104 order and SSIs, in addition to working with stakeholders on the detail of the introduction of 'restitution orders and the operation and use of the Restitution Fund.

Priority 4 - We will work with others to improve health and wellbeing in justice settings, focussing on mental health and substance misuse

- Police Scotland (PS), Scottish Fire and Rescue Service (SFRS) and the Scottish Ambulance Service (SAS) continued to work closely under the auspices of the Reform Collaboration Group (RCG) to share key data, identify vulnerability and to focus on preventative work and joint response models.
- We are making good progress towards delivery of our commitment to fund 800 additional mental health workers across Scotland, including a number in justice settings. As at 1 July 2020, an additional 485.6 whole time equivalent (WTE) mental health roles have been filled which equates to 61% of the overall target. These posts work alongside the police to provide support to individuals coming into custody and complement services and process that are already in place to respond to the needs of individuals in police custody. As of 1 July 2020 11.45 WTE of these posts were within police station custody suites. We are in the process of finalising the latest

recruitment data until 1 January 2021 and plan to publish this in March 2021.

- Police Scotland aim to provide the highest standards of care to those in custody, operating under the terms of the [Standard Operating Procedure for the Care and Welfare of Persons in Police Custody; the Standing Operating Procedure for the Criminal Justice \(Scotland\) Act 2016 \(Arrest Process\)](#); and the Police Service of Scotland Solicitor Access Guidance. In addition Police Scotland have also developed a Harm Reduction Strategy for Police Custody which prioritises a collaborative Public Health approach to tackle the underlying causes of offending and maximise the safety & wellbeing of people in custody.
- Police Scotland also adhere to the guidelines in the [Mental Health and Place of Safety Standard Operating Procedure](#), which provides procedures for officers and staff coming into contact with people experiencing mental health crisis and sets out that officers and staff will always act with fairness, integrity and respect, focussing on the needs of the individual whilst keeping them and others safe. A detailed vulnerability and risk assessment takes place at the point of processing into a custody facility and, where appropriate, any referrals will be made to the NHS or to other appropriate support services, depending on individual needs and circumstances. Where further support is required for complex conditions such as mental health, mental health teams (including Psychiatry) can visit the Police Station Custody Suite or, if appropriate, the person can be transferred to a mental health setting or emergency department.
- Police Scotland are piloting the carriage and use of Naloxone intra-nasal spray by officers. This reverses the suppression of the respiratory system in cases of opioid drug overdose (critically allowing time for ambulance staff to arrive on scene and take over emergency care).
- As part of commitment to enhance health and wellbeing in the justice system, all Scottish prisons went smoke-free from December 2018. The Scottish Prison Service (SPS), NHS Scotland, SG and local health boards worked together to develop a specification for tailored support to be in place to help people in custody manage in a smoke free environment. This has been a significant achievement for public health.
- We have been progressing the recommendations of [HM Chief Inspector of Prisons Expert Review of Mental Health for Young People](#) in HMP Polmont which includes a range of action needed across mental health, youth justice, NHS and SPS to improve mental health service delivery for young people at Polmont.
- We have worked with partners to establish collaborative leadership arrangements across Health and Justice to oversee joint work on key shared priorities. Through the Health & Social Care in Prisons Programme, we have been working to take forward a range of projects to address the structural barriers to local improvement in the delivery of

Health and Social Care services for people in prison, and those returning from prison to their communities.

- The Scottish Government has made a commitment to develop a trauma-informed workforce across Scotland, supported by the [National Trauma Training Programme](#), led by NHS Education for Scotland. Trauma training has also been rolled out across Scotland.

Priority 5 - We will work to quickly identify offenders and ensure responses are proportionate, just, effective and support rehabilitation.

- The Management of Offenders (Scotland) Act 2019 (MOO) achieved Royal Assent in July 2019. In light of the impact of COVID 19 on the justice system, it was decided to expedite the expansion of electronic monitoring. MOO sets out details of proposed new policy uses of electronic monitoring, and provided a framework for broader expansion including through new technological uses. The current proposals are to commence Part 1 of MOO in order to enable the new policy uses (using the current technology not making the change to the technological uses at this time). The commencement of Part 1 of the Act will allow new policy uses, such as electronically monitored bail, to be added to the list of disposals that can be monitored.
- Two sets of Regulations in relation to electronically monitored bail have been taken forward in recent months in preparation for the measure to be introduced. The Scottish Government have been working intensively with partners including the Police, social work, Crown Office and Procurator Fiscal Service (COPFS) and Scottish Courts and Tribunal Service (SCTS) to prepare for these powers to be given effect. This is a significant change in the system and it is important it is done carefully and that all partners can provide assurances that they have the necessary arrangements in place, in order that electronically monitored bail has the desired policy impact. In the meantime courts can and do continue to bail people where they deem it appropriate to do so.
- We issued revised guidance to support the delivery of bail supervision along with the establishment of an incentive-based funding scheme to further encourage the provision of such services across Scotland. Bail supervision is intended to provide a robust and credible alternative to remand where individuals are assessed as needing a level of supervision and support to meet their bail conditions, and can help minimise the numbers of individuals held on remand in custody pending trial or for reports after conviction.
- Work is being undertaken to ensure that legislation on Terrorist Offenders appropriately reflects the Scottish position and that effective support and rehabilitation is provided to terrorist offenders in prison and supervision on release.

- In September 2020, we launched the first ever national consultation on prostitution. Respondents were invited to give views on how we challenge men's demand for prostitution and also ensure support for people when they need it, including to exit prostitution. A streamlined version of the consultation was also produced to support engagement.
- [The Caledonian System](#), a court mandated perpetrator programme for men, women and children, is now available as a court disposal in 19 local authorities. Bespoke training has been delivered to workers, sheriffs and judges, and Caledonian has contributed to the design of the Domestic Abuse Matters training being delivered to Police Scotland personnel. The Caledonian are also working with the Safe and Together Institute to explore options to deliver training to Caledonian staff on Safe & Together.
- Initial work is underway to develop demonstration projects for non-mandated perpetrator programmes which will provide insight into what requires to be in place to deliver non-court mandated work safely in particular women and children's services.
- A pilot is underway in HMP Castle Huntly enabling men serving long sentences for domestic abuse offences to complete the first stage of the Caledonian men's programme prior to their release with ongoing post release programme work and women and children's services provided by community based Justice social work teams.
- In 2019, the Scottish Government awarded funding to the Safe & Together Institute and the Improvement Service to provide support and tools to raise awareness of the Safe & Together model across Scotland, and support a shift towards embedding domestic abuse-informed practice across different policy areas. 'A Companion Document: The Safe & Together Model and Domestic Abuse Perpetrator Programmes' was developed in partnership with Community Justice Scotland and in consultation with practitioners trained in both Safe & Together and working with perpetrators (also priority 6).
- The [Restorative Justice Action Plan](#) was published on 28 June 2019 (also priority 6).
- Work is ongoing with partners to address the complex and prevalent issues around the legal and lawful sharing of data. CJS have worked with Social Work Scotland, Police Scotland, SCTS, etc. to develop solutions that can be applied nationally to ensure the safe and legitimate free-flow of information which supports the functioning of the justice system.

Priority 6 - We will improve the experience of victims and witnesses, minimising court attendance and supporting them to give best evidence

- The Forensic Medical Services (Victims of Sexual Offences) (Scotland) Act which came in to force in January 2021, enshrines in law a holistic healthcare and recovery focused model and will provide a legal framework for consistent access to self-referral services across Scotland.
- The [Vulnerable Witnesses \(Criminal Evidence\) \(Scotland\) Act 2019](#) creates a new rule for child witnesses under 18 to ensure that, where they are due to give evidence in the most serious cases, they will be allowed to have it pre-recorded in advance of the trial. This will usually be by the special measure 'evidence by commissioner'. Regulations allowing any child witness under the age of 18 giving evidence in the most serious cases in the High Court to have their evidence pre-recorded came into force in January 2020. This will spare children the trauma of giving evidence during a trial.
- We have worked with key justice partners to support a pilot in three areas in Scotland to visually record rape complainers' initial statement to the police and consider the potential for these to be used in appropriate cases as evidence in chief in any subsequent trial. Rape Crisis Scotland is providing valuable advocacy support for victims with additional funding from the Scottish Government.
- Victims Taskforce (see priority 1) actions to date include developing options for a Victim Centred Approach, work to identify best practice and gaps in trauma informed practice and engagement on privacy rights, safeguarding and juror attitudes in sex and domestic abuse cases.
- Victim Surcharge Regulations passed in November 2019 and the Victim Surcharge Fund Guidance was published May 2020. The Victim Surcharge Fund opened to applications from Victim Support Organisations on 14 January 2021 and the aim is that first payments from Fund will be made by the end of March 2021.
- A commitment was made in 2018 to have Restorative Justice (RJ) services available across Scotland by 2023. The [Restorative Justice Action Plan](#) published in June 2019 setting out how this will be achieved. Since then, The RJ Stakeholder Group was established January 2019, a stakeholder workshop aimed at logic modelling the Actions took place in February 2020. Further 3 meetings held from October 2020 to January 2021.
- SSIs were laid in January 2021 to commence section 5 of the Victims and Witnesses (Scotland) Act 2014 and prescribe who should have regard to the Guidance.
- Appropriate Adults (AA) provide communication support for vulnerable victims, witnesses and accused during police investigations. In January 2020 secondary legislation placed a statutory duty on local authorities to deliver Appropriate Adult services and made the Care Inspectorate responsible for assessing the quality of AA provision.

- The Victim Statement public consultation was carried out in Autumn 2019. Development and delivery of pilot projects to trial alternative options for where, when and how victim statements can be submitted required amendments to law. The Criminal Justice (Scotland) Act 2003 (Supplemental Provisions) (Scotland) Order 2021 laid in parliament on 26th January will allow greater flexibility in how the powers relating to victim statements can be used.
- In November 2019, we took forward a number of recommendations resulting from the Transforming Parole in Scotland consultation – promising actions so as victims can feel better protected, more reassured and better informed about the parole process. In March 2021, changes come into force through the Parole Board (Scotland) Amendment Rules 2021, setting out a procedure for victims, and family members of victims to be observers at parole hearings.
- In 2019, the Scottish Courts and Tribunals Service officially opened a new specialised Evidence and Hearings Suite in Glasgow, with funding support from Scottish Government. The Suite provides facilities to let child witnesses pre-record their evidence and for vulnerable witnesses to give evidence remotely away from the formality of a court room. The suite also provides hearing rooms for the Additional Support Needs Tribunal.
- The National Joint Investigative Interviewing (JII) Project was established to develop a new approach to the joint investigative interviewing of children in Scotland to improve the quality of experience of child victims and witnesses, minimise re-traumatisation, and improve the quality of evidence gathered during joint investigative interviews to prevent the need for these children to have to give evidence in person as part of court processes. 2020/21 saw further piloting of the new model prior to a full evaluation around the potential for full national rollout.
- The Children (Scotland) Act 2020, referred to above, contains measures to improve the experience of domestic abuse victims in the family courts.

Priority 7 - We will use prison only where necessary to address offending or to protect public safety, focusing on recovery and reintegration

- The Scottish Prison Service has been taking forward a programme of work to modernise Scotland's prison estate to ensure it is fit for the future and able to meet the changing demands and complexities of the prison population. This includes the transformative plans for the new female estate where construction is currently underway on the new Women's National Facility and two Community Custody Units in Dundee and Glasgow, scheduled to be delivered in 2022. Other priorities include progressing the work to replace HMP Barlinnie and HMP Inverness.

- The ability to track people who have offended or wanted individuals quickly in order to protect our communities is a priority. SIS II (second generation Schengen Information System) allows real time alerts to be registered and the European Arrest Warrant (EAW) allowed for quick and efficient sharing of information.
- To encourage a further shift towards community sentencing, the presumption against short custodial sentences was extended by Parliament from 3 to 12 months or less in 2019.
- The Age of Criminal Responsibility (Scotland) Act 2019 was passed unanimously by the Scottish Parliament on 7 May 2019 and received Royal Assent on 11 June 2019. The Act will raise the age of criminal responsibility in Scotland from 8 to 12. Additionally, it provides certain safeguards to ensure that harmful behaviour by children under 12 can be responded to in an appropriate and meaningful way, which will not criminalise children.
- Community Justice Scotland published [National Guidelines on Diversion from Prosecution in Scotland](#) in June 2020, which was developed in collaboration with the Scottish Government and other partners including Social Work Scotland, COPFS, Police Scotland, and the Children and Young People's Centre for Justice.
- The Scottish Government published [national guidance on Structured Deferred Sentences \(SDS\)](#) in February 2021, along with confirmation of a new incentive funding scheme starting in 2021/22, to promote consistency of approach in the delivery of SDS services and assist in their establishment where these are not currently available. SDS aims to provide a structured intervention for individuals upon conviction and prior to final sentencing. They are generally used for people in the justice system with a range of complex needs that may be addressed through social work and/or multi-agency intervention, but without the need for a court order. SDS also offers the opportunity for justice social work services and key partners to directly provide and tailor interventions for individuals.
- Exploratory research has been commissioned by the Scottish Government to better understand the decision-making process around the refusal of bail. This is relevant to understanding the relatively high proportion of people held in Scotland's prisons on remand.
- Since the launch of the National Strategy for Community Justice in April 2017, additional funding totalling almost £30 million has been invested in community justice services. This includes funding to support the implementation of the extended presumption against short custodial sentences; additional investment of £1.65 million over 3 years from 2019-20 to support and develop bail supervision services; and an additional £4 million invested from 2020-21 to support diversion from prosecution, bail supervision, and structured deferred sentences.

4. Impact of COVID 19 on policy actions

4.1 In spite of these considerable achievements, many justice policies have either been necessarily delayed by COVID 19 or have had to adapt quickly to respond to the impact of the pandemic. Some examples of these of these impacts, and the responses are illustrated below.

Prisons and Community Justice

4.2 There has been a significant impact on prisons in Scotland, however huge effort has been, and continues to be, made in ensuring that Scottish prisons continue to operate well in the context of COVID 19. Robust hygiene and safety measures remain in place to reduce the spread of the virus and to keep people in custody fully informed.

4.3 Modernisation of a fit for purpose prison estate remains under way although this was impacted by delays due to lockdown restriction on construction (approximately 5 months). Construction on the transformative and world-leading female custodial estate, including the new female national prison and two Community Custody Units in Dundee and Glasgow, all estimated to be operational in 2022. Work on replacements for HMP Inverness and HMP Barlinnie is also progressing. Early procurement activity and contractor engagement is underway for HMP Highland at the chosen site at Inverness Retail and Business Park, with the operational date estimated for Spring 2024. The ownership of the HMP Glasgow site within the Provanmill area of the city was formally transferred to SPS in December 2020. Construction works are estimated to commence in Summer 2023 with an estimated completion date of Summer 2026. Meanwhile, improvement works within HMP Barlinnie are also underway with much needed upgrades to the prisoner reception area and healthcare facilities. The first phase of the work is scheduled to be delivered by May 2021.

4.4 COVID 19 has made it necessary to accelerate some implementation work - for example structures were put in place to support early release from prison and as noted under priority 5 above, electronically monitored implementation was accelerated to assist in reducing remand population

4.5 COVID 19 has impacted on the work noted under priority 4 around health and prisons. For example, there have been some delays in elements of progressing the recommendations of the ERoMH although SPS were able to progress the majority of their related actions regarding development of mental health and wellbeing strategy etc. The Health and Social Care in Prisons Programme was paused in March 2020 as part of the Covid-19 pandemic response and we will consider how to recommence the programme when pressures relating to the pandemic have eased. Programme resources have been refocused on supporting the health and justice response to the pandemic in prison and police custody settings including the introduction of Buvidal, an alternative Opioid Substance Treatment (OST) in prisons to ensure continuity of treatment for those who need it; the rapid scale up of NHS

Near Me to all 15 establishments across the prison estate; working with stakeholders to ensure that people in prison who are at the highest risk from COVID-19 receive advice and support to shield, providing advice and support to the SPS COVID Clinical and Public Health Advisory Group; and working with a range of policy teams across the Scottish Government and partners to support the deployment of national programmes and policies in prison settings including vaccination deployment and testing.

4.6 To help alleviate the pressure on justice social work services, the Coronavirus (Scotland) Act 2020 extended all unpaid work orders (UPW) and other activity requirements by 12 months, and required any new orders imposed by the courts to last for at least that long. This enabled JSW services to suspend all unpaid work programmes during lockdown without this resulting in any orders being inadvertently breached as a result. Extending all UPW and other activity requirements was successful in ensuring that JSW could continue to function effectively in the short to medium term. However, capacity within JSW to deliver UPW has remained substantively reduced, due primarily to physical distancing measures and other measures to keep individuals on orders and staff safe as well as varying local restrictions, with the tier system affecting some areas more than others. To mitigate significant risks arising in relation to JSW's ability to deliver outstanding UPW hours – highlighted by Social Work Scotland and others – and ensure that the community justice system can continue to operate effectively, the Scottish Parliament passed the Community Orders (Coronavirus) (Scotland) Regulations 2021. These regulations reduced the UPW hours imposed in existing CPOs by 35%, with exclusions for domestic abuse, sexual and stalking offences, thus reducing the overall volume of outstanding hours to be delivered.

4.7 The response to COVID 19 has also demonstrated the strength in relationships across the community justice sector and the willingness to share information and work collaboratively together in a constructive manner to establish good outcomes for people.

Civil and Family Law

4.8 The timetable for transferring independent tribunals into the Scottish Tribunals has had to be revisited and the devolution of the reserved tribunals, has also progressed slower than originally envisaged.

4.9 Resource has been reprioritised from developing instructions for a Legal Aid Reform Bill to focus instead on methods to provide support to the legal aid sector as we moved through the pandemic, and the Payment Panel members have been asked to give consideration to the impact of the pandemic on its findings and recommendations.

Criminal Law

4.10 COVID 19 has had - and continues to have - a profound impact on the criminal courts resulting in court closures which has had a negative impact on court users including victims of crime. These impacts are covered in more detail in Section 5.

4.11 Following a pause as a result of COVID 19, work on the delivery of DESC resumed and this will reduce the need for the physical transfer of evidence, supporting remote models of working, as well as swifter, more effective processes all of which are crucial to support efforts to reduce the backlog of court cases. The procurement for a digital partner and technical solution is at an advanced stage and implementation is planned to commence later in 2021. DESC is an enabler for reform across the justice sector, particularly for the delivery of the Recover, Renew, Transform programme of work.

4.12 In terms of jury research and reform, The COVID 19 pandemic unavoidably paused activity, as priorities shifted towards the recovery of the criminal justice system but this piece of work has now concluded and the [summary of discussions](#) was published in early December 2020. Discussions continue in the context of any plans for the RRT Programme and the upcoming recommendations of Lady Dorrian's review on the management of sexual offence cases.

4.13 Although a vast amount of engagement on Human Trafficking and Exploitation had taken place prior to the pandemic, planned victim engagement events were unable to proceed in line with public health advice. As a result, we worked with support organisations to reflect the survivor voice and the [third annual progress report and Strategy review](#) was published in May 2020 in line with our statutory obligations. Due to the significant response to COVID 19 and its impact on public services across Scotland, the duty to notify will not come into force before 1 April 2021 at the earliest (and is likely to be further delayed).

Policing

4.14 The Strategic Policing Priorities were published before the pandemic. While Covid 19 has seen Police Scotland adapt their operational approach, these principles remain at the heart of their activity.

4.15 COVID 19 has had an impact on our ability to take forward work on the Public Inquiry, while resources have been refocused on essential COVID 19 priorities. Progress in certain areas, such as recruitment for the Public Inquiry Team, work to identify suitable premises for the Inquiry and the procurement of services and goods to ensure that the premises are fit for purpose, have been affected by the Coronavirus health pandemic. The Scottish Government continue to engage on these matters with Lord Bracadale and the Public Inquiry Team.

4.16 Sponsorship and support to SPA/Police Scotland in relation to Police Workforce has continued as before COVID 19 although the issues relating to workforce then had a COVID 19 aspect, for example keyworkers childcare, COVID 19 safe workplaces, response to outbreaks, vaccines and testing, PPE etc

4.17 The practical implementation of the Scottish Biometrics Commissioner Act 2020 has been delayed, pending the appointment of the new Commissioner by the Parliament. This recruitment process should have completed in late Autumn.

4.18 We are continuing to work with key strategic and delivery partners within the three emergency services in Scotland to ensure effective delivery of the Emergency Services Mobile Communications Programme (ESMCP).

4.19 Our response to the Miners' Strike review was later than originally planned, and as noted above, the Cabinet Secretary for Justice announce in October 2020 that the single recommendation for pardons to be granted, was accepted. We are planning to launch a consultation on the qualifying criteria for the pardons in March 2021, but this too will be impacted by COVID 19 as it will not be possible to hold face-to-face engagement events.

4.20 Dame Elish's review work continued relatively unaffected. She was able to continue to gather evidence and consult with a variety of stakeholders, albeit on a more remote and digital basis than originally planned. Her Final Report was published in November 2020, not significantly delayed by COVID 19. Partners have engaged well with the Final Report, despite COVID 19 causing additional pressures, and work is now underway jointly to take forward a programme of implementation. A Governance and Reporting framework has been agreed by the Cabinet Secretary for Justice and partners, and a structure is being established to enable progress, monitoring and triannual public reporting.

4.21 Restitution Orders have proceeded with marginal delays to timing, and came into force on 10 February.

Fire and Rescue

4.22 Transformation work was paused during the height of COVID but is now recommencing. The SFRS Service Delivery Model Programme has the overall aim to undertake short, medium and long-term scenario planning, to inform an analysis of risk across Scotland's communities. These reviews are now taking place and will identify where the SFRS, working within the confines of the resources available and in partnership, can deliver a balanced prevention, protection and response model that will contribute to eliminating, reducing or mitigating known or predicted community risk.

4.23 Work to trial and evaluate the updated Scottish Government fire safety guidance was delayed due to COVID. This work is now proceeding and our prioritisation of Fire Safety (and associated work) continues.

Safer Communities

4.24 The impacts of the pandemic on Cashback for Communities have been wide ranging and include the need to furlough staff, delay recruitment and suspend face to face delivery. The closure of schools and restrictions on social interaction have had a significant impact on the ability of organisations to engage with young people. Officials are working with delivery partners to combat the impacts of the pandemic through flexible and adapted project delivery including an increase in digital engagement to enable activities to take place in safe and socially distanced environments and health and wellbeing focussed sessions. In some cases, the original target outcomes over the three year programme will not be achievable. Grant

payments are being treated as a priority to ensure that funding to our third sector and community organisation delivery partners is not delayed. Additionally, the pandemic and the associated backlog in court cases may have an impact on asset recovery figures in short term.

4.25 Building Safer Communities (BSC) partners have reprioritised their work and put in place resources to support community safety work and priorities in response to COVID 19. The BSC online Unintentional Harm and Injury Hub continues to be active online and features good practice exemplars. However, COVID 19 has impacted on the ongoing development and implementation of the Hub. This is mainly due to staff redeployment and partners reprioritising their work.

4.26 Due to restrictions within schools and communities, many of our violence reduction programmes such as Mentors in Violence Prevention Scotland, No Knives Better Lives paused for a short time whilst adapting to a digital presence. They have all adapted and now deliver parts of their work online however the preferred delivery method is face to face.

4.27 The Scottish Violence Reduction Unit due to the impact of COVID 19, amended some of its activity to focus on supporting communities through and as we exit the pandemic. COVID 19 has restricted some of the outreach in communities they had planned on undertaking.

4.28 Due to hospital access restrictions, Navigators programme temporarily offered a telephone referral service to ensure continuity of service. This was impacted by COVID 19 as A&E admissions had fallen due to local and national lockdowns.

4.29 Lockdown and restrictions have hampered face to face work on tackling sectarianism projects but they have adjusted to deliver online and in different ways, the learning from this year will change some delivery methods moving forward.

4.30 In terms of Missing Persons, lockdown restrictions have stopped face to face contact but the National Coordinator has been able to work with local areas remotely and deliver the first good practice national conference online and develop online training resource for return discussions for practitioners.

Justice EU

4.31 The wider team was moved to COVID work with one official in the Brussels office taking over the workstream to ensure that work continued in the background. A full time staff member from the Autumn was in place to help prepare for EU Exit.

Counter Terrorism

4.32 During the pandemic counter-terrorism work has progressed at a slower pace due to competing demands. As resources and activities are re-prioritised by partners, development and delivery of PROTECT and PREPARE has been impacted especially in training, testing and exercising. COVID 19 imposed control mechanisms have also impacted on this area.

4.33 However work remains underway to brief Local Authorities and other partners in Scotland on their responsibilities in CONTEST more widely than PREVENT and in delivering the protective security aspects.

4.34 Work with Health colleagues to understand the impact of mental health on the vulnerability of individuals to becoming involved in terrorism has not been able to be progressed as COVID 19 related Health priorities have come to the fore.

Cyber resilience

4.35 As COVID 19 has impacted on resources, the delivery of the certain aspects Cyber Resilience Strategy has been reduced. Also cyber criminals look for new areas of risk and COVID 19 has proved to be a fertile ground for cyber crime – false websites, phishing, IP and research theft. We have had to rapidly respond to this by brigading our partners to raise awareness of COVID 19 cyber crime through substantial communications across sectors to raise awareness and to ensure that core services around COVID 19 understand these risks. We have managed to continue with the development of a new strategic framework for a cyber-resilient Scotland which is going to be published at the end of February.

4.36 The release of the full Scottish Risk Assessment 2020 has been delayed until Feb 2021. However 13 of the 15 risk assessments that form the SRA 2020 in August 2020, have been completed and shared with resilience partners to assist their planning and preparation.

5. The impact of COVID 19 on the justice system

5.1 The spread of COVID 19 has also impacted across the whole of the justice system obstructing many citizens from asserting their rights in the courts, and has placed considerable additional demands on the police service, prisons and on criminal justice social work.

5.2 In response to the impact of the pandemic, justice partners and practitioners have worked collaboratively and innovatively, which has been praised by HM Inspectorate of Constabulary in Scotland (HMCIS) and HM Inspectorate of Prosecution in Scotland (HMPIS) in their joint inspection [report](#) published in September 2020. However, significant challenges remain in enabling the justice system to recover to pre-pandemic levels.

5.3 The summary below describes some of the ways in which COVID 19 has impacted across the justice system, which has, in turn, shifted immediate priorities across the justice system and impacted on progress against the seven key justice priorities. More information can be found on justice partners websites. This summary also illustrates the considerable efforts and innovation made by those organisations to keep the justice system running under challenging and uncertain circumstances.

Impact of COVID 19 on Policing

5.4 The necessary expansion of policing powers was introduced through legislation during the pandemic which has had positive impact on reducing the spread of COVID 19. An [Independent Advisory Group](#) on coronavirus chaired by John Scott QC was also established with membership across numerous civil and public bodies including the Scottish Policy Authority. The Scottish Police Authority have conducted a [survey on public views on policing of COVID 19](#) which has consistently indicated strong levels of public confidence and consent for Police Scotland.

5.5 The pandemic has placed a significant demand on the police force as they are dealing with unlawful gatherings and more neighbourhood disputes as well as EU exit, environment and climate change, racial and sectarian tensions.

5.6 The policing of serious crime during COVID 19 has been challenging but Police Scotland continue to collaborate with partners to address emerging concerns, for example in relation to hate crime. There has been a move to virtual ways of working and changes in workforce planning, policy for mass mobilisation events and for operational delivery. Police Scotland has also rolled out mobile working technology. It has been reported to the SPA that this has equipped c. 11,000 officers and 150 Forensic Scene Examiners which allows access to a range of policing systems, increasing the time that officers are out visible in the community and reducing COVID-19 risk in an office environment.

5.7 Despite the challenges, police continued to take accused persons into custody. The Lord Advocate's updated Guidelines issued on March 31 2020 focused on public safety, and were to be applied by the police in making decisions about the liberation of an arrested person pending further investigation or action.

5.8 COP26, will be the biggest conference the UK has ever hosted and will see temporary policing powers and preparation of additional custody suites. The Scottish Police Authority continue to provide oversight of the policing arrangements for COP26 and the provision of custody facilities.

5.9 COP26 will also see the roll out of Body Worn Video technology among armed police officers. This will support greater public transparency, improved officer safety and swifter progression through the justice system. In relation to the introduction of new technology Scottish Government have also set up an Independent Advisory Group on emerging technologies in policing to ensure Police Scotland with the overall aim to ensure Police Scotland have the right safeguards to protect the rights of the individual.

Impact of COVID 19 on Courts and Tribunals

5.10 At the start of the COVID 19 lockdown period, the Lord President substantially reduced the day to day business considered by Scotland's courts and tribunals system, as a necessity to protect the health of staff and the public.

5.11 Despite the focus on public health while policing the pandemic, police officers continued to investigate and report criminal offences to the Procurator Fiscal. Reporting of new cases fell in April by 19% but quickly recovered to close to 2019-20 levels from May onwards.

5.12 Throughout the lockdown period prosecutors have continued to make decisions in the cases being reported by Police Scotland and specialist reporting agencies. Prosecutors have continued to prepare and present cases in court, both physically and virtually. This work was enabled by the distribution of laptops to all staff.

5.13 As the country partially re-opened, some court and tribunal business got underway either in virtual, online form or through a limited number of cases where participants (judges, lawyers, witnesses, the accused, media and the public) attended in a socially distanced manner. Significant investments in court technology has allowed the setting up of 16 remote jury centres which are now fully operational.

5.14 Managing recovery in the civil courts and tribunals, whilst challenging, has been more achievable than managing the significant criminal case backlogs through the use of virtual proceedings, electronic transfer of documents and digital solutions.

5.15 One of the most serious impacts of the closure of Scotland's courts and tribunals has been a substantial increase in the backlog of civil and particularly criminal cases which has resulted in delays in justice for the victims and survivors of crime and for the accused. For those accused held on remand, it has meant extended periods in prison and extra strains on an already stretched prison service. Once the courts start to reopen and cases proceed, there will be further pressures placed on both Justice Social Work and the prison service.

5.16 Although extensive work has been undertaken by COPFS, Police Scotland and SCTS to mitigate the impact of the delays on the public, the impact of the pandemic been especially hard on witnesses and victims of crime due to delays in bringing their cases to court. Such delays can cause witnesses withdraw and/or the quality of the evidence that can be provided diminishes. Further the passage of time makes it harder to recall events and makes victims less likely to persist with a case.

5.17 Diversion to social work services by COPFS which is more likely to address the underlying problems associated with offending has been affected as COVID 19 has lengthened the time required to carry out assessments and made the provision of relevant services more difficult.

5.18 Digital solutions have been a critical feature of the justice system's response to the pandemic. For example, in the custody courts (where the accused is making their first appearance having been held in custody by the police) video links between police custody suites and the court have been used since the start of the pandemic. That service is currently operational and has been throughout and to date 3,500 virtual custody hearings have taken place. Also, Advocate Deputes have been appearing in entirely virtual appeal court hearings and the Solicitor General has argued a virtual appeal in the United Kingdom Supreme Court. The COPFS case management in court ("CMiC") programme and use of tablets in summary

cases has been very significant throughout the crisis. All deutes, whether they have appeared in the physical courts, the virtual courts or the administrative courts, have had access to their documentation on tablets, either at the court or at home, to enable them to conduct the trial or procedural hearing.

5.19 The Coronavirus (Scotland) Act 2020 ('the 2020 Act') contains various provisions designed to respond to the coronavirus pandemic. The provisions relating to criminal justice had immediate effect from 7 April 2020. The 2020 Act made provision for electronic signature and electronic transmission of documents. An electronic signature now fulfils the requirement for signature in relation to certain types of documents and it allows for the competent electronic service of documents on the accused or their solicitor. The 2020 Act also enabled search warrant applications to be signed by a prosecutor using an electronic signature and to be submitted by electronic means to the clerk and the Judge, who will grant the warrant, by signing the warrant using an electronic signature and, thereafter, it can be transmitted back to the prosecutor and/or the police (or other Specialist Reporting Agency officer) for execution. The legislation allows the Judge to hear information from a prosecutor or police officer in support of the warrant by electronic communication, for example, telephone or video link.

5.20 The pandemic has highlighted the critical importance of reliable technology across the justice system, partnership working and workforce planning - new and innovative ways of working have been introduced to aid recovery of the system which has seen an acceleration approaches for processing court business virtually and for case information and evidence to be shared digitally. The Scottish Government also provided additional funding for investment in court technology and towards the establishment of remote jury centres to enable the serious criminal cases to be heard.

5.21 The effects of the pandemic has necessitated that the Justice Board for Scotland, with membership made up of the Chief Executives and leaders of our Justice organisations, lead and oversee the strategic response to the pandemic. More detail on this response and the establishment of a Criminal Justice Board to lead the system's 'Recover, Renew and Transform' Programme of work is covered in Section 6.

The impact of COVID 19 on Community Justice Services

5.22 Through the pandemic, Justice Social Work (JSW) have continued to deliver a wide range of community justice services (e.g. Community Payback Orders, Drug Testing & Treatment Orders, Parole Licences, etc.), with a focus on prioritising vulnerable people and those who presented an imminent and serious risk of harm (especially people being managed via the Multi Agency Public Protection Arrangements (MAPPA)).

5.23 Where circumstances would allow, JSW have delivered aspects of service provision by means of digital solutions, e.g. via videoconferencing. However, some aspects of specialised work, such as the Caledonian system (for people with domestic abuse convictions) and Moving Forward: Making Changes (for people

convicted of sexual offending offences) are far less suitable for delivery through such mechanisms.

5.24 Many of JSW's community justice partners who deliver critical services to support rehabilitation and reintegration, such as mental health services, addiction services, etc., have also been significantly impacted upon by COVID 19 and, in particular, the facility to deliver face-to-face services.

5.25 As noted previously, the delivery of unpaid work or other activity requirements in CPOs has been a particular challenge given public health restrictions, and JSW capacity in this area remains significantly constrained. Recent measures taken through the Community Orders (Coronavirus) (Scotland) Regulations 2021 will assist in reducing the overall volume of UPW hours to be delivered, but ongoing monitoring will be vital to assess the risk that courts may be able to impose more disposals than JSW will have the capacity to deliver.

The impact of COVID 19 on prisons

5.26 With prisoner numbers rising, with the increase of those on remand it has made it all the more challenging for SPS to provide access to rehabilitative interventions and they warn that further increases to the prison population may pose risks in managing the population safely during the pandemic. Further issues include staff shortages, fewer community disposals and impacts on diversionary and reintegration initiatives. Some innovative work has produced some benefits, including virtual visits, improved data sharing and mobile telephones for prisoners.

5.27 SPS have also had to manage the issue of prisoners becoming ill with COVID 19 and the isolation of those that had come into contact with them. The significant reduction in the prison population in the past 12 months has been particularly helpful in this regard. On the whole, the virus has been well controlled with a smaller percentage of prisoners catching it than in the general population.

5.28 The Coronavirus (Scotland) Act 2020 facilitated early release for circa 350 prisoners giving the service a short respite in prisoner numbers. Also at SPS's disposal was new Home Detention Curfew powers which also reduced prison numbers - although fewer prisoners than expected were eligible due to the early release legislation.

5.29 As the courts open up, the predicated rise in prisoner numbers may create significant challenges. The level and availability of local community justice interventions can have a bearing on sentencing decisions, potentially reducing the use of community sentences and the further use of custody. Both of these issues are likely to have significant implications for the management of those individuals in custody who require to socially distance or be isolated whilst the public health restrictions remain in place.

5.30 COVID 19 has had significant impact on the delivery of programmes, interventions and other services for those in custody. It has also impacted on the progression of long term prisoners into the National Top End and Open Estate. The

day to day effects of the restrictions required to control the spread of the virus have also been considerable. Changes have been made to working hours for staff, to allow maximum access to recreation and other activities, however the regimes available in our prisons have been limited, for example, the lack of face to face visits with families has extended over a period of some months. The tremendous cooperation that has been shown by those in the care of the prison service has made the management of the pandemic considerably better than might have been the case.

Impact of COVID 19 on the Scottish Fire and Rescue Service

5.31 The service have maintained operational resilience throughout the period by taking a flexible, focused and pragmatic approach to staffing including the opportunity for some staff to work from home in line with government guidance. A significant amount of resource has been directed towards ensuring the 'COVID Secure' status of SFRS buildings and, that this is maintained on a risk assessed basis aligned to our service provision.

5.32 The SFRS infrastructure has been maintained throughout the pandemic both on a supporting function and operational response basis. The COVID 19 impact on staff within the SFRS very much mirrored that of Scotland's communities with the pattern of absence being prevalent in localities hardest hit by the virus. Whilst resource intensive, specific arrangements were instigated which protected the SFRS's ability to respond to all incident types.

6. Recover, Renew, Transform (RRT) Programme

6.1 Given these impacts, the Justice Board for Scotland, with membership made up of the Chief Executives and leaders of our Justice organisations, has led and overseen the strategic response to the pandemic.

6.2 This included promptly establishing a Criminal Justice Board to lead the system's 'Recover, Renew and Transform' Programme of work to enable the justice system to be able to not just operate again at pre-COVID 19 levels, but also prepare for future transformation.

RRT workstreams

6.3 The programme has 6 work streams:

- (i) High Court Trials
- (ii) Sheriff & Jury Trials
- (iii) Virtual Summary Trials
- (iv) Virtual Custody Courts
- (v) Summary Criminal Process
- (vi) Community Justice Preventing Offending

6.4 Each of these workstreams is focused on enabling the justice system to operate again at pre-COVID 19 levels and preparing for future transformation. Much of this transformation will build on the emergency response, which has seen innovative approaches to processing court business virtually and for case information and evidence to be shared digitally.

6.5 **High Court & Sherriff and Jury Trials** - The Scottish Government agreed funding of £12 million in 2020-21 for the Scottish Courts and Tribunals Service to take forward an innovative approach that uses remote jury centres for High Court and Sheriff & Jury trials. This approach has resulted in reinstating pre-Covid capacity of 16 High Court trials and 18 Sheriff & Jury trials.

6.6 **Virtual Summary Trials** - It is widely recognised that virtual proceedings, combined with summary trials continuing in physical courtrooms, could provide a mechanism to deal with some cases awaiting trial. SCTS has assessed that, with physical distancing in place, court capacity will continue to be restricted.

6.7 **Virtual Custody Courts** - It is the intention for fully Virtual Custody Hearings to be deployed nationally to minimise the requirement to use physical court estate for Custody Hearings during the recovery of the Justice System as a result of COVID 19. The use of technology to enable this, builds essential resilience into the system and helps to create capacity within the physical court estate, for other court proceedings. This contributes to the delivery of the Scottish Government's Vision for a modern and effective Justice System underpinned by digital technology.

6.8 **Summary Criminal Process** - Positive progress was being made in recovering volumes of summary business within the Sheriff Courts prior to the second lockdown. In September, the number of summary trials that progressed with evidence led were at 76% of pre-COVID 19 levels. A Practice Note on Summary Criminal Business introduced pre-intermediate diet meetings (PIDMS) which aim to ensure that only those cases which cannot be resolved and are ready to go to trial proceed to a trial and that agents are present at an intermediate diet only when necessary.

6.9 **Community Justice and Preventing Offending** – Led by Community Justice Scotland and the Scottish Prison Service, the group supports and encourages all local delivery partners in their local agreed recovery plans to ensure the most efficient and appropriate re start of all services in terms of delivery of community interventions in accordance with all public health guidance. The group also ensures that the impact of scaling up court business on community justice and prisons is understood and taken into account.

6.10 Overall, the Criminal Justice Board's supporting workstreams involve a range of valued partners, including COSLA and representatives from the legal profession and support services for victims, to help to ensure that this Programme is truly collaborative and impactful. To continue supporting the work of the RRT programme and to begin to address the backlogs that have built up, budget 2021/22 makes available an additional £50 million to the programme.

Key aims of RRT programme

6.11 The overarching ambition for the RRT programme comes with a recognition that creating additional trial court and sentencing capacity to reduce the backlog of cases will not be a sufficient response to the pandemic. Public confidence in the criminal justice system, as it recovers from the backlog, will depend on visible changes which demonstrate that the system is reducing offending and further offending through effective community justice disposals, has adapted to take full advantage of modern technology to improve service delivery, and promotes case resolution at the earliest opportunity, bringing sentencing as close as possible to the offending.

6.12 As the criminal justice system recovers from the pandemic, we aim to build a justice system that is fit for the future:

Effective justice: a system that resolves cases at the earliest opportunity, values and listens to its users and stakeholders and delivers informed outcomes based on evidence.

Open & Transparent: a system that lawfully and safely shares strategic data and personalised information.

Collaborative: a system that makes informed decisions together, working across organisational responsibilities and taking account of the impact of decisions on the system as a whole.

Safe: a system that continues to focus on the safety, protection and health of communities and all those involved in the system, in line with the Scottish Government's updated [Strategic Framework](#) to lift public health restrictions.

Resilient & Responsive: a system that continues to adapt, respond and modernise, including through the effective use of technology.

Preventive: a system that continues to prioritise prevention and early intervention, including outcome focussed support and diversion to promote rehabilitation and reduce crime, offending and further offending.

User-focused: a system that takes account of the impact of decisions for individuals, including victims and others, promotes trauma informed practice, equality and respects and protects human rights.

6.13 Renewal and modernisation will be achieved, with appropriate safeguards to ensure effective representation and communication between lawyers and clients, through the consistent and effective use of technology to allow remote appearance of parties in virtual or traditional courts. The Digital Evidence and Sharing Capability (DESC) project will support modern and flexible case preparation. The Evidence and Procedure Review (EPR) pilot courts will promote early case resolution and robust judicial case management. These projects will deliver a more convenient and flexible justice system in which case resolution is focused on the issues in a case

and does not depend on the ability of multiple organisations to bring individuals and evidence to a court room on a particular date.

6.14 Enhanced community justice and a safe, stable prison population must also be at the heart of a transformed justice system. Such sentencing options must be visible, accountable and provide an equity of service across the country. They will provide enhanced opportunities for prevention, re-integration and rehabilitation. There should be appropriate, accessible diversionary opportunities which address the causes of offending and further offending and provide opportunities for restorative justice without the delay of a court system.

6.15 In terms of effective community options to reduce the use of remand, the greater use of electronic monitoring of bail and bail supervision will provide courts with enhanced options for sentencing, thereby increasing the likelihood of non-custodial disposals.

6.16 Further details on the RRT programme are provided in **Annex A** which contains a paper presented by the Criminal Justice Board for Scotland on the programme at a roundtable event for stakeholders in March 2021.

Annex A: Criminal Justice - Beyond COVID 19: Recover, Renew and Transform Paper presented to Stakeholder Roundtable in March 2021

Introduction

1. Scotland's criminal justice system was already engaged in a programme of modernisation and reform when the COVID 19 pandemic brought much of the system to a sudden halt in March 2020. Guided by the Scottish Government's [Justice Vision and Priorities](#) and new legislation, the criminal justice organisations responsible for service delivery were already collaborating on expanding the use of recorded evidence, sharing digital evidence across the whole system, resolving cases at an early stage and enhancing sentencing options which promoted rehabilitation and reduced the risk of re-offending.
2. This work has continued throughout the pandemic and remains essential as we look ahead to a criminal justice system beyond 2021, one in which justice is delivered swiftly and effectively, offending and re-offending are reduced and the needs of all those affected by the criminal justice system are met. The challenge in achieving this level of transformation has, of course, been increased by the impact of the pandemic. There is now a significant backlog of cases before the courts which could not be brought to trial in 2020-21 because of the impact of the public health lockdowns across Scotland and the ongoing restriction of physical distancing. Cases are taking longer to go to trial and the number of individuals held on remand has increased. As the capacity of the courts increases from September 2021 to allow the backlog to clear there will be an immediate impact on custody and community justice services as individuals are sentenced.
3. This document brings together the pandemic recovery work in the criminal justice system, which will take some years, and initiatives to transform the delivery of justice in Scotland. It provides a basis for an ongoing discussion with stakeholders, service users and the public to build consensus about what it will take to achieve recovery, renewal and transformation.

Background and Context

4. "Recover, Renew, Transform" (RRT) is a justice collaboration aimed at co-ordinating and delivering the solutions and resources needed to restore the criminal justice system and ensure that this restoration supports and enhances the wider work to transform the whole system. It recognises the operational independence of each organisation in the system but is an express commitment by each of the service delivery organisations to work together to deliver this transformation.
5. RRT will ensure that future investment contributes towards a shared, system-wide vision of a transformed justice system which is underpinned by fairness, equity and a respect for rights. It will promote, using modern digital technology, a court system which protects the safety and wellbeing of those who work within and rely on the courts during the public health emergency. It will ensure that such innovation is aligned to the wider aim of transformation.

6. The criminal justice system must, now, focus on three things between 2021 and 2025:

- **Recover** - returning to pre-pandemic capacity and addressing backlogs across the whole system;
- **Renew** – prioritising the resolution of cases at the earliest opportunity and embedding new ways of working; and
- **Transform** – changing outcomes for those affected by the criminal justice system.

7. These three things must be progressed at the same time but prioritisation must be flexible to respond to the public health consequences of the pandemic. Each of the three priorities brings its own funding challenges. Each similarly brings its own challenge in terms of building support with stakeholders and the confidence of the public. We must create the links between them to support each one and ensure that as the justice system emerges from the pandemic there is a focus on ‘what works’ over simply returning to what is familiar. The renewed justice system should resolve cases at the earliest opportunity, be more convenient for those who rely on it and deliver more effective reductions in re-offending.

Recover

8. The immediate priority in March 2021 is recovery: the backlog of trials continues to grow and its impact on victims, vulnerable witnesses, accused persons and public confidence is profound. Addressing the backlogs will take time and require concentrated effort, innovation and well-targeted resourcing. It is anticipated that a return to “normal” operating levels will not be possible for some considerable time, and that the number of cases in the system will continue to grow until additional court capacity is introduced, disposals from which will need to be effectively resourced across community and custodial options, and a way is found to reduce the impact of physical distancing in courtrooms.

9. Funding of £50 million has been made available in 2021-22 to begin to address the “Recover” stage and will fund the whole system consequences of establishing additional courts from September 2021. Up to sixteen additional courts will be put in place and will be required for a number of years in order to clear the backlog of trials and more courts could be established if further funding becomes available:

- Four trial courts in the High Court;
- Two solemn trial courts in the Sheriff Court; and
- Up to ten summary trial courts in the Sheriff Court.

10. Wider costs across the justice system, including prisons, community justice and legal aid, have been recognised and allocated funding to ensure a balanced recovery across the whole system.

11. On the assumption that the existing court system has returned to pre-pandemic capacity by September 2021, and subject to the service delivery organisations being able to recruit staff for the additional courts to allow them to start in September, the Criminal Justice Board (CJB) believes that the backlog of High Court trials and Sheriff

Court solemn trials will be cleared in court in 2025. The summary trial backlog will be cleared in 2024 and the consequences of this backlog for community services will not begin to reduce until 2027. This will have funding consequences across the whole system throughout that time. If more courts could be established, the backlog would be cleared earlier.

12. Another assumption which has been made in developing the recovery plan is that key elements of the emergency pandemic legislation, as it impacts on the criminal justice system, will continue beyond the current extent of the legislation. Provisions allowing for the use of digital technology to allow procedural steps to be taken electronically and virtual courts to be convened will facilitate and enhance the ability of the courts to deal with the backlog. Continuing the provisions which impact on community sentencing will also be critical in allowing the backlog of community sentences to be progressed quickly and effectively.

Renew and Transform

13. We are clear in our ambition that creating additional trial court and sentencing capacity to reduce the backlog of cases will not be a sufficient response to the pandemic. Public confidence in the criminal justice system, as it recovers from the backlog, will depend on visible changes which demonstrate that the system is reducing offending and further offending through effective community justice disposals, has adapted to take full advantage of modern technology to improve service delivery, and promotes case resolution at the earliest opportunity, bringing sentencing as close as possible to the offending.

14. As the criminal justice system recovers from the pandemic, we aim to build a justice system that is fit for the future:

Effective justice: a system that resolves cases at the earliest opportunity, values and listens to its users and stakeholders and delivers informed outcomes based on evidence.

Open & Transparent: a system that lawfully and safely shares strategic data and personalised information.

Collaborative: a system that makes informed decisions together, working across organisational responsibilities and taking account of the impact of decisions on the system as a whole.

Safe: a system that continues to focus on the safety, protection and health of communities and all those involved in the system, in line with the Scottish Government's updated [Strategic Framework](#) to lift public health restrictions.

Resilient & Responsive: a system that continues to adapt, respond and modernise, including through the effective use of technology.

Preventive: a system that continues to prioritise prevention and early intervention, including outcome focussed support and diversion to promote rehabilitation and reduce crime, offending and further offending.

User-focused: a system that takes account of the impact of decisions for individuals, including victims and others, promotes trauma informed practice, equality and respects and protects human rights.

15. Renewal and modernisation will be achieved, with appropriate safeguards to ensure effective representation and communication between lawyers and clients, through the consistent and effective use of technology to allow remote appearance of parties in virtual or traditional courts. The Digital Evidence and Sharing Capability (DESC) project will support modern and flexible case preparation. The Evidence and Procedure Review (EPR) pilot courts will promote early case resolution and robust judicial case management. These projects will deliver a more convenient and flexible justice system in which case resolution is focused on the issues in a case and does not depend on the ability of multiple organisations to bring individuals and evidence to a court room on a particular date.

16. Enhanced community justice and a safe, stable prison population must also be at the heart of a transformed justice system. Such sentencing options must be visible, accountable and provide an equity of service across the country. They will provide enhanced opportunities for prevention, re-integration and rehabilitation. There should be appropriate, accessible diversionary opportunities which address the causes of offending and further offending and provide opportunities for restorative justice without the delay of a court system.

17. In terms of effective community options to reduce the use of remand, the greater use of electronic monitoring of bail and bail supervision will provide courts with enhanced options for sentencing, thereby increasing the likelihood of non-custodial disposals.

18. Activities and outcomes developed by community justice partners fall across three areas:

Prevention – ensuring broader and more consistent access to early and effective intervention options, including diversion and restorative approaches;

Transition – understanding where support is necessary to ensure effective transitions from custody to community and from community sentences to universal, sustained support in communities that promotes citizenship, relationships and family in its broadest sense. These steps support provision into a system of support that helps people move away from cyclical involvement in the system;

Compliance – community justice sentences must support individuals to comply and avoid returning to the courts and the possibility of incarceration. This requires early identification of support needs which avoid the risk of breach and the provision of services which meet those needs.

19. In support of community justice activity across these outcome areas, the following commitment is required to support transformation at a national level:

- A political consensus which accepts that justice should be achieved in local communities and engages the public on the need for fewer victims of crime and how this can be meaningfully achieved;

- National standards of service provision that ensures equity across Scotland;
- Accountability for the performance of community justice; and
- Development in 2021/22 of a costed model of community justice that delivers the outcomes required.
- A focus and funding of prevention
- Effective community options to reduce remand
- A shared understanding of justice ‘demand’ through integrated assessment of needs and risks, bringing together evidence around shared priorities, including remand, women, young people, sexual offending, violence, SOCG, OLRs and domestic abuse

20. Scotland’s prisons should only be used to protect the public and should focus on addressing offending and further offending through relational, restorative, trauma-informed approaches. The prison system requires transformational capacity to enable it to keep pace with the demands of an increasingly complex prison population.

Our Priorities

21. A number of work streams have been established to progress specific aspects of this work and involving wider stakeholders, including from local government, the third sector, the legal profession and those with experience of the justice system:

- Additional trial courts for pandemic backlog
- Virtual custody hearings
- Digital Evidence Sharing
- Early recording of evidence
- Early resolution of cases
- Virtual model for summary trials
- Alternatives to remand
- Increase bail support and supervision
- Improved diversion models
- improved compliance across community-based orders
- Sustainable prison population

Oversight and Monitoring Progress

22. The RRT work set out in this document will be overseen on a collaborative basis by the **Criminal Justice Board** of leaders from key justice agencies.

23. An independent **Criminal Justice Advisory Group** has been established to comment on and challenge aspects of the work. The Group provides information on and insight into the varied rights and needs of those impacted by the system; where possible, ensures the voices, views and lived experiences of those impacted by the system are heard and recognised, and advise as to how this is best achieved; highlights real and potential consequences of the RRT programme on those impacted by the system, including differential impacts and those specifically related to protected characteristics; comments on evaluation/monitoring requirements; and provides

guidance on mitigations required and trauma-informed approaches that should be adopted.

24. The Scottish Government and individual criminal justice organisations will continue to publish regular statistical data and other relevant information to monitor and update on the progress of the recovery, renewal and transformation programme. Statutory inspection bodies will continue to monitor and report on the delivery of key aspects of the criminal justice system.



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Edinburgh
EH1 3DG

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