

# Justice Vision – Evidence Supplement

This supplement expands on the evidence referred to in the Justice Vision for Scotland. Evidence from a variety of sources is listed under each outcome.

This is not an exhaustive review of all existing evidence in the area, but outlines the main sources where evidence was used in the process of developing outcomes.

## Aim – We have a society in which people feel, and are, safer in their communities

Feeling safe is fundamental for individuals and communities to thrive. Communities who feel and demonstrate they are safe, reduce fear of harm and victimisation and are also in a stronger position to support members to re-integrate and recover from offending.

We know that feeling safe is not felt equally across everyone in our communities – different crimes are experienced differently by different groups. For example, women are more likely than men to be concerned about crime and perceive some issues to be more prevalent in their neighbourhood than men. People who have experience of the Justice System also feel less safe than the general public.

The need to feel and be safe is not just about being protected from crime and offending. We also should be supported to be as safe from unintentional harm whether that is in our homes or in our communities, either as a result of accidents or emergency events

As well as police recorded crime falling, the proportion of adults experiencing crime each year has also fallen over the last decade, from around one-in-five adults to around one-in-eight. Violent crime has fallen over the long term, and the number of victims of homicide is at a record low. However, the reduction in crime has not been experienced equally across Scottish society with those living in the most deprived areas in Scotland having a greater likelihood of being a victim of crime and just under 4% of adults experiencing over half of all crime. Therefore, our public services should continue to work together, taking a public health approach in tackling violence to ensure we experience less crime, especially violent crime.

- Police recorded crime is at one of the lowest levels since 1974<sup>1</sup>, and the overall level of crime experienced in Scotland has fallen by 46% since 2008-09.<sup>2</sup>
- The proportion of adults experiencing crime fell from around one-in-five adults in 2008-09 to around one-in-eight in 2019-20.<sup>3</sup>
- Non-sexual crimes of violence recorded by the police (Group 1) fell by 4% from 2019-20, to 8,972 in 2020-21. This decrease is due to the recording of fewer crimes across every category except “other” violence, which rose by 22%. This is due to an increase in online crimes of threats and extortion. Overall, non-sexual crimes of violence remain at a lower level than all years between 1980 and 2011-12.<sup>4</sup>
- There were 58 homicide victims recorded by the police in Scotland in 2020-21, the lowest value since comparable records began in 1976, and, a 38% decrease from 2011-12. Since 2012-13, the number of victims of homicide each year ranged between 58 and 66.<sup>5</sup>

---

<sup>1</sup> Scottish Government (2021) [Recorded Crime in Scotland, 2020-2021](#)

<sup>2</sup> Scottish Government (2021) [Scottish Crime and Justice Survey 2019/20](#)

<sup>3</sup> Ibid.

<sup>4</sup> Scottish Government (2021) [Recorded Crime in Scotland, 2020-2021](#)

<sup>5</sup> Scottish Government (2021) [Homicide in Scotland 2020-2021](#)

- The Scottish Crime and Justice Survey (SCJS) finds that those living in the 15% most deprived areas in Scotland were almost more than twice as likely to have been victims of violence than people living elsewhere (5.3% compared to 2.1%). A small number of victims experience a high proportion of all crime: the most recent figures show that 3.6% of adults experienced over half of all crime.<sup>6</sup>
- The public perception of local crime rate has improved since 2008-09. 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%).<sup>7</sup>
- Women were less likely to think crime had been stable or fallen across the country as a whole than men (39% compared to 52%, respectively). This finding is similar to the pattern in views on the local crime rate.<sup>8</sup>
- Most adults feel safe walking alone after dark. 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. Despite perceptions improving over the last decade, feelings of safety continued to vary by factors such as gender, age, area deprivation, recent victim status, and rurality in 2019-20. Whilst more women and people living in the most deprived areas of Scotland felt safe in 2019-20 than a decade ago, they were still less likely to feel safe than men and people living in the rest of Scotland, respectively.<sup>9</sup>

---

<sup>6</sup> Scottish Government (2021) [Scottish Crime and Justice Survey 2019/20](#)

<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

<sup>9</sup> Ibid.

- Women were more worried than men about experiencing all of the specific crime types which respondents were asked about in the 2019-20 SCJS.<sup>10</sup>
- Greater proportions of people in the most deprived areas were worried about experiencing physical violence, being mugged or robbed, and their home being damaged. Those in deprived areas were also more likely to view these matters as common occurrences in their neighbourhood and think they were likely to experience them in the coming year.<sup>11</sup>
- Recent victims of crime were typically more likely to be worried about experiencing crime again in the future and think they were likely to do so, as well as to view issues as common in their local area.<sup>12</sup>
- Recent prior victimisation had a strong association with views on the likelihood of experiencing crime in future, with each comparison shown representing a statistically significant difference. For example, whilst 60% of non-victims in 2019-20 said they did not think they would experience any of the listed crimes in the coming year, this was true for only 33% of victims. In other words, the majority of people who had been victims of crime in the previous 12 months, expected to become victims (of some sort of crime) again in the following year.<sup>13</sup>

Our police, fire and other emergency services work in partnership to reduce harm and increase safety including work in relation to terrorism. Relevant authorities have a duty to support the delivery of the PREVENT programme to stop people becoming terrorists or supporting terrorism.

---

<sup>10</sup> Ibid.

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

<sup>13</sup> Ibid.

We aim to reduce unintentional harm in our communities in regards to events like fires, flooding and other emergency events which put our communities under strain as well as harm from accidents. We have made real progress in this area and the number of fires has fallen by over a third in the last decade. However, we still require greater resilience to limit the impact of these emergency events, using the assets within our communities and support from public services to ensure that as individuals we suffer less harm including from emergency situations and fires.

- 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.<sup>14</sup>

We all should feel and be safe in our communities yet we know we have work to do to achieve this. This is of course particularly relevant in tackling gender based violence. Police recorded sexual crimes remain at one of their highest levels and there has been an increase in recorded domestic abuse incidents. We must ensure a strong and flourishing Scotland where all individuals are equally safe and respected, and where women and girls live free from all forms of violence and abuse, as well as the attitudes that perpetuate it. As individuals we should not have a differing experiences of safety in our communities as a result of societal attitudes such as misogyny, racism, homophobia and sectarianism. We all should experience equality and mutual respect.

- Sexual crimes remain at one of their highest levels, with 13,131 recorded incidents in 2020-21, the third highest level since 1971<sup>15</sup>.

---

<sup>14</sup> Scottish Fire and Rescue Service (2020) [Fire and Rescue Incident Statistics 2019-20](#)

<sup>15</sup> Scottish Government (2021) [Recorded Crime in Scotland, 2020-2021](#)

- There were 65,251 incidents of domestic abuse recorded by the police in 2020-21, an increase of 4% on 2019-20. In 2020-21, 40% of all incidents recorded by the police included the recording of at least one crime or offence (the same proportion as in 2019-20). Where gender information was recorded, four-in-five (80%) incidents of domestic abuse in 2020-21 involved a female victim and a male accused. This decreased slightly from 82% in 2019-20.<sup>16</sup>
- The SCJS for 2018-20 (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. A greater proportion of women than men have experienced serious sexual assault both since the age of 16 (6.1% compared with 0.8%) and in the 12 months prior to interview (0.4% compared with 0.1%). In addition, the SCJS reveals that just over a fifth (22%) of respondents said the police came to know about the most recent (or only) incident of forced sexual intercourse.<sup>17</sup>
- The Scottish Social Attitudes Survey showed there were some significant changes in attitudes towards women between 2014 and 2019. Belief in certain rape myths declined, with the proportion of people agreeing that ‘women often lie about rape’ falling from 23% to 8%. However, only just over half (55%) said that a man controlling what his wife wears is ‘very seriously wrong’.<sup>18</sup>
- Data from the 2019 Scottish Household Survey shows that while over three quarters of adults feel a very or fairly strong sense of belonging to their neighbourhood, this is lower for people from ethnic minority groups. Ethnic minorities were also more likely to report having experienced discrimination or harassment in the last 12 months.<sup>19</sup>

---

<sup>16</sup> Scottish Government (2021) [Domestic abuse recorded by the police in Scotland, 2020-21](#)

<sup>17</sup> Scottish Government (2021) [Scottish Crime and Justice Survey 2019/20](#)

<sup>18</sup> Scottish Government (2020) [Scottish Social Attitudes Survey 2019: attitudes to violence against women](#)

<sup>19</sup> Scottish Government (2020) [Scottish household survey 2019: annual report](#)

Scotland's diversity is its strength; all communities are valued and their contribution welcomed. Despite this, our communities are not as strong as they could be and hate crime and sectarian behaviour threaten community cohesion and have a corrosive effect on communities and society as a whole. There is also evidence, mainly from the US, that experiencing racism can lead to trauma and fear among victims of racial attacks and discrimination<sup>20</sup>. Around three-fifths of hate crimes recorded in 2019-20 included a race aggravator, one in five included a sexual orientation aggravator and around two fifths which had a religious aggravator involved prejudice towards the Catholic community. We need to work to improve community relations and ensure that we experience less hate crime and sectarian behaviour.

- The police recorded 6,448 hate crimes in 2019-20 and the number of hate crimes recorded by Police Scotland per 10,000 of the population was highest in Glasgow City and the City of Edinburgh local authority areas (25 and 23 crimes per 10,000 population respectively). The Shetland Islands and Orkney Islands had the lowest rates. In 2019-20, around three-fifths (62%) of hate crimes included a race aggravator, one in five (20%) included a sexual orientation aggravator, 8% a religion aggravator, 4% a disability aggravator and 1% a transgender identity aggravator. The remaining 5% of crimes and offences included more than one aggravator.<sup>21</sup>

The threats from different types of crime is changing. Use of digital technology has exposed us to greater risks in regard to cyber-crime. In 2020-21, over 14,000 cyber-crimes were recorded by the police which is almost double from the year before. Cyber-crimes accounted for an estimated one-in-three sexual crimes in 2020-21, and around one-in-ten crimes of dishonesty. In addition, over a quarter of businesses surveyed in 2021 had experienced a cyber-attack in the last 2-3 years. Over the coming years, as individuals, communities, organisations and businesses we need to be more resilient to cyber threats and attacks.

---

<sup>20</sup> Williams, D. R. (2018) [Stress and the Mental Health of Populations of Color: Advancing Our Understanding of Race-related Stressors](#)

<sup>21</sup> Scottish Government (2021) [Characteristics of police recorded hate crime in Scotland: study](#)

- In 2020-21, an estimated 14,130 cyber-crimes were recorded by the police in Scotland. This has almost doubled (increasing by 95%) compared to the estimated 7,240 cyber-crimes recorded in 2019-20. It is estimated that at least 6% of crimes recorded by the police in Scotland in 2020-21 were cyber-crimes, compared to 3% in 2019-20. This includes an estimated one-in-three Sexual crimes (33%) in 2020-21, up from around a quarter (24%) in 2019-20. In addition, around one-in-ten Crimes of dishonesty (10%) were estimated to be cyber-crimes in 2020-21, compared to 3% in 2019-20.<sup>22</sup>
- The Digital Economy Business Survey 2021 shows that, in Scotland, amongst all businesses surveyed, 28% had experienced a cyber-attack in the last 2-3 years. The most common attacks businesses faced was being directed to fake websites (15%) and having emails hacked (11%). Of those businesses that experienced a cyber-attack, various implications were reported such as the business requiring specialist services (26%). Other implications included cost of replacing/upgrading equipment (23%), financial loss (17%), re-training staff (13%), damage to reputation (9%) and data breach of sensitive information (7%).<sup>23</sup>

Finally, it is vital that as children we also feel safe in our communities and homes. Supporting our ambition that we Get it Right for Every Child, and that Scotland is the best place in the world to grow up. At least 39% of the sexual crimes recorded by police in 2020-21 related to a victim under the age of 18, with an estimated one-in-six sexual crimes being cyber-crimes with a victim under the age of 16. Many children are also witnesses to partner abuse. The SCJS found that of those who reported children were living in the household at the time they experienced partner abuse 71% said that the children were in or around the house or close by during the most recent incident of partner abuse. We must uphold children's rights and protect children from all forms of physical or mental violence, injury or abuse.

---

<sup>22</sup> Scottish Government (2021) [Recorded Crime in Scotland, 2020-2021](#)

<sup>23</sup> Scottish Government (2021) [Digital Economy Business Survey 2021: findings](#)

- Whilst the specific age of the victim cannot generally be determined from the data supplied by Police Scotland, many of the sexual crime codes used by the police to record crime make it clear when the victim was aged under 18 (for example, Sexual assault of older male child (13-15 years)). By adding up all these crime codes, we know that at least 39% of the 13,131 sexual crimes recorded in 2020-21 by the police related to a victim under the age of 18. This proportion is similar to recent years.<sup>24</sup>
- Respondents who experienced partner abuse in the 12 months prior to interview were asked about the circumstances of the most recent (or only) incident of partner abuse. Of those who reported children were living in the household (32%), 71% said that the children were present (in or around the house or close by) during the most recent incident.<sup>25</sup>

---

<sup>24</sup> Scottish Government (2021) [Recorded Crime in Scotland, 2020-2021](#)

<sup>25</sup> Scottish Government (2021) [Scottish Crime and Justice Survey 2019/20](#)

## Aim - We work together to address the underlying causes of crime and support everyone to live full and healthy lives

We know that in order to prevent people coming into contact with justice services, we have to tackle longstanding, societal issues which exist beyond the boundaries of what we think of as the justice system. The causes of crime are many, varied and complex. Some of the factors that influence whether a person will come into contact with the justice system, such as poverty and inequality, Adverse Childhood Experiences (*ACEs*), attachment to school, and drug and alcohol use, are often experienced from early life. We also know that for some of those who have offend they have also been victims themselves.

Many of these factors are interlinked and a person can be affected by one or many. We need to address harmful experiences and behaviours at the earliest possible opportunity and take a preventative approach which allows for people to be considered as individuals with complex needs. We should always be treated as a person first and be supported to improve our life chances. Our public services should therefore assess and respond to our needs and any associated risks proportionately.

Crime and victimisation are intrinsically linked to deep seated issues such as poverty and income and wealth inequality. The evidence shows that increasing income inequality experienced by those in developed countries, like Scotland has been linked to lower health and social outcomes, especially those connected to crime and justice. There is clear evidence of a link between experience of area level deprivation and crime with those living in the most deprived areas being more likely than the rest of Scotland to experience crime with fewer resources to cover the cost. Compared to mothers in the highest income households, mothers on the lowest incomes are far more likely to experience domestic abuse. To improve the life chances for all of Scotland's adults and children, is beyond the responsibility of justice alone. We need to work together to mitigate the impact of poverty and disadvantage and reduce those who have contact with the justice system.

- A rise in inequality often corresponds to a rise in crime. One theory that explains the link is that higher inequality implies a larger differential between the expected payoffs from legal and illegal activities. Another (and one that helps to explain the link with violent crime) is that those living in areas of high inequality may have lower expectations about their chances of improving their social or economic status, and thus have a lower perceived opportunity cost of engaging in criminal activity.<sup>26</sup>
- The likelihood of experiencing any crime is higher among those living in the 15% most deprived areas.<sup>27</sup>

---

<sup>26</sup> Scottish Government (2014) [What Works to Reduce Crime?: A Summary of the Evidence](#)

<sup>27</sup> Scottish Government (2021) [Scottish Crime and Justice Survey 2019/20](#)

- In terms of the criminal justice system, there is clear evidence of a link between experience of area level deprivation and likelihood of arriving in prison, with those living in the 15% most deprived areas being more likely than the rest of Scotland to experience crime with fewer resources to cover the cost. In addition the 10% most deprived areas are over-represented in arrivals in Scottish prisons by a factor of three.<sup>28</sup>
- Compared to mothers in the highest income households, mothers on the lowest incomes are far more likely to experience domestic abuse.<sup>29</sup>
- Although early life experiences are highlighted as important in shaping an individual's life chances and their likelihood of becoming involved in offending, there is recognition that key factors in adulthood may affect outcomes. Strong societal attachments in the form of stable employment and good familial relationships (especially marital) are identified as key factors in promoting law abidance<sup>30</sup>. Despite the importance of employment being highlighted, there is a dearth of robust evidence on the impact that employment interventions may have in reducing re-offending. However, research does suggest that offenders and those who are at risk of offending may require assistance with other issues such as education or motivation in order to help them move towards employment and that programmes should provide appropriate support. One key policy implication is that criminal justice sanctions should (wherever possible) minimize the impact on employment prospects and familial relations<sup>31</sup>.

---

<sup>28</sup> Scottish Government (2020) [Scottish prison population: statistics 2019 to 2020](#)

<sup>29</sup> Skafida, V., Morrison, F., Devaney, J. (2021) [Prevalence and Social Inequality in Experiences of Domestic Abuse Among Mothers of Young Children: A Study Using National Survey Data from Scotland](#)

<sup>30</sup> Scottish Government (2014) [What Works to Reduce Crime?: A Summary of the Evidence](#)

<sup>31</sup> Ibid.

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 speech, language and communication needs. 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 are dealing with increasing numbers of people in mental health distress and that this is placing significant demand on their services and that of health services. To the benefit of individuals and communities we must work with partners to improve the mental and physical health and wellbeing of those who come into contact with the justice system.

- Police Scotland figures for 2021-22 show that 41.6% of those arrested have declared mental health issues.<sup>32</sup>
- Research conducted in 2014-15 indicated that police officers across Scotland attended over 42,000 incidents where mental health or distress was a factor.<sup>33</sup>

Alcohol and drugs remain a factor in many violent crimes. Evidence suggests that restrictions on the availability of alcohol, including minimum pricing, ensuring a minimum age of purchase is adhered to, reducing the number and density of premises where alcohol is sold and restricting days and hours of sale, are all associated with a reduction in crime. We must therefore prevent and experience less harm caused by alcohol and drugs by ensuring appropriate support and interventions are provided.

---

<sup>32</sup> Police Scotland (2021) [Police Scotland Quarter One Performance Report 2021/22](#)

<sup>33</sup> Police Scotland (2017) [Written Submission to the Justice Committee on Demand-led Policing](#)

- According to the 2019-20 SCJS offenders were believed to be under the influence of alcohol in 44% of violent incidents where victims were able to say something about the offender in 2019-20. This figure is lower than the estimate in 2008-09 (63%) and 2018-19 (59%). Alcohol remains a factor in a sizeable proportion of violent incidents and it will be important to monitor this in future to see if a similar trend is continued.<sup>34</sup>
- For wider context on the role of alcohol in violent crime, victims reported having consumed alcohol immediately before the incident in 20% of cases of all violent crime in 2019-20. Relatedly, victims reported that just under one-in-three violent crimes (30%) involved offenders who were thought to be under the influence of drugs in 2019-20, unchanged from 2008-09 and 2018-19.<sup>35</sup>
- 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 use has risen 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.<sup>36</sup>
- A strong body of evidence suggests that restrictions on the availability of alcohol, including minimum pricing, ensuring a minimum age of purchase is adhered to, reducing the number and density of premises where alcohol is sold and restricting days and hours of sale, are all associated with a reduction in crime.<sup>37</sup>

---

<sup>34</sup> Scottish Government (2021) [Scottish Crime and Justice Survey 2019/20](#)

<sup>35</sup> Ibid.

<sup>36</sup> Ibid.

<sup>37</sup> Scottish Government (2014) [What Works to Reduce Crime?: A Summary of the Evidence](#)

- 'What Works' in Drug Education and Prevention? shows that school-based interventions which focus on psychosocial and developmental skills can be effective in reducing drug use. Prevention programmes for young people are more likely to be effective if they combine social and personal development, resistance skills and normative education techniques. Evidence suggests that wider programmes that are delivered in schools, which target multiple risk behaviours, help build self-esteem and life skills are more likely to be effective in preventing drug use. This suggests a departure from drug specific education. Generic programmes, such as the Good Behaviour Game, which do not focus on drug/substance use, can be effective in reducing substance use and other problematic behaviours in the long term.<sup>38</sup>
- Whilst the evidence suggests that drug prevention is better embedded in more holistic strategies that promote healthy development and wellbeing, drug-specific prevention interventions for those young people most at risk of harm, or already misusing drugs should be maintained. However, the evidence also suggests that young people at greater risk will also benefit from universal approaches.<sup>39</sup>

---

<sup>38</sup> Scottish Government (2016) ['What Works' in Drug Education and Prevention?](#)

<sup>39</sup> Ibid.

We know that those with care experience are overrepresented in the criminal justice system in Scotland. Although those who have been in care only make up an estimated 0.5% of the general population, almost half of young people in prison reported that they had experienced care. This pattern continues into adult life with the latest prisoner survey showing that a quarter of prisoners had been in care at some point. There are many reasons why care experienced people face higher rates of criminal convictions. These include: over-involvement with, and a feeling of stigmatisation by the Police; increased scrutiny in care placements; participation in difficult formal processes, all of which are rooted in the lived experiences of being in care. As children we have a right to grow up loved, safe and respected. We must #Keep the Promise and ensure that children and young people living in care have access to support they need to thrive.

- Care experienced people are disproportionately represented within the prison population - 25% of the adult prison population have been in care<sup>40</sup>. This is despite less than 1% of under 18s entering local authority care each year.
- For young people in prison (16-21) Almost half (46%) reported being in care as a child, compared to a quarter of adult prisoners (25%).<sup>41</sup>
- There are many reasons why care experienced people face higher rates of criminal convictions. These include: over-involvement with, and a feeling of stigmatisation by the Police; increased scrutiny in care placements; participation in difficult formal processes, all of which are rooted in the lived experiences of being in care.<sup>42</sup>

---

<sup>40</sup> Scottish Prison Service (2020) [17th Prisoner Survey 2019](#)

<sup>41</sup> Scottish Prison Service (2018) [16th PRISONER SURVEY 2017 - Young People in Custody](#)

<sup>42</sup> Who Cares? Scotland (2018) [Who Cares? Scotland's Report on the Criminalisation of Care Experienced People](#)

We know that those who experience multiple Adverse Childhood Experiences (*ACEs*) are more likely than those who do not, to come into contact with the criminal justice system as victims, witnesses or perpetrators of crime. For example, the Welsh study of *ACEs* showed that comparing to those with no *ACEs*, those with 4 or more *ACEs* were 15 times more likely to be a perpetrator of violence in the last 12 months. However, we also know that strong positive family environments can be a large protective factor from damaging experiences, helping young people to avoid offending. The Youth Justice Whole System approach to preventing offending highlights this important role, taking early action at the first signs of any difficulty to create positive family environments and social networks.

- Almost half (47%) of adult prisoner survey respondents reported that they had been physically abused in their home as a child, while 61% been bullied at school or somewhere else, and 58% said they had been sworn at, humiliated, or put down by an adult in their home.<sup>43</sup>
- Research consistently shows a strong association between *ACEs* and crime. People who experience multiple *ACEs* are more likely to engage in risk taking behaviours which are harmful to health and – significantly for Justice – sometimes associated with criminal behaviour.<sup>44</sup>
- Preventing *ACEs* could provide a significant opportunity to reduce crime in Scotland. Some studies have estimated that preventing *ACEs* could halve violence perpetration and incarceration.<sup>45</sup>
- The evidence does not prove causality. Not all children who experience multiple *ACEs* become victims or perpetrators of violence in adulthood, but they are statistically more likely to than people with no *ACEs*.<sup>46</sup>

---

<sup>43</sup> Scottish Prison Service (2020) [17th Prisoner Survey 2019](#)

<sup>44</sup> Scottish Government (2018) [Understanding childhood adversity, resilience and crime](#)

<sup>45</sup> Ibid.

<sup>46</sup> Scottish Government (2018) [Understanding childhood adversity, resilience and crime](#)

- A review of high quality international evidence about what works to prevent youth violence found that there is evidence to suggest that school and education-based approaches are effective in reducing youth violence. These include both bullying prevention programmes (e.g. Olweus Bullying Prevention Program, KiVa) and social and emotional learning programmes (e.g. PATHS). Interventions that have been identified as promising include: school-based programmes which seek to prevent violence in dating and intimate partner relationships, parenting and family-focused approaches, mentoring programmes, and community-based coalitions.<sup>47</sup>
  
- The ScotPHN 2016 report 'Polishing the Diamonds' identified three key priorities to prevent adverse childhood experiences:
  - Community context - including reducing isolation, tackling poverty and low wages, and mitigating the impact of recession and austerity
  
  - Family risk factors - including strengthening family and parental support, with a focus on families who have multiple risk factors.
  
  - Tackling household adversity - including addressing parental substance use through coordinated action, reducing domestic violence<sup>48</sup>.

---

<sup>47</sup> Scottish Government (2021) [What works to prevent youth violence? Evidence summary](#)

<sup>48</sup> ScotPHN (2016) ['Polishing the Diamonds' Addressing Adverse Childhood Experiences in Scotland](#)

The importance of the school environment is crucial in addressing the causes of offending and in ensuring a range of positive outcomes for young people. Our evidence tells us that early exclusion from school predicts later engagement in crime and offending, both in terms of 'general' offending and 'serious' offending. School-based interventions have been found to be effective in reducing the risk of offending, especially those that encourage positive behaviour by clearly enforcing the boundaries around acceptable and unacceptable behaviours. To provide the best chances for their future we should nurture children to fulfil their potential including through education.

- Attachment to school is an important protective factor for children and young people to avoid involvement with crime, with strong societal attachments, such as stable employment and good familial relationships as key factors for adults.<sup>49</sup>
- Early exclusion from school predicts later engagement in offending, both in terms of 'general' offending and 'serious' offending. The Edinburgh Study of Youth Transitions and Crime shows early school exclusion was one of the strongest predictors of making the transition from the Children's Hearing System to the adult criminal justice system and of ending up in custody, even taking other factors such as offending behaviour into account. School exclusion by age 12 increased the odds of imprisonment by age 22 by a factor of 4.<sup>50</sup>

---

<sup>49</sup> Scottish Government (2014) [What Works to Reduce Crime?: A Summary of the Evidence](#)

<sup>50</sup> McAra, L. and McVie, S. (2010) [Youth crime and justice: Key messages from the Edinburgh Study of Youth Transitions and Crime](#)

- There are examples of school-based interventions that have been effective in reducing the risk of offending. A review of these found that the most effective strategies in encouraging positive behaviour involved the clear enforcement of boundaries around acceptable and unacceptable behaviours. These entailed adherence to an agreed framework for managing discipline by clearly setting out, clarifying and reinforcing school rules and expectations (e.g. through the use of campaigns, ceremonies or similar techniques). In addition, cognitive-behavioural approaches have been highlighted as being effective in reducing crime. Of wider policy interest perhaps is the use of nurture groups to promote positive behaviours, evidence from which suggests a range of positive outcomes in terms of the social, emotional, behavioural and educational functioning of children.<sup>51</sup>

---

<sup>51</sup> Scottish Government (2014) [What Works to Reduce Crime?: A Summary of the Evidence](#)

**Aim - We have effective, modern person-centred and trauma informed approaches to justice in which everyone can have trust, including as victims, those accused of crimes and as individuals in civil disputes**

Trust in our process of justice is fundamental in ensuring the rule of law is respected in our society. For justice to be achieved, each of us needs to feel able to take action when we are at our most vulnerable. For that to happen, we need to feel that the services are designed to support and help us, and those who work in them listen to and respect our needs.

Our experience of justice can include contact with the police or with a solicitor, being a victim or witness, or a complainant or a party in a civil dispute. We could be an accused person or a family member. Evidence shows that how we are treated affects our feelings about and confidence in justice processes. These experiences are often as important as the conclusion of a case or dispute. We know that the issues which lead to the justice journey are very often traumatic and it is important that the processes within the system minimise further trauma or re-traumatisation and help us recover.

Resolution in court is not always the best outcome or process. Dealing with issues before they reach court - where appropriate - both within the civil and the criminal justice systems, can lead to better long term outcomes. So we should continue to research and expand our approaches to ensure we are taking the most effective approaches, and at the right time, to ensure public safety and confidence.

Generally, people hold favourable views of the justice system. For example, around three-quarters of adults are confident that the system allows all those accused of crimes to get a fair trial and that everyone is able to access the justice system if required. This confidence in our systems of justice is not felt equally - the experiences of victims and witnesses has frequently been characterised by a lack of support, poor communication and a sense of powerlessness. Older adults, women, and those living in the most deprived areas of Scotland are also generally less confident in the justice system, we must therefore increase everyone's confidence in our justice services.

- Consistent with previous years SCJS findings, the majority of adults in 2019-20 knew little about the criminal justice system (75%) but most were fairly confident about its operation<sup>52</sup>.
- Around three-quarters of adults were confident that the system allows all those accused of crimes to get a fair trial and that everyone is able to access the justice system if they need it (77% and 75%, respectively). However, adults were less confident on other measures, for example, 35% were confident that it gives sentences which fit the crime, with 60% saying they were not confident<sup>53</sup>.
- In 2019-20 84% of those aged 16 to 24 were confident that the system makes sure everyone has access to the justice system if they need it, in comparison to 70% of those aged 60 or over. 63% of adults living in the 15% most deprived areas were confident that the justice system makes fair, impartial decisions based on the evidence available compared to 73% of those living elsewhere.<sup>54</sup>

---

<sup>52</sup>Scottish Government (2021) [Scottish Crime and Justice Survey 2019/20](#)

<sup>53</sup> Ibid.

<sup>54</sup> Ibid.

- Older adults and those living in the most deprived areas of Scotland were generally less confident in the justice system in 2019-20. Women were also less confident than men on a number of measures. In 2019-20, there was little difference in the confidence of the criminal justice system between victims of crime and non-victims. These results differ from findings in previous years which have tended to detect lower confidence in the criminal justice system amongst victims of crime compared to non-victims, however these findings are in line with those of 2017-18 which also showed little variation between these two groups and their confidence in the justice system.<sup>55</sup>
- Research with victims-survivors of rape and serious sexual assault in Scotland found some difficulties occurred throughout engagement with the justice system, such as inadequate communication, the lengthy duration, and feelings of being marginal to the process.<sup>56</sup>
- Also important is the degree to which the criminal justice system and its institutions are *perceived* as legitimate. This is strongly correlated with compliance with the law (even when personal morality was controlled for). It is also linked with greater confidence and satisfaction with the justice system and greater co-operation in interactions with it. Building and maintaining public trust in the criminal justice system and its agencies is therefore considered crucial.<sup>57</sup>

---

<sup>55</sup> Scottish Government (2021) [Scottish Crime and Justice Survey 2019/20](#)

<sup>56</sup> Brooks-Hay, O., Burman, M., Bradley, L. (2019) [Justice Journeys Informing policy and practice through lived experience of victim-survivors of rape and serious sexual assault](#)

<sup>57</sup> Scottish Government (2014) [What Works to Reduce Crime?: A Summary of the Evidence](#)

A key element of justice is ensuring our rights are upheld. Evidence from the UK suggests that people with greater legal knowledge of their rights and responsibilities and greater understanding of legal issues are more likely to get professional help. On the other hand, people with less understanding of legal issues find it much harder to access the services and information they need to resolve their issues. A lack of legal understanding affects a significant proportion of the population and extends beyond vulnerable groups - even a significant number of people with high incomes and education levels can exhibit low legal understanding. There is also evidence of significant differences between population groups; those who say their lives are limited greatly by disability are particularly vulnerable. We must have fairer access to justice, whereby we are able to be supported by legal professionals and income or wealth is not a prohibitive factor in ensuring high quality legal (and advice) services in both Criminal and Civil law settings. For the legal profession to support this we must ensure an effective Legal Aid funding framework.

- Those with lower legal capability tend to be women; have lower household incomes (£32,000 or below); be younger than 55; or have a disability that limits daily life. Higher proportions of women than men report low self-efficacy and low legal confidence. Men are slightly more likely to perceive the justice system as inaccessible.<sup>58</sup>
- The 2019-20 SCJS shows that around three-quarters of adults were confident that the system allows all those accused of crimes to get a fair trial and that everyone is able to access the justice system if required (77% and 75%, respectively). However, less than half (41%) were confident about the efficiency of the system and that appropriate sentences are given which fit the crime (35% confident). Notwithstanding wording changes in the latter measure in recent years, it is important to note that confidence in both these indicators has increased since they were first included in the survey. For example, in 2008-09, 35% were confident the system deals with cases promptly and efficiently, compared to 41% in 2019-20.<sup>59</sup>

---

<sup>58</sup> Legal Services Board (2020) [Reshaping legal services to meet people's needs](#)

<sup>59</sup> Scottish Government (2021) [Scottish Crime and Justice Survey 2019/20](#)

Data on the makeup of our justice services is not always complete both in terms of covering the whole workforce or all of the protected characteristics. We do know however that many of our justice organisations have a far lower proportion of employees from a minority ethnic background than in the population as a whole. Across the organisations that make up Scotland's justice system, women are not always equally represented in the workforce, especially when looking at more senior roles. Inclusive and representative services are those which reflect the populations which they serve in order that they understand the lives of the people they interact with and which are affected by these interactions. Conversely, an unrepresentative system can undermine trust in justice. Therefore, we need to have more inclusive justice services and organisations which reflect our diverse communities and which ensure recruitment, development and retention to support improved representation of diversity across all workforces.

- The mid-2020 population estimates show that for adults in Scotland, the figures are that just over half of adults in Scotland are female, while the 2011 census showed that 4% of the population identified as being from non-white backgrounds, and 14.9% of the working age population reported their day-to-day activities were limited by a long-term health problem or disability. By way of example, in 2020, 1% of police officers were from black or minority ethnic backgrounds, 30% were female, and 3% had a recorded disability<sup>60</sup>. In 2019, 71% of the workforce of COPFS were female, 2.1% identified as BAME, and 4.7% reported they had a disability<sup>61</sup>. In 2018-19, the Scottish Courts and Tribunals Service reported 0.8% of staff as identifying as coming from an 'Other ethnicity' background, which is defined as a background other than 'White', with 42.4% identifying as 'White' and nearly 56.8% was either not disclosed or not available<sup>62</sup>.

---

<sup>60</sup> Police Scotland (2019) [Equality & Diversity Mainstreaming & Outcomes Progress Report, Police Scotland](#)

<sup>61</sup> Crown Office & Procurator Fiscal Service (2019) [Equality Outcomes Progress Report](#)

<sup>62</sup> Scottish Courts & Tribunals Service (2019) [Annual People Scorecard 2019](#)

Civil disputes are damaging, expensive, and time consuming. They affect individuals, communities, organisations, government, and the economy. Preventing disputes, and resolving them earlier and more effectively, benefits us all. This includes being able to access Alternative Dispute Resolution or Mediation forums for civil justice issues.

Diversion from prosecution prevents an individual entering the wider criminal justice system by addressing the underlying causes of offending, and helps to ensure people get access to the drug, alcohol and mental health services they need. It is especially effective when the diversionary intervention is complemented by work designed to address the underlying issues which contributed to the offending behaviour. Evidence has shown that this lowered contact, particularly for young people, reduces their likelihood of further involvement in offending.

Fiscal work orders allow Procurators Fiscal to offer unpaid work orders as an alternative to prosecution. People given fiscal work orders also tend to be younger than those given community payback orders and substantially more tend to be employed.

Different approaches to justice, working alongside or within the criminal justice system should also encompass accessing comprehensive Restorative Justice services and independent legal representation where appropriate, allowing for victim's voices to take a central role in justice processes.

Choice and joint-decision making are a central component of a person-centred approach, we must therefore have access to different forms of justice including non-legal solutions.

- Diversion cases commenced have been going up across the last 3 years - they have risen by 15% between 2017-18 and 2019-20.<sup>63</sup>

---

<sup>63</sup> Scottish Government (2021) [Criminal justice social work statistics: 2019 to 2020](#)

- Diversionary activities are beneficial in helping engage young people in positive activities which may lead to the provision of greater social support, positive role models and other protective factors.<sup>64</sup>
- There has been a long-term downward trend in initiated civil law cases, normalising after the rise in caseload in 2017-18. There were 74,400 civil law cases initiated across the Court of Session and sheriff courts in 2019-20 (excluding summary applications). This represents a rise of 3% from 2018-19.<sup>65</sup>
- There was an even split of case types either increasing or decreasing since 2018-19. Increases were seen in damages (up 23%), repossessions (up 18%) and debt (up 16%). Decreases were recorded in evictions (down 15%), family and personal injury (both down 6%). Debt actions remain the most common, constituting 46% of principal craves. Family and eviction actions were second and third most common, at 16% and 14% respectively.<sup>66</sup>
- People given fiscal work orders (FWO) tended to be younger than those given community payback orders – 53% of FWOs commenced in 2019-20 were for people aged 25 and under, while only 17% were for those aged over 40. In years 2015-16 to 2018-19, substantially more people were employed or self-employed than any other category of employment. In 2019-20 for the first time, a higher proportion were unemployed or economically inactive (42%) than were in employment (39%).<sup>67</sup>

---

<sup>64</sup> Scottish Government (2014) [What Works to Reduce Crime?: A Summary of the Evidence](#)

<sup>65</sup> Scottish Government (2021) [Civil justice statistics in Scotland: 2019-2020](#)

<sup>66</sup> Ibid.

<sup>67</sup> Scottish Government (2021) [Criminal justice social work statistics: 2019 to 2020](#)

- A comprehensive review of Restorative Justice (RJ) interventions by the Campbell Collaboration concluded that restorative justice conferences cause ‘a modest but highly cost-effective reduction in repeat offending’, and that the impact of conferences was more greatly experienced in crimes of violence than in crimes against property. Similarly, the Smith Institute evidence review concluded that “In general, RJ seems to reduce crime more effectively with more, rather than less, serious crimes”, while also noting that evidence on its effectiveness varies between different programmes and target groups.<sup>68</sup>

For those of us that do come into contact with the justice system - as victims, witnesses, those accused of crime or members of society for civil and tribunal cases - we must be seen as a person first. The experience of Justice is as important as the need for a substantive outcome. Both feedback we have received and international evidence shows the importance of timely and accurate information and effective methods of communication with victims, both in delivering information and listening to their needs. The basic provision of timely information can assist victims in coping with the impact of victimisation. A lack of information can only act to aggravate these symptoms and in many cases can result in victims disengaging with the criminal process and withdrawing their co-operation. We also have extensive feedback on the impact that the lack of joined up services have on individuals both in terms of making it much more difficult to navigate the justice process and also being required to retell stories causing further trauma. Individuals are all experts in their own lives but are not all experts in the justice system. People in contact with the justice system must therefore be supported to understand the processes of justice, be treated as a person first, experience joined up services and timely communication. This includes supporting victims in their recovery.

---

<sup>68</sup> Scottish Government (2019) [Uses of Restorative Justice: evidence review](#)

- A review of the international evidence identified the importance of timely and accurate information and effective methods of communication with victims, both in delivering information and listening to their needs. The basic provision of timely information can assist victims in coping with the impact of victimisation. A lack of information can only act to aggravate these symptoms and in many cases can result in victims disengaging with the criminal process and withdrawing their co-operation.<sup>69</sup>
- A survey of victims of crime in 2021 found that 26% agreed that they were kept regularly informed about the police investigation.<sup>70</sup>
- In one police survey in England and Wales, participants involved in rape and sexual assault cases highlighted the retraumatising effect of having to recount their stories repeatedly throughout court proceedings. They found this embarrassing, intrusive and traumatising, with some regretting starting the process of prosecution.<sup>71</sup>
- 2017 NHS Scotland research points to a high prevalence of children and young people involved in the justice system having experience abuse or neglect, between 33% and 92%. Findings outline the potential for traumatisation by treating youth and young adults as offenders rather than victims.<sup>72</sup>

---

<sup>69</sup> Victims Commissioner (2016) [What works in supporting victims of crime: A rapid evidence assessment](#)

<sup>70</sup> Victims Commissioner (2021) [Victims' Experience: Annual Survey September 2021](#)

<sup>71</sup> Ministry of Justice (2021) [Review into the Criminal Justice System response to adult rape and serious sexual offences across England and Wales](#)

<sup>72</sup> NHS Health Scotland (2017) [Reducing Offending, Reducing Inequalities](#)

We know that uncertainty and delay cause great anxiety for all those in the justice system and the duration of the legal process was an issue prior to the COVID pandemic. We know that the amount of time that users of courts have to wait to resolve their cases is one of the key drivers of satisfaction. There has been consistent feedback from victim's groups that the delays are having a profound effect on individuals as they feel like they are unable to move forward with their lives until the trial date, and are often re-traumatised by holding onto their experiences to ensure it is fresh in their minds for giving evidence. We must therefore ensure across criminal and civil jurisdictions that we experience fewer delays in the Justice System.

- The Victims' Experience Survey found that 66% agreed with the statement 'I had to wait for too long before the case came to court'.<sup>73</sup>
- The 2019 Scottish Courts and Tribunals Service court user satisfaction survey found the key drivers of satisfaction were: the ease with which respondents found out where in the building they had to go that day; satisfaction with the time respondents had had to wait to take part in court proceedings; and helpfulness of the information provided by court staff.<sup>74</sup>
- Anecdotal evidence from support organisations for victims, witnesses and survivors have reported COVID-related delays, including: delays in court trials; and the sentencing of convicted individuals, due to Criminal Justice Social Work reports being unable to be completed. The impacts reported include anxiety and distress.<sup>75</sup>

---

<sup>73</sup> Victims Commissioner (2021) [Victims' Experience: Annual Survey September 2021](#)

<sup>74</sup> Scottish Courts and Tribunals Service (2019) [Court User Satisfaction Survey](#)

<sup>75</sup> Scottish Government (2020) [Impact of COVID-19 Pandemic on Victims, Witnesses and Survivors – Evidence from Support Organisations](#)

It is always deeply regrettable when a child comes into contact with the criminal justice system as a victim of crime or as a witness, therefore we must ensure we take approaches that do not further exacerbate trauma. Research indicates immediate access to trauma-focussed health services may be one of the key factors for recovery. Extended periods of the investigative and judicial process conjoined with lack of access to health services may increase children's risk of further trauma and more serious long term consequences. Research also shows that child abuse cases undertaken by multidisciplinary teams were more strongly associated with higher conviction rates and increased receipt of health and support services compared to more traditional services. Children and their families report that a positive aspect of court proceedings is when children are engaged as active participants rather than passive recipients of the process. A Barnahus model seeks to provide a trauma-informed response to child victims and witnesses of serious and traumatic crimes in a familiar and non-threatening setting. We must ensure children's rights providing access to trauma informed recovery, support and justice.

- The Barnahus model is a recovery-based integrated practice model, with ten evidence-based core standards. It is fundamentally premised on collocation of services that are interwoven and mutually informed and that are tailored to the specific needs of children and their non-offending family members in such a way as to reduce trauma and speed the recovery of children and their families after experiencing or witnessing abuse and violence. The model is associated with better judicial and support outcomes, and at the same time, the model supports and upholds international standards of children's rights to participation, access of information, and reducing undue delays while reducing the trauma experienced by children and their family members during the disclosure journey and support process.<sup>76</sup>

---

<sup>76</sup> Edinburgh University (2021) [Responding to Child Victims and Witnesses of Trauma and Abuse: Addressing the Support Needs of Children and Families Through the Barnahus Model](#)

- Research indicates that, in general, child abuse cases undertaken by multidisciplinary teams were more strongly associated with positive judicial outcomes (e.g., higher conviction rates) and increased receipt of health and support services compared to more traditional services; that providing warmth and emotional support may reduce response bias; specifically, the study found that higher interviewer support (e.g., supportive behaviour during the interview) reduced omission errors in older children but increased commission errors in younger children; that the use of the National Institute of Child Health and Human Development interview protocol enhanced children's comfort and productivity more than the interview guidelines from the Memorandum of Good Practice; and that immediate access to trauma-focussed health services may be one of the key factors for recovery.<sup>77</sup>

---

<sup>77</sup> Ibid.

## Aim - We support rehabilitation, use custody only where there is no alternative and work to reduce reoffending and revictimisation

Scotland's prison population is among the highest per capita in Western Europe despite the fact that over the last 30 years or so recorded crime in Scotland has decreased. Much of this is due to the fact that we are increasingly bringing the perpetrators of certain crimes to justice as well as the fact that prosecutors and courts are dealing with more complex and serious crimes. For example, the number of people in prison for sexual offences has doubled over the last decade as these types of crimes have tended to result in custodial sentences. The proportion of the prison population who are held on remand also increased substantially, especially during the time of the COVID pandemic and has risen to a high of 30%.

Whilst there will always be a need for prison, we know that the effect of imprisonment can be negative and profound both for the individual and for their families. Many of those who offend have experienced poverty, disadvantage and ACEs, trauma and often have substance use or health problems and require support. In addition, whilst reconviction rates have been falling over the last 20 years, two-thirds of convictions are 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> convictions suggesting that our societal systems are failing to tackle reoffending and to break the cycle of crime. Therefore, due to the known damaging impact of prison and the changing nature of crime trends we must look to redefine the role of custody in the context of needing to better support individual's rehabilitation, by taking a trauma informed and person centred approach whilst also ensuring public safety.

Community interventions are more effective than short prison sentences at addressing offending behaviour and breaking the cycle of reoffending. Prison can by its very nature disrupt factors that can help prevent offending, including family relationships, housing, employment and access to healthcare and support. At the same time as the prison population has been increasing, the use of community sentences has increased to over 20%, in 2019-20. More however needs to be done to ensure that consistent and effective interventions are available across all of Scotland to assist in creating positive futures for those who have offended.

For many crimes that are committed there are victims who have suffered and continue to do so. As we work to ensure effective rehabilitation and recovery for those who have offended this must be balanced with victim's safety in their own recovery from harm and trauma.

There will always be a need for prison where a risk of serious harm is posed and custody can provide an important opportunity for rehabilitation. However, the international evidence shows that imprisonment can have damaging effects, through weakening social ties, creating stigma, adversely impacting on employability and housing stability, and ultimately increasing the likelihood of reoffending. We know that imprisonment for short periods is counterproductive and our evidence consistently shows that those serving short term sentences reoffend more often although it should be noted that those who receive community sentences have often committed less serious crimes. The long term aim is that people should only be held in custody where they present a risk of serious harm.

- While over the last 30 years or so recorded crime in Scotland has decreased, and despite the rise in the use of community sentences, Scotland's prison population is among the highest per capita in Western Europe. Scottish prisoners numbered 147 per 100,000 on the 31st January 2020 (8056 inmates) compared with the Council of Europe average of 103 and 138 in England & Wales. By December 2021 this had fallen to 136 per 100,000 in Scotland and to 132 per 100,000 in England and Wales.<sup>78</sup>
- The prison population fell sharply in the early days of lockdown due to a drop in the number of sentenced admissions following the Covid-19 outbreak, and to an emergency early release of prisoners in May 2020 to allow public health measures to be observed in prison establishments. Since its lowest point at the end of May 2020 (6870), it has risen to 7,550 at 24th January 2022. While the overall population remains lower than the average daily population in 2019-20 (8200), the growing size and diversity of groups that are required by law to be housed separately (e.g. individuals held on remand), and the need to observe ongoing public health measures, pose challenges for both the management of the prison population and the capacity of the estate.<sup>79</sup>

---

<sup>78</sup> World Prison Brief (2022) [United Kingdom: Scotland | World Prison Brief](#)

<sup>79</sup> Scottish Prison Service (2022) [SPS Prison Population](#)

- While the average prison population increased in 2019-20, the number of individuals spending time in custody fell 18% between 2009-10 and 2019-20, from 21,163 to 17,294. The fall in individuals spending time in custody has been driven almost entirely by a reduction in young people and younger adults (those under 30 years). The number of individuals serving a custodial sentence in each year between 2009-10 and 2019-20 fell 88% for those aged 16-17 years, 73% for those aged 18-20 years, 59% for those aged 21-24 years and 29% for those aged 25-29 years.<sup>80</sup>
- The remand population was at its lowest point of 1,114 on 27th April 2020, but grew to over 2,000 by September 2020. After a fall over Christmas 2021 in line with previous years, the remand population has grown again, exceeding previous records in January to a new peak of 2,282 on the 18th, but has since fallen slightly to 2,251.<sup>81</sup>
- In 2009-10, 90% of departures from remand occurred within 56 days and 90% of transitions from remand to sentenced occurred within 116 days. By 2019-20, 90% of departures from remand occurred within 99 days and 90% of transitions from remand to sentenced occurred within 147 days.<sup>82</sup>
- Less than a quarter of Scottish adults think that punishing crime is the main purpose of sentencing – over half think protecting the public is most important and over half of adults think that only those who commit the most serious crimes should be put in prison however, in contrast, a majority think sentences are too lenient.<sup>83</sup>

---

<sup>80</sup> Scottish Government (2020) [Scottish prison population: statistics 2019 to 2020](#)

<sup>81</sup> Scottish Prison Service (2022) [SPS Prison Population](#)

<sup>82</sup> Scottish Government (2021) [Scottish Prison Population Statistics: Legal Status, 2019-20](#)

<sup>83</sup> Scottish Government (2021) [Scottish Crime and Justice Survey 2019/20](#)

- Court records show that the average custodial sentence is almost a year. For those who are convicted in court and sentenced to custody, the average sentence in 2019-20 was almost a year (356 days) in length. This was 9% longer than in 2018-19 and 29% longer than in 2010-11 (9¼ months). The proportion of people receiving a sentence of up to one year or less fell to 75% in 2019-20, the lowest proportion of the last decade.<sup>84</sup>
- Official statistics show that those released from a short prison sentence of 12 months or less are reconvicted nearly twice as often than those sentenced to serve community payback orders.<sup>85</sup>
- However, the number of people sent to prison by Scottish Courts each year has fallen by over 4,000 - from over 15,000 a year in 2010-11 to 11,000 in 2019-20. This has been substantially driven by a drop in short-term sentences of 12 month or less. This has not, however, resulted in an overall reduction in the prison population. Although far fewer people are sent to prison each year, those who are, on average, receive longer sentences. Prisoners are also spending longer in prison before being released due to the ending of automatic early release and reductions in the use of home detention curfew. At the same time, the number of people in prison for sexual offences has more than doubled in the past decade.<sup>86</sup>
- Although reconviction rates have been falling over the last 20 years, the reconviction rate increased by 1.9 percentage points over the last year from 26.4% in 2017-18 to 28.3% in 2018-19. The average number of reconvictions per offender increased by 6% in the same period from 0.47 to 0.50.<sup>87</sup>

---

<sup>84</sup> Scottish Government (2021) [Criminal Proceedings in Scotland, 2019-20](#)

<sup>85</sup> Scottish Government (2020) [Extended presumption against short sentences: monitoring information July 2019 – December 2019](#)

<sup>86</sup> Ibid.

<sup>87</sup> Scottish Government (2021) [Reconviction Rates in Scotland: 2018-19 Offender Cohort](#)

- The CPO reconviction rate was 29.2% in 2018-19, unchanged from the previous year. In contrast, reconviction rates for custodial sentences of 1 year or less increased by 2.9 percentage points, from 48.8% to 51.7% in the past year. This is before the extension to the Presumption Against Short Sentences.<sup>88</sup>

Justice in the community is principally about organisations working together to help people who have offended pay back to the community and address the reasons why they commit crime. At present many of those convicted of crimes receive fines or community-based sentences, such as unpaid work or restriction of liberty orders - which are electronically monitored. We will seek to widen the use of electronic monitoring to allow it to be used more routinely as part of the management of relevant individuals in the community and introduce additional capabilities to enable this to take place. Research conducted by the Scottish Sentencing Council revealed that community sentences are commonly viewed by the judiciary as providing a greater chance of rehabilitation and, in general terms, as a more cost-effective alternative to imprisonment.<sup>89</sup> We also recognise that robust arrangements, such as the Multi Agency Public Protection Arrangements (MAPPA) require to be in place for managing the risks posed by those that have committed the most serious offences. We must therefore have access to a range of consistent, effective interventions in our communities.

- There has been a rise in community sentences in 2019-20. The number of community sentences rose by 7% between 2018-19 and 2019-20, from 15,211 to 16,296. The proportion of all convictions resulting in a community sentence rose to 22%, the highest in the past decade.<sup>90</sup>

---

<sup>88</sup> Ibid.

<sup>89</sup> Scottish Sentencing Council (2021) [Judicial perspectives of community-based disposals](#)

<sup>90</sup> Scottish Government (2021) [Criminal Proceedings in Scotland, 2019-20](#)

- The 2019-20 SCJS shows that adults were generally supportive of community sentences, although almost a quarter believed that they put the public at risk of crime. The vast majority of adults (90%) believed that people serving community sentences should be given support (such as help with addiction or mental health problems, or numeracy or literacy difficulties) to reduce the likelihood of them committing more crime in the future; and most people (83%) believed that people helping their community as part of a community sentence is an appropriate response for a minor offence rather than a short prison sentence.<sup>91</sup>
- Given that offenders often face challenges in a number of areas, such as drug misuse or educational deficits, some researchers suggest that holistic interventions that address multiple criminogenic needs are more likely to be effective in reducing reoffending. This is particularly the case for young people and women who offend.<sup>92</sup>

We know that sentences served in the community are more effective at reducing reoffending than short term custodial sentences. This is particularly the case for those who are held on remand; international evidence suggests that remand is associated with negative effects that may hinder longer-term desistance from crime including an increased risk of suicide and mental distress, disintegration of social supports and family ties and disruption to employment that increase the likelihood of reoffending upon release<sup>93,94</sup>. We must therefore be supported to remain in our communities, minimising stigma and prejudice.

- Those released from a short prison sentence of 12 months or less are reconvicted nearly twice as often as those sentenced to serve community payback orders.<sup>95</sup>

---

<sup>91</sup> Scottish Government (2021) [Scottish Crime and Justice Survey 2019/20](#)

<sup>92</sup> Scottish Government (2015) [What Works to Reduce Reoffending: A Summary of the Evidence](#)

<sup>93</sup> SCCJR & SPIF (2009) [Prisons And Sentencing Reform: Developing Policy In Scotland](#)

<sup>94</sup> Scottish Government (2015) [What Works to Reduce Reoffending: A Summary of the Evidence](#)

<sup>95</sup> Scottish Government (2020) [Extended presumption against short sentences: monitoring information July 2019 – December 2019](#)

- The evidence suggest that the extended provision of community services supported women to make observable progress towards outcomes associated with desistance during the limited timeframes in which *WCJSs* were evaluated.<sup>96</sup>
- NHS Scotland research in 2017 noted that people with convictions who were welcomed back to their communities following a custodial sentence are less likely to reoffend compared to those who feel stigmatised.<sup>97</sup>

Where custody is appropriate, we must also ensure that people are supported when they leave. The reality is that for those who are released from prison, rebuilding their life can be difficult. Lack of employment is known to increase the likelihood of reoffending, and those without a job are more likely to re-offend. However, the pathway to sustainable employment for people with convictions can have many complex obstacles which are similar to desistance and recovery journeys. Finding suitable accommodation can also be a huge challenge for those leaving prison. The 2019 Prisoner Survey found that just over half of prisoners reported losing their accommodation whilst in prison. Furthermore, the Hard Edges study in 2019 found that many people were released straight into homelessness<sup>98</sup>. Housing has also been identified as one of the main challenges encountered by those with drug problems on release, and the lack of stable housing also made it more likely that they would resume drug use<sup>99</sup>. To ensure greater success in reducing reoffending we must be supported to integrate into our communities, including having a safe place to live and options for employment.

---

<sup>96</sup> Scottish Government (2015) [Evaluation of Sixteen Women's Community Justice Services in Scotland](#)

<sup>97</sup> NHS Health Scotland (2017) [Reducing Offending, Reducing Inequalities](#)

<sup>98</sup> Bramley, G. et al (2019) [Hard Edges Scotland](#)

<sup>99</sup> Iriss (2015) [Prison leavers and homelessness](#)

- The 2019-20 SCJS found that 91% of respondents agreed that prisons should work with other organisations in the community to help prisoners fit back into the community, and 89% agreed that homeless prisoners should be helped to find a place to live after they leave prison.<sup>100</sup>
- Individuals arriving in prison are asked to provide an address; where they do not, they are registered as no fixed abode. People may respond in this way because they do not wish to give their home address, e.g. if they do not wish to associate their stay in prison with a family home. Nevertheless, keeping these caveats in mind, the proportion of individuals arriving in prison who report having no fixed abode has increased over the past decade, from 4.4% to 7.5%.<sup>101</sup>
- Employment outcomes are worse for those who have spent time in prison. Ministry of Justice research shows that only 17% of ex-offenders manage to get a job within a year of release. Ex-offenders who get a job after prison are up to 9 percentage points less likely to reoffend.<sup>102</sup>
- Over half of prisoners in a 2019 survey said that they lost their tenancy/accommodation when they went to prison (56%).<sup>103</sup>
- The evaluation of Fair Start Scotland showed that compared with participants overall, a lower proportion of those with convictions started a job after joining (29% and 35% respectively), and that, compared with participants overall, a lower proportion of those with convictions sustained employment for 12 months (15% and 9% respectively).<sup>104</sup>

---

<sup>100</sup> Scottish Government (2021) [Scottish Crime and Justice Survey 2019/20](#)

<sup>101</sup> Scottish Government (2020) [Scottish prison population: statistics 2019 to 2020](#)

<sup>102</sup> Ministry of Justice (2013) [Analysis of the impact of employment on re-offending following release from custody, using Propensity Score Matching](#)

<sup>103</sup> Scottish Prison Service (2020) [17th Prisoner Survey 2019](#)

<sup>104</sup> Scottish Government (2021) [Fair Start Scotland: evaluation report 4 - year 3 overview](#)

Having a family member in prison has a negative effect on all concerned. There are an estimated 20,000 children who are affected by parental imprisonment in Scotland, a recognised Adverse Childhood Experience (ACE), and young people who experience family imprisonment in Scotland find it difficult to maintain familial relationships. The evidence suggests that the most important protective factors for children of prisoners are continuing relationships with a parent or carer, and children being given enough information to understand what was happening to them. Early and good quality contact with their imprisoned parent is also crucial for children, reassuring them about their parent's wellbeing. In addition, evidence at a UK level showed that the families of those imprisoned relatives saw their debts increase during the period of incarceration, exacerbating the impacts of poverty. Family and strong societal relationships are also a known protective factor against reoffending we must be supported to maintain and enhance social networks and links with families.

- Research across Germany, Sweden, Romania and the UK (the COPING study), found that the most important protective factors for children of prisoners in all four countries were continuing relationships with a parent or carer, and children being given enough information to understand what was happening to them. Early and good quality contact with their imprisoned parent was crucial for children, reassuring them about their parent's wellbeing.<sup>105</sup>
- Young people who experience simultaneous family imprisonment in Scotland find it difficult to maintain familial relationships, due to a lack of clarity and consistency around the rules on level and frequency of telephone calls and visits between an imprisoned child and their imprisoned parent.<sup>106</sup>

---

<sup>105</sup> Families Outside (2020) [Constructive Connections: building resilience of families affected by the criminal justice system](#)

<sup>106</sup> SCCJR (2021) [SJF Briefing: Practitioner perspectives on working with young women in the criminal justice sphere: the importance of relationships](#)

- Imprisonment has a wider impact than just on the individual. There are an estimated 20,000 children who are affected by parental imprisonment in Scotland – which is a recognised Adverse Childhood Experience (ACE).<sup>107</sup>
- At UK level, the families of those imprisoned relatives have stated their debts increase during the period of incarceration.<sup>108</sup>

Those who experience imprisonment in Scotland have poorer health mentally, and physically. In the 2019 Prisoners Survey, one in five reported that drinking affected their ability to hold down a job and nearly a fifth reporting being worried that alcohol would be a problem for them when they get out. The same survey found that around one quarter reported using illegal drugs in prison in the month prior to the survey. Whilst there are no robust figures for the prevalence of mental health problems in Scottish prisoners, prescribing indicators suggest a considerable burden, in particular for depression and psychosis. On a range of other health measures, the prison population show poorer health than the general population. That is, in part, due to the ageing profile of the prison population in Scotland, where the proportion of those aged over 50 years is growing. All of this leads to poor health outcomes, including lower life expectancy for those in prison, we must therefore be supported to improve our health and wellbeing as part of rehabilitation and recovery.

- People who have experience of prison are known to have poorer health compared with the wider population, even after accounting for socioeconomic factors.<sup>109</sup>

---

<sup>107</sup> Scottish Government (2018) [Understanding childhood adversity, resilience and crime](#)

<sup>108</sup> Prison Reform Trust (2010) [Time is Money: financial responsibility after prison](#)

<sup>109</sup> ScotPHO (2022) [Prisoners: health in prison](#)

- Across the UK, an estimated 39% of those detained in police custody have a mental health disorder<sup>110</sup>, with Police Scotland figures for 2021-22 demonstrating a higher number in 2021-22, with 41.6% of those arrested have declared mental health issues<sup>111</sup>. The prevalence of physical and mental health conditions among the prison population is high, especially when compared to the non-prison population, and the prison environment can both exacerbate these problems and be the initial trigger. A review of the existing evidence base by Scottish Government highlighted issues of physical disability, social care needs due to ageing and increasing frailty, the prevalence of mental health and substance abuse issues, and the frequency of hidden disabilities and head injuries.<sup>112</sup>
- The 2019 Scottish Prisoner Survey showed 40% of prisoners who completed a questionnaire reported being drunk at the time of their offence, 19% reported that drinking affected their ability to hold down a job, and 19% were worried that alcohol would be a problem for them when they get out. 33% said that their drinking affected their relationship with their family.<sup>113</sup>
- In 2019, 45% of prisoners reported being under the influence of drugs at the time of their offence, 39% said they had used illegal drugs at some point while in prison and 28% reported using illegal drugs in prison in the month prior to the survey.<sup>114</sup>
- 60% of prisoners reported smoking or vaping, compared to 17% of adults reporting smoking and 7% vaping in the general population.<sup>115</sup>

---

<sup>110</sup> NICE (2017) [Mental health of adults in contact with the criminal justice system: Identification and management of mental health problems and integration of care for adults in contact with the criminal justice system](#)

<sup>111</sup> Police Scotland (2021) [Police Scotland Quarter One Performance Report 2021/22](#)

<sup>112</sup> Scottish Government (2021) [Understanding the social care support needs of Scotland's prison population: research](#)

<sup>113</sup> Scottish Prison Service (2020) [17th Prisoner Survey 2019](#)

<sup>114</sup> Ibid.

<sup>115</sup> Ibid.

- Analysis comparing data from Scottish Health Survey and the Prisoner Survey, found that average mental well-being WEMWBS (one of the most widely used measures for self-reported well-being) scores were significantly lower among people in prison after accounting for age, sex, and socioeconomic deprivation, and is particularly low among those on remand.<sup>116</sup>
- Research completed in 2021 by the Population Health, Community Health and Social Care and Justice Directorates of the Scottish Government seeks to understand the social care support needs of Scotland's prison population. The study uses statistical techniques informed by qualitative research to estimate that between 7 and 10% of the prison population in Scotland have social care needs.<sup>117</sup>

A child in conflict with the law must be treated with dignity and respect. They have the right to legal assistance and a fair trial that takes account of their age. Research by the CYCJ suggests that the majority of young people who are involved in serious offending are often facing many difficulties themselves including trauma, abuse, neglect, bereavement, loss and being victimised themselves<sup>118</sup>. Many struggle to understand the system they are involved in as it is an adult system that does not take age into account. Some research suggests that young people do not fully develop in terms of maturation until their mid-20s so many older young people not have the ability to fully understand information, systems and processes that are designed for adults<sup>119</sup>. We must therefore ensure children and young people are supported, and maturity and stage are considered, as they transition to adult services.

---

<sup>116</sup> Tweed, E. J., Gounari, X., Graham, L. (2021) [Mental wellbeing among people in prison in Scotland: an analysis of repeat cross-sectional surveys](#)

<sup>117</sup> Scottish Government (2021) [Understanding the social care support needs of Scotland's prison population: research](#)

<sup>118</sup> Centre for Youth & Criminal Justice (2016) [Key messages](#)

<sup>119</sup> O'Rourke, S. et al. (2020) [The development of cognitive and emotional maturity in adolescents and its relevance in judicial contexts](#)

- The number of children referred to the Scottish Children's Reporter Administration (SCRA) on offence grounds is down by almost 60 per cent in last 10 years. Statistics published by the SCRA show that, in 2020-21, 2,207 children were referred to the Reporter on offence grounds. This constitutes a decrease of 59% since 2011-12.<sup>120</sup>
- Research has shown that diverting young people away from the criminal justice system can be effective in reducing their reoffending and can be associated with positive long-term impacts in people's lives such as reduced drug use in adulthood.<sup>121</sup>

---

<sup>120</sup> Scottish Children's Reporter Administration (2021) [Statistical Analysis 2020/21](#)

<sup>121</sup> Scottish Government (2015) [What Works to Reduce Reoffending: A Summary of the Evidence](#)

## Aim - We address the on-going impact of the COVID-19 pandemic and continue to renew and transform justice

COVID19 exacerbated and created new challenges for the operation of the Justice Sector. Exceptional measures have been required to maintain public health. In parallel, an unprecedented response has been necessary across Scotland's justice system to maintain the most essential services that support justice. It is widely acknowledged that restoring the capacity of the courts and community sentencing to their pre-pandemic levels will not by itself address the growing backlog of delayed activity. Prior to the pandemic there was work being progressed which recognised the need for wider transformational change to respond to changing demands and the needs of those who rely on Scotland's justice system. It is with renewed vigour that we undertake this system wide transformation to improve the experiences and outcomes for those we serve.

To enable transformative action to be taken forward in alignment with the preceding aims and outcomes we must continue to focus on recovery of the Justice System. Recovered services will be in a better position to take forward transformation.

One of the most serious impacts of the closure of Scotland's courts and tribunals at the start of lockdown was a substantial increase in the backlog of civil and particularly criminal cases which has resulted in delays. As the country 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, and remote jury centres were set up. Although measures have been undertaken to mitigate the impact of the delays on the public, the impact of the pandemic has been especially hard on witnesses and victims of crime due to delays. For those accused held on remand, delays have meant extended periods in prison and extra strains on an already stretched prison service. For those in prison, pressures have affected the delivery of programmes, interventions and other services while the day to day effects of the restrictions required to control the spread of the virus have also been considerable. A full public consultation on a Covid Recovery Bill – aiming to support Scotland's recovery from COVID19 - invited views on 30 specific legislative proposals that have the potential to support Covid recovery. We must learn from the response to COVID19 and keep appropriate legislative and operational measures.

- At the end of November 2021 there were 43,597 trials outstanding. This compares to 18,355 at the end of 2019-20. In addition, SCTS have forecast that there are another 1,563 cases in the system, mostly solemn, which are likely to come to trial but have not yet had a trial date set.<sup>122</sup>
- In November 2021 there were 5,845 criminal disposals (excluding secondary disposals and the 'other' disposal category) from Scotland's courts. This is 80% of the 19-20 monthly average of 7,276 and higher than October 2021 (5,495 disposals).<sup>123</sup>

---

<sup>122</sup> Scottish Government (2021) [Coronavirus \(COVID-19\): Justice Analytical Services data report - November 2021](#)

<sup>123</sup> Ibid.

- Between April 2020 and November 2021 there were 52,873 (36%) fewer disposals from courts than would have been expected based on 19-20 average figures. Over this time period, there have been 33% fewer custodial sentences and 39% fewer community disposals imposed by the courts than might have been expected.<sup>124</sup>
- Initiations in the Sheriff Civil Courts remain lower than the 2019-20 typical levels, while disposals have almost returned to 2019-20 levels. In November there was an increase in disposals, but initiations saw a small decrease from the previous month.<sup>125</sup>
- While the overall prison population is lower than pre-pandemic levels, the number of people held on remand remains at a historic high.<sup>126</sup>
- The prison population has risen from its lowest point at the end of May 2020. 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 the lockdown in early 2020. This was due to a drop in the number of sentenced admissions following the Covid-19 outbreak and the early release of prisoners. After a period of stability (around 7,400 from February 2021), the prison population overall has grown slightly to 7,550 at 24th January 2022.<sup>127</sup>
- The remand population was at its lowest point of 1,114 on 27th April 2020, but grew to over 2,000 by September 2020. After a fall over Christmas 2021 in line with previous years, the remand population has grown again, exceeding previous records in January to a new peak of 2,282 on the 18th, but has since fallen slightly to 2,251.<sup>128</sup>

---

<sup>124</sup> Ibid.

<sup>125</sup> Ibid.

<sup>126</sup> Scottish Government (2021) [Coronavirus \(COVID-19\): Justice Analytical Services data report - November 2021](#)

<sup>127</sup> Scottish Prison Service (2022) [SPS Prison Population](#)

<sup>128</sup> Ibid.

- Anecdotal evidence from support organisations for victims, witnesses and survivors have reported COVID-related delays, including: delays in court trials; and the sentencing of convicted individuals, due to Criminal Justice Social Work reports being unable to be completed. The impacts reported include anxiety and distress.<sup>129</sup>
- Research with prisoners in Scottish prisons in 2020 highlights the negative impacts of restrictions on those in the prison system, such as increased isolation, and breakdown of communications with family members.<sup>130</sup>

The Recover, Renew, Transform (RRT) programme set up in 2020 in response to the pandemic, focusing on returning court capacity to pre-pandemic capacity and reducing historical backlogs, creating new ways of working and resolving cases at the earliest possible opportunity. Greater use of technology and more digital practices have a potential to lower, if not eliminate, some of the usual barriers to accessing justice such as financial cost, time and the complexity of justice systems. However, there are some risks, barriers and challenges when considering current justice innovations through a person-centred approach. This includes, ensuring accessibility for vulnerable and marginalised groups, who may be affected by lack of connectivity, skills or worsening economic situations; and to ensure their rights are upheld. We must continue to respond to the immediate challenges while informing the delivery of transformation across the sector.

---

<sup>129</sup> Scottish Government (2020) [Impact of COVID-19 Pandemic on Victims, Witnesses and Survivors – Evidence from Support Organisations](#)

<sup>130</sup> Maycock, M. (2022) [‘Covid-19 has caused a dramatic change to prison life’. Analysing the impacts of the Covid-19 pandemic on the pains of imprisonment in the Scottish Prison Estate](#)

- Research on digital criminal justice provision by the third sector in Glasgow found positive impacts on service users, in terms of improved their mental health, wellbeing and confidence; had allowed them to access new experiences and gain new skills; and in some instances, even motivated them to explore education and employment pathways. A number of challenges were identified, such as a number of challenges were also identified - addressing specific linguistic needs, the efficacy at times of referral pathways, as well as certain digital considerations.<sup>131</sup>

In order to support the recovery of justice services action should be explored to reduce the need for traditional justice processes, in keeping with the wider ambitions of the Justice Vision. The programmes and approaches set up in the midst of the crisis have been successful in ensuring the operation (in new ways) of the justice system, and have tried to limit negative impacts. Prior to and throughout lockdown, domestic abuse cases have been prioritised. We anticipate the waiting period for domestic abuse cases will further reduce with the additional court capacity. However, it is anticipated that it will take several years to manage the backlog and return to waiting times of 10 weeks for domestic abuse cases. Work to ensure that we reduce the immediate backlogs and delays and negative impacts on service users should be taken forward in full consultation and collaboration with interested parties, reflecting the pace and stage at which we are now at in the pandemic. We must use a full range of solutions to reduce the need for and pressure on, justice services while negative impact on users is reduced.

---

<sup>131</sup> Children and Young People's Centre for Justice (2022) [Understanding Digital Criminal Justice Provision: Evaluation Report](#)