

Justice in Scotland: Vision and Priorities

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**Scottish Government
Riaghaltas na h-Alba
gov.scot**

JUSTICE IN SCOTLAND: VISION AND PRIORITIES

VISION

A JUST, SAFE & RESILIENT SCOTLAND

OUTCOMES

We live
in safe, cohesive
and resilient
communities

Prevention and
early intervention
improve wellbeing
and life chances

Our system
and interventions are
proportionate, fair and
effective

We deliver
person-centred,
modern and affordable
public services



PRIORITIES

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

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

We will **modernise**
civil and criminal law
and the justice system
to meet the needs of
people in Scotland in
the 21st Century

We will work with others
to improve **health and
wellbeing** in justice
settings, focusing on
mental health and
substance use

We will work to quickly
identify offenders and
ensure responses are
**proportionate, just,
effective and promote
rehabilitation**

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

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

This Vision and Priorities paper has been prepared by Justice Analytical Services (JAS) in the Scottish Government, on behalf of the Justice Board for Scotland. The paper is based on consultation with the Justice Board, the Justice Leaders Network and a review of the evidence across the portfolio.

There is an accompanying Delivery Plan that will be revisited annually.



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A safe, just and resilient Scotland

A VISION FOR SCOTLAND

Our vision is for a safe, just and resilient Scotland. This document is for all those working to keep our communities safe and those who deliver civil, criminal and administrative justice. It builds on the outcomes and approach we set out in the first Strategy for Justice in Scotland in 2012, and the significant contribution the reform of our justice services has made to improving outcomes for people across Scotland. Drawing on the latest evidence it reflects on recent successes, highlights key challenges for the immediate and longer-term and sets out seven priorities for 2017-2020 to help shape our collective effort, inspire collaboration and frame a shared vision for the future.

OUR VISION

Outcome 1	Outcome 2	Outcome 3:	Outcome 4
We live in safe, cohesive and resilient communities	Prevention and early intervention improve wellbeing and life chances	Our systems and interventions are proportionate, fair and effective	We deliver person-centred, modern and affordable public services

Outcome 1

Our vision is for a safe, just and resilient Scotland where people live in communities that feel safe and are safe, allowing individuals, families and businesses to thrive.

Outcome 2

Prevention and early intervention are at the heart of what we do to further reduce crime, prevent offending and improve life chances.

We have a clear and persistent focus on addressing the root causes of disadvantage, enhancing our provision for the people and places experiencing vulnerability and disadvantage.

We work collectively with our education and employment partners to promote wellbeing and improve the futures of looked after children and care leavers.

We empower our people and communities to exercise their rights and responsibilities, to resolve disputes and other civil justice problems at the earliest opportunity.

And we work with others to improve our response for those who experience poor mental health or are in distress, recognising that many people have co-existing physical health challenges.

Outcome 3

Our criminal, civil and administrative justice systems work effectively. We improve the experience of the justice systems for victims, witnesses and everyone who comes to court. We manage cases efficiently and effectively. And we protect the rights of children and vulnerable witnesses.

Victims of crime are confident that the criminal justice system will act fairly, effectively and will help to reduce the risk of further victimisation.

We act quickly to deal with those who pose a risk to society and individuals, using custody and our Multi-Agency Public Protection Arrangements (MAPPA) as required.

But we will also recognise the limitations of the courts and prisons in improving life chances for people who pose little or no risk. We hold people to account for their offending, but we work with them to be active and responsible contributors to their communities. We deliver what we know works to reduce re-offending, in part by delivering on our ambitions for community justice.

When a custodial sentence is deemed appropriate we empower people to fulfil their potential and transform their lives. And we improve support for reintegration and recovery following custody.

Outcome 4

Overall, our services and interventions now and in the future are designed around people.

They are delivered with care and compassion by a confident and professional workforce who have the right opportunities for continuous professional development.

We embrace technological change and innovation to deliver excellent standards of service relevant to the needs of 21st Century Scotland and its citizens.

We contribute to inclusive economic growth by enhancing cyber-security, reducing the impact of serious organised crime, ensuring people can access the advice they need to protect and pursue their rights and improving opportunities to meaningful activity and jobs in the sector.

And we support our economy and communities to prepare for, respond to and recover from existing and emerging risks and threats, including terrorism and cyber-enabled crime.

An Improving Picture

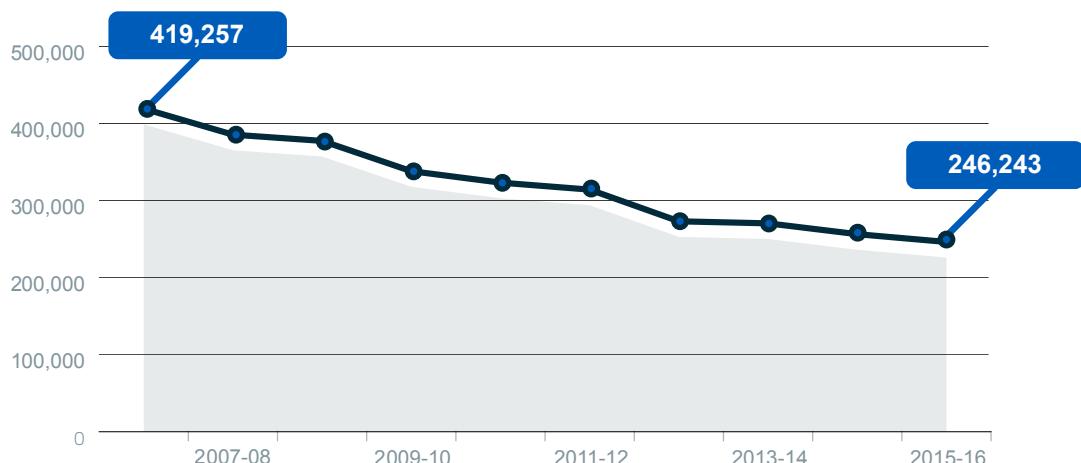
Scotland has become a safer place. Overall levels of crime and victimisation have fallen. We are less likely to be a victim of violence or property crime, or to be injured, or die, as a result of a fire. The number of people experiencing crime had either held stable or reduced across all crime types measured in Scotland to 2014-15.

People also feel safer in their communities, with fear of crime continuing to decrease. People are worrying less about most types of crime and are feeling safer when walking alone after dark in their local area.

Recorded crimes of **handling offensive weapons are the lowest** in 32 years. The number of people under 18 convicted of handling an offensive weapon has fallen by 81% since 2006-07. There has been a 59% fall in emergency admissions to hospital due to assault with a sharp object between 2006-07 and 2015-16. Action has been taken to reduce and prevent violence including through the Violence Reduction Unit, Mentors in Violence Programme, Medics Against Violence and No Knives Better Lives Programme.

NUMBER OF CRIMES
RECORDED BY THE POLICE

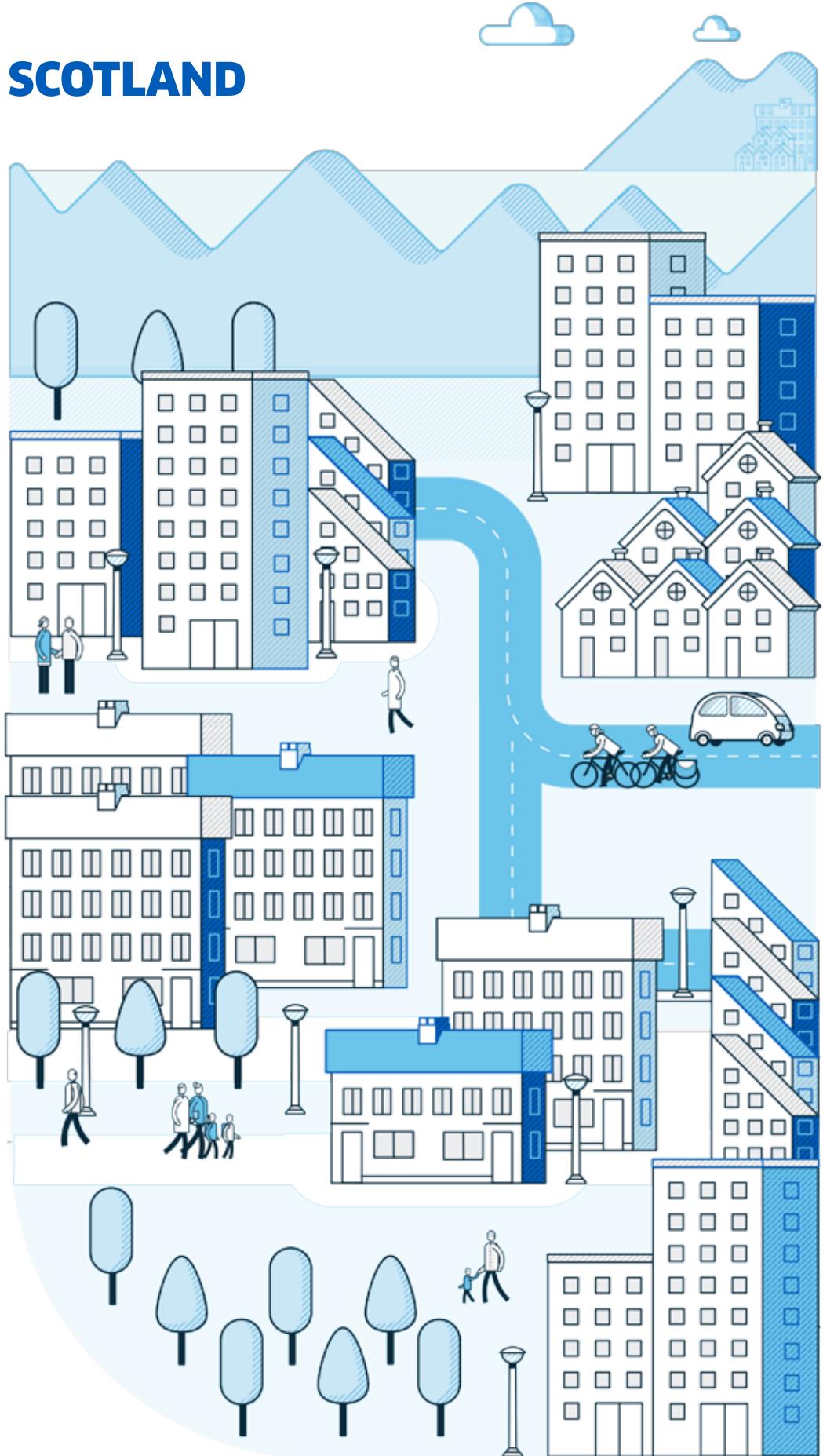
41%
Police Recorded Crime
has fallen 41% since
2006-07



SCOTLAND

95%

of people rate their neighbourhood as a very or fairly good place to live



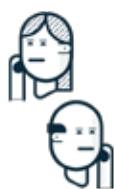
ESTIMATE OF ALCOHOL RELATED VIOLENT CRIMES



There has also been a **downward trend in alcohol-related crimes**, with population survey data showing a 45% reduction over the last six years. This may be associated with corresponding changes in the ways in which alcohol is consumed. There has been a reduction in the number of units consumed and an increase in the number of non-drinking adults. Evidence also shows a long term decrease in alcohol use among younger people. Nonetheless, in 2014-15 over half of violent crime was reported to be alcohol related.

74%

would help their neighbours in an emergency



63%

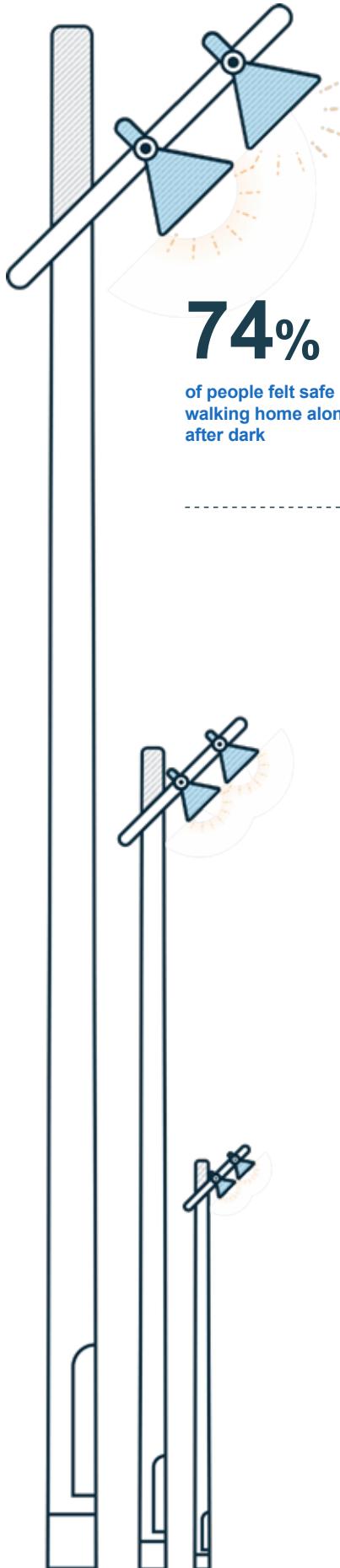
thought their neighbours would help them in an emergency



Drug use amongst the general adult population in Scotland has also continued to fall over the last few years for both males and females. There has also been a decrease in those reporting that someone has offered to give or sell them at least one type of illicit drug. Further, drug taking amongst young people has generally been declining since 2002.

The majority of people feel their communities are a good place to live and the vast majority feel they could ask for help from, or would offer help to, their neighbours in case of an emergency. The percentage of people saying that vandalism/graffiti/damage to property is very or fairly common in their neighbourhood has halved since 2006. There has been a similar reduction in the percentage of people who say that groups or individuals harassing others is very or fairly common.

Overall levels of offending have also fallen and the criminal justice system has **become more effective at bringing perpetrators to justice**. Clear-up rates have been rising since 2006-07. This is particularly the case for serious violent crime, where the police clear-up rate has increased substantially.



While often a hidden crime, domestic abuse remains prevalent - 14% of adults report having experienced physical or psychological partner abuse since age 16. The number of people convicted of an offence with a domestic abuse marker has more than doubled since 2006-07. The Scottish approach to tackling the domestic abuse of women by men is framed by the '**Equally Safe**' strategy.

Further, an evaluation of the **Caledonian System**, set up to address men's domestic abuse, shows that women feel safer and that men who complete the programme pose a lower risk to partners, children and others on completion. Scottish Government funding for advocacy services for victims of violence against women and girls is at record levels.

Scotland has maintained **wide access to legal aid** for both criminal and civil justice matters, with those who are eligible able to access public funding for legal representation and advice. Major reforms and modernisation have been implemented to Scotland's courts following Lord Gill's independent **Civil Courts Review**, including the establishment of a Civil Justice Council for Scotland; a new national Sheriff Appeal Court and Personal Injury Court; the creation of summary sheriffs as a new judicial office and modernisation of civil court procedures; to improve efficiency and ensure they are fit for the 21st Century.

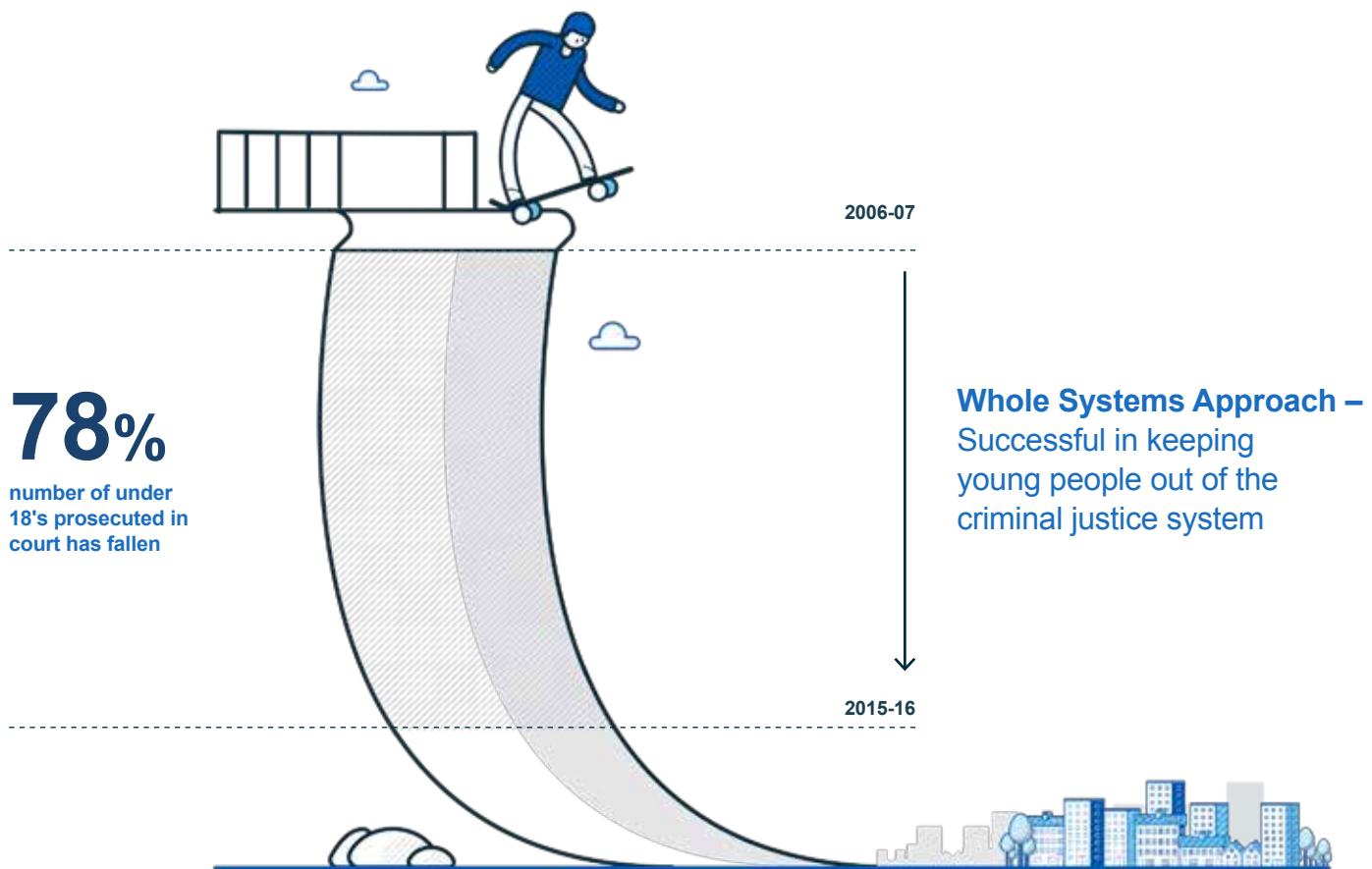
Civil disputes can be a source of stress and anxiety but research suggests many people are unsure how to resolve problems with, for example, neighbours, housing debt and family. The **Economic Downturn Programme** established in 2012 by the Scottish Legal Aid board has been funding services that provide assistance and representation for people facing court action around repossession and underlying debt issues and providing advice to people with small claims **enabling them to resolve matters pre-action or settle them early**.

Scotland has a modern **arbitration regime** for dealing with both domestic and international arbitration. The work of tribunals and administrative justice are essential elements of the justice system. The Tribunals (Scotland) Act 2014 created a First-tier Tribunal for Scotland and an Upper Tribunal for Scotland, known collectively as the Scottish Tribunals. This modernised structure will ensure that all parties continue to be dealt with equally, with cases treated proportionately and expeditiously, delivering decision making of high quality.

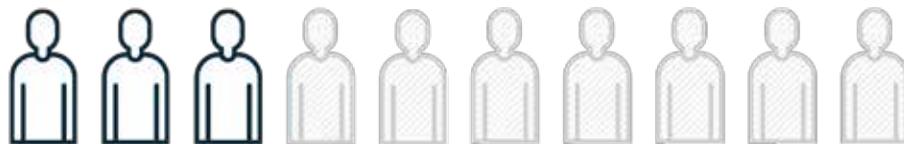
The “**Whole Systems Approach**” to Youth Justice is based on prevention, early intervention and support. There is a strong focus on a multidisciplinary approach to keeping young people out of the criminal justice system and minimising statutory intervention. This approach, which followed a bold shift to prevention in 2008 and continues through the youth justice strategy Preventing Offending: Getting It Right for Children and Young People (2015), has contributed to a fall of 78% in the number of under 18 year olds being prosecuted in court since 2006-07.

Offence referrals to the Children’s Reporter have decreased substantially as more young people are diverted from prosecution and kept out of the justice system.

We know that effective, person-centred interventions and effective supervision with support are key to addressing the underlying causes of reoffending for the adult population too. Evaluation of the **mentoring approach and services provided through the Reducing Reoffending Change Fund** shows that mentoring, when combined with other support, is an effective approach which helps mentees to learn and implement constructive, non-criminal ways of addressing problems in their lives and to reduce risk factors associated with offending behaviour.



PROPORTION OF PEOPLE ON COMMUNITY PAYBACK ORDERS WHO ARE RECONVICTED



3 in 10 of those given a community payback order

Evidence has demonstrated that community sentences are more effective at reducing reoffending than short prison sentences, as these interventions provide better opportunities to address the underlying causes of offending. This underpins our on-going approach to making more effective use of robust community sentences to reduce reoffending.

We know that in the decade up to 2012 the rate of female imprisonment rose faster than for men, with many women experiencing multiple disadvantage. The Commission on Women Offenders drew strongly on the available evidence in developing its recommendations to improve outcomes for women in the criminal justice system and reduce their reoffending. An independent evaluation of **women's community justice services** funded by the Scottish Government found the majority (83%) of women experienced improvements in at least one outcome.

Public confidence in the system is relatively high. In 2014-15, the majority of adults in Scotland said the police in their local area were doing a good or excellent job. Around three quarters of adults were either very or fairly confident that the system allows all those accused of crimes to get a fair trial, makes sure everyone has access to the criminal justice system if they need it and thought that it treats those accused of crime as innocent until proven guilty.

Police Scotland and the Scottish Fire and Rescue Service (SFRS) became operational in 2013 following the passing of the **Police and Fire Reform (Scotland) Act in 2012**. Challenges remain, but early evaluation of this large scale public service reform found evidence of the establishment and functioning of new processes, structures, projects and programmes designed to enhance efficiency, effectiveness and engagement with communities.

72%

think those who are accused of crimes are treated as innocent until proven guilty



58%

think the local police are doing a good or excellent job



Current and emerging challenges

While there have been successes, there are, of course, re-current and emerging challenges. There are a number of **specific challenges** that we face.

1. increasing **inequality** and its potential effects on crime, violence and civil justice problems



2. **adverse childhood experiences** and their impact on the justice system



3. delivering a further, decisive shift in resources to focus on **prevention** and early intervention



4. the concentration of **crime, victimisation and civil problems** in our most deprived communities



5. improving people's experience of the justice systems



6. the continuing **high prison population** in Scotland



7. the relatively poor **physical and mental health and wellbeing** of those in contact with the criminal justice system



8. **emerging crimes and threats**



9. **BREXIT** and its potential effects



1. increasing inequality and its potential effects on crime, violence and civil justice



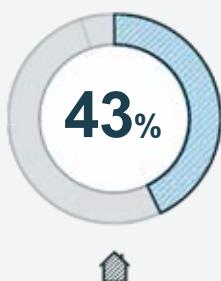
A number of challenges set out here are driven by, or related to, the levels of poverty and inequality we face in Scotland. As in many developed countries, income and wealth inequality is increasing. The latest data show a stretched income distribution in Scotland, resulting in low income households falling behind those in the middle and even further behind those at the top. Wealth inequality is starker. The wealthiest 10% of households in Scotland own 43% of private wealth.

Research shows that the increasing levels of income inequality in developed countries are associated with poorer health and social outcomes, including those related to crime and justice. Imprisonment, violence, drug use, physical and mental health, social mobility, trust, and child well-being outcomes are just some of the things that are significantly worse in more unequal rich countries. The consequences of income inequality are not isolated to particular groups in society, but affect everyone. Our current levels of income and wealth inequality are a cause for concern across government portfolios and will affect them in different ways.

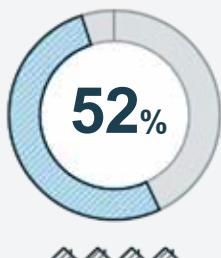
Scotland's Economic Strategy sets out an overarching framework for how we aim to achieve a more productive, cohesive and fairer Scotland. It is based on the principle that delivering sustainable growth and addressing long-standing inequalities are reinforcing - and not competing - objectives. Creating a fairer society is not just a desirable goal in itself, but is essential to the sustained, long-term prosperity of the Scottish economy.

We must also remain focused on addressing gender inequality, a continuing challenge for the justice portfolio. 80% of the victims of domestic abuse are women, highlighting the gendered nature of this crime and the need for a specific course of action to ensure that women and girls are able to participate equally in society without the fear of violence, abuse or intimidation. Equally Safe, Scotland's strategy for preventing and eradicating violence against women and girls, is co-owned between the Scottish Government and the Convention of Scottish Local Authorities (COSLA). The strategy regards violence against women and girls as a violation of their human rights.

▼ WEALTH IS UNEQUALLY DISTRIBUTED ACROSS SCOTLAND



The wealthiest 10 per cent of households owned **43 per cent of wealth**. The top 2 per cent alone owned 20 per cent of all personal wealth in Scotland.



The 'middle' 40 per cent owned **around half of household wealth** in 2010/12



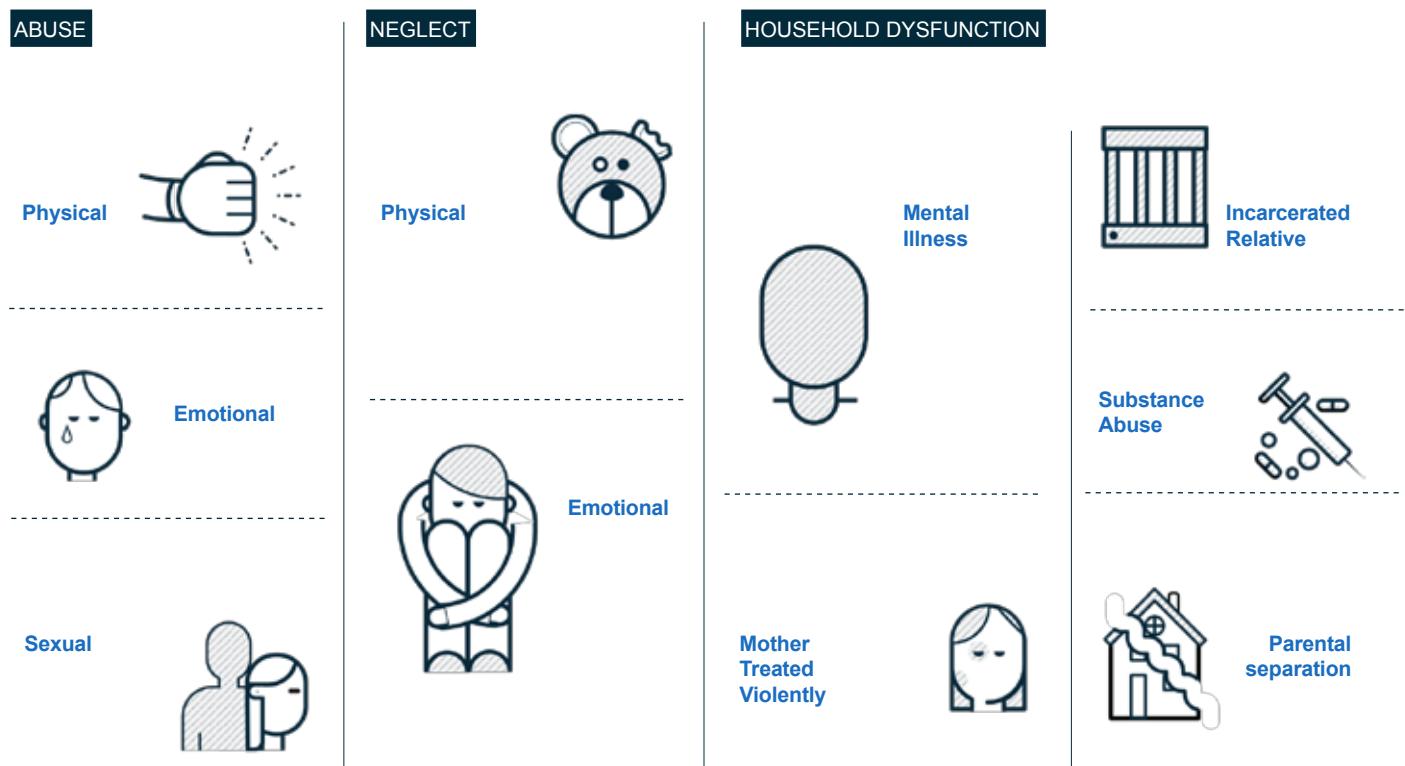
The least wealthy 50 per cent of households in Scotland owned **less than 5% of wealth**.

2. adverse childhood experiences and their impact on the justice system



In recent years we have come to understand more about the relationship between Adverse Childhood Experience (ACEs) and future offending and imprisonment. ACEs are traumatic experiences that can have a profound effect on a child's developing brain and body with lasting effects. There are ten recognised ACEs, categorised into three broad types – abuse, neglect and household dysfunction. The latter type of ACE includes having an incarcerated relative, a mother treated violently, substance misuse and mental illness in the household.

▼ ADVERSE CHILDHOOD EXPERIENCE (ACEs)



► COMPARED WITH PEOPLE
WITH NO ACEs, THOSE
WITH 4+ ACEs ARE:

x4

times more likely to
be high risk drinker

x6

times more likely to have
had or caused unintended
teenage pregnancy

x6

times more likely to
smoke e-cigarettes
or tobacco

x6

times more likely to
have had sex under
the age of 16 years

x11

times more likely to
have smoked cannabis

x14

times more likely to have
been a victim of violence
over the last 12 months

x15

times more likely to have
committed violence against
another person in the last 12
months

x16

times more likely to have
used crack cocaine or
heroin

x20

times more likely to have
been incarcerated at any
point in their life time

The English ACEs study showed that people who have experienced four or more ACEs when compared to another person who has no experience of ACEs are almost 9 times more likely to experience incarceration. The Welsh ACEs study showed even starker results (see in previous page). Those with four or more ACEs were 14 times more likely to have been a victim of violence over the last 12 months, 15 times more likely to have committed violence and 20 times more likely to have been incarcerated at any point in their life time.

A recent study by the Scottish Children's Reporter Administration found that of a sample of one hundred 8-11 year olds referred to the reporter in 2012-13;



1 of 3

of young prisoners have been in care at some point



Further, the SPS Prisoner Survey of Young People in Custody 2015 showed that a third of young people in custody reported being in care at some point in their life. Almost half of children in care have a diagnosable mental health disorder and two-thirds have special educational needs.

Incarcerated relatives and mothers being treated violently are recognised adverse childhood experiences. It is estimated that 20,000 children are affected by parental imprisonment in any year. Children of prisoners were more likely than other children to show antisocial behaviour and have mental health problems. Further, the immediate effects of parental imprisonment can include feelings of shame, social stigma, loss of financial support, weakened ties to the parent, changes in family composition, poor school performance and increased risk of abuse or neglect. Long-term effects can range from the questioning of parental authority, negative perceptions of police and the legal system, and increased dependency to impaired ability to cope with future stress or trauma, disruption of development and intergenerational patterns of criminal behaviour.

3. delivering a further, decisive shift in resources to focus on prevention and early intervention



There is international evidence in favour of a preventative approach drawn from across health, criminal justice, education and other settings. For example we know that:

1. addressing the underlying causes of crime, such as protecting children from abuse or neglect, reduces the urge or need to offend.
2. lack of meaningful adult relationships is a key feature for young people who offend.
3. reducing the opportunities for crime is important so that those whose behaviour has not been moderated by deterrence strategies simply find it difficult to offend.
4. in civil matters, early intervention with good advice for problems that arise can prevent the involvement of the courts and can reduce hardship for a large number of people.
5. a "Whole Systems Approach" based on prevention, early intervention and multi-disciplinary support has been successful in diverting children and young people away from offending.
6. community-based interventions are more effective at reducing re-offending and social exclusion than short term imprisonment.
7. short custodial sentences offer limited opportunities for rehabilitation and some people leave custody with the same underlying issues as when they entered— and people are actually more likely to reoffend after serving a short custodial sentence, not less.

40%

The Christie Commission reported that it was estimated that 'as much as 40 per cent of all spending on public services is accounted for by interventions that could have been avoided by prioritising a preventative approach'.

We already have a track record in shifting towards prevention, including Scotland's recent success with youth justice. But as things stand, the cost of enforcement still outweighs the amount spent by the justice portfolio on primary prevention and early intervention many times over. The cost of criminal justice system itself is around £2.5bn per annum. In times of reduced public spending, a shift towards preventative spending is challenging, but it is more likely to be effective in the long term.

£2.5bn

per annum
cost of criminal
justice system

4. the concentration of crime, victimisation and civil problems in our most deprived communities



We understand more about the associations between poverty, victimisation, offending and imprisonment - and their concentration. Material deprivation may exacerbate the conditions for crime by increasing stress and making it more difficult to access support and services. In turn this can contribute to poor mental health, homelessness, substance misuse and difficulties in parenting effectively. We increasingly understand that simply reducing poverty through increasing income will not reduce offending as the underlying factors are complex and long standing.

The experience of crime and victimisation among our poorest citizens in Scotland is well established. The improvements in crime and victimisation referred to earlier are not experienced equally across our communities. While the risk of being a victim of crime has fallen overall, it remains unchanged in our 15% most deprived areas between 2012/13 and 2014/15. Overall, it is estimated that around 4.4% of adults experience 58% of all crime, suggesting high levels of multiple victimisation.

Civil legal problems can both contribute to, and result from, disadvantage and inequality. One-in-five (21%) adults had experienced at least one civil law problem in the last three years. The most common problems were problems with home, family or living arrangements (14%).

People living in our most deprived areas are at greater risk of:

1. being a victim of crime
2. civil law problems, including with neighbours, debt and housing
3. hospitalisation or death from alcohol or drug related causes
4. imprisonment and criminalisation

We understand more about the importance of place-making and the quality of the local environment in creating safe communities. Feeling safe in a community is fundamental for an individual and community to be resilient and thrive. Research shows that people use sophisticated strategies to avoid people and places where they feel unsafe. We also know that while improvements in physical living conditions are welcomed by residents in regeneration areas, addressing problematic relationships, abuse, victimisation and problems/disputes with neighbours are, overall, possibly more important and likely to have long term benefits.

▼ OVERALL THE RISK OF BEING A VICTIM OF CRIME IN SCOTLAND HAS FALLEN



↓ **5.9% pts**
decrease since 2008/09

↓ **2.4% pts**
decrease since 2012/13

▼ BUT PEOPLE IN DEPRIVED AREAS ARE NOT EXPERIENCING THE SAME FALL SINCE 2012/13



↓ **4.8% pts**
decrease since 2008/09

— **Θ**
no change since 2012/13

5. improving people's experience of the justice systems



We know that those who come into contact with the justice system want to feel valued and respected, and have their diverse needs met, without unnecessary time and delay. We know that people want our justice systems to be visible, transparent, fair and open to all, but that it can be difficult for people to access the right information at the right time to help them understand how our justice systems work.

The efficiency of prosecuting criminal cases through the sheriff court system affects victims, witnesses, accused people and others. Overall, there have been changes in what the system has been handling over recent years. In particular, the complexity of cases being considered has increased, with greater focus on cases involving domestic abuse and historical sexual offences. Despite successful efforts by justice organisations to mitigate the effects of this change in caseload, the time taken to conclude a case in the justice system (caution and charge to verdict) is still longer than it was 5 years ago.

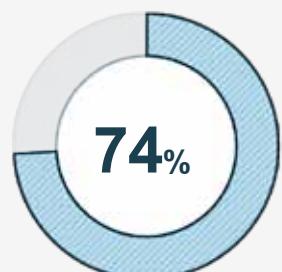
The Scottish Courts and Tribunals Service's Evidence and Procedure Review has indicated that the digital transformation of the summary criminal justice system could substantially reduce the number of witnesses cited to court, repeated hearings and delays. Pre-recording of evidence should reduce the trauma of children and other vulnerable witnesses attending court.

Within the civil justice system, a Scottish Government Stakeholder Summit on Family Justice Modernisation in 2016 acknowledged that legal proceedings in family justice cases involving children are often subject to delay, slowing the decision making process and impacting negatively on children and carers. Studies of parents undertaking court action in respect of contact have reported high levels of stress. The Summit also found that interaction between the civil and criminal justice systems is not always consistent or effective.

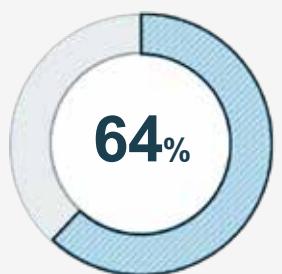
£10,000,000

Cost of cases repeating stages unnecessarily (2014/15)

▼ THE PROPORTION OF CRIMINAL CASES DEALT WITH IN 26 WEEKS HAS FALLEN



2008/09



2015/16

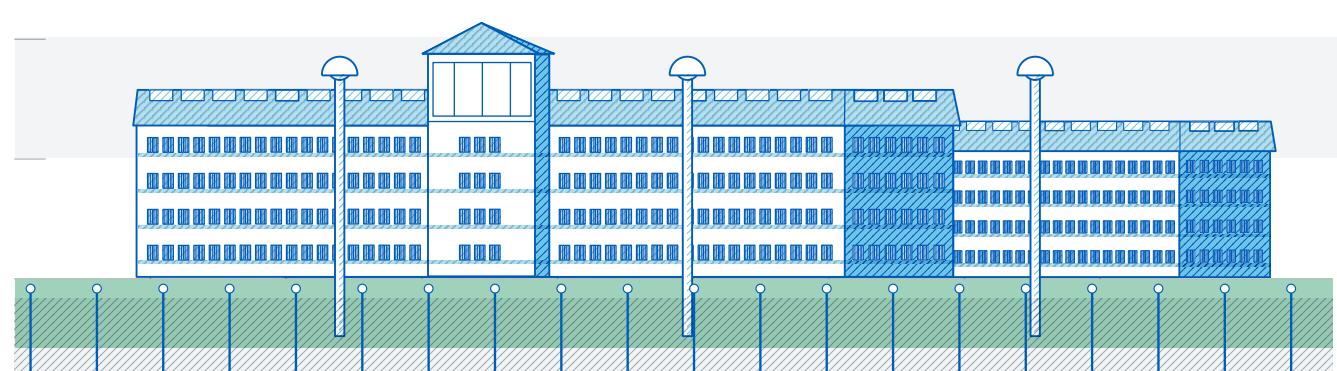
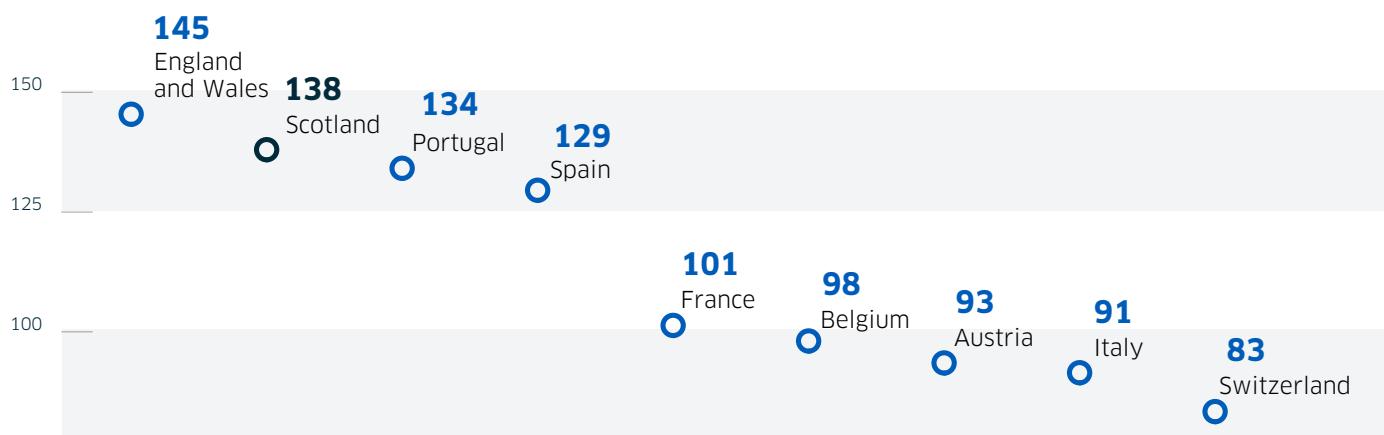
6. the continuing high prison population in Scotland



All else being equal, the fall in overall crime levels should have led to less pressure on the criminal justice system. But at the same time, the system has become increasingly effective at bringing the perpetrators of crime to justice through improved clear-up rates, particularly for serious violent crime.

As a result, the 41% fall in crime has not been reflected in an equivalent fall in court convictions. Over the same period, court convictions fell by 21%, and the number of custodial sentences fell by 17%. Further, over the same period, average custodial sentence lengths increased by 23%. This reflects the more complex and serious cases that the prosecutors and courts are handling.

▼ THE NUMBER OF INDIVIDUALS IN PRISON PER 100,000 OF POPULATION



While it appears that crime may be falling more quickly in Scotland than in most other Western societies over a number of years, Scotland's prison population remains stubbornly high, although now stable. It remains higher than any other Western European jurisdiction, other than England and Wales.

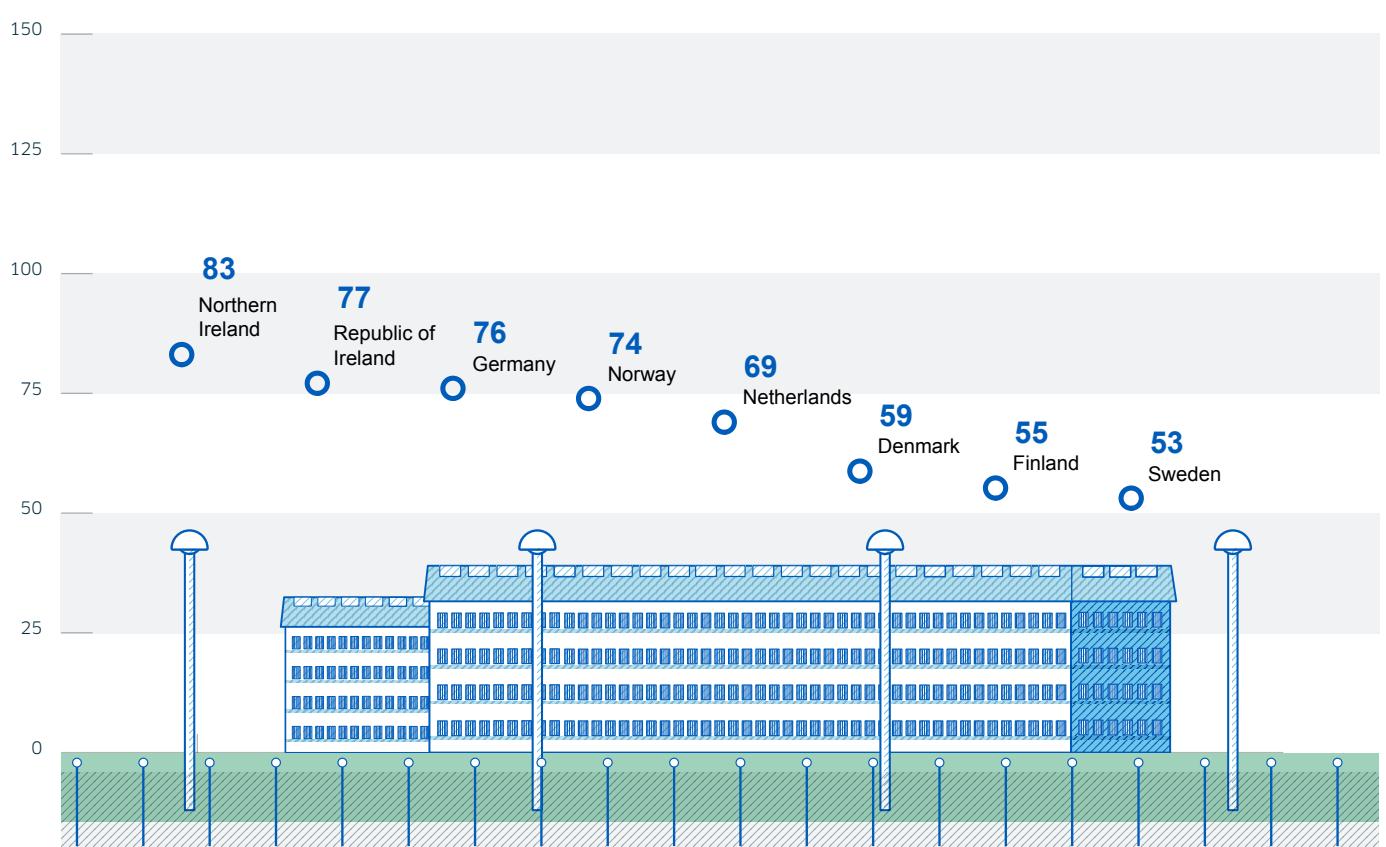
Prison will always be required for those people whose offences are serious, or where there are significant risks to public safety. Custody can provide an important opportunity for recovery. The Scottish Prison Service's organisational review (2013), *Unlocking Potential, Transforming Lives*, aims to help build a safer Scotland by unlocking potential and transforming lives and supporting former prisoners' reintegration back into the community.

Further, the SPS's vision for young people in custody aims to use the time a young person spends in custody to enable them to prepare

for a more positive future. An ambitious new approach to custody for women, drawing on international evidence and the recommendations of the Commission on Women Offenders (2012) is also underway.

Nonetheless, the international evidence shows that prison can have damaging effects through weakening social ties, creating stigma, adversely impacting on employability and housing stability, ultimately increasing the likelihood of reoffending.

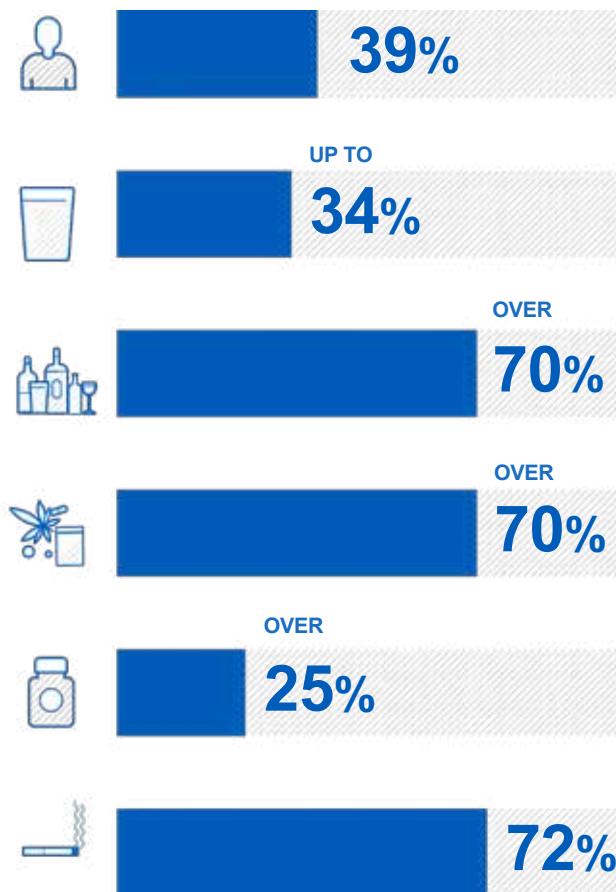
Evidence also shows that imprisonment for short periods is counterproductive. Short prison sentences do not prevent reoffending. Over half of those released from a prison sentence of 6 months or less are reconvicted within a year, and over two-thirds of those who are reconvicted end up back in prison. For some people, prison continues to be a revolving door.



7. the relatively poor physical and mental health and wellbeing of those in contact with the justice system



The population in contact with the criminal justice system is a vulnerable one in health and wellbeing terms, with people experiencing high levels of mental health problems, trauma, learning difficulties (sometimes undiagnosed) and challenges with problem alcohol and substance use. These commonly co-exist with long term social disadvantages that are now well understood as the wider determinants of our health. Addressing the health and social needs of this population can contribute to reducing health inequalities and strengthen a human rights approach to health.



◀ RECENT DATA SHOWS:

Those who experience imprisonment can have particularly poor health outcomes. People imprisoned in Scotland between 1996 and 2007 experienced excess mortality that is only partly explained by levels of deprivation. Men who had been imprisoned had a relative risk of dying that was more than three times that of men in the general population. Women's relative risk was over seven times higher. The majority of deaths occurred outside prison, commonly in the two weeks after release.

Risk of dying from suicide was 3.5 times that of the general population for men who had been in prison and 11.4 times for women. We know that in comparison to the general population, the prevalence of mental illness experienced by offenders is high. Such high levels of psychiatric morbidity are consistently reported in prisoners from many countries over four decades.

Justice agencies are commonly dealing with situations where the main issues are around mental health and distress, where no offence, or only a minor offence, has been committed. Police Scotland officers attended 42,000 incidents where mental health or distress was a factor in 2014-15. In England and Wales, estimates from different sources suggest that between 2% - 20% of incidents that the police attend have a mental health link. Analysis also suggests that this appears to be increasing.

Unsurprisingly, the prisoner and offender population is ageing too, in part due to the 'cohort' effect and historic crime capture. We continue to have an ageing cohort of drug users, often in poor health, reflected in both death and hospitalisation data. The over-35 age group accounted for 73% of the number of drugs deaths in 2015 with a median age at death of 41 years old.

Given that people aged 50 and over are the fastest growing age group in the prison estate, the challenges associated with responding to the needs of older prisoners are likely to become more pressing in the future. These include dementia, managing other ageing related disease and palliative care. Given the health challenges set out above, those in prison are likely to experience poor health sooner than average.

▼ THOSE WHO
EXPERIENCE
IMPRISONMENT HAVE A
HIGHER RELATIVE RISK
OF MORTALITY THAN THE
GENERAL POPULATION

RISK OF DEATH



x3



x7

RISK OF SUICIDE



x3.5



x11.4

8. emerging crimes and threats



The nature of crime and associated demands on the justice system are subject to constant change. Over recent years, there has been substantial growth in the volume of cases involving domestic abuse and sexual offences, due to increased confidence amongst victims in reporting these crimes and the actions of justice agencies. However, we know that these crimes remain under-reported and we expect these pressures to continue.

Alongside existing pressures, we know that we are faced with a number of **emerging crimes and threats** such as cyber-enabled crime and terrorism. The growth of the internet has also brought many opportunities to both legitimate and criminal activities. As the internet becomes more and more part of our daily lives, the impact of, and potential disruption caused by, internet crime is likely to increase for individuals and businesses.

The breadth of crime that could be committed on the internet presents particular challenges to the criminal justice system. For example, the potential reach of the internet where one offender could be in contact with multiple victims across a wider geographical area than would have been previously possible. Internet crime can cover such diverse areas as serious organised crime groups conducting mass fraud or business extortion, fraudulent on-line sellers, sexual crime and harassment.

Finally the terrorist threats the UK faces are more diverse than ever before. We face an unpredictable situation, with the potential for more frequent terrorist attacks. Counter-terrorism policy in the UK is reserved to the Westminster Government, but many aspects of preparation, prevention and dealing with the consequences of a terrorist act in Scotland are managed by the Scottish Government, Police Scotland, Crown Office and Procurator Fiscal Service, local government and other agencies. The challenge of preventing and addressing radicalisation and extremism also requires strong links with a wide range of stakeholders and a focus on information and intelligence.

9. BREXIT and its potential effects



BREXIT poses a certain challenge for Scotland in the area of Justice and Home Affairs (JHA), with the potential for significant destabilisation in the coming decade. European law is woven into the fabric of law in the UK and Scotland. Withdrawal from the European Union will remove a source of law from the Scottish legal system that has been there for over forty years. There are numerous EU instruments and agreements which facilitate cross border co-operation in the areas of law enforcement, criminal law and civil law.

In the criminal domain this includes Europol, Eurojust, the European Arrest Warrant, prison

transfer and the package of EU measures which keep people safe and secure. Civil law interests relate to measures which require reciprocity. This includes jurisdiction, recognition and enforcement of civil and commercial judgments (Brussels Ia - which provides that the choice of jurisdiction by parties to a cross-border dispute should be upheld) and the choice of jurisdiction by parties to a cross-border dispute and recognition and enforcement of judgments on divorce, separation and responsibility for children (Brussels IIa - which sets out private international law relating to cross-border matrimonial matters, parental responsibility and international child abduction).



How our priorities will address the challenges

PRIORITIES

- 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 |
| | adverse childhood experiences |
| | prevention and early intervention |
| | concentration of crime and victimisation |
| | people's experience of justice system |
| | high prison population |
| | physical and mental health and wellbeing |
| | emerging crimes and threats |
| | BREXIT |

CHALLENGES

Priority 1	✓	✓	✓	✓	✓	✓		✓	
Priority 2	✓		✓					✓	✓
Priority 3			✓	✓	✓			✓	✓
Priority 4	✓	✓	✓	✓	✓	✓	✓		
Priority 5	✓	✓	✓	✓	✓	✓	✓		
Priority 6		✓	✓	✓	✓		✓		
Priority 7	✓	✓	✓		✓	✓	✓		

Enablers

This is not the time to be complacent, but rather to build on past successes, to learn from the most recent evidence and to apply this to our current and future challenges. It is essential that we build the right foundations and create the right conditions to make progress on our priorities. This means:



1) COLLABORATIVE LEADERSHIP

The Justice Board and the Justice Leaders Network (JLN) are committed to strong and concerted leadership. We are focused on leading and working together - and across traditional boundaries - to transform our public services and make that decisive shift towards prevention.



2) PARTNERSHIP WORKING

We will continue to develop genuine partnership with the NHS, Integrated Joint Boards, COSLA, Community Planning Partners (CPPs), third and private sectors at national and local levels. This includes working towards common purpose and outcomes, co-producing policy and programmes, strategic commissioning and playing to partners' strengths.



3) AN ADAPTABLE AND RESILIENT WORKFORCE

We have diverse justice workforces who are our agents of change. We need highly skilled, qualified and compassionate people at the heart of our work who have the right opportunities for continuous professional development.



4) COMMUNITY ENGAGEMENT

All justice leaders will lead by example. The organisations they lead respect diversity, apply rights-based approaches and are committed to putting people and communities at the heart of decision making and co-production of opportunities. This is increasingly evident in the work of our justice community and we will prioritise this in the coming years.



5) DIGITAL AND IT

To deliver justice fit for the 21st century, our justice systems need to embrace digital technology. We need to look beyond traditional methods, transforming how we engage and how we deliver services. We need to work with key justice stakeholders to deliver simple, fast and effective justice through our Justice Digital Strategy – sharing information and evidence across the system.



6) ANALYSIS AND USE OF EVIDENCE

Our vision and priorities are underpinned by a broad and systematic analysis of the evidence base to help inform our understanding of the challenges as well as frame our priorities and approach. We will continue to develop, analyse and apply the best available data and evidence to guide and measure progress, as well as to inform the actions we take through an understanding of what works most effectively to deliver positive change.

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