

Preface

The Consortium is an alliance of organisations and individuals committed to better criminal justice policies. It works to stimulate a well-informed debate and to promote discussion and analysis of new ideas. It seeks a rational and socially inclusive approach to crime and justice in Scotland. It is concerned not with individual parts of the system, but with the system as a whole and its contribution to a safer and more just country.

This review of crime and justice in Scotland is a new departure for the Consortium. Until now we have not looked at policies as an integrated whole and tried to assess whether the system of crime and justice in Scotland is making progress overall. Is crime rising or falling? Are the figures for serious crime worse or better? Does the public have confidence and feel safer? Do crime victims feel respected and supported? Are the available penalties working well and commanding confidence? Are improvements being made in dealing with illicit drugs? Are resources being deployed effectively? Does the balance between criminal justice and social spending make economic sense? How does Scotland compare with other countries?

Rarely does any organisation ask this set of questions. Most bodies are concerned with the one aspect that they are responsible for. And if they did try to ask these questions they would find it difficult to formulate answers since there is no agreement on a set of tools with which to evaluate the system in the round and the information is not collected with such an evaluation in mind.

In this first experimental review of progress in crime and justice in Scotland we have tried to do two things. First, we have made an attempt to define performance indicators for successful crime and justice policies. Second, we have analysed developments in Scotland to see how far they are moving in a positive direction.

This is our first attempt at an overall review. We accept that we may have ignored some complexities. In the attempt to gather so much information from diverse sources we may have over-simplified. We plan for the review to be produced annually and we should be able to refine our approach in coming years.

We hope it will promote discussion and debate and lead to more interest generally in defining, measuring and building on success.

Baroness Vivien Stern

Convenor
Scottish Consortium on Crime and Criminal Justice

The review

We hope this first review of crime and justice will provide an overview of crime and criminal justice developments in Scotland in 2004-5 and show progress, changes and trends as well as putting the Scottish situation in an international context.

We have two audiences in mind. First, the review should give the public an idea of where Scotland is heading on a range of indicators and how Scotland compares with other countries. Second, it should help professionals in the field to see how their work has contributed to Scotland-wide developments.

Our methods

No agreed indicators are available for measuring success in crime and justice policy. Yet it should be possible to devise a way of measuring based on some common-sense assumptions. We can assume that politicians and policy-makers in the crime and justice field draw up their policies and allocate resources with the aim of reducing crime, promoting a sense of safety and security and enabling courts to impose sanctions that are proportionate, effective and command public confidence. These objectives must be delivered within a framework of fairness, respect for human rights obligations, humanity and accountability. The need to use resources to best effect is an over-arching objective.

This report is intended to be an assessment or audit of the direction in which policies are going and of performance in delivering a just, effective and humane system. It also gives some indication of where Scotland stands in relation to other countries. It is not intended to be an account of all changes and developments in criminal justice and human rights over one year and many areas are not covered.

Our framework

To make our assessment we have chosen the following as key indicators of the progress of the system as a whole:

- **Crime** – is it reducing and within the overall figures what is the picture for violent crime?
- **Detection** – are the police clearing up more crimes?
- **Policies to support victims** – does the system take an adequate and individualised approach to caring for the victims of crime?
- **The sanctions system** – are the penalties proportionate and well-administered; do they contribute to the reduction of crime and are they as rehabilitative as possible?
- **Reforms to the system** – do they increase public involvement and aim to raise public confidence?
- **Dealing with children in trouble** – how far are the principles of the Convention on the Rights of the Child embedded and observed in the system?
- **Human rights and accountability** – is the treatment of individuals and groups in accordance with Scotland's domestic and international obligations?
- **Alcohol and drug abuse** – what progress is being made in tackling these?
- **Public attitudes** – how is crime affecting the public and how safe do they feel?
- **Use of resources** – are resources allocated on the basis of knowledge about the best return for money spent?

The sources

The information comes from a range of official sources. For some activities statistics for the year 2004/5 were not available. In such cases we have drawn on the latest available published figures.

We have not carried out any new research. Therefore the indicators we have chosen cover information that is available from official statistics, academic research or other well-founded reports. The interpretation and commentary on the information comes from the expertise of Consortium members.

'We are aware of the publication on 25 October just before this report went to press of recorded crime figures for 2004-5 showing a 6 per cent increase. We also note that these figures were collected using the new Scottish Crime Recording Standard to which much of the increase in recorded crime is attributed'.

Summary and conclusions

The information we have collected from many different sources shows that:

- Crime rates are going down
- Detection rates are rising
- Scotland has a relatively high murder rate and violent crime rating in international terms
- Victims' services are improving
- Levels of imprisonment are persistently high and overcrowding is worse
- More women are in prison
- The Prison Service has made considerable progress in reducing suicide levels, ending slopping-out and dealing with drug abuse
- The system for dealing with children in trouble is undergoing reform whilst preserving its unique qualities
- A Children's Commissioner has been appointed with a wide-ranging brief
- The Criminal Justice Plan for Scotland gives an opportunity for a radically more localised system
- The detention of asylum-seekers and their families in Dungavel has continued
- Alcohol abuse costs the criminal justice system nearly £277m a year
- Evidence suggests a fall in the use of opiate and benzodiazepine drugs
- The public sees crime and drug abuse as the two most serious of all social problems
- Fear of crime is on a downward trend
- Research has shown a concentration of persistent offenders in a small number of multiply deprived areas
- It is proposed to allocate substantial resources to a new prison with 700 places to be run by a private company

Scotland is making slow but encouraging progress in a direction that the Consortium welcomes. To

reduce crime and increase actual and perceived safety within a framework of fairness and justice is not easy, yet there are signs that this is the direction Scotland is taking. Crime rates are down; detection rates are up; the system for dealing with children in trouble is recognised as a model to admire. The Scottish Executive does not claim that higher rates of imprisonment will make the community safer. In its policies it shows an understanding that safety will come more from solving the problems that cause crime than in ratcheting up the punishments. Scotland has a higher detection rate and a lower imprisonment rate than England and Wales and has policies for dealing with children in trouble that do not attract the criticism of the UN Committee on the Rights of the Child.

But the Scottish imprisonment rate is high by international standards. Scotland could afford to reduce its imprisonment rate. Many people are sent to prison to serve short prison sentences and little is achieved thereby. It is unfortunate that the Scottish Executive has decided to commission a new 700-bed prison at a capital cost of £65 million and running costs that we estimate at £21 million a year. Many other ways of using those resources to prevent and reduce crime would give better results than spending it on imprisonment.

1. Crime and offence levels

To live in a safe society is one of the basic pillars of social justice and a high priority for any government. Levels of crime are an important, though not the only, measure of safety. In this respect the picture is positive. The term 'crimes' is generally used for the more serious incidents and the available information shows

- recorded crime rates in Scotland have been going down steadily over the past few years.¹
- the latest figures available, for 2003-4, show a reduction between 2002 and 2003 of five per cent
- the figure of 406,979 crimes for 2003-04 was the lowest level of recorded crime for nearly a quarter of a century
- the number of non-sexual violent crimes went down by 7 per cent

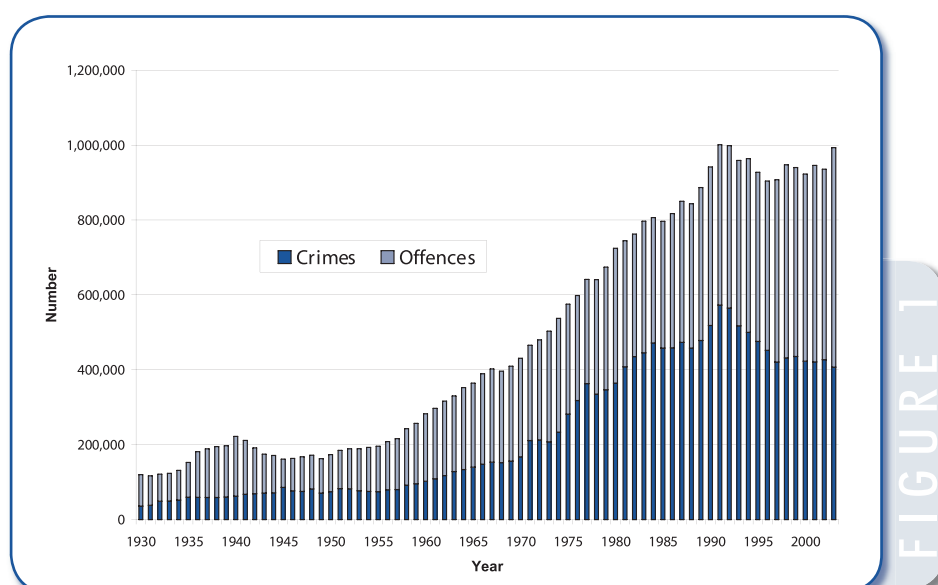
¹ Recorded crime covers only those incidents reported to the police or coming to police attention in some way. Many incidents that could be defined as crimes are not reported or not recorded, though the more serious an incident is, the more likely it is that it will be reported and recorded.

- the number of crimes involving indecency was almost unchanged between 2002 and 2003.

Other incidents come under the heading of 'offences'. This term is used mainly for actions connected with motoring, low-level assaults and breach of the peace. In 2003 the number of 'offences' recorded by the police was the highest it had ever been. However, a two-thirds increase in the number of detected offences of speeding ^{Ref 1}, due to the installation of speed cameras, explains this increase.²

Figure 1.

Crimes and offences recorded by the police 1930 — 2003 ^{Ref 1}



Recorded crime figures from the police only tell one part of the story. Many crimes are not reported to the police. The Scottish Crime Survey ^{Ref 2} gives another measure of crime. It surveys the volume of certain crimes experienced by over 5000 individuals aged over 16 in Scotland.³ Figures from the latest Scottish Crime Survey suggest that

- housebreaking fell between 1999 and 2002
- vandalism against cars and other private property rose by two-thirds over the same period.⁴
- the survey found no statistical change in violent crime between 1999 and 2002.

In 2004 the Executive launched the Scottish Crime and Victimisation Survey, which will cover a larger sample and collect data on a continuous basis to provide better and more regular information.

2. Murder rates

Murder rates are often regarded as an indicator of levels of violence in any society, since the figures for murders are especially accurate.

- in 2003 the police recorded 108 homicides, 20 fewer than in 2002.
- in 2003, the number of homicides per one million people was 21, compared with 25 in 2002.
- between 1984 and 1993 there was an average of 92 murders a year. Between 1994 and 2003 the average per year was 110.

² Scottish Executive, Statistical Bulletin, Recorded Crime in Scotland, 2003, June 2004. The figures used are figures for the calendar year 2003 and include data to the end of the financial year 2004-. From 2004/5 the recorded crime figures will move to a full financial year basis.

³ The Scottish Crime Survey only covers the crimes of vandalism, housebreaking, theft of a vehicle, theft of a bicycle, assault and robbery and so cannot be compared with police crime figures overall.

⁴ This increase in vandalism may reflect a change in people reporting more trivial incidents.

3. International comparisons

Comparisons between countries' crime rates are very difficult to make because of different approaches to measuring crime. So they must be approached with caution. Since murder is so serious, homicide rates are usually quite reliable and are often compared to give an indication of levels of violence in different countries.

All the statistics show large variations between countries' murder rates. In 1999-2001 Scotland had a murder rate well above the EU average and well above England and Wales (Figure 2).

Figure 2. Comparative homicide rates per 100,000 of the population in selected countries 1999-2001 ^{Ref 3}

Country	Homicide rate	Country	Homicide rate
Norway	0.95	Turkey	2.67
Denmark	1.02	Northern Ireland	2.7
Japan	1.05	Finland	2.9
England and Wales	1.59	Bulgaria	3.87
European Union average	1.6	USA	5.56
France	1.73	Estonia	10.6
Canada	1.77	Lithuania	10.6
Australia	1.87	Russia	22.1
SCOTLAND	2.2	South Africa	55.86
New Zealand	2.5		

FIGURE 2

In recent years a survey, the *International Crime Victims Survey*, has been carried out in many countries from all regions of the world ^{Ref 4}. Experts see it as more reliable than comparing crime figures from different countries because it is based on interviews, either by telephone or in person, with a representative group of residents of each country who are all asked the same questions about crime and being a victim ^{Ref 4}. So the results

do not suffer from the differences in the way police collect statistics or in the way governments decide to present them.

The figures for 1999 suggest that Scotland was then in 8th place out of 17 countries for burglary and attempted burglary (Figure 3) and 4th out of 17 for violent crime (Figure 4). No later figures are available but are expected in early 2006.

Figure 3. Burglary and attempted burglary rates ^{Ref 4}

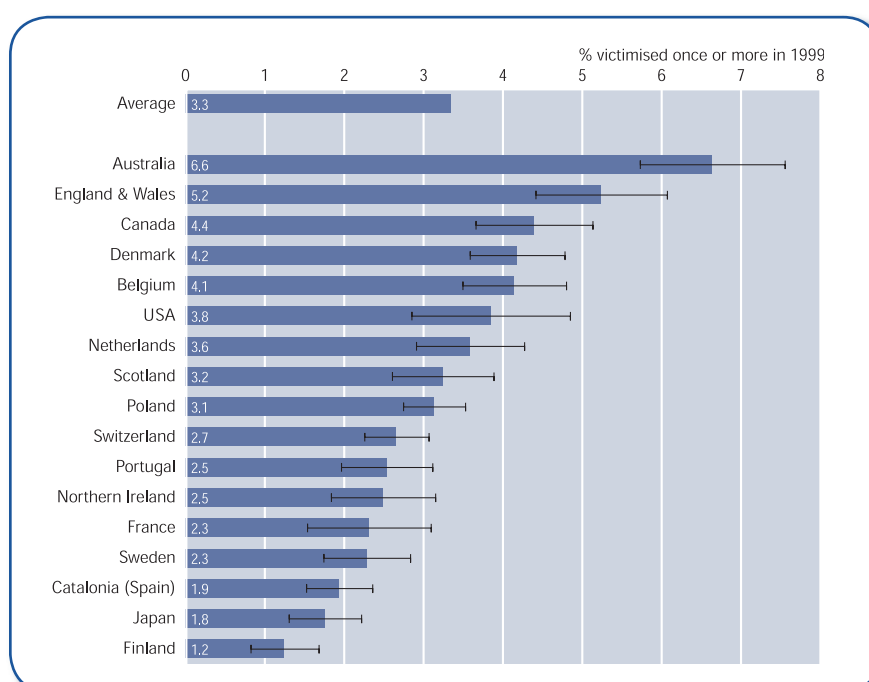


FIGURE 3

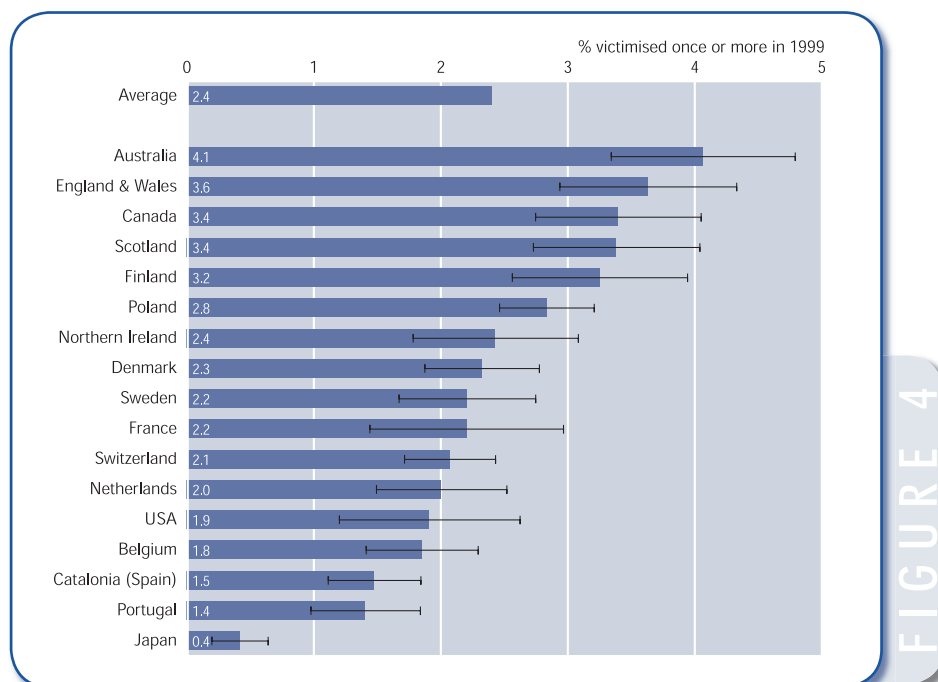
Figure 4. Selected contact crime – robbery, sexual assault, and assault with force ^{Ref 4}

FIGURE 4

4. More crimes solved

Police performance is often judged by how many crimes are solved of all those reported. In that respect the picture is positive.

- clear-up rates⁵ for crimes were the highest since 1945.
- the police cleared up 47% of crimes, an increase from 34% in 1994 and an increase from 46% in 2002.

- the 47% rate is the highest since 1939 ^{Ref 1}.

⁵ A crime has been 'cleared-up' in Scotland when there exists a sufficiency of evidence under Scots law to justify consideration of criminal proceedings.

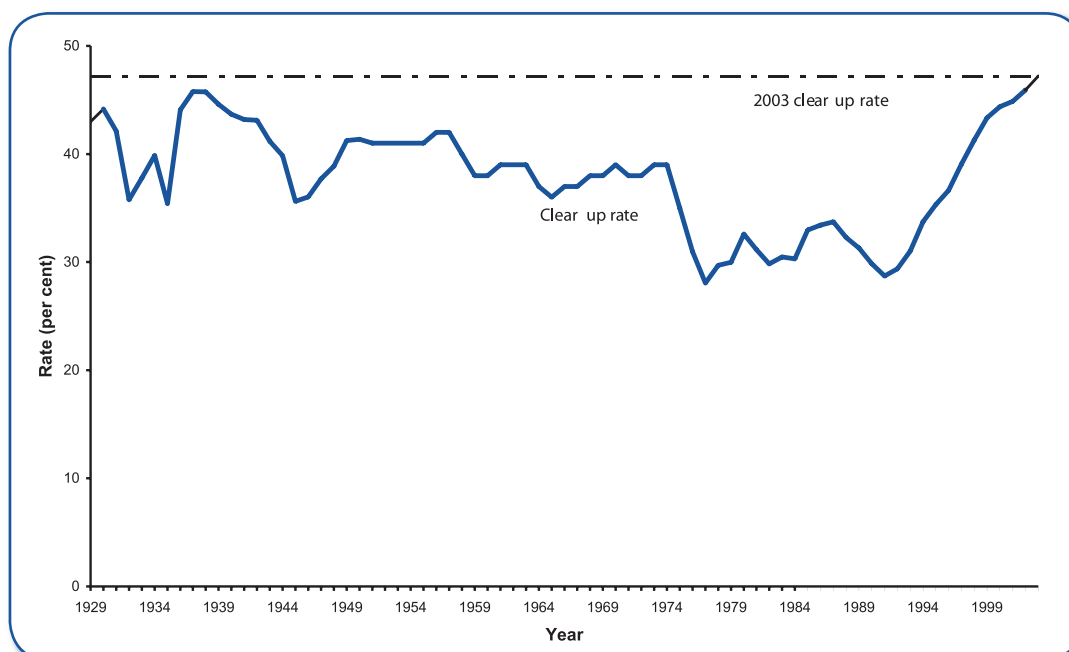
Figure 5. Clear up rates from 1929 – 1999 compared with 2003 ^{Ref 1}

FIGURE 5

The clear-up rate is much higher than in England and Wales. Statistics relating to England and Wales show a figure called the detection rate for 2004 - 2005 which is 26% for all offences ⁶.

5. Supporting victims of crime

Helping victims and showing the community's concern for those who have suffered is an important part of any policy designed to improve human security and respect human rights. Some argue for an approach based on seeing the criminal justice process as a contest between individual victims and the perpetrator of their crime. In this view the responsibility for caring for victims is only met by ensuring harsh punishment for the offender. We take a different view. We look for policies which seek to right the wrong the victim has endured and meet practical and emotional needs. In the year under review Scotland made a number of moves in that direction.

- at the beginning of 2004 a victims and witnesses unit was set up in the Scottish Executive Justice Department
- in April 2004 the Vulnerable Witnesses (Scotland) Act 2004 was passed to provide protection for witnesses, other than just child witnesses, by allowing them to give evidence via CCTV and behind screens
- the Victim Information and Advice Service, which was set up in 2002, has been progressively introduced in Procurator Fiscal's Offices around the country. It is a division of the Crown Office and Procurator Fiscal Service and assists victims, victims' families, witnesses and bereaved families
- at the end of the year the Victim Notification scheme was launched. Victims of serious crimes will register to be kept informed of the action taken against those responsible
- a guidance handbook giving information for bereaved families and friends following murder or culpable homicide and a leaflet on 'Coping with grief when someone close to you has been killed' were issued also at the end of 2004

Murders are infrequent so these last two publications will be rarely used, but they reflect clearly the duty that a caring society owes to help victims cope with the profound and lasting pain that such crimes cause.

Domestic abuse – a new approach

In October 2004 the first dedicated domestic abuse court began to operate as a two-year pilot project in Glasgow. This court fast-tracks domestic abuse cases in the G division of Strathclyde police, which covers the south side of Glasgow. In the G division in 2002-3 there were over 2000 domestic abuse incidents and around 600 police reports to the Procurator Fiscal. The new system is intended to provide better information and support to assist victims to pursue cases to the courtroom, rather than withdrawing allegations before the case comes to trial ^{Ref 5}. In August 2005 the service the court provides was extended with the appointment of a dedicated person to support the children involved in the cases coming before the court ^{Ref 6}.

In 2003 the police recorded nearly 20,000 incidents of domestic abuse ^{Ref 7} so the Glasgow pilot is affecting a small proportion of those needing special help. Should the pilot succeed, its spread to the whole country would be a welcome step.

6. The sanctions system

The criminal justice system expresses and reinforces the values of society by punishing those who break the law. It also expresses the values of society in the way it treats those it punishes. A system can be harsh, unforgiving and magnify social exclusion. Alternatively, it can aim through its sanctions to rehabilitate, reintegrate and tackle the social problems that may have led to the criminal act. This second approach is most likely to lead to a safer society and a reduction in crime.

The number of prisoners is an important measure since imprisonment is the most socially exclusionary and socially damaging penalty and when not necessary for public protection or because of the seriousness of the crime it is a very costly choice.

Historically Scotland is a country that makes a high use of imprisonment. This high use continues.

⁶ A crime is detected or 'cleared-up' when a notifiable (more serious) offence has been committed and recorded; a suspect has been identified (and interviewed, or at least informed that the crime has been 'cleared up'); there is sufficient evidence to charge the suspect; and the victim has been informed that the offence has been 'cleared up'. Crime in England and Wales 2004-05, Home Office, 2005

- the prison population in Scotland reached a new high in 2004 when in March 7,046 people were in prison.
- the average daily prison population in 2004-5 was 6,779 which is the highest annual figure ever recorded ^{Ref 8}.
- since 1995-6 the number of prisoners has increased by one-fifth ⁷

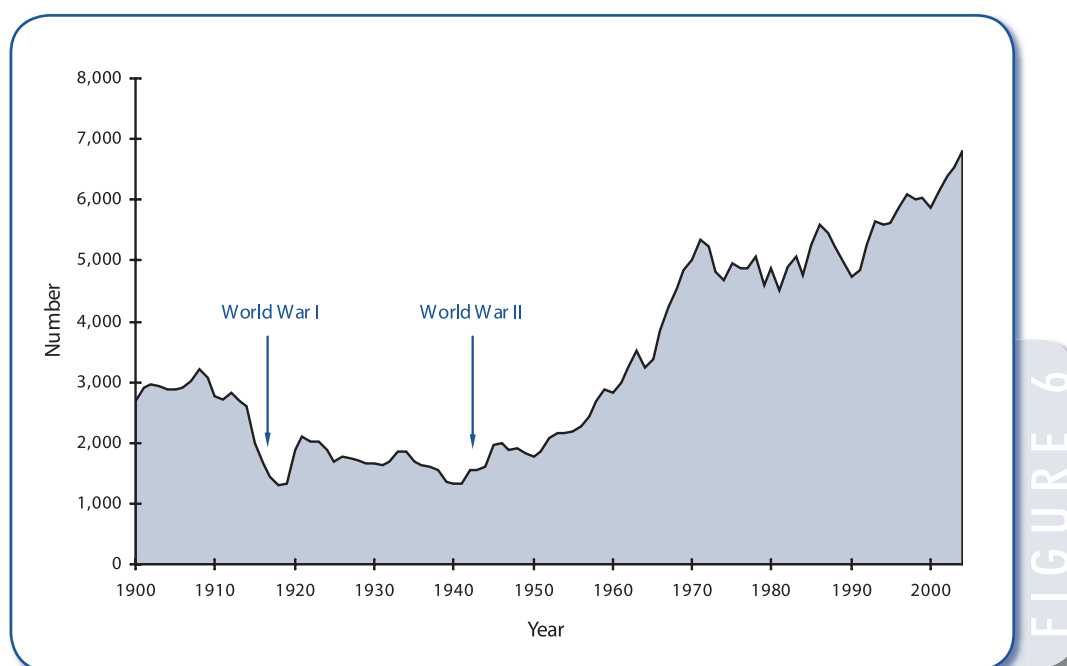
The increase over the past ten years in England and Wales has however been much greater at nearly 50% ^{Ref 9}.

The number of women prisoners is much smaller, 332 in 2004-5 ⁸. But the number of women prisoners has grown much more, with an increase of 75% in the average daily population since 1996-7 ^{Ref 8}. Between 2003 and 2004 there was a rise of 6%, a particularly disappointing figure after the official welcome given in 1998 to the report A

Safer Way which was to be 'the catalyst for change in the way Scotland's criminal justice system dealt with females'.

In January 2004 the 218 Time Out Centre in Glasgow opened. The Centre was specifically set up to cater for the needs of women offenders in Glasgow as an alternative to prison for short sentences. The model for the service was developed by a project group with representatives of the Scottish Executive Justice Department, Glasgow City Social Work Department, Glasgow City Council Housing Department, Greater Glasgow Health Board and a range of other agencies. It provides a detoxification unit, residential places and day programmes. In the course of a year, about 135 women should be able to spend some time in a residential place and 400 take advantage of the day facilities.

Figure 6. Average daily prison population, 20th - 21st century ^{Ref 8}



Imprisonment rates are usually measured per 100,000 of the general population. Scotland finds itself near the top of West European imprisonment rates.

⁷ There are two ways of measuring the use of imprisonment. One is the number of people in prison on any one day. Another is to measure the number of people sent to prison. Official statistics give a figure for the average daily population over a year. This is the figure used to compare one year with another and the figure used in this point.

⁸ The figure here is the average daily population.

Figure 7. Western Europe - Prison Population Rates - per 100,000 of the national population ^{Ref 10}.

Country	Year	Prison population rate	Country	Year	Prison population rate
England and Wales	2005	145	Belgium	2004	88
Luxembourg	2005	144	Republic of Ireland	2004	85
Spain	2005	141	Greece	2004	82
Scotland	2005	137	Sweden	2004	81
Portugal	2005	124	Switzerland	2004	81
Netherlands	2004	123	Northern Ireland	2005	77
Austria	2005	106	Finland	2004	71
Italy	2004	97	Denmark	2004	70
Germany	2004	96	Norway	2004	65
France	2004	91			

FIGURE 7

Trends in sentencing

What is happening to prison sentences? Is there a trend?

- in 2003 13% (down from 14% in 2002) of all those sentenced in Scotland were given a prison sentence compared with 10% in 1994 ^{Ref 11}. There is no evidence that this rise simply reflects a change in the seriousness of the offences coming before the courts ^{Ref 12}.
- the average length of sentence rose by 13 days, from 215 days in 1994 to 228 in 2003.

However, 2004-5 showed some encouraging changes in the sentencing trend, with a reduction in the actual number of prison sentences for young offenders. The number of young offenders (those under 21) sentenced to prison went down by 2 % ^{Ref 8}.

Figure 8. Penalties imposed in Scottish Courts in 2003 and 1994 ^{Ref 11}

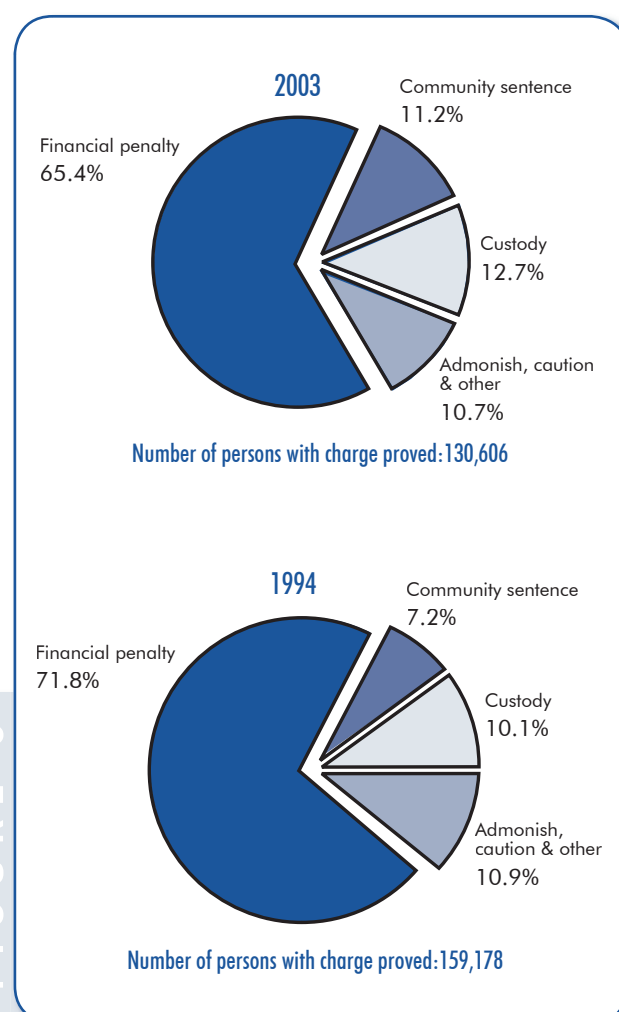


FIGURE 8

The other penalties - trends

Prison is the best known penalty but not the one that most convicted people receive.

Most of those coming before the courts are fined. In 2003 the fine was used more than in the previous year, an increase of 2%.

Other options are community sentences and warnings.

Figure 9. Orders given and breached 2002- 2004 (adapted from ^{Ref 13})

Key

ns: not stated, as only provided for the first time in 2003/04. ng: not given, as breach figures unknown.

Order	Number of orders 2003-04	Number of orders 2002-03	Breaches 2003-04	Breaches 2003-03
Community service	7,428	7,359	1,329	1,310
Probation	7,742	7,417	2,665	2,491
Supervised attendance	3,021	2,700	1,012	824
Drug treatment and testing	412	ns	134	ns
Restriction of liberty	807	524	ng	ng

For all these orders at least two-thirds were satisfactorily carried out and for community service orders the figure was more than four out of five. The proportion of sentenced people reported to the court for breaking the conditions of their order reflects the serious approach taken to the orders by the supervisors.

7. Reforms to the system

In the last few years the system has been subject to many changes.

A notable policy development was the consultation launched by the Executive on reducing re-offending, a unique exercise leading to considerable public involvement in thinking about the criminal justice process. The end result of the consultation, in December 2004, was a Criminal Justice Plan for Scotland, sub-headed Supporting Safer, Stronger Communities, which set out some ideas for far-reaching reform and a more locally accountable justice system.

An element of the discussions had been a proposal to create one central body to administer prisons and criminal justice social work. The proposal for amalgamation received little support and it was decided to proceed with more localised arrangements. A national advisory board for offender management will be created, along with a

statutory requirement for the Scottish Prison Service and local authorities to work together. Local councils' criminal justice services will be brought together into new Community Justice Authorities. In addition the Scottish Ministers will have new powers to intervene if either SPS or councils do not perform.

The Sentencing Commission for Scotland is an independent, judicially led body which was launched in November 2003 by the Scottish Executive to advise the Executive on a number of sentencing issues with the aim of improving the effectiveness of sentences in reducing re-offending and examining the scope for greater consistency. It was asked to give priority to consideration of bail and remand and to the early release and supervision arrangements for prisoners in Scotland. In 2004 it looked at the issue of bail and remand presenting its report in April 2005. It has then turned its attention to early release with the issue of a consultation paper.

How far do these changes constitute a move in the direction of a more effective system in the terms we set out at the beginning of this report? Much is work still in progress. The legislation to implement Scotland's Criminal Justice Plan has been passed and by the time we report next year we hope to be able to comment on how the more localised and integrated criminal justice system is working. A Sentencing Commission can provide a good opportunity for public debate and analysis of the purposes and effectiveness of sentencing. It can also have the effect of encouraging more punitive sentencing. We look forward to reviewing its progress in 2006.

8. Dealing with children in trouble

For over 30 years Scotland has had a progressive and child-centred system for dealing with troubled and troublesome children that is very different from the system in England and Wales. In 2004 the Commissioner for Human Rights of the Council of Europe, Mr Alvaro Gil-Robles, visited the United Kingdom. In his report he was highly critical of the treatment of juvenile offenders in England and Wales. He also visited Scotland and noted that 'the Scottish juvenile justice system differs considerably from the one in place in the rest of the United Kingdom.'^{Ref 14} He expressed the hope that 'the originality of its welfare-based approach is rewarded with success' and concluded 'in its essentials it deserves to be preserved.'^{Ref 15} He also recommended that children under 18 who are not dealt with by a Children's Hearing should be tried in a special youth court rather than an adult court and that the age of criminal responsibility should be raised^{Ref 16}.

The Children's Hearing System was reviewed in 2004 with an undertaking from the Executive that it remained committed to the core principles of the system but that it needed systematic review. The Executive is in the process of carrying out this review after a period of consultation. This follows a year-long enquiry by NCH Scotland who reported in January 2004 and found that a fully resourced system could lead the world in child justice but warned against a move towards increasingly punitive measures, stressing that the system needed significant reform and more resources^{Ref 17}.

An important and very welcome development during 2004 was the appointment of an independent Commissioner for Children with the remit of ensuring that the standards set down in the UN Convention on the Rights of the Child are upheld. Professor Kathleen Marshall took up her appointment as the first Commissioner for Children & Young People in Scotland on 26 April 2004. The general function of the Commissioner for Children & Young People in Scotland is to promote and safeguard the rights of children and young people.

The powers of the Commissioner have been compared very favourably with the powers of the new Commissioner for Children in England.

One of the key requirements of the Convention on the Rights of the Child is that children should be locked up only as a last resort and for the shortest possible time.

- on 30 June 2004 there were 2 children under 16 in prison service custody^{Ref 8}.
- children can also be sent to secure accommodation from the Children's Panel as a condition of a supervision order. The Scottish Executive announced in 2005 that it is intending to create 29 new secure unit places over the next three years.
- overall Scotland held 191 children (under 18) in prison establishments on 30 June 2004^{Ref 8}.

9. Human rights and accountability

The state of the prisons is important for those who work and live in them and also for Scotland's compliance with its human rights obligations.

- one important measure is the number of non-natural deaths in custody. The number of suicides in Scottish prisons has fallen from 17 in 1999 to 5 in 2004.
- in a new and welcome development, women in Cornton Vale Prison were able to keep their children with them in independent living units until the age of five instead of having them taken away at age 18 months.
- Scotland also attracted favourable comment for its policies on drug use in prisons and the promotion of a harm reduction approach.
- overcrowding got worse. According to the Chief Inspector of Prisons: "In last year's Annual Report I wrote 'Overcrowding blights so much of prison life.' It is now worse than it was then; and it shows no signs of reducing."^{Ref 18}

The most significant case to be brought under the Human Rights Act during 2004 was that of Robert Napier who successfully argued that the Scottish Prison Service had breached his human rights by holding him in Barlinnie Prison in a cell with another prisoner and requiring him to slop out.

Many other prisoners have now initiated actions against the Scottish Prison Service on similar grounds to Napier. Stopping out has now ended in Barlinnie and Edinburgh Prisons but is still the practice in other prisons in Scotland.

Dungavel House Immigration Removal Centre in Scotland, run by the private company Detention Premier Services Ltd, continues to hold failed asylum seekers and other immigration detainees. In March 2005 a report by the Chief Inspector of Prisons of England and Wales highlighted the failure to provide properly for children in Dungavel and lack of access to legal advice for detainees ^{Ref 19}.

The Scottish Executive announced on 10 December 2001 that it would establish an independent and statutory Scottish Human Rights Commission. Consultations took place in 2004 over a proposal to establish a UK-wide Commission for Equalities and Human Rights (CEHR). The CEHR will not operate on human rights in Scotland. The Scottish Human Rights Commission Bill was announced on 6th September 2005 and we look forward to the establishment of a Commission.

The year also saw the introduction of controversial measures to extend the powers to impose civil restraining orders – ASBOs. The Anti-Social Behaviour (Scotland) Act 2004 included a provision to allow such an order to be imposed on those between the ages of 12 and 15 deemed to be behaving anti-socially. Breach of these orders was made a criminal offence. During the year 2003-4 the orders were used by 26 out of Scotland's 32 local authorities.

Figures for the prevalence of drug use are difficult to collect and to verify. However statistics show that in 2003-4, 12,675 people went into drug misuse treatment ^{Ref 23}.

Analysis suggests that in 2003 there were 51,582 opiate and benzodiazepine drug users living in Scotland. This shows a fall from the year 2000 from 1.96% of the population aged between 15 and 54 to 1.84%.

In 2003-4, tests showed that one third of prisoners were taking heroin. About a fifth showed signs of using cannabis. In April 2005 the Scottish Prison Service announced that it planned to abandon the mandatory testing of prisoners to see if they had drugs in their system and to concentrate instead on treatment.

A senior prison source said: "The existing approach to tackling drugs in prison simply isn't working. People are continuing to use drugs. In fact, it pushed people on to other drugs which do not stay in someone's system for so long - like heroin, which only stays in the urine for three days. Often, people who are taking drugs were 'getting off' because the tests were coming back negative.

"Mandatory testing only really works if people are willing to be treated, but if they aren't then it isn't much use." ^{Ref 24}.

10. Substance abuse and crime

Much crime is connected with drug and alcohol use ^{Ref 20}. For the first time in Scotland statistics on alcohol use have been brought together in one publication ^{Ref 21}.

- Alcohol abuse is estimated to have cost the criminal justice system £276.7 million in 2002-3.
- Referrals to the Children's Reporter on grounds of alcohol and/or drugs doubled between 1997-8 and 2002-3.
- Between 1993 and 2003 recorded offences of drink driving have fluctuated around 11,000 per year.
- In 2003 alcohol was known to be a factor in half of the cases of those accused of homicide ^{Ref 22}.

Figure 10. Percentage of men and women who have taken any illicit drug in the previous year -
Figures for 2003 ^{Ref 2}

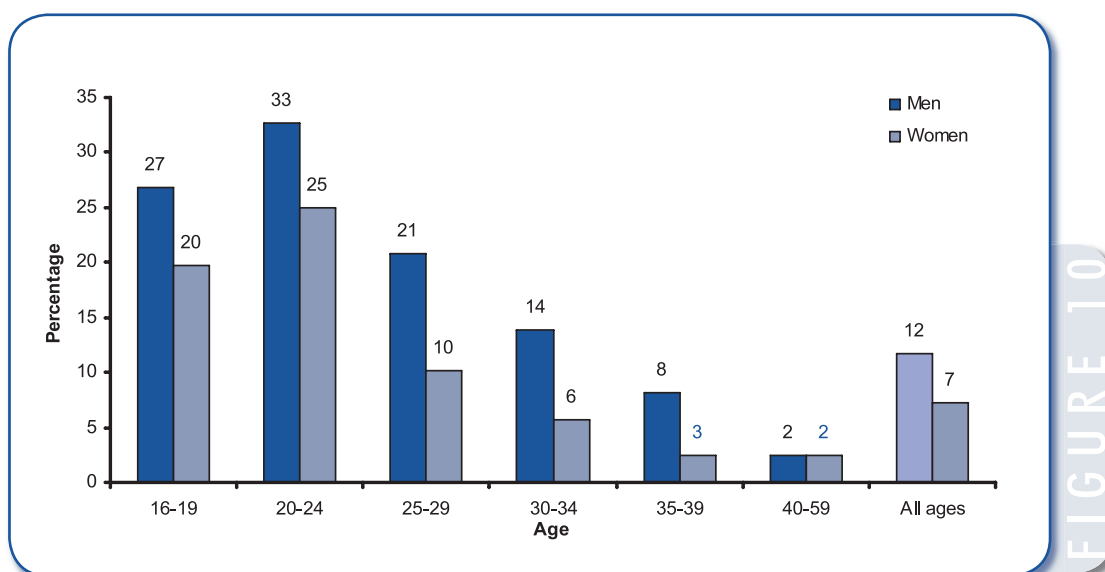
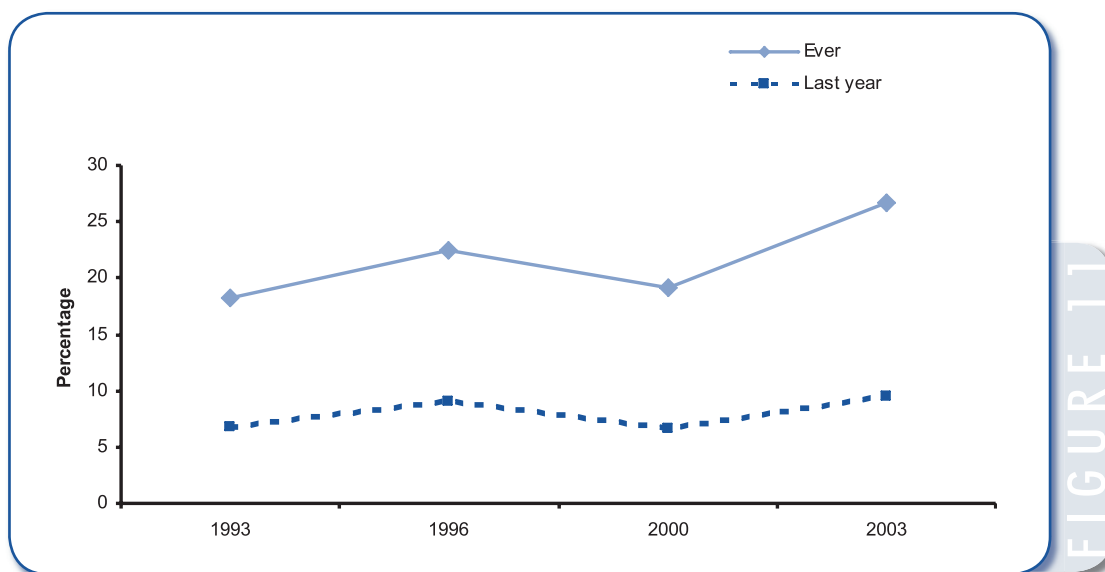


Figure 11. Percentage of respondents reporting drug use 'ever' and 'in the last year', 1993-2003 ^{Ref 2}



In July the Executive announced additional funding of £9 million for Alcohol and Drug Action Teams ^{Ref 25}.

11. Public attitudes to crime and confidence in the system

Living in fear of crime reduces people's freedom of movement and quality of life. Measures to reduce that fear are an important part of a crime and justice policy. Answering a question for the Scottish Crime Survey on how important they rated a number of social issues, crime as a problem figures very highly, overtaken only by drug abuse.

The figures giving such a rating are slightly higher than in 2000 ^{Ref 2}.

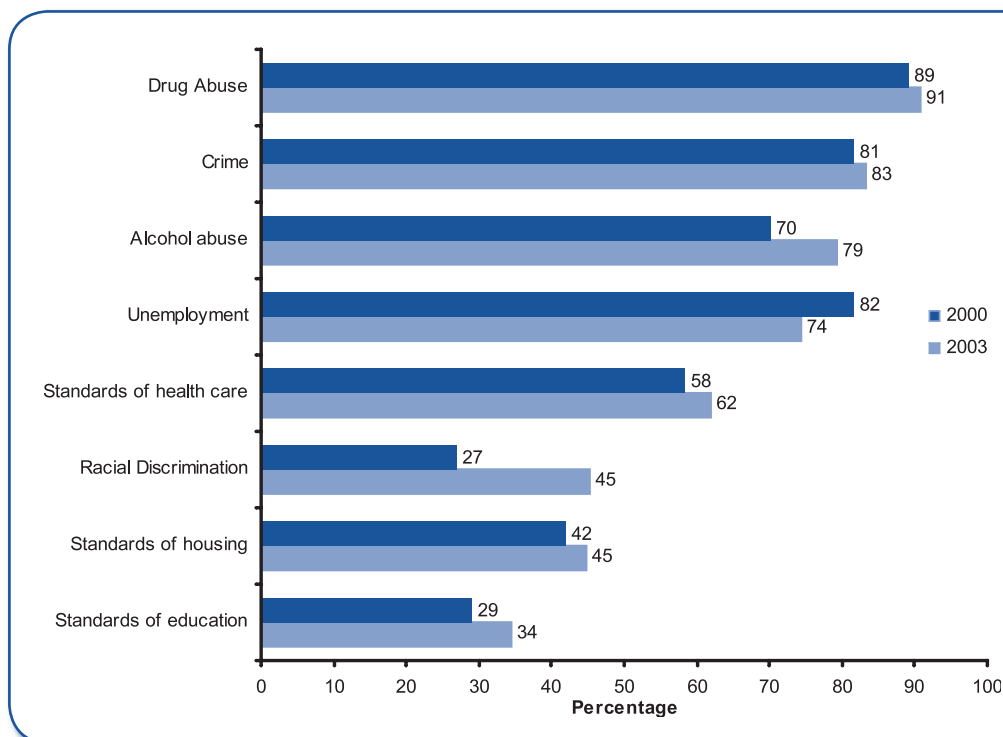
Figure 12. Percentage of respondents describing issue as 'extremely' or 'quite' serious ^{Ref 2}

FIGURE 12

However, public fear of being a victim of certain specific crimes has gone down over the last ten years for burglary, sexual assault, criminal damage to their homes, mugging and assault though on a shorter time scale, since 2000, some of these figures have gone up.

Figure 13. Percentage of respondents 'very' or 'fairly' worried that they will be the victim of specific crimes in Scotland, 1993-2003 ^{Ref 2}

FIGURE 13

CRIME	1993	1996	2000	2003	% change
Having home broken into & sm'thing stolen	59	52	45	45	-14%
Vehicle Vandalism	n/a	n/a	37	39	+2%
Sexual assault (women only)	55	51	41	39	-16%
Vandalism to home	n/a	43	37	38	-5%
Being mugged and robbed	48	43	34	38	-10%
Assault	45	42	32	35	-10%
Theft from car	n/a	n/a	32	32	no change
Theft of car	n/a	n/a	31	32	+1%
Racial attack	n/a	n/a	7	11	+4%

12. Using resources to best effect

Commenting on the Scottish Executive Justice Department's consultation on new arrangements for dealing with offenders the Consortium said:

'the answers to reducing re-offending and promoting rehabilitation do not lie primarily with the criminal justice system. The key to making significant reductions in the level and impact of crime lies in changing the way in which known and potential offenders relate to their communities, including victims, and to the wider society. These changes require the development and implementation of social and economic policies much wider than criminal and juvenile justice.'

We do not have the capacity or the tools to measure how far any of the resources spent on criminal justice would have been better spent on social measures to deal with crime, such as reducing child poverty and inequality, providing early childhood intervention, and supporting good parenting. However, a report published in January 2005, which analysed the distribution of Scotland's prisoners by postcode, found that the home address of one quarter of the prisoner population was in 53 wards. The imprisonment rate of those wards was therefore 421 per 100,000. Thus, 25% of the prison population came from wards where 7.3% of the population lives. The report also showed that these wards were the most deprived wards in Scotland. 'The probability of imprisonment increases with increasing deprivation', the report says ^{Ref 26}.

The Government intends to build two new prisons in Scotland providing 700 new prison places. At the beginning of 2004 it was confirmed that one would be privately built and run and the second would be open to tendering by both public and private sectors. It has obtained planning permission for one in Addiewell, West Lothian and is proposing to build on the site of an existing prison at Low Moss, Bishopbriggs. The cost of the prison at Addiewell will be £65 million and it should be completed by 2007. It is expected that 400 new jobs will be created. Local villagers have established a Stop the Prison Campaign Group.

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