

ANNEX A – Information released

Redacted- section 30(b)(i)

Important to stress that decisions on whether or not to grant bail are, of course for the independent courts.

Redacted- section 30(b)(i)

Spending time on remand can disrupt many of the things we know are most likely to help reduce reoffending such as housing, employment, family relationships and access to health care and support.

Redacted- section 30(b)(i)

That is why we have invested a further £3.2m in bail assessment and bail supervision services this year. Supported by revised national guidance. In 2022 we introduced electronically monitored bail as a new option for courts and we currently have around 400 people on electronically monitored bail. The Bail and Release Bill introduced in June 2022 is part of that wider approach. The provisions in the Bill are intended to refocus the use of remand – placing a greater emphasis on to being a last resort, reserved for those who pose a risk to public safety or, in certain cases, the delivery of justice.

Redacted- section 30(b)(i)

Evidence shows that this is best achieved by reducing crime, reducing reoffending, and having fewer people experiencing crime. We believe that the provisions in the Bill support that aim, by encouraging greater use of community-based alternatives to remand and the supervision and support they provide, limiting the use of remand and changing the way release from custody arrangements operate, with a greater emphasis on rehabilitation and reintegration.

Redacted- section 30(b)(i)

The criminal courts are recovering from the impact of the pandemic with additional Scottish Government investment helping support the operation of justice agencies in delivering justice for victims.

Women

Redacted- section 30(b)(i)

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emphasis on to being a last resort, reserved for those who pose a risk to public safety or, in certain cases, the delivery of justice.

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Redacted – section 25(1)

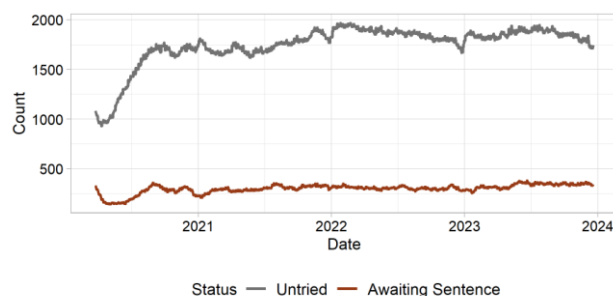
Since the start of 2023, the prison population has risen by around 9% (+657) from 7,303 on 1 January to 7,914 on 18 December 2023. The latest prison population projections published on 14 November 2023 indicate that the overall population is highly likely to either remain stable or rise slightly between October 2023 and March 2024, with a projected range of between 7,500 and 8,650 for the average daily prison population in March 2024. Analysis of seasonal patterns suggest the overall population has tended to fall slightly during late November/early December and fall more sharply in late December. The remand population tends to rise sharply thereafter, and then overall population levels recover somewhat by early February.

Through 2023, the rapid growth in the population was driven primarily by a sharp rise in the sentenced population. While the remand population has grown, it has not seen the same level of rapid growth as the sentenced population. In the last quarter, the remand population decreased slightly, although it remains at a high level. In the last quarter, the sentenced population continued to rise but growth in the overall population was offset by the fall in the remand population.

Untried arrivals to custody have remained broadly stable across 2023, with a slow downturn in recent weeks.

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Remand
(Untried & CAS)
26% 2,089



COPFS are looking to commence some work on how custody indictments can be prioritised for resolution at every point in the system. This work is in early course but could have an impact on supporting the ongoing work to reduce the high remand population.

[Redacted - section 38(1)(b)] explained that JAS had looked at the actual data on flows into and out of the remand and sentenced prison populations to develop the underpinning assumptions for the projections – in order to develop possible scenarios for what may happen in the future to drive the population. He noted that during 2023 they had seen an uplift in the remand population and a sustained increase in sentenced population. He stated that the short and long term sentence prison populations had been increasing – but that short term sentences had risen the most strongly (in contrast with a slight decrease during 2022).

He stated that there had been a higher average monthly arrival rate in the six months up to July 2023 compared to the previous six months. He noted that, based on the SCTS Monthly Protocol Reports (MPR), both Sheriff Summary and Sheriff Solemn remand arrivals had increased to levels which were higher than during the latter half of 2022, which appeared to be contributing to the elevated population. He also noted that the time to depart from, or transition out of, remand was significantly higher than pre-Covid.

The impact of more warrant appearances and the knock on effect from Covid (i.e. the impact of delay in sentencing and the impact on remand figures) was also noted.

It was mentioned that there had been a 113% increase in people held on remand who were immediately being released upon being sentenced and that one consequence was that these individuals were not eligible for HDC. The benefits of providing support being provided to individuals while on HDC was mentioned.

Amy Wilson noted that there was no straightforward explanation derived from looking at crime statistics as to why we are seeing a rise in the prison population. She discussed the changing ways that disposals have been used over time and the impact of the increase in the remand population.

Action 9 – Develop greater understanding of drivers of the increase in prison population – Amy Wilson updated that there had been a decrease in remand arrivals but feedback from the system was still needed to understand this trend. The Ops and Analysis group was meeting next week and would be able to report back further at after that.

He said that imprisonment disposals were elevated in High Court, Sheriff Court Solemn and Sheriff Court Summary from April 2023 onwards compared to the previous year; which has contributed to the flow into the sentenced population being higher than the outflow, and the sentenced population has increased. However, case registrations have been higher than expected since April 2023. He said that high remand arrivals are a key factor in the rise of the prison population during 2023.

REMAND POPULATION

Redacted- section 30(b)(i)

It is clear that support being available for people when they are leaving custody plays a pivotal role in helping them re-integrate back into the community following a period in custody.

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That is why the Bail & Release from Custody (Scotland) Bill seeks to make improvements in the support provided - through the introduction of a pre-release planning duty and requirements on Scottish Ministers to publish statutory throughcare standards.

16 Nov(Embargoed): The 2022-23 SG Consolidated Accounts and the Annual Audit Report to be published on 16 Nov; overall performance reported is strong, however performance indicators for Justice Portfolio point to increase of prison population and elevation of the remand population (2,275 (29%) on the 1st August 2023).

14 Nov: Justice Analytical Services published prison population projections which show that the total prison population could rise to as high as 8,650 in March 2024. The report indicated that remand population will likely remain stable and was around 2,200 on 1st October 2023.

The table below details the number of individual children received into the Young Offender Institutions each month since the start of 2022. It is a small but persistent number and as detailed previously, most are remanded pre-trial. Over 2023 the average number of boys has been around five at any one time and the highest number was nine in March this year with the lowest being two only the month before. Very few girls are detained in custody.

Number of individuals aged under 18 admitted to YOI - supplied by SPS:

Year	Month	Boy	Girl	Total
2022	January	3	0	3
2022	February	1	0	1
2022	March	5	0	5
2022	April	6	0	6
2022	May	8	1	9
2022	June	4	1	5
2022	July	6	1	7
2022	August	5	0	5
2022	September	3	1	4
2022	October	1	1	2
2022	November	3	0	3
2022	December	4	0	4
2023	January	5	0	5
2023	February	3	1	4
2023	March	10	1	11
2023	April	4	0	4
2023	May	4	2	6

2023	June	5	1	6
2023	July	3	1	4
2023	August	3	0	3
2023	September	5	0	5

It is recognised that the range of projections is wide, and it must be recognised that the rate of growth has been slower since August – December 2023, on average +28/month as opposed to +65/month from January – August 2023. This is largely due to the fall in remand arrivals during this period and a reduction of on average 42 remand cases/month since May 2023.

However, the rate of remand has slowed down as these interventions have picked up so there is a working assumption that they are having a positive impact on the remand population cohort. (and the court recovery programme is managing to tackle the existing remand cases)

Redacted – section 25(1)

Simulations by SG Justice Analytical Services show that if those arriving on remand continue at the current rate, the population may remain at a similar level (always subject to change). Recorded crime levels, for violent and sexual crime are now rising and both the Crown Office and Procurator Fiscal Service (COPFS) and the Scottish Courts and Tribunals Service (SCTS) report a rise in solemn criminal indictments, likely to result in longer prison sentences. The number of those on remand is increasing with now around 25% of the population being on remand, and staying this way for longer.

Redacted – section 25(1)

This overall stability masks in-year changes in prison population levels. In 2022-23, the remand population fell slowly but broadly consistently month-on-month. On the other hand, the sentenced population rose slowly between the second and fourth quarters of 2022 before increasing rapidly in the first quarter of 2023 (from an average of 5,562 in January to 5,738 in March).

While the (average daily) remand population fell by 3% in 2022-23, it remained high at 1,804. The proportion of the average daily prison population held on remand in 2022-23 was 24% (-1% from 2021-22 and the second highest annual rate to date).

While the population overall remained stable, this pattern varies by legal status category. The sentenced population of women decreased 5% to 188 between 2021-22 and 2022-23, whereas there were small increases in the untried (+9 prisoners on the average day to 72) and convicted awaiting sentence (+1 prisoners on the

average day to 21) populations over the same period. The continuation of this trend has led to further growth in the proportion of women held on remand in 2022-23 (from 29% in 2021-22 to 33%).

The long-term reduction in the (average daily) population of young people (under 21) in custody continued through 2022-23 (-15% from 2021-22 to 159). Young people comprised just 2% of the average daily prison population in 2022-23. Reductions occurred in both the (average daily) sentenced and untried populations of young people between 2021-22 and 2022-23. The reduction was greater in the sentenced population (-20% to 76) than in the untried (-12% to 64), leading to an increase in the proportion of young people in custody held on remand at 50% (+2 percentage points from 2021-22).

Median time on remand before departure remained at 21 days in 2022-23. However, the longest periods spent on remand have been increasing over time. In 2017-18, 90% of remand departures had occurred within 63 days, with the longest 10% of stays before departure taking 64 days or more. By 2022-23, the longest 10% of stays before departure from remand took 146 days or more.

For those transitioning from remand to the sentenced population, the median time on remand fell slightly (from 55 to 54 days). However, for the 10% staying longest before transitioning, time on remand continued to increase. In 2019-20, 90% of transitions occurred within 145 days, with the longest 10% of stays before transition taking 146 days or more. By 2022-23 the longest 10% of stays before transitioning from remand took 289 days or more.

The number of liberations from remand to the court or procurator fiscal continued to increase in 2022-23, up 14% to 3,683 from 3,241 in 2021-22. In 2022-23, the volume of transitions from remand continued to exceed liberations to court or procurator fiscal (3,883 and 3,683 respectively). Liberations from remand to bail continued to decrease in 2022-23 (-28% to 999) but the volume of liberations to bail remains higher than in pre-pandemic years (e.g. 528 in 2019-20).

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