POVERTY, INEQUALITY AND JUSTICE
REGULAR READERS of SJM will recognise that the complex relationships between inequalities and criminal justice are a recurring theme. This edition focuses more specifically on the complex connections between poverty and crime, looking at victimisation as well as offending. Our thanks to guest editors, Professors Lesley McInra and Susan McVie from Edinburgh University and Maggie Mellon, a policy activist and former social worker, who draw from their latest research, and practice experience to bring us new and urgent insights on this topic.

In their editorial (see pages 2-3) they argue that:

- they voices of people in poverty are silenced
- the justice system entrenches people in poverty and exacerbates crime and
- crime and victimisation are concentrated in deprived neighbourhoods.

Poverty is indeed, ‘justice denied’. They make recommendations that, they argue, would be transformative, not least that we should stop making criminal justice the default response to poverty and focus the attention of the law and of government on redistribution rather than retribution.

Christiaens echoes this theme in relation to Belgium, where young offenders, many suffering from poverty, report feelings of not being listened to and argues that stigma contributes to the reproduction of poverty.

Much of our ‘back half’ also echoes this. Places as well as people can be stigmatised, none more so perhaps than the East End of Glasgow, the subject of Mooney and his colleagues’ contribution which critically explores the promised ‘legacy’ of the Commonwealth games.

In an extract from the Justice Secretary Michael Matheson’s recent APEX lecture, the importance of tackling social inequality to tackle crime is underlined. He outlines steps towards a fairer justice system emphasising the need to reduce the prison population and enhance the role of community sentencing. In Take 5, politicians were asked about the link, outlined in a separate account by Dore of an important Shelter report, between reoffending and homelessness, and all agreed that steps to tackle this vital issue should be encouraged.

Poverty and related issues have also been found to affect women in custody and McConnell and Carnie outline some of the thinking behind current SPS approaches to women’s prisons particularly in relation to what they see as being the rehabilitative potential of small community custody units. In our interview, international penal reformer Baroness Vivien Stern gives her responses to Scotland’s approach to women in the justice system.

In an important article Kath Murray, whose research critical of the use of stop and search has attracted considerable attention, asks important questions about the reactions to and role of research critical of criminal justice agencies in Scotland. In our statistics analysis space, Skott argues that although homicides in Scotland are at a record low, we need to be able to understand these better in the overall context of violence. Staying with serious crime, our diary feature describes the work of a Circle of Support and Accountability volunteer, supporting and monitoring sex offenders in the community.

Finally, inequalities, crime and justice are major themes of a recently published collection of articles Crime, Justice and Society in Scotland, edited by us along with Gerry Mooney. We explain what we were attempting to do in that book and some of the editorial decisions made.

Hazel Croall and Mary Munro
Scottish Justice Matters is a publication of the Scottish Consortium of Crime and Criminal Justice (SCCCJ). The Consortium is an alliance of organisations and individuals committed to better criminal justice policies. It works to stimulate well informed debate and to promote discussion and analysis of new ideas. It seeks a rational, humane, constructive and rights-based approach to questions of justice and crime in Scotland.

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THIS EDITION of Scottish Justice Matters focuses on poverty: its impact on the well-being and life chances of young people; its complex links to crime and place; the ways in which it is both experienced and reproduced; and suggestions about how best to tackle its pernicious consequences.

The edition is timely in the context of the current political debates on the nature and impact of austerity and the choices being made by the UK Government on where to make cuts in welfare. It is also timely in the context of long term debates within Scotland about the efficacy of criminal justice process and ways of preventing offending and victimisation.

In almost all policy debates about justice, poverty is acknowledged as the backdrop to inequalities (as, for example, in health or education) and a persistent factor in the lives of the vast majority of those who come into contact with the criminal justice system, but yet successful transformation of both its causes and consequences remains elusive.

Overview of the edition

We have commissioned papers from practitioners and academics at all stages of their careers: from outstanding PhD scholars to senior Professors; and asked them each to focus on a dimension of the poverty-[in]justice nexus. Importantly, the research that is presented here draws on a range of methods and disciplines: from human-centred design and in-depth interviewing to large-scale survey methodology and geographic analysis of crime patterns and trends. We have also undertaken a focus group with women who are involved with the Serenity Café in Edinburgh (run by and for those in recovery). Taken together, the diverse contributions to this edition provide a strong evidence base that poverty matters!

Key themes

The voices of people in poverty are silenced

Two of the papers (Nugent and McAra [M.]), explore the experiences of children and young people who are living in the context of extreme deprivation. Nugent found the young people in her study (drawn from a group that had had contact with Includem’s Transitional Support service) were extremely vulnerable but ‘too full of pride’ to seek help; whilst having low expectations they nonetheless were keen to find work (challenging the assumptions of certain politicians, about feckless or workshy youth). McAra worked creatively with a group of older children in a Princes Trust Class, who had been identified as being at risk of NEET status (not being in Education, Employment or Training). She found that the young people initially had a low estimation of their own abilities, which was only challenged through taking a democratic and collaborative approach to artistic practice. A key insight from these research projects is that ways of breaking down barriers to self-realisation come only when the young people are able to feel in control (McAra) or when the circumstances in which shame is internalised are transformed (Nugent). By respectively using interviews and artistic practice as

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Lesley McAra, Susan McVie and Maggie Mellon
methods of engagement, Nugent and McAra have given voice to a demographic that is rarely listened to or heard.

Significantly the women in the focus group from Serenity Café also highlighted the issue of ‘voice’ in their response to questions on poverty and injustice. A common view was that they were not listened to by agencies. The systems (justice, health, benefits) which they encountered tended to label the women in rather narrow ways (as offenders or victims, as mentally ill, as benefit fraudsters), failing to understand and address their complex needs in a holistic way. As one participant commented, when asked how things could be made better:

“No “you are this, and that”, just listening and support”.

The justice system entrenches people in poverty and exacerbates crime

The paper by McAra [L.] and McVie, which presents new findings from the Edinburgh Study of Youth Transitions and Crime, reinforces and further illuminates the problem of poverty. This large scale quantitative study found that poverty formed a touchstone against which the identities of young people were honed, resulting sometimes in violence as a conduit to empowerment and status. Poverty also functioned as a kind of stigmata, shaping agency responses to young people’s conduct, such that those who came from the most deprived backgrounds became the focus of criminal justice attention, something over which young people have no control. A critical finding from the study is that the practices of agencies of youth and adult criminal justice, rather than lifting young people out of poverty, served instead to entrench them in poverty and thus reproduced the conditions in which violence could flourish.

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Similarly, Mellon in ‘Just care?’ points to the impact of acquiring a long term criminal record from the children’s hearing system. Paradoxically the system’s focus on needs as well as deeds acts to expose mainly poor children and young people to, not only, the iatrogenic impact of involvement in justice processes, but to a very avoidable long term criminal record that immures them in worklessness and poor outcomes.

The skewed consequences of state intervention are not only confined to Scotland. Based on a review of international evidence on poverty and crime, Webster argues that political choices to restrict benefits for the under 25s and labelling young men, in particular, as the ‘most undeserving of the undeserving poor’, were likely to exacerbate criminal offending. Similarly, Christaens sets out the ways in which the Belgium system of youth justice reconstructs the problem of poverty as an individual problem, highlighting the ways in which educational interventions function neither to empower nor emancipate.

Crime and victimisation are concentrated in deprived neighbourhoods

Two of the papers explore the complex relationship between the characteristics of deprived neighbourhoods and patterns of crime and victimisation. McVie, Norris and Pillinger found that factors associated with poverty (such as living in social housing) may be linked to experience of chronic victimisation. Bringing together data from the Scottish Crime and Justice Survey and the Scottish Index of Multiple Deprivation, they found that those who are multiply victimised, tend to be concentrated in areas characterised by low educational attainment and poor health (which provides some potential for targeted intervention).

Bates’ research reinforces the links between crime and place. From analysis of the police recorded crime data contained in the Scottish Neighbourhood Statistics, she found that there was a strong overlap between neighbourhoods (mostly in urban settings) with high concentrations of crime and unemployment as well as poorer health and educational outcomes: factors which persisted over time. For Bates, the explanation for such overlaps links both to the routine activities of the people living in the area and to the lack of community cohesion stemming from the structural deficits within the neighbourhood. She concludes by arguing that solutions to the spatial concentrations of crime and poverty require approaches which target both the situational and structural factors at play.

What is to be done?

The research which informs this edition makes for difficult and stark reading. That systems which are set up to reduce crime and victimisation, to support health and welfare, are failing to address the needs of those made subject to their tutelage, serving instead to label and stigmatise, and to exacerbate rather than diminish poverty and violence.

Taken together the research would suggest five immediate steps to transform the state we are in:

- More resource for educational interventions which empower and enable
- More employment opportunities and overhaul of the benefits system
- Reform of the system for disclosure to employers of childhood convictions
- Reform of decision-making practices across systems to address the pernicious consequences of labelling and provide real and meaningful multi-agency practice
- Stop making criminal justice the default response to poverty and focus the attention of the law and of government on redistribution rather than retribution

All the contributions to this edition demonstrate that poverty is justice denied. We end this editorial by echoing the words of one of our early career contributors: ‘This needs to change’.

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UK DATA SHOWS that poverty has increased in recent years, especially in the wake of the financial crisis, and that young people have suffered the most. In Scotland, around half a million people, including 100,000 children, are living in ‘severe’ poverty according to a Government report published earlier this year (Scottish Government 2015a). And the latest Growing Up in Scotland (GUS) report indicates that children in the lowest income quintiles have poorer health, greater emotional and behavioural difficulties and lower life satisfaction than those in higher income groups (Scottish Government 2015b). While the GUS cohort is not yet old enough to explore the causes and correlates of offending, its findings raise important questions. What role would we expect poverty to play in offending by young people? And how might we expect the response of our justice system to impact on the poorest young people’s well-being and life chances?

Using data from the Edinburgh Study of Youth Transitions and Crime, we have found that poverty is a strong driver of violent offending amongst young people. However, systems of youth and adult justice, far from tackling violence and lifting young people out of poverty, serve instead to entrench poverty, thereby reproducing the very conditions in which violence can flourish.

The Edinburgh Study

The Edinburgh Study has followed the lives of around 4,300 young people as they made the transition from childhood to adulthood. Using both self-reported data from the cohort members and linked data from a range of official administrative datasets, we have studied the effect of childhood poverty on violence in the teenage years (McAra and McVie, 2016) and examined its impact beyond into early adulthood. In this article, we examine four measures of poverty: low socio-economic status of the child’s head of household; whether the young person was not in education, training or employment at age 18 (NEET); whether the young person had been unemployed for more than a year at age 22; and neighbourhood deprivation based on census measures of poverty in the young person’s area of residence.

In Scotland, around half a million people, including 100,000 children, are living in ‘severe’ poverty

Links between poverty and violence

We found that poverty had a significant and direct effect on young people’s likelihood to engage in violence at age 15, even after controlling for the effects of a range of other factors known to influence violent behaviour. In other words, even when taking account of a raft of risk indicators that would be expected to increase the propensity to engage in violence (including poor family functioning, lack of attachment to school, substance misuse, and impulsivity), and a range of protective factors that are known to act as preventative (such as strong and positive relationships with parents), young people who were living in a family where the head of household was unemployed or in low status manual employment and those who were growing up in communities scarred by high levels of deprivation were significantly more likely to engage in violence.
Interestingly, we found two significant interaction effects in our analysis of poverty and violence. Compared to all other young people, girls from low socio-economic status backgrounds were at significantly greater risk of engaging in violence. In addition, compared to all others, those who were identified as having a ‘low risk’ background but were from low socio-economic status backgrounds had a greater likelihood of engaging in violence. What this suggests is that for certain types of young people, living in a poor household increases their risk of engaging in violence beyond what we would expect it to be, all other things being equal. So, we know that girls are less likely to offend than boys and we know that people who have a low risk profile are less likely to offend than those with a higher risk profile; however, household poverty appears to act as an exacerbating factor and increases the chance of such young people offending.

How then might this relationship between poverty and crime be explained? Our findings are supportive of a theory of offending based on the concept of negotiated order (McAra and McVie 2016). For young people from the most impoverished backgrounds, violence provides a touchstone against which identities are honed; more particularly, violence empowers and is a means of attaining and sustaining status amongst peers. Willingness to use violence, therefore, becomes a resource for the most dispossessed and, as will be demonstrated below, this becomes a persistent feature across the teenage years.

Institutional responses exacerbate poverty and violence

The Scottish children’s hearing system is predicated on a needs-based educational model of care. One might expect that where poverty is identified as a specific need and linked to offending, then the children’s hearings system would be able to access services and support for young people, which would help lift them out of poverty. However, the Edinburgh Study findings indicate that this is manifestly not the case. We found that throughout the teenage years and into adulthood, the decision-making practices of institutions (including the police, the hearings system and the criminal courts) disproportionately focus on young people from impoverished backgrounds.

Looking the characteristics of young people who were charged by the police at age 15, for example, it is not surprising that involvement in serious offending and hanging about the streets were strong predictors of police engagement. In addition, the police were most likely to charge those who had come to their attention during the previous year, which indicates some prior labelling. However, even taking account of these factors, young people from low socio-economic status households were significantly more likely to be charged by the police than those who were not. Such young people were also more likely to be referred to the hearings system and placed on statutory supervision, even after controlling for a range of other determining factors.

A similar dynamic can be found in early adulthood. At age 22, those with prior labelling and involvement in serious offending were more likely to be charged by the police. But even taking these factors into account, young men who had been unemployed for more than a year were significantly more likely to be charged than others in the cohort. Furthermore, those who were both unemployed for more than a year and known to the police by 15 were significantly more likely to be convicted than those in employment and those with no such policing history, even after their involvement in serious offending had been taken into consideration.

The story does not end there. The longitudinal nature of our study allowed us to track the outcome of early contacts with youth justice on the behaviour, social status and well-being of young people in later years. Using data about whether young people went on to be NEET by age 18, we found that by far the strongest predictors of NEET status were whether the young person had ever been charged by the police for an offence and whether they had ever been placed on supervision within the hearing system. This held true when other factors linked to the risk of NEET status were taken into account (including low socio-economic status in early childhood and a range of school and family factors). Moreover, both low socio-economic status in early childhood and being placed on supervision by the hearings system were significantly associated with continued involvement in violence at age 18 (even when controlling for a range of risk and protective factors).

Conclusions

The Edinburgh Study is a valuable resource that holds both self-report and official data on a large cohort of young people. It provides strong evidence that children living in poverty are over-represented amongst violent offenders. Even taking account of this increased risk of offending, however, children from poor backgrounds are disproportionately selected into the juvenile justice system and retained there by decision making that is predicated on, amongst other things, their impoverished status. Previous work has shown that this type of systemic processing labels and marginalises the most vulnerable young people in society, making it difficult for them to escape from their offending persona (McAra and McVie 2007). The system causes structural failures that prevent those in poverty from moving out of this condition and, in the longer term, this constrains opportunities and reduce life-chances, such that these young people are at increased risk of criminal justice system intervention and NEET status in early adulthood. In other words, the youth and adult criminal justice systems appear to punish the poor and reproduce the very conditions that entrench people in poverty and make violence more likely.

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Is poverty reflected in changing patterns of victimisation in Scotland?

Susan McVie, Paul Norris and Rebecca Pillinger

BACK IN THE 1980s, ‘left realist’ criminologists argued that working class people were most likely to be victimised because the root causes of crime lay in relative deprivation. Key proponents of left realism, such as John Lea and Jock Young (1984), noted that while the average chance of being a victim of crime was small, it was greatly enhanced amongst the poor, the deprived, ethnic minorities and inner-city residents. Left realism inspired the development of local victimisation surveys in the UK, driven by a desire to demonstrate that people from the poorest communities suffered disproportionately from victimisation. Local studies, such as the Islington Crime Survey conducted in 1986, were critical in demonstrating the high levels of risk and fear of crime amongst those, especially women, from the poorest neighbourhoods.

Local victimisation surveys in the UK are now largely a thing of the past. They have been eclipsed by large-scale surveys such as the Crime Survey for England and Wales and the Scottish Crime and Justice Survey, which are well funded, robust and established methods of measuring public experiences of and attitudes towards victimisation. These large-scale surveys provide a valuable picture of crime at the national level which can be compared to police recorded crime statistics, thus giving us alternative approaches to measuring trends in crime. They also permit analysis at a sub-national level to some degree; however, they have limited benefit in improving our understanding of crime experience at the local level. In addition, the purpose and design of these surveys has gradually moved away from understanding the experiences of victimisation within poor or high crime communities towards measuring indicators focused on national performance targets.

In Scotland, both survey and official statistics tell us that crime has reduced significantly in recent decades. However, it is unclear whether this crime drop has been experienced equally by all elements of Scottish society. Here we build on earlier work (McVie et al 2015) which identified four typical ‘groups’ of people based on the experiences of victimisation reported to the Scottish crime surveys from 1993 to 2010/11. These included: a large group of ‘Non-Victims’ who had a very low risk of experiencing any kind of crime; a group of ‘One-Off Property Victims’ who experienced an average of one incident of crime per year, mostly motor vehicle or household crime; a group of ‘Multiple Mixed Victims’ who experienced approximately two incidents of crime per year, reflecting some combination of motor vehicle crime, household crime, assaults and threats; and a group of ‘Frequent Personal Victims’ who experienced three incidents of crime on average per year, mainly assaults and threats but also personal theft, robbery and household crime. Over the period from 1993 to 2010/11, the Non-victim group grew from 76% to 82% of the population, while the One-Off Property Victim group reduced from 17% to 12% and the Multiple Mixed Victim group fell from 6% to 5%. However, the size of the Frequent Personal Victim group remained stubbornly persistent at around 0.5% of the population. In addition, the frequency of victimisation reduced amongst all groups except the Frequent Personal Victims.

In order to determine whether change in victimisation was associated with certain individual or household characteristics, we conducted a multinomial regression model which allowed us to compare the three victim groups against the Non-Victim group. Unfortunately, our analysis was severely restricted by the lack of potential explanatory variables contained within the Scottish crime survey datasets - especially when it came to measures of poverty. It is clear that this is an area that needs to be considered within the design of the survey if we are to use it as a mechanism for understanding the experiences of different segments of the population. The variables we were able to include in our model were: gender, age, household composition, number of people in the household, tenure, length of residence, equivalised income, and number of vehicles.

We found that the likelihood of being a Non-Victim was significantly higher for women than men and that it increased with age, while young adults were more likely to be represented in all three victim groups. Adults living in single parent households were significantly less likely to be Non-Victims compared to those living in most other types of household (including those with two or more parents, and two or more adults with no children), and significantly more likely to be Multiple Mixed Victims than those living in households with more than one adult (with the exception of two pensioner households). Those who were renting social accommodation were less likely than those with other tenure types to be Non-Victims and more likely than owner-occupiers or private renters to be One-Off Property Victims. Finally, vehicle owners were...
more likely to be One-Off Property Victims and less likely to be Non-Victims than non-vehicle owners. It is notable that our measure of equivalised income did not emerge as significant in the analysis; however, this is a very crude measure and we have some concerns about its validity. Overall, it is difficult to draw any firm conclusions about the link between poverty and changing patterns of victimisation at the individual or household level.

One of the benefits of the recent crime surveys in Scotland is that geographical indicators in the form of Intermediate Geography (IG) can be attached to the data, which allows multi-level analysis to be conducted. IGs are discrete spatial areas within local authorities which are designed to contain between 2,500 and 6,000 people.

The maps in Figure 1 illustrate our preliminary analysis of these data by showing the IGs across the central belt of Scotland, and compare those IGs that contained above or below average proportions of respondents within each victim group. Our early analysis suggests that people living in more remote areas of Scotland were less likely to be One-Off Property Victims than those living in other parts of Scotland. However, people living in more remote parts of Scotland and those living in urban centres and some suburbs were more likely than those in other areas to be Multiple Mixed Victims. There were only a few IGs which contained higher than average numbers of Frequent Personal Victims, and these do appear to be clustered around some of the more deprived parts of Edinburgh and Glasgow; however, further analysis is required to fully explore these geographic patterns.

**Figure 1: Geographical analysis of victim groups within central belt Scotland**

This work is based on data provided through EDINA UKBORDERS with the support of the ESRC and JISC and uses boundary material which is copyright of the Crown and the Post Office.

Using data from the Scottish Index of Multiple Deprivation (SIMD), multi-level analyses were conducted to determine whether there was any association between individual domains from the SIMD and the victim groups at IG level (see Ellie Bates’ article in this edition page 9 for information on SIMD). We found a significant relationship between the SIMD Education domain and all three victim groups. One-Off Property Victims and Multiple Mixed Victims were less likely than Non-Victims to live in areas characterised by high deprivation on the Education Index, whereas Frequent Personal Victims were more likely to be living in areas characterised by high deprivation on the Health Index. The SIMD Health domain was also significant, such that Frequent Personal Victims were more likely than Non-Victims to be living in areas identified as highly deprived on the Health Index. These are important findings, as they suggest that Frequent Personal Victims may be concentrated in areas that are highly deprived on both Health and Education measures.

The left realist criminologists of the 1980s highlighted the plight of the poorest within society in terms of their experience of victimisation and there is little evidence to indicate that the relationship between poverty and crime has changed significantly in the last 30 years. Research is hampered, however, by a lack of available local level data that would allow us to explore such relationships, and a lack of good quality explanatory variables contained within the large-scale victimisation surveys. Our work goes some way towards exploring the link between poverty and victimisation. If we used single parent households and social renting as proxies for poverty, we could infer that individuals in these circumstances are more disadvantaged as victims of crime. However, we must be cautious about drawing such conclusions in the absence of good measures of poverty at the individual or household level. Mapping the data geographically does allow us to see some real differences in the experience of victimisation across different communities, and there is evidence that targeting more deprived areas, especially those with significant education and health deficits, may be particularly beneficial in tackling crime amongst the most stubbornly persistent victims in Scottish society.

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WARNING!

BY LIVING IN A POORER AREA, YOU ARE MORE LIKELY TO BECOME A VICTIM OF CRIME.
DOES PLACE MATTER?

Ellie Bates explores the relationship between crime and deprivation

The idea of linking deprivation, crime and place is not new. The French statisticians Quetelet and Guerry mapped crime in French regions in the 1830s, and were amongst the first to link crime with inequalities and class. More recently, Robert Sampson a Chicago based sociologist and criminologist, has noted that crime and inequality are ‘sticky’, suggesting that such social problems have a deep neighbourhood structure and that they tend to perpetuate themselves, leading to a “poverty trap” cycle [which] can be broken only with structural interventions” (Sampson, 2012, 99). If there are poverty trap cycles, as Sampson suggests, then does the Scottish crime and deprivation data show a persistent relationship across time? This article uses descriptive data on crime and relative deprivation to explore if this is the case.

Figure 1 presents data for three domains of the Scottish Index of Multiple Deprivation (SIMD) for 2006 and 2012, Crime, Employment and Geographic Access to Services, mapped by data zone. The SIMD Crime domain is comprised of a subset of police recorded crime rates, relevant to neighbourhood deprivation, for each area: crimes of violence (including some sexual offences), domestic housebreaking, vandalism, drugs offences and minor assault (Scottish Government 2006, 2012). Data zones are designed to represent neighbourhoods with similar characteristics, including a similar population size, used for reporting small area census and administrative data; zones tend to be geographically larger in rural areas, and smaller in urban areas. This means the extent of relative deprivation in urban areas can be lost in some map representations of data zones. To redress this, data are presented using cartograms which set each data zone in Scotland at the same size, and then distort the geography so all of them are visible on the map. This has the effect of increasing the size of the Scottish Central Belt area on the maps presented.

These maps indicate that relative deprivation does appear persistent over time as Sampson suggests, as the 20% most deprived data zones for each SIMD domain appear to stay relatively constant between the two time points. Relative deprivation for the Crime and Employment domains are more common in urban data zones, whereas rural data zones are more likely to experience relative deprivation in relation to Geographic Access to Services. There is some overlap between areas of high (and low) deprivation for Crime and Employment, which suggests that similar underlying neighbourhood factors may be influencing both. However, there is also an interesting overlap between areas with high relative deprivation for Crime and low relative deprivation in terms of Geographic Access to Services. Interestingly, mapping data for the Health and Education domains (not shown here) produces very similar patterns to the Employment domain.

Another way to examine similarity of deprivation domains is to compare the share of the most deprived data zones across domains. If there was a perfect correspondence between Crime and Employment deprivation then all of the data zones that make up the 20% most deprived in terms of crime nationally would also be the 20% most deprived in terms of Employment deprivation nationally. In fact, when we examine the 20% of data zones that are most deprived for crime then just over half (53-59%) are amongst the 20% most deprived for each of the Employment, Education and Health domains. This is true for both the SIMD in 2006 and 2012. In contrast, only 3-4% of these data zones are amongst the 20% most deprived for Geographic Access. Interestingly, about 2% of the data zones which are amongst the 20% most deprived for crime are also amongst the 20% least deprived for Employment.

Figure 1 – Cartograms of Scotland comparing crime and relative employment and access deprivation (SIMD 2006 and 2012)
Education and Health in both the 2006 and 2012 SIMD, whereas around 40% are amongst the least deprived data zones for Geographic Access to Services. This inconsistency is reflected in the patterns observed in the maps in Figure 1.

Comparing two snap shots of relative deprivation does not necessarily suggest that high and low crime persists across time. To do this requires a longer term analysis. Unfortunately, we are limited in Scotland by availability of SIMD crime count data at only three time points; however, we can use these to conduct longitudinal analysis of crime trends. Latent class analysis allows us to cluster the 5484 Scottish data zones (for which data are available) into distinct groups which follow a similar trajectory for SIMD crime across time (based on modelling the mean of all data zones on the group for each year). The analysis assessed the probability of each data zone belonging to a particular group, and found eight distinct groups which differed in terms of both their level and trajectory of SIMD crime.

Figure 2 shows the modelled mean count of crime for each of the eight groups. We can see that the average number of recorded SIMD Crimes fell for all eight groups over the period from 2004 to 2010/11 (although this is based on the average for the group, so in reality some data zones within each group may have seen crime increases). Fifty four Data Zones (1% of the total) were included in the two groups with the highest levels of SIMD Crime (labelled Hi7 and Hi8); while there were 712 (13%) data zones in the group with the lowest crime counts (labelled Lo2).

Examining the 54 data zones in the two High level groups more closely, a quarter of them were amongst the 20% most deprived for the SIMD Education domain; just over a third were in the 20% most deprived for the Employment domain; and around a half were in the 20% most deprived for the Health domain. This was consistent across both the 2006 and 2012 SIMD indices. The equivalent figure for Geographic Access to Services was around 2% for both SIMD indices. Interestingly, work McVie, Norris and Pillinger in this issue also suggest links between place-based health and education deprivation and certain types of victimisation. For the persistent low group, around 1% of the 712 data zones were amongst the most deprived 20% of data zones for Education, Employment and Health, whereas just over a third were amongst the most deprived 20% of areas for Geographic Access to Services. There was no clear evidence that the fall in crime over time was strongly associated with a reduction in any of the deprivation indices.

So what might explain these findings? Complex factors related to the underlying neighbourhood structure may be causing both crime and other types of relative deprivation for some areas. However, not all places that have high relative levels of deprivation also have high levels of crime, and vice versa. In addition, areas with good access to services tended to have higher rates of crime. Two criminological approaches to crime and place offer complementary explanations for both these observations.

Collective efficacy theory suggests that areas with high deprivation that otherwise might be vulnerable to high crime could be protected by having strong social cohesion and shared expectations of social control (Sampson, 2012). Alternatively, routine activity theory would indicate that high crime in neighbourhoods occurs because these are spaces and places where the usual daily activities lead numbers of people to congregate and coincide at specific times and places based on individual’s routine activities (Bottoms, 2012). However, of course, the level of perceived disorder can be influenced by both the presence of actual disorder and poverty as well as wider social contexts that reinforce social stigma within an area (Sampson, 2012). Martin Innes has argued that some crimes, including some included in the SIMD crime domain, may act as signals to a local community that it has a particular crime problem, making residents feel more at risk (Innes, 2014).

This would suggest that even if much of what leads to crime concentrations in particular neighbourhoods is primarily due to routine activity, reducing relative deprivation could benefit local residents not only by preventing crime but also by reducing people’s perception of crime problems in their area. In turn, targeting routine activity and situational factors that may lead to signal crimes and disorders (in effect also reducing a number of crimes measured in the SIMD crime domain) may lead residents to feel less at risk in an area. Thus, targeting both short-term situational and long-term structural factors which affect both actual crime and perceptions of crime could be a useful complementary approach.

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Figure 2: Group Trajectory Model of all crime – Scottish data zones – SIMD crime data at 2004, 2007-08 and 2010-11

All data are sourced from Scottish Neighbourhood Statistics:- www.sns.gov.uk.
JUST CARE?

Criminal records and Children’s Hearings by Maggie Mellon

IN SCOTLAND, we are invited to take pride in our unique Hearing system and its vaunted superiority to the English juvenile court. It is true that we do not subject children to appearing in the dock of a courtroom, nor do we sentence children under 16s to periods of imprisonment in ‘training centres’. We tell ourselves we are enlightened in understanding the connection between needs and deeds.

But paradoxically, does this mean that the hearing system in practice penalises children for the very combination of needs and deeds that should lead to understanding?

The majority of children who appear before hearings are poor and suffering from additional adversities. Our low age of criminal responsibility allied to the notion that high need plus naughty deeds requires statutory responses in practice punishes children for needs as much as deeds.

Two children who both commit the same offence, say breach of the peace while drunk, may experience radically different responses with lifelong consequences. One, with two parents living in a ‘good’ area, doing well educationally, will be marked by the reporter as ‘NFA’ (no further action) and get on with life. The other, in a low income single parent household, who has experienced domestic violence is more likely to be brought before a hearing. The consequences of compulsory intervention may be a life long offending identity.

The findings of the Edinburgh Study of Youth Transitions and Crime (ESYTC) (McAra et al, 2010) are that involvement in the hearings is in itself a predictor of future offending, and in the case of children who are taken into residential care, of prison.

The majority of children processed through the hearings in Scotland are no more likely than their English peers prosecuted in juvenile courts to prosper in later life. This mirrors the impact of the youth justice system in England and Wales in confirming an ‘offending’ identity and prolonging offending ‘careers’. In evidence to a parliamentary inquiry, Barry Goldson of Liverpool University argued that attention to any ‘crime’ should be within the context of non-criminalising responses to a child’s needs (Goldson, 2013).

Some of the lessons of the ESYTC have been learned in Scotland, and much more strenuous efforts have been made to keep children out of the hearings system altogether, and to divert where possible from the adult criminal courts. This seems to have led to a halving of the number in Polmont YOI, which will undoubtedly mean fewer offenders, and fewer prisons in future years.

However, many young people in Scotland suffer exclusion and permanent harm as a consequence of the misfortune of having needs as well as deeds. For many years parents and children have been assured when accepting offence grounds, that the Rehabilitation of Offenders Act 1974 (ROA) applies and will in due course wipe any record. It did, until the introduction of the Protection of Vulnerable Groups Scotland Act 2007. Now those children referred on offence grounds, where these are proved or accepted will have a criminal record currently retained and open to enhanced disclosure for 20 years or until they are 40 years old whichever is the longer. This is presumably because we believe that past behaviour is a predictor of future behaviour. Yet mostly the child only has a record because he or she was unlucky enough to be in need. It is indeed the stuff of nightmares - that a misdemeanour as a child can act as a millstone round the neck of children whose real crime was to have had needs as well as deeds.

Maggie Mellon is a social worker, vice chair of British Association of Social Workers, a member of the Scottish Consortium for Crime and Criminal Justice, and editorial board of SJM.


Goldson, B (2013) Written evidence to the inquiry by parliamentarians into the operation and effectiveness of the Youth court NCB/Michael Sieff foundation pp 1-14

POVERTY IS often the ‘elephant in the room’ in discussions of crime. Discussants can feel that it is a too obvious and simplistic explanation for crime. In any case most people who are poor are law abiding. Therefore, poverty’s link with crime is ignored or perceived as weak. And yet, this link is strengthened by early experiences of childhood poverty, and the intensity and duration of poverty experiences, inducing insecurity and anxiety among those who suffer. What is certain is that living in poverty makes offending and being the victim of a property or violent crime much more likely (Webster and Kingston, 2014).

Some young men, and women equally, are more likely to suffer poverty than other groups, particularly those who are single, childless and not supported by their families. Here we focus on single young men living in poor areas. More readily likely to offend than similarly placed young women, they have suffered the most rising hardship since the 2008 recession. Not only do they increasingly (and unsuccessfully) compete for the same types of low-level service jobs as young women, they suffer a declining male wage, and derive little or no benefit from in-work and family tax credits (Sissons and Jones, 2012).

Focusing on Scotland for a moment, the prison population contains disproportionate numbers of people who have lived in the poorest areas. Inequalities in deaths due to assault in Scotland exceed those in other countries and are greater than for other causes of death in Scotland. The death rate due to assault among men living in the poorest areas was 32 times that of those living in the least poor areas (Leyland and Dundas, 2010). Increases in murder in Britain as a whole over recent decades are mostly murders of younger, poorer men, while richer areas have experienced opposite trends of low and declining murder rates. This increase occurred alongside dramatic increases in inequality and poverty, leaving a legacy of violence.

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The adverse impact of poverty on violent crime is repeated in relation to property crime. Forty-two percent of all burglaries happened to 1% of all homes in England and Wales, principally those belonging to the poor and/or single parents (Budd, 2001). If inequality in the UK was reduced to the average seen in the developed countries, a more equal UK could expect 37% fewer people being imprisoned each year saving £1 billion, and 33% fewer murders each year, saving £678 million (The Equality Trust, 2011). Violence alone costs the Scottish economy £3 billion each year in healthcare, law enforcement and lost productivity (Leyland and Dundas, 2010).

Government education, welfare, housing and labour market reforms over decades have systematically worsened the social and economic conditions of poor, single young men in particular (Kingston and Webster, 2015). By impoverishing a group already prone to criminalisation, reforms have pushed young men into the margins of the licit and illicit economy - a major source of long-term, growing crime trends. Modest improvements in their employment situation from the mid-1990s, and relatively muted increases in their poverty in the first few years following the 2008 recession, compared to previous recessions, partly ensured that crime continued to decline. Subsequent austerity policies however, have again marginalised this group. Since then, young single men living in poor areas have seen the most rising hardship.

**By impoverishing a group already prone to criminalisation, reforms have pushed young men into the margins of the licit and illicit economy**

There has been a long-term real decline in male youth wages, unemployment benefit (now Jobseeker’s Allowance) and housing support, accompanied by coercive employment, training and education measures. Blame for growing youth poverty was placed on the failure of their families to support young people. By lowering their income support and raising their contributions to family rent costs, independent living for young people. By lowering their income support and raising their contributions to family rent costs, independent living for young people. By lowering their income support and raising their contributions to family rent costs, independent living for young people. By lowering their income support and raising their contributions to family rent costs, independent living for young people.
Scottish Justice Matters: November 2015

THE VIEW FROM UNBROKEN WINDOWS

Briege Nugent on the impact of poverty on young people in Scotland

WILSON AND KELLING’S (1982) influential ‘broken windows thesis’ argues that broken windows left broken encourage vandalism escalating to more serious crime: they are signs or signals of disorder that create disorder. I argue that they are signals of poverty and although poverty is spreading it is increasingly remaining hidden with these signals unseen. Being poor is something that the individual’s themselves are blamed for and in their shame and internalisation of this message, they ‘keep up appearances’, silently enduring, allowing wider society to turn a blind eye and pretend that everything is fine. It is time that the volume was ‘turned up’, the silence lifted and the voices heard and responded to.

For over a year 12 young people living in poverty in Scotland let me in to their lives, their homes, their hopes, dreams, fears, past, present to understand what they did from day-to-day, the challenges faced and how they felt about their futures. At the first interview, all 12 were to move on from Includem’s Transitional Support, a unique service set up over a decade ago to provide emotional and practical support to young adults often without the ‘safety net’ of parents and no longer entitled to statutory support*. There were no broken windows in the homes of those I interviewed but the view was bleak and even if they were not able to afford to eat regular meals they did not complain and still made an effort to look good. Over the course of the year, nine became withdrawn, staying indoors not because they did not want to go out but because they could not afford to. This isolation may be symptomatic of a wider issue in society. The Princes Trust (2015) carried out an online poll of 2,265 16-25 year olds and 35% of those unemployed were too anxious to leave the house, 46% avoided meeting new people and a third admitted to ‘falling apart’ emotionally on a regular basis. One of the main findings from my study is that even those who were struggling the most did not ask for help. In the follow-up interviews, three were accessing food banks to survive and it was only with encouragement that they asked Includem to help them again. They did not want to put anyone out and were too full of pride to admit that they could not manage.

All 12 desperately wanted to get a job reaffirming that the ‘culture of worklessness’ spread by politicians is a myth (MacDonald et al. 2014). The reality is that the opportunities simply were not there. Since 2008 the number of under-25s unemployed has almost doubled to 90,000 having a detrimental impact on all aspect of their lives (Aldridge et al. 2013). Underemployment is also spreading and reflecting the instability faced this population could be described as ‘the precariat.’ Standing (2011) warns that they are ‘dangerous’ because being excluded they are likely to be drawn to extreme politics. I found instead that they are far from dangerous and instead lack in hope, a realistic assessment of their situation.

We now live in a more unequal society than ever in the UK but this trend does not have to continue. Atkinson (2015), a leading economist points out that inequality and poverty is not inevitable and real change is firstly instigated by informed hope and followed by commitment and action that goes beyond taxation. Broken or unbroken windows, it might be more important that the door is able to be opened and leads to opportunities. This study, although small, shows that we are living in a society of young people who have low expectations of what they are entitled to, what they can expect and what the future holds and this needs to change.

Briege Nugent is a PhD student at the University of Edinburgh.

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*To see more about the service go to www.includem.org

Briege Nugent is a PhD student at the University of Edinburgh.


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ANIMATING THROUGH ANIMATION

Marianne McAra on how artistic practice gives voice to young people living in poverty

Research has found that young people not in education, employment or training (NEET) suffer disproportionately high levels of social adversities and are at greater risk of involvement in crime. Whilst policy-makers across many European jurisdictions have made NEET a focus for intervention, it is only very rarely that the voice of young people flows into and shapes such interventions.

In this article I reflect on my experience of working with a group of young people, living in one of Scotland’s poorest postcode areas who were identified as highly vulnerable and at risk of falling out of education post compulsory schooling. We collaboratively produced experimental 16mm videography as a means for the participants to explore, translate, and narrate their experiences. The aim of the study was to better understand young people’s sense of identity and factors that encourage or discourage their sense of agency and inclusion in society. A key objective was to explore whether co-production in research can promote democratization and empowerment, as a way of informing policy development.

The fifteen young people I collaborated with were aged between fourteen and fifteen and part of a Prince’s Trust class. Through weekly workshops, the young people learned about the process of direct animation (a technique where illustrations are made directly onto celluloid film using materials such as marker pens, Indian inks, nail varnish, or dental tools for etching). After demonstrating techniques, I left all materials out for the participants to self-select what they wanted to experiment with.

The teacher suggested we enter our film into an inter-school competition that was taking place. This inculcated a notable shift in participation, with the pupils treating the process very much as a team, self-selecting roles for themselves including Director, Assistant Director, Producers, Music Editors and Artists. At the awards ceremony, their film was showcased on the big screen at an IMax cinema. Out of 71 entries, they came joint second.

Reflecting on the process, the use of Direct Animation enabled the young people and me to develop a shared visual language (Schön, 1983); their engagement and agency augmented as positions shifted from pupils to co-researchers. The method enabled them to explore emotions and experiences through a lens of their own making, thus allowing them to be in control.

The students often made defensive and self-deprecating disclaimers about their lack of artistic ability. Paradoxically, this seemed to be a strategy to permit creativity to flourish. During several interactions, participants commented enthusiastically on the artistic nature of animation, whilst proclaiming that they ‘do not do art’. One participant, Hailey, compared what she was doing to a nursery activity. Hailey experimented with the inks and demonstrated these to me, enthusiastically discussing her findings. However, whilst engaged and excited, she assured me that what she was doing was childish ‘finger painting’. Describing the activity as infantile actually permitted Hailey to be more fully involved, expressive, and explorative, whilst safeguarding against critique as she attempted to lower my expectations of her skill level.

Unpacking the possible motivations for such devaluation, my hunch is that such downgrading was instinctually adopted to disguise insecurity and low self-esteem. Taking second place in the competition was a measure of how far short the pupils’ estimation of their abilities fell below their actual abilities. It was reassuring that the use of a production process could heighten an autonomous, and somewhat empowering environment. The challenge for policy-makers is to create interventions which can sustain these moments of insight and transformation.

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We asked “what does justice mean to you?” and “does poverty affect justice”? Justice was not an experience they had had. They did understand and wanted to talk about injustice to them and to their children.

“Injustice is having things done to you that you have no control over.”

“That’s what I thought I deserved.”

Does poverty affect justice?

“Class is a big issue.”

“You’re from a scheme. As if you don’t speak the same language. You do speak the same language of course but it’s like you don’t.”

Prejudice.

Colette got a bursary to go on a course to learn therapeutic skills in trauma recovery:

“It was like I had a free school meals ticket. What’s someone like you doing on a course? How did you get paid for?”

Colette got a bursary to go on a course to learn therapeutic skills in trauma recovery:

“Financial justice is harder and harder to get.

“When you are in poverty you can’t get help.”

“Your benefits are stopped, your gas is capped.”

“It’s become normal for people.”

“I spent the whole winter freezing because of the bedroom tax. I did not want to live.”

DWP finds people fit for work without giving them a chance to review the case or the evidence.

“You keep needing to hand in the same evidence over and over again, even though they have it in the file. But they don’t tell you that you need to keep giving them the same evidence. Then they just stop your benefits.”

Health: failures of diagnosis, over prescription of drugs to mask problems, not being accountable to patients.

“Don’t be so stupid there’s nothing really wrong with you.”

“The NHS is the biggest drug dealer, then they accuse you of wanting drugs.”

“They just tranquilise you, not deal with the underlying problem.”

“I was prescribed valium when my father was killed. I was a teenager. Given drugs for years and then they misdiagnosed me as borderline personality disorder because the drugs were affecting my behaviour.”

“I asked why no-one would help me and the doctor said “What do you want? Tea biscuits and a hug?” I was trying to say “I just want you to understand that I want to feel normal. I don’t want to be using street drugs. I’ve been self medicating since I was a girl.”
Education: if you are labelled as a problem, your children can be too.

“I loved school but nobody ever praised me for it. Now I sabotage success. What’s the point?”

“My daughter was denied the test for dyslexia. I was seen as a madwoman for asking. I had just been diagnosed twenty years too late for me. I did an FOI and found emails from teachers saying that I had issues about self worth and was just pushing these on my daughter. I found my daughter being called a lesbian, and one teacher said she was a bad person. I fought for a year and half and eventually the council apologised. Now she is at university.”

Social work focus on child protection can leave parents without support. Parents’ problems and their need for support become the reason that they do not deserve support.

“My son said all I want is for my mum to get better, but that was not listened to. I was just left. I was the problem. But he’s just been left, thinking I don’t care about him. I saw the pain in his eyes. He did not get listened to.”

“The social workers say we are the children’s social worker. Where is my help? I asked for help and they ripped my family apart.”

“No one said here is a mother who is in dire straits. How is that good for children?”

“Ripping families apart, spending money on foster carers instead of spending money to keep families together, where is the justice in that? That is punishing me and my kids. I felt they used everything against me, my mental health and addiction.”

“I have lost everything that is important to me. Nobody has been on my side.”

Legal Aid

“By the time I got legal aid it was too late. Nothing I could do. I had lost my son. I just got denied, denied, denied.”

The criminal justice system ‘catches’ women who have been failed by other services, but it does not help them.

“They don’t give a shit about why you are there.”

“I left home at 15, nobody said I could go to school. I was in a bedsit, doing three jobs, got into crime. I got exploited by older men, that’s how I ended up in prison. I was in prison on my 18th birthday, my 19th birthday. I have been on my own since then. The only normality I had was when I had kids. But they have ripped them off me. I was not cruel to them. I was cruel to me.”

Police and courts having no discretion or are not exercising discretion on domestic violence.

“I got charged but he was the abuser. Police charged him with assault when he busted my mouth open, but I told the sheriff I could not give evidence against him so the charges got dropped. Two weeks later he got me done with a domestic, he told police he was terrified of me.”

“He used to get me to come round, then he would call the police and get them to arrest me for breach of bail not to harass him. I would be in the bath and the police came.”

Humiliation in the criminal justice system was an experience of more than one woman.

“Police turned up at my house to arrest me because of a complaint by (a former partner who was persecuting me). I had just woken, so I needed the toilet. They would not let me go to the toilet. Said there needed to be a woman PC to go with me but they had sent two men.”

“My mother’s house got raided for drugs because of my brother and his pal. I was 8 months pregnant and they would not let me go to the toilet. I wet myself and they made me sit in the room for four hours and not allowed to clean myself.”

“I spent my 18th birthday in prison, and my 19th birthday. Then I was 21 years out of trouble. Back in the cells for the first time recently. Turnkey let me go to the toilet - got my trousers and pants down, but then she pulled me out so hard my head hit the wall opposite and burst it open. Six male policemen charged in, I don’t know where they came from. I was just exposed.”

Administrative injustice was the most strongly felt by the group. Assessments, targets and labels that the bureaucratic services seem to work to lead to lack of empathy, failure to look for solutions or to do the quite simple things that could solve the problem.

“They’ve got their set criteria, so its like ‘if they are like this then they must be this or that’.” “Whether it be homeless or addiction or whatever its just ‘in that box’.”

“Big organisations that are making decisions, they don’t want to use their resources to find the cause of a problem or to solve a problem. They just want to meet their targets.”

“If you live in a council house, the council will come to service the meter. If they find there’s no gas in the meter they can’t service it. So instead of having a card to charge the meter, they just cap the gas supply leaving you cut off and so you can’t charge it up again. It only would cost them £5 to charge the meter and then they could test it and leave you with gas. But they cut it off and then they are leaving people freezing and it costs them a lot more to come out again to uncap it.”

Not being listened to was an experience common to all the women ascribed mainly to being labelled, stigmatised as the problem, rather than having a problem.

“If I spoke the same language as them I would have been listened to.”

“I was suicidal. Nobody asked me why. They took me in patched me up, more vallies, they seen me as an addict, a junkie. Then they let me out the door. I was back in a week.”

There is often not a need for a massive costly intervention. What the women described as helpful was being listened to, empathy, support, not being judged: just the experience they had when coming to Serenity.

“I crawled through this door. By the grace of god Cat was put in my path. She held my hand and has never let go.”

“This is the first help I have had.”

“Walking across the door of the café was the biggest step.”

“No ‘you are this, and that’; just listening, and support.”

Edinburgh, October 2015.
October 2015 saw the launch of Crime, Justice and Society in Scotland. Its editors, Hazel Croall, Gerry Mooney and Mary Munro, introduce the central themes guiding them and contributors to this book.

**THE DISTINCTIVENESS**, and difference from the ‘rest of the UK’ of criminal justice in Scotland has been all too often neglected in UK academic, media and popular discussion of criminology and criminal justice, which remains largely focused on England ‘and Wales’. Our previous 2010 collection, Criminal Justice in Scotland, aimed to address this by exploring the claims of Scottish distinctiveness and especially the contention that, paradoxically, post devolution, criminal justice in Scotland had undergone a process of convergence with policy and practice south of the Border. We were also concerned to bring to the fore the essential inequalities of justice in Scotland. In so doing its content reviewed matters such as imprisonment, gender and justice, race and ethnicity, community sanctions and fines, young people and justice, policing, sentencing.

This new book, like many of the articles in this edition of Scottish Justice Matters, pursues our concern with social inequalities in crime and criminal justice. However, in starting out, we found ourselves in the very different political context of the referendum on Scottish independence which prompted us to consider the importance of related political discourse for criminal justice.

The new book was not intended to be an update of Criminal Justice in Scotland but one which reflected this changing context.

That is why we thought it important to have a chapter on devolution, social policy and criminal justice. Influences on criminal justice policy, also a key concern, are critically examined in a discussion of the relationship, in Scotland, between academic research and justice policy. Significant changes, such as the introduction of Police Scotland clearly had to be taken into account, along with many influences on policy in Scotland discernable from not only UK jurisdictions but from the United States, Europe and Scandinavia. This was especially so in the case of chapters on interpersonal violence, youth crime, policing, electronic monitoring and desistance. Our contributors, all with considerable experience of such policy initiatives and research critically consider the strengths (and weaknesses) of models from elsewhere, along with some missed opportunities and paths not followed.

We were also keen to address what could be seen as omissions in the previous volume such as a fuller consideration of sectarianism, and key areas of concern identified by the SNP Scottish Government such as inter-personal violence, organised crime and victims. Indeed, the Scottish story about victims’ concerns and policies was largely untold and deserved particular scrutiny.

All chapters reflect many facets of the importance of social inequality, especially when considering that people going through our courts and prisons are overwhelmingly drawn from places associated with social deprivation. To us it is crucial to recognise that these places contain victims as well as offenders, and to recognise the importance of crimes of ‘greed’ as well as of ‘need’. This is particularly apposite given the considerable furore and calls for ‘criminalisation’ attracted by the activities of bankers and corporations using complex avoidance schemes to avoid paying UK taxes. While, along with environmental crime, these ‘crimes of the powerful’ are global issues, their relevance to Scotland and the involvement of Scottish based companies is considerable (see also the environmental crime and justice issue of Scottish Justice Matters of March 2015).

In tackling such a range of issues, we have been indebted to the expertise and commitment of our contributors Gill Scott, Richard Sparks, Katrina Morrison, Ross Deuchar, Damien Williams, John Carnochan, Alex Law, Ben Cavanagh, Niall Hamilton-Smith, Simon Mackenzie, Nick Fyfe, Mike Nellis and Fergus McNell. We hope that this volume, like the last, will disseminate to a wider audience the significance of Scottish criminal justice in its social and political context and foster an understanding of and inform debates on how a ‘wee country’ like Scotland can develop innovative and progressive approaches to criminal justice – so intricately related to human rights and social justice.

**Hazel Croall** is a professor emerita at Glasgow Caledonian University and SJM’s consulting editor. **Gerry Mooney** is a senior lecturer at the Open University, Scotland. **Mary Munro** is a senior visiting fellow at the University of Strathclyde and SJM’s managing editor.

*There will be a review in the next SJM.*
IT’S MY pleasure to use this opportunity to lay out my vision of fairer justice for Scotland.

My previous role was Minister for Public Health. I am struck by what the health service and the justice system have in common: our most deprived communities are those most likely to experience poor health and high levels of crime. If we are to be effective in reducing the number of people coming into contact with the criminal justice system, we need to focus on tackling social inequality. A fairer justice system recognises that, in order to deliver the best possible outcomes for the people of Scotland, we must consider the needs of all the people of Scotland. It also recognises that people with convictions, especially people who have served a custodial sentence, are not only likely to carry with them the scars of social inequality, but also to experience further discrimination as they attempt to reintegrate into their communities. That is why my vision is one which reflects the values of a modern and progressive nation in which prison, in particular short-term imprisonment, is used less frequently as a disposal: and where there is a stronger emphasis on robust community sentences focused on addressing the underlying causes of offending.

In Scotland, for every 700 people in the community there is one person in prison. In Ireland that figure is one person in 1200; in Denmark, Norway and Finland that number goes up to over 1600. There is no good reason why Scotland should have such a high prison population. Of course, for people who have committed the most serious offences and those who pose a risk to public safety, prison remains absolutely necessary. For too long prison has been seen as the default sentencing option, with community sentences too often being portrayed as the soft option. We need to reframe this debate and we need to start asking ourselves important questions about what the role of prison actually is.

When I was appointed, practically the first paper on my desk was to sign off on the new women’s prison HMP Inverclyde. The decision I took to not proceed was not one that I arrived at lightly. It was borne out of my desire to use the opportunity to make that step change that I believe we had previously been missing. In politics those opportunities come along all too rarely. I said at the time that we needed to be bolder and more ambitious; that we needed to be smarter with the choices we make; and more sophisticated in the way in which we deal with female offenders.

We have the opportunity to develop a truly world leading penal policy for women

I took the time to understand the issues in more detail and to engage with national and international experts. I believe that the arrangements that we are planning to take forward offer the best support, appropriate to the needs of women, to help them maintain links with their communities. A review of women’s community justice services found that the provision of a flexible and holistic approach can help women to make positive changes in their lives and tackle the underlying issues behind their offending behaviour (Scottish Government, 2015a). It is exactly this type of tailored wrap around service that I want to see provided in the custodial estate.

We have the opportunity to develop a truly world leading penal policy for women. But this isn’t just about women: the steps we have started to take in relation to the female custodial estate can pave the way for a different custodial approach for all offenders.
Reducing short sentences

Short prison sentences simply do not work in terms of rehabilitating offenders or reducing the risk of their reoffending. They disrupt families and communities and greatly affect employment opportunities and stable housing: the very things that support desistance. There is even evidence to suggest that by weakening social bonds and decreasing job stability these sentences can increase long term reoffending. That is clearly not a good use of public resources, and it is a waste of human potential.

There are several important drivers to reducing the use of short sentences. The availability of robust community alternatives is a critical element. However, equally important are legislative mechanisms to influence sentencing decisions. The presumption against sentences of three months or less has been in place since 2011. In practice, it has had little impact on sentencing decisions. Our consultation on proposals to strengthen the presumption (Scottish Government, 2015b) seeks responses on two main points:

- should the current presumption against sentences of three months or less be extended and, if so, by how much?
- is a more radical review of the presumption against short sentences required?

We should not overlook the things we can already do. One of the obvious ways in which we can start to look at alternatives is in the use of electronic monitoring (EM). We currently monitor around 800 people, two-thirds of whom are serving community based sentences, with the remaining one third transitioning from custody to the community. We can, and should, do more to increase this. In 2013/14 nine times as many people received custodial sentences of less than six months as were issued with restriction of liberty orders.

I want to see a Scotland in which very real improvements have been made in the use of custody for both men and women

Evidence from other countries shows that EM can help people to maintain connections with their family, their community and their employment. EM should no longer be seen as an end in itself, but one which, when set against a wider package of care, can be used as part of a credible, effective community sentence.

Community Payback Orders require people who have committed offences to repay communities for the damage caused. Where appropriate, they can combine this unpaid work with structured intervention programmes to tackle the underlying causes of behaviour. I believe they represent the kind of robust community alternative that can carry the confidence of the public.

Custodial estate

Any changes to the way in which we view and use the custodial estate will not just be about the bricks and mortar. There will also be an impact on the people who work within our prison estate. We can - and should be - rightly proud of the staff who work in our prisons day in, day out. Prison remains necessary for people who have committed the most serious offences and those who pose a risk to public safety. The education, training and support they receive must all lead to the very best chance of rehabilitation and desistance from offending.

The SPS recognises that it has a key role to play in creating opportunities in custody to help offenders transform their lives, by helping those who want to change, and by making that decision easier for them. The new model for the female custodial estate will also assist us in creating that change. In examining the question of how prison sits within the community, it will also look at the role of prison staff. We also need to remember that any change to the custodial estate can not happen in a vacuum: there is a need for change in the wider justice system too.

Strategy for community justice

The Scottish Government and partners are working to implement the new model for community justice: a model which has been designed to deliver a community solution to achieving improved outcomes for community justice; to reducing reoffending; and to support desistance from offending. Collective responsibility, through a partnership approach, will be vital to its success. A new National Strategy for Community Justice, will provide us with a coherent vision to facilitate and drive improvement. A new body, Community Justice Scotland, will be established in April 2017 and will work closely with community justice partners, the Third Sector and a range of other parties to provide support and leadership. Its Chief Executive will be tasked with championing the role of community justice on a parity with that of our custodial estate. It will bring enhanced opportunities for innovation, for the promotion of learning and development and will provide assurance to Scottish Ministers and local government on the delivery of improved outcomes for community justice.

I want to start laying the building blocks of a penal system which reflects the values of a modern and progressive nation. Change does not happen overnight. Each step needs to carry with it the confidence of the people who will be affected, from colleagues in social work and the prison service, through those on the bench, to the wider public. What I can do today is to signify my intent, by changing the tone of the debate, to bring about a new approach. I want to see a Scotland in which very real improvements have been made in the use of custody for both men and women; an appreciably smaller prison population, and a Scotland in which we have redefined what custody looks like.


Scottish Government (2015a) Evaluation of Sixteen Women’s Community Justice Services in Scotland gov.scot/Publications/2015/09/5053

Scottish Government (2015b) Consultation on Proposals to Strengthen the Presumption against Short Periods of Imprisonment gov.scot/Publications/2015/09/8223
The Scottish Prison Service (SPS) has recently been criticised for undue prominence in shaping the debate on the future of women’s custody in Scotland. Although it was perhaps unwarranted for critics to describe the innovative campus inspired design of Inverclyde as a ‘super-max’, SPS accepts our scale and perspective, not only on architecture and capacity, but also on the prevailing view, requires to be revisited. Contrary to popular belief, we do welcome constructive debate; we do accept that different views exist; we do want to engage in dialogue; and we do actually listen. SPS has been ‘sent homeward tae think again’ and we will do so. However, as an Executive Agency of Scottish Government, SPS has a statutory obligation and a moral duty to those held in its care and the Service remains committed to playing a full and active part in the debate on how women are to be held in custody in 21st Century Scotland; to disengage, even partially, would constitute an abrogation of responsibility. We in SPS wish to continue to engage, consult, cooperate and collaborate with the wide range of statutory and voluntary interests involved in the rehabilitation of women convicted by Scottish courts. We are open to imaginative thinking and receptive to those who are equally ambitious for change.

Women in custody

That Cornton Vale was failing is not in question. Cornton Vale failed because at its peak it was holding well over 400 women in conditions designed in the mid-1970s for less than 200. Scottish Government Justice Analytical Services have produced persuasive evidence challenging some of the popular conceptions of the composition of the female population in custody (International Symposium, May 2015). The common assumption that all long term female prisoners are high risk and that all short term repeat offenders are low risk has been questioned. That has ramifications for future custodial arrangements.

It is recognised that female prisoners have particular needs in relation to lifestyle issues - employment, education, and economic circumstances; family and caring responsibilities; housing; experiences of abuse; drug and alcohol use; and mental health and self-harm. SPS’ strategy on managing women in custody is predicated on the recognition and understanding that the presenting issues and needs of women are fundamentally different from those of incarcerated men and we know their pathways into, and out of, offending differ from those of men.

The Scottish Prison Service takes account of these differences in the way women are managed in prison and in the services offered. Our strategy stresses gender sensitivity and responsiveness; trauma-informed care; the application of strengths, assets and desistance based approaches; and individual case-management. Our aim is to nurture the growth of self-esteem and self-confidence in the individual and our transformational change agenda was set out in the Organisational Review:

Our future Vision will focus on each individual in our care throughout their time in custody and beyond. By taking an individualised asset-based approach we will continue to address risks and needs but also build on an individual’s strengths and potential. By doing this, we will empower those in our care to unlock their potential and transform their lives. This is a demanding agenda that should engage, challenge and motivate staff and offenders alike.

(SP Nations Review, 2013)

SPS is seeking to build on existing experience and knowledge of managing women in custodial settings in Scotland, but is also committed to learning from international research and good practice on what is known to be effective in improving the life chances of those in custodial care to reduce reoffending. A very successful International Symposium on Women in Custody was held in Edinburgh in May this year. Sub-titled From Vision to Reality, participants were asked to consider not only what comprised good practice in various jurisdictions, but also to re-conceptualise the very nature of what ‘custody in the community’ might look like. It was clear from the Symposium that there was no ready-made ‘off the shelf’ solution to these complex issues. However, there was a tremendous variety of practice from which to learn and to inform and shape what would be best suited to Scotland.

On the basis of the ideas assimilated, the Cabinet Secretary announced in June that “a new small national prison with 80 places would be created, alongside five smaller community-based custodial units each accommodating up to 20 women across the country”. (Michael Mathieson, June 2015)
Community custody units

These smaller community-based custodial units will provide local accommodation for women to serve out their sentence with access to intensive and focused support to help overcome issues involving alcohol, drugs, mental health and domestic abuse trauma. Where the units will be located is still some way down the line, but they will obviously be situated so that family contact, where appropriate, can be maintained and promoted.

That much we now know. So what will ‘Community Custody Units’ look like and more importantly what will they do differently?

It is still very early days, but a team from Scottish Government and SPS is currently involved in a demanding programme of engagement through internal and external consultation ‘road-show’ events to put form and shape into ‘imagining’ custody in the community. This represents both a challenge and an opportunity to build on core principles, re-examine citizenship, break down pre-conceived boundaries and shape public opinion.

Features of a new type of ‘custody in the community’ which have the potential to improve life chances and promote desistance are likely to include supportive relationships in a close-knit therapeutic environment; provision of pro-social modelling opportunities; the instilling of new skills, new narratives and new ways of being; and empowerment and a positive psychology to problem solving.

More evidence will obviously be required to learn about what works with women in such new settings. Monitoring and evaluation, measuring distance travelled within individual support plans and studies of comparative groups will help to inform models of change.

One thing is clear from the outset, the success of ‘Community Custody Units’ will be hugely dependent on a holistic approach from all partners involved in the rehabilitative process. Drawing from evidence that early and effective intervention has been successful with young people, a Whole System Approach for women, involving statutory and third sector organisations will need to be developed. An aphorism to emerge from the May Symposium was that “no-one should let go until the next has picked up responsibility”. (International Symposium, May 2015)

As we know, the desistance journey is not an event, but a complex process often characterised by ambivalence and vacillation. An individual’s capacity and resolve for the journey can be limited, change pathways can become distorted or blocked and temptation and provocation can be challenging obstacles. Each individual faces a unique journey and ‘Community Custody Units’ will need to provide the foundations for desistance journeys through the provision of hope (being prompted or sustained by someone who believes in the individual); agency (discovering and exercising the capacity to act); social capital (opportunities, capacities and skills); and redemption (recovery, restoration and finding purpose).

It is recognised that imprisonment can have a disproportionately greater impact on women compared to men and, in particular, a woman’s imprisonment is more likely to lead to the breakup of family and the loss of home and possessions. When reimagining ‘custody in the community’, a key priority will be to sustain core relationships and ties to that community, including work and family. Continuity of service and also of relationships between custody and the community will be critical and services which are available in prison also need to be available, and accessible, within communities if seamless reintegration is to be successful.

The effectiveness of opportunities to build strengths, skills and abilities in community custody will be diluted if they are not accompanied by the development of positive networks and the acceptance and recognition of citizenship in the community. If we are to put the brakes on the ‘revolving door’ through which so many women inevitably seem to return, we must strive to provide ‘positive destinations’ in the community setting. Equally importantly, SPS and partner agency staff will require to work in tandem to create and sustain such destinations with a flexibility and fluidity in working practice that for now, is not much in evidence. Traditional boundaries will require to be broken down, demarcation lines abandoned, possessive traits curtailed and a new collaborative ethos instilled and promulgated. The importance of highly motivated partnership working in this re-integrative activity cannot be over-emphasised. That commitment is hardly the impulse or action of an ‘imperialist’ disposition.

Colin McConnell is Chief Executive of the SPS
Jim Carnie is Head of Research, SPS
PREVENTING HOMELESSNESS needs to be central to the delivery of community justice in Scotland. The lack of a stable, safe and affordable home on release from prison brings an increased likelihood of reoffending. The solution is to find a secure home and offer a range of support services to people while they are in prison and after their release.

A 2013 Scottish prisoners survey found that 49% had lost their accommodation when they went inside (Carnie et al, 2013). This is not a small, isolated or localised problem, but one that affects thousands of people and their families each year. In 2014/2015, 6% of homeless applications in Scotland came from people leaving prison (Scottish Government, 2015). For particular vulnerable groups there is an increased level of risk of homelessness, for example women (Lidell Thompson, 2015). Our research has shown this destructive cycle can be prevented (Shelter Scotland, 2015).

We have been working with prisoners to prevent homelessness since 1999. For the past three years we have been working with partners at Sacro and Inverness Citizens Advice Bureau to provide the Supporting Prisoners; Advice Network (SPAN). In 2014, SPAN supported 467 people across HMP Perth, Grampian and Inverness.

Our research provides evidence for the foundational role that stable housing has in promoting desistance. We wanted to understand what mattered for them, what works and what doesn’t work from their perspective about housing, and to promote the voice of people with lived experience in planning future services and systems.

The interviews gave us a valuable, and often poignant, insight into our service users’ stories and opinions. Interviewees shared their high levels of anxiety, fear of being released to accommodation that would set them back, and their overwhelming sense of being at the mercy of systems they do not understand. What happens to personal belongings, support from family and communication from professionals were key concerns. Perhaps most powerfully, we heard just how much having a home to return to matters to people in custody. A home meant far more than just accommodation for the people we spoke to: it represented a sanctuary, something to have pride in and safety for the future.

Crucially, participants strongly believed that having a home of their own would reduce the chance that they would re-offend. Almost all interviewees believed that they would have become homeless if they had not received help and that being homeless, or staying in unhelpful accommodation, would see them back in prison very quickly. During his time in custody one interviewee had witnessed several people consciously make the choice to reoffend so that they could avoid the danger and loneliness of the streets. In his words, “it shouldn’t be like that in this day and age”.

Our experience shows that it is possible to keep a tenancy during time in custody and, thus, to prevent homelessness. Of the 299 service users last year that had a tenancy when they entered prison, SPAN supported 250 (84%) to keep their tenancy when they were released. Often this had included intensive negotiation with landlords, linking with family members or getting involved with finances to put together payment plans. Prisoners felt they had benefited for having an independent voice to fight their corner.
The integrated nature of the service with other agencies, and good joint working between organisations, was found to make the difference in a lot of cases.

Behind the individual stories, we saw systems and processes that do not help and in some cases positively hinder, prisoners’ housing pathways. To see real change it is crucial for this to be given priority in both strategic planning and practical implementation of community justice services.

At a strategic level, stable housing should be recognised as a foundation of desistance. Without a suitable place to call home, people are less able to engage in other things that form a positive route away from offending (Sapouna et al, 2011). Attending medical appointments, engaging regularly with support agencies or securing a job, for example, are all a lot less achievable when you do not have a secure base. The forthcoming national Community Justice Strategy and outcomes performance framework are important opportunities to ensure that we get this right for the 20,000 people that are liberated in Scotland each year.

The new model, including Community Justice Scotland as a national body, provides a chance to address the piecemeal nature of provision in Scotland. Currently, you are more likely to become homeless after release from some prisons. The disjointedness of services across the country does not correlate with the movement of prisoners around the prison estate. We are calling for a strategic investigation into how housing advice could be best delivered consistently in a way that ensures prisoners receive the same level of service, regardless of which prison they are in or where they are returning to.

In the Community Justice Bill the only recognition of housing is implicitly through the presence of local authorities as a named ‘community justice partner’. Not only does this omit the important role that housing associations and the voluntary sector play in rehousing prison leavers, it also risks the prevention of homelessness being left out of the conversation altogether as local authorities will have multiple areas of concern. Shelter Scotland is calling for other housing partners to be given recognition in the Bill and for housing to be included as part of the national strategy that will drive plans at a local level.

Evidence from the interviews adds weight to the well-established case for the cost effectiveness of prevention and the ‘spend-to-save’ approach. The cost of not providing effective housing advice and support is significant and falls to many parties. Agitated prisoners require more supervision from prison officers; eviction costs fall to landlords; and homelessness processes cost local authorities thousands of pounds. The most significant price tag is the increased likelihood of re-offending. With the annual cost per prisoner place being calculated at £34,000, the cost to the public purse is high (Scottish Prison Service, 2014/2015). Financial resources must be made available for preventative services that secure positive housing outcomes for prisoners.

There are also things that can be done at a practice level to help as many people as possible to avoid the destructive cycle of homelessness and offending. We know that early intervention is crucial. Systems and processes need to be in place so that help can be available as early as possible to increase the chances of a tenancy being saved. Promotion about potential housing issues is important and prisoners should be proactively asked on multiple occasions about their situation by prison officers who have been trained to understand basic housing issues. When a tenancy cannot be saved, homelessness assessments should be carried out prior to release. Early assessment not only avoids anxiety for the prisoner but will also help authorities plan for appropriate temporary accommodation to be available on the day of release. Nobody that SPAN has worked with has had to make an emergency homelessness application on the day of their release.

Thanks to Scotland’s strong homelessness legislation and the work of local authority homelessness teams, most prisoners have better options than sleeping on the streets when they are released. Just giving someone a bed, however, is not enough (McHardy, 2010). Ongoing support is vital. The area that someone is accommodated in can be crucially important in their re-integration.

Many authorities face significant pressures on their temporary accommodation. However, based on the evidence of the importance of appropriate temporary accommodation identified in this research, alongside other previous research in this area (Sapouna et al, 2011), we recommend that local authorities change their homelessness procedures and allocation policies. Wherever possible accommodation should made available that is in areas away from negative influences, to enable prison leavers to have a fresh start. For many prisoners this means that hostels are not the best place to help them avoid re-offending. One way to facilitate this is through making available a Rent Deposit Guarantee Scheme and working with local landlords to provide accommodation, as SPAN has done successfully in partnership with Dundee City Council.

Until now housing has not been given the priority that’s needed to underpin successful community reintegration and desistance. The voices of SPAN’s service users in Shelter Scotland’s recent research report highlight that having a home is a fundamental foundation that enables successful reintegration into the community on liberation.

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THE PUBLICATION of the John Scott Independent Advisory Group report on stop and search in September 2015 appeared to mark a turning point in Scottish policing. Signalling a departure from the narrow crime-control, performance-driven approach to stop and search that has prevailed in some parts of Scotland for nearly a decade, the report recommended the abolition of non-statutory stop and search and advised that a statutory Code of Practice should be established. In doing so, the Scott Report deftly trumped what amounted to a policy of ‘unfettered and unmonitored’ stop and search with due process and fairness.

In accepting Scott’s recommendations in full, the Scottish Government appeared to signal the end to a fractious debate on stop and search which, over the course of eighteen months, had played out in the media, in the Scottish Parliament, on Twitter and elsewhere, at times with a pantomime-like quality. The idea that intrusive police powers should be regulated and require reasonable grounds is not particularly radical (Murray, 2015). Still, the entire affair generated a considerable amount of heat.

As a researcher whose work helped to spark the controversy (Scott, 2015; 64), the events over the last two years provides some insights into the ways in which research can gain traction, as well as the raw politics that lie beneath the production of academic knowledge.

**When research and politics collide**

Some background. In 2010, I began researching the use of stop and search in Scotland as part of an ESRC/Scottish Government funded studentship. Given the absence of published statistics, I applied for stop and search data through Freedom of Information, a relatively straightforward procedure at this point, and netted a huge amount of data. Strathclyde Police stated that the requested records would not fit on an Excel spreadsheet and helpfully provided the data on a disk. The size of the national dataset, over 1.2 m individual records spanning between 2005 and 2010, was a sign of the storm to follow.

Data analysis revealed a remarkable set of findings. In brief, the per capita rate of stop and search in 2010 was almost four times higher than the comparable rate in England and Wales; the rate of stop and search in Strathclyde was more than double than that of the Metropolitan Police; most were carried out without reasonable suspicion or legal authority, on a non-statutory basis, and searches were disproportionately weighted towards children and young people. Statistical modelling suggested that stop and search was widely used as a deterrent in some forces, insofar as searches appeared to be systematically structured towards negative outcomes.

The findings were deeply uncomfortable for Scottish policing. The way in which children and young people were being policed in some forces jarred with the welfarist tenor of youth justice in Scotland. The findings also reflected unfavourably on the Scottish National Party, whose support for intensive enforcement activity was suggested as far back as 1997, by dint of a manifesto commitment to zero tolerance policies (SNP, 1997; 16), and latterly in 2011, by a manifesto commitment to high volume stop and search premised on deterrence (SNP, 2011; 18). From late 2012 through to December 2013, I shared the findings with stakeholders in a series of meetings and presentations which varied in awkwardness.

In January 2014, the key research findings were made public in a report published by the Scottish Centre for Crime and Justice Research (Murray, 2014). Published into the newly politicised and heated backdrop of Scottish policing, the report prompted a defensive response by civil servants, police executives and Ministers. A press conference staged two days in advance of the report sought to deflect the
findings and promote the perceived benefits of mass stop and search. In the Scottish Parliament, Ministers put forward various full endorsements of police practice, maintaining that the extraordinarily high rates were proportionate and tied to falling rates of violent crime, a claim that would subsequently unravel (Scottish Police Authority, 2014).

I believe that the searches are proportionate. We also see from the statistics that they are remarkably successful … I think that that shows that the searches have been based on intelligence and the clear skills and criteria that the police have developed; that they are being used appropriately; and that Scotland is a safer place because of our police officers’ actions. (MacAskill, 25/3/2014 SP. Official Report col. 29296)

Similarly, the fact that most recorded searches lacked legal authority or reasonable suspicion was viewed as unproblematic. As the First Minister stated: “I am comfortable with the fact that 70 per cent of stop and searches were consensual under the regulations.” (23/1/2014 SP. Official Report, col. 26968). The rub was that there were no regulations.

The fall of mass stop and search

At the time of writing, amendments to the Criminal Justice (Scotland) Bill look set to deliver the final blow to mass stop and search. Meanwhile, recorded search rates have plummeted: statistics for June and July 2015 show a 75% fall on the same period in the previous year.

There are I think, several factors that facilitated this decline, which in many ways boil down to timing.

…as the stop and search controversy demonstrates, the process is not straightforward, particularly when politics and evidence collide

First, the initial research findings dovetailed with wider concerns around the broader policing direction in the post-reform period: concerns around centralisation and lack of local input, weak accountability, enforcement-styled methods, and rigid performance management. As Donnelly (2014) put it, “stop and search provided a focus for wider questions about how far the work of police officers is defined by performance targets rather than their own discretion; and the extent to which there is a national style of policing emerging which may not be appropriate to all of Scotland’s varied communities”. Whether the research findings would have gained traction in a less politicised policing climate is less certain. As the Scott report notes (2015; 20), similar concerns raised by researchers over a decade ago were ignored by police chiefs and the Scottish Executive.

Relatedly, police reform reconfigured relations between the media and the police, as a perceptibly more critical press propelled Scottish policing from a position of relative social invisibility, to one marked by controversy and competing agendas. From the Highlands down to the Borders, press coverage was no longer diluted along regional lines. Published into this heated and focused climate, the findings rapidly gained a foothold in the press. This, I think, would not have happened in the more relaxed conditions that characterised Scottish policing before reform.

Cautionary notes for researchers

Looking back, the way in which the controversy unfolded also raises some awkward and unanswered questions around the production of academic knowledge and stakeholder relationships. Knowledge exchange is a familiar trope within academia: a mechanism which expedites academic-practitioner collaborations, facilitates funding, and puts the evidence into evidence-based policy. Yet as the stop and search controversy demonstrates, the process is not straightforward, particularly when politics and evidence collide. As one civil servant tellingly asked, “why have we funded this research?” (FOI, Scottish Government correspondence).

It is a revealing question, which suggests that some areas of knowledge may be privileged over others, particularly if research is initiated by users, or gatekeepers. It also seems indicative of a larger trend. Reiner (2012) suggests that the academy, to some extent, has lost its critical edge. The extent to which this shift towards perhaps more palatable and less divisive forms of research can be attributed to the economic demands of higher education is outwith the scope of this paper. Nonetheless, as Reiner observes, over the last four decades the tenor of critical policing research has changed, its sharp edges in part smoothed out by dint of collaboration, close working relationships and the rise of “pragmatic policy-orientated research on crime control” (2010; 14). This is not to say that one type of research is preferable; simply, that there should be the space to develop different perspectives, including more critical outlooks.

The case of stop and search shows that critical research can gain traction. Still, it is not comfortable producing research that raises awkward questions and challenges existing institutional arrangements. It requires a measure of perseverance, getting people on board, some difficult conversations and in particular, good timing.

Kath Murray is an early career researcher based at the University of Edinburgh. Her doctoral thesis examined the development of stop and search in Scotland from the 1950s onwards.
Poverty, Territorial Stigmatisation and Social Insecurities as Social Harms
THE COMMONWEALTH GAMES AND THE EAST END OF GLASGOW

Gerry Mooney, Vikki McCall and Kirsteen Paton

This SJM includes articles that focus the interrelationships between different dimensions of poverty and criminal justice, not least with patterns of offending, convictions and victimisation. This is of course a hotly contested and long debated area of social inquiry and goes to the heart of competing approaches and perspectives as well as to conflicting political values. As others have highlighted in this issue, ongoing welfare ‘reforms’ and the impact of various ‘austerity’ measures as implemented by the current and previous UK Governments, has had hugely negative impacts on the numbers in or close to poverty in the UK today, and in the proportion of the population who are experiencing, in some form of another, social and economic insecurities and increasing vulnerability and precariousness.

The inequalities that characterise the working life of a large proportion of Scottish society (that is low income, poor quality work, as well as low and decreasing expectations that work could be fulfilling) exists alongside working patterns that are disruptive of family and other areas of life. These impact on individuals in different and interrelated ways. Health, both physical and psychological, can be undermined, as is a sense of well-being. The stresses of these are fed by and in turn fuel feelings of marginalisation, alienation and self-deprecation. In turn we can appreciate the connections that this has with patterns of crime. Low income and poor quality work is associated with personal debt, while exclusion from dominant and valorised forms of consumption may also trigger crime and exacerbate victimisation. Patterns of exclusion and feelings of insecurity are major factors in crime: they can be exacerbated by victimisation and may affect the propensity to commit crimes of ‘necessity’ and property crimes related to consumption.

It has long been acknowledged that the experience of poverty also has negative impacts in other ways, not least on self-esteem and on a sense of personal or individual worth. This is compounded too by the locations in which those experiencing disadvantage often live; places that are not only places of disadvantage, deprivation and poverty, but which have long been subject to negative imagery, demonisation and stigmatisation.

Glasgow has long held an unrivalled position as containing the most disadvantaged and impoverished areas in the country. One such place, the East End of Glasgow, was the focus of our small scale research project during 2014 Beyond Stigma: Exploring Everyday lives in the East End of Glasgow and the Commonwealth Games (CWG), 2014.

In talking to users throughout the Games periods, some of which who were homeless, the million pound Velodrome across the road was something that people just simply could not connect to

The East End has suffered from a negative reputation (see Gray and Mooney, 2011; Mooney, 2009) and framed as a largely deprived, dysfunctional, disadvantaged and derelict area, populated by welfare dependent, workless and recalcitrant people who lack aspirations, a sense of personal responsibility and who are characterised by a greater propensity to anti-social and violent behaviours. The voices of those living in the East End have been missing. The Beyond Stigma project was conducted to capture those voices and create a counter narrative more embedded in the everyday experiences of those who live and work there. The context of the study, the Commonwealth Games, was used to give a platform and window to exploring these experiences. This was an interesting process to capture as we could compare these experiences to the claims that the 2014 CWG would improve the life chances of people in the East End. The Games process promised that the long-term ‘legacy’ would lead to the ‘regeneration’ of those parts of Glasgow left behind by what has long been viewed as the successful place-marketing and regeneration of other parts of the city over recent decades (Mooney, McCall and Paton, 2015).
The East End typifies the kinds of locales depicted by sociologist Loïc Wacquant (2008). Suffering from increased marginality, in his terms, ‘advanced marginality’ and, against much of the rhetoric of ‘roll-back’ neoliberalism, the state is ‘rolling-out’ in ever more ways in such locales, managing, regulating, controlling, reshaping and socially re-engineering places and the populations that reside in them. In other words there is a paradox: against the rhetoric of a rolling back of the state, in places such as the East End of Glasgow, the state has become ever more interventionist in the day to day lives of residents and who are considered to be problematic in some form or another.

In our research (Mooney, McCall and Paton, 2015) a number of residents in the East End kept diaries between May to September 2014 to record their experiences of the Games and how it impacted on their lives. We also captured views from various focus groups conducted over the period. There was, as might be expected, sharply contrasting views of the Games and their impact, both immediate and in the longer term. Some welcomed the Games as offering a chance for new investment in the East End and an opportunity to resist and reverse stigmatisation and negative misrepresentations of the people in the area. For others, however, the Games served only to fuel their sense of insecurity, alienation and marginalisation. The heavy securitisation of the event was seen as largely unnecessary by residents. Indeed, this was felt to only initiate fear, panic and anxiety on the part of many of the residents living near to the athletes’ village in the East End. One respondent from the Parkhead area commented in his diary:

Driving through Parkhead Cross on my way to 12 o clock Mass. Lots of activity. Helicopter in the Sky, counted 5 Police cars at the Cross – quite scary really.

Another noted:

They assume that if you are from Parkhead you take drugs. Target everyone in Parkhead . . . One morning I got up in the games there were something like 20 police in my street.

While others highlighted disruptions to daily routines:

[...] all the way up from the Borders there have been signs on the motorway telling us to leave extra time for our journeys and to plan ahead. Once I actually got into my street there was a big sign telling me the street will be closed on 31st July, so I won’t get my car in or out at all on that day. This panicked me as I have no idea how I am going to get my son to nursery or myself to work on this day.

The feeling of increased surveillance amidst a growing sense that the local area and people were being controlled also increased feelings of insecurity and anxiety among many of the tenants. A key legacy of the 2014 CWG is, therefore, a widespread though not entirely held view that the ‘Games’ were not for the ‘likes of East End people’, and that the investment in the Games infrastructure should have been spent instead in addressing some of the areas many social needs. Alongside the CWG, Glasgow was experiencing a significant increase in the number of people using food banks. At the time, there were five foodbanks within walking distance of the Games. In talking to users throughout the Games periods, some of which who were homeless, the million pound Velodrome across the road was something that people just simply could not connect to. It was described as inhabiting a different world to the one they were living. While this is not to suggest a direct link between both events, nonetheless it does contribute to the view that the Games soaked up scarce financial resources better spent elsewhere.

The task for us as criminologists, researchers and observers is to subject these developments to much more critical analysis and explanation. Widening our criminological gaze to grasp the ways in which the social harms of stigmatisation, marginality and manufactured social insecurities are impacting on working class communities across Scotland should be an absolute must if we are to have a much richer understanding of the ways in which poverty and deprivation come to be linked in different ways with aspects of criminal justice, offending and punishment.

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Further short pieces from this project have been published at the Open University’s OpenLearn site at: http://www.open.edu/openlearn/profiles/gcm8

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MAINSTREAM evaluations of criminal justice programmes focus on recidivism as a benchmark. However, the more research we do on youth justice practices and trajectories of youngsters through them, the more it becomes clear that the effect of a judicial intervention is something far more complex. One important shortcoming of mainstream effect-studies is that they do not acknowledge the role played by structural, social and political divides (such as poverty) in the development of juvenile judicial trajectories. Years of research on juvenile justice practices demonstrate that the classical ‘client’ (still) is a poor working class and (often) migrant youth (White, 2015). Research suggests not only that coming into contact with the juvenile justice system has a lot to do with poverty as a structural feature, but also, and more importantly, that the juvenile justice system and its specific interventions play a key role in the (intergenerational) reproduction of poverty and the social marginalisation of its ‘clients’.

Bizarrely enough, youngsters once placed in institutions have an overall feeling that they are ‘on their own’ which, makes them feel strong (I can do this), but also lonely

Research on youth justice trajectories sheds light on what a judicial impact can be. However, it nevertheless remains important to include the young people’s perspective and experiences. That is the case not just because we want to formally take the children’s right to be heard seriously, but also because we are convinced that their experience and voice matters scientifically and empirically. By combining an analysis of the judicial files, ethnographic research in court, and interviews with (former) juvenile justice clients we can tackle the question of impact in a more broad, long-term and even life history perspective.

Discussing impact of juvenile justice interventions on poverty, vulnerability and emancipation of young adults: a Belgian perspective

Jenneke Christiaens
Recent Belgian research shed light on how youngsters experience their contacts with the youth justice system. Interviewed youngsters have ‘mixed feelings’ about their judge. Their perception of ‘justice’ is not unequivocally positive. This is related to the lack of participation they experience during court sessions and later, during the execution of the judicial measures (Nuytiens and Geluyckens, 2015). They feel that although they have a right to be heard, professionals are not really listening (Françoise and Christiaens, 2015). They claim that the educators and social workers are focusing too much on control and sanctioning, rather than on their needs (Van Audenhove and Vanderlaenen, 2015). Youngsters placed in institutions report about the difficulty of ‘wearing the stigma’ and being recognised everywhere and always as ‘youth justice children’ (Luyten et. al, 2015). This is important in the identity construction (cf. desistance literature). Adults with a youth justice history point at the recurring questioning of their past about their past, when looking for a job or when becoming a parent. Bizarrely enough, youngsters once placed in institutions have an overall feeling that they are ‘on their own’ which, makes them feel strong (I can do this), but also lonely. There is of course the loss or reduced contact with parents, family members and friends. They also blame the constraints on making friends within the institution and the lack of continuity in their relationships with caring (professional) adults. On the other hand, they recall and invoke important significant others, such as the cook or the cleaning lady (Luyten et.al, 2015). Youngsters point out the lack of unconditional acceptance (by professional caretakers) they experience throughout their youth justice pathway. At the end of their youth justice pathway (18 years) they are confronted with the abrupt ending of all social support the youth justice system was providing for. They experience this moment as a blunt “Now, you’re on your own” (Nuytiens and Geluyckens, 2015; Luyten et.al., 2015). It is an ambiguous moment, because they lived towards this moment of emancipation and adulthood, bringing (finally) ‘freedom’ from social control into their lives. At the same time, when looking back, they remember this moment as a very problematic (Nuytiens, 2011). Indeed, they then are immediately confronted with the problem of access to (adult) welfare rights. They discover that leading the ‘good life’ in a complex and unequal world is not what they were prepared for. Due to a reduced social network, the lack of mutually enhancing relationships and psychological capital, their vulnerability quickly results in a ‘reproduction’ of their family living conditions (poverty) (Nuytiens, 2011). Hence, young adults growing out of youth justice experience to be trapped into a transition towards adult justice. It is precisely during this transition period toward adulthood that the complexity of the impact of youth justice measures becomes visible, beyond what works, beyond a narrow focus upon recidivism. Coming into contact with the youth justice system, has an iatrogenic effect, which is partly due to the stigmatisation experienced in the development of young people’s identity and their recognition (Barry, 2015). But it is also a result of the youth justice (re-educational) practices themselves.

The Belgian youth justice system is described as an example of a welfare oriented system: Belgian minors under the age of 18 are not punished but re-educated. Hence, the problem that lies at the heart of the youth justice system must be understood as an ‘educational paradox’ (De Vos et.al, 2015). Re-education is embedded in a perspective of social control in order to produce ‘good’ behaviour. Structural problems, such as poverty, become qualified as individual problems. On top of that youngsters are responsibilityzed for getting or doing better. The same goes for more punitive or less welfare oriented youth justice systems. Unsurprisingly, impact research thus exposes that everyday youth justice re-educational practices are not focusing on empowerment and emancipation. Youth justice youngsters lack a perspective upon (their) adulthood; they are not equipped and prepared for adult life in a complex and unequal world. So in the end, youngsters become not better, but vulnerable (again). All in all, the impact of the youth justice system appears not to be so much a problem of the individual offender. Rather it is a structural (political) problem that demands a reframing of ‘doing youth justice’ by acknowledging social conflicts as a source for a pedagogy of empowerment and emancipation.

**Jenneke Christiaens** is professor in criminology at the Vrije Universiteit Brussel, in Belgium. Her main research topics are juvenile justice practices, youth delinquency and (youth) crime, public space and the city.

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Baroness Vivien Stern is an internationally recognised expert on justice and particularly on women and prison. She was for several years the chair and is now patron of the Scottish Consortium on Crime and Criminal Justice in Scotland. Vivien was guest speaker at a Roundtable event on 6 October in the Scottish Parliament initiated by Women for Independence, which had played a decisive role in the successful campaign to stop the building of the proposed new women’s prison in Inverclyde. She was interviewed by Maggie Mellon on behalf of SJM.

**MM: Can you tell us about your reaction to the news of the Scottish Government’s decision not to go ahead with the contract for the new women’s prison at HMP Inverclyde?**

**VS:** I was delighted as were many others. This was a project that had already cost £11m when it was stopped. It was stopped because the Minister responsible decided it was not a good idea. But he did not just wake up and decide this. He was helped to that conclusion because a lot of people did a huge amount of work to convince the Scottish Government that it would be a mistake to build what would have been one of the biggest women’s prisons in Europe. So congratulations to all involved. It is difficult for politicians to abandon something that has cost so much. It was a decision that reverberated round the world and really heartened a great number of people. I think that there was genuinely delight and a feeling that someone somewhere was going to try to get women’s imprisonment right. There is real excitement that something different was going to be done, so that women are not sent to prison when it is not punishment that is needed.

**MM: Were they right to be excited?**

**VS:** The decision not to build the prison was taken without any dissent from any political party in the Parliament, or indeed from any other quarter. I think that is a sign of the maturity of the Scottish Parliament and Scottish society. It is worth remarking that Scotland now has a woman First Minister, and that both main opposition parties, Labour and Conservative, are led by women. So this is definitely the right time to be doing something about the number of women in prison.

That being said, though, I also have to say that this is not before time. There have been broken promises on women and prison here for over 17 years now. And Scotland’s rate of imprisonment of women is, at 7.4 per 100k of the population, higher than England and Wales, which imprison 6.8 per 100k. These British rates are more than twice that of Sweden, with 3.4 per 100k. Ireland, with a broadly similar population and size imprisons only 2.7 women per 100k.
**MM: What advice do you have to give us now about how we should go about reducing the number of women in prison?**

**VS:** The first thing is to recognise that this is not the responsibility of the Prison Service nor is it within their power to deliver it. The Prison Service has no power to intervene in processes that lead women to prison.

The police decide to arrest and charge women. The procurator fiscal then decides to proceed with prosecution, and if the case goes forward, it goes to a court of law for verdict and if guilty for punishment. That is the function of courts of law.

I have been to many countries, unhappy societies where no one is safe and crime is rampant. No one wants to live without law and order. But very few of the women in prison are career criminals. They are troubled people whose situation leads them to commit acts that are against the law. The problem here is the same as anywhere in the world. Women in prison are mostly from poor backgrounds, and many have had lives full of violence and trauma, and have unmet physical and other needs.

*We would have better outcomes for families, for women, for society if we spent as little as possible on criminal justice, particularly prisons*

The Scottish Prison Service needs to be resourced to do its job well for those very few women who may need to be in prison and it will of course need to liaise with services. I think that the decision against building the new prison seems to have put the SPS in a position that it should not be in - that is with the pressure on them to reduce the numbers in prison. This is something that the Prison Service has no control over at all*. That responsibility lies elsewhere.

Meanwhile, the social, housing and health services are not under pressure to implement the Angiolini Report (Commission for Women Offenders, 2012), which actually made very little mention of prison.

**MM: Does the Angiolini Report offer us a way forward?**

**VS:** The best starting place to answer that is to have a look at what Elish Angiolini said to the Justice Committee when she appeared to give evidence on the Community Justice Bill in September. She said: “If we lived in some fantasy land and had the resources for nurseries and housing and jobs etc we could close prisons” (Justice Committee, 2015). But that does not need to be a fantasy. It should be the starting point. Good health care and education can help to reduce crime, they can help to build and develop society and help people to become responsible members of society to an extent that imprisonment can never achieve.

We would have better outcomes for families, for women, for society if we spent as little as possible on criminal justice, particularly prisons which are relatively very expensive and should be used as little as possible, so that we can use as much as possible of the resources we have for positive interventions, for something that makes things better.

**MM: The Scottish Government has announced a consultation on amending the law on presumption against short sentences. What is your view?**

**VS:** My initial reaction to the consultation was that tinkering with the length of prison sentences is not the answer. Without the existence of services like Willow in Edinburgh and Tomorrow’s Women in Glasgow to offer diversion at every point of the woman’s journey to court and then to prison, then raising minimum sentences from three months to six months runs the real danger of simply increasing the length of prison sentences. However the proposal from the Women for Independence action group to remove prison as an option for remand or sentence in the summary courts could be the radical move that is needed for force change. It was suggested at the roundtable event this would lead to the rapid emptying of prisons and force the system to think and act more creatively about how to help the women concerned. Resources could be permanently transferred to Willow and other services like it to ensure that women do not end up in court and in prison for want of the help and treatment that has been lacking.

**MM: Are you optimistic or pessimistic about the possibility of real change?**

**VS:** The issuing of official reports, of another inspection report, holding meetings, saying we will do something while the numbers of women in prison continue to go up: I hope that we have come to an end of that cycle. After 17 years we really hope that at last these matters are going to be dealt with and I will be extremely happy to do anything that I can to help make it happen . . .

*See also McConnell and Carnie’s Sent Homeward Tae Think Again’: Scale and Perspective Revisited in the Reform of Women’s Custody in Scotland on page 21 of this SJM.*


Steph is a volunteer with Sacro’s Circles of Support and Accountability (CoSA) service. The service assists in the monitoring and community re-integration of certain high-risk individuals who commit sexual offences.

When I tell people that I work as a volunteer with sex offenders they think I’m mad. They usually say something like, “They should all be lined up and shot! How you can sit in the same room with them?” Yes, they have committed terrible offences but they want and need help to not reoffend. Helping them achieve this means I am helping make my community safer and that is something we should all take responsibility for.

When a circle begins we meet weekly, and depending on the needs of the core member (offender), a weekly phone call may also be arranged. Our circle meets every Monday evening. The circle members (volunteers) meet at the venue 15-30 minutes before the core member arrives to discuss any points from the previous week’s meeting or anything that may have occurred during the week. We set a rough agenda highlighting areas of concern or actions to be completed. We get the room ready by creating a circle with the seating so that we face each other informally with no physical barriers. Each week we sit in a different seat so that no-one gets into the habit of sitting in the same place or next to the same person. This gives us the opportunity to observe how the core member interacts with each circle member, taking note of whom the core member chooses to sit by looking for any signs of manipulation or exclusion.

Once the core member arrives we grab a cuppa and asking how everyone’s week has been and if anything noteworthy has taken place. Small talk dominates particularly in the early stages of a circle as trust is an issue and, we are all still getting to know one another without giving away too much personal information. It’s not just that, we are also trying to bring an air of normality to the often chaotic and challenging life of the core member and so we can’t be deep and meaningful all of the time.

Often, the core member can’t believe that people are willing to spend their time with them. It’s nice for them just talking to people who aren’t acting in a professional capacity. Somewhere in-between all of the small talk the core member may make a comment about something in relation to their offending behaviour. We will ask them to expand and question them about their thoughts, attitudes and behaviour patterns linked to an increased risk of them reoffending. Sometimes he is happy to share and a lengthy conversation will ensue. Other times they are reluctant to say anything further and we have to decide whether to leave the issue for another time or to press them a little harder.

Our role as CoSA volunteers involves supporting the core member with practicalities but also holding them accountable for their actions. For example, we may have to cancel a meeting and alert the circle co-ordinator that the core member has made a disclosure and arrived at a meeting under the influence of either drugs or alcohol. We help them to evaluate their choices in a safe and supportive environment. We explore their perceptions to help with less desirable beliefs and behaviour that are preventing them from achieving their goals.

Regardless of what is discussed, the core member is aware that minutes are recorded and provided to MAPPA. Whoever is writing the minutes takes notes and at the end of each meeting (once the core member has left) we debrief for 20-30 minutes to make sure that all important points have been captured. It is important that our record is accurate as it can be used by other agencies as part of their monitoring. The minutes are typed and distributed via email to all circle members (except for the core member) and to the circle co-ordinator for approval no later than Friday of the same week.

As the core member’s confidence grows they start to believe they have something to offer the community and they develop other pro-social relationships. We build a relationship of trust with the core member who in turn, allows us to hold them accountable; supporting them to maintain their treatment objectives and hopefully culminating in an offence-free life, long after the circle has ended with the crucial aim of no more victims.
A recent report from Shelter Scotland made the link between reoffending and homelessness. What steps would you take to tackle the problem?

Michael Matheson MSP, Cabinet Secretary for Justice, Scottish National Party

THE SCOTTISH GOVERNMENT recognises that access to stable accommodation is a key factor in successful reintegration and we know a permanent address is crucial to gaining employment, access to health care and rebuilding family ties. That is why we are committed to working with partners and stakeholders, including Shelter Scotland, to continue to do all we can to support those leaving prison to become active and responsible contributors to their communities.

We have already made good progress in this area. The reconviction rate in Scotland is now at its lowest level for 16 years and recorded crime is at a 41 year low. However, we are clear that there can be no let-up in our co-ordinated and concerted efforts to further reduce reoffending, promote rehabilitation and make our communities safer and that is why discussion on the importance of housing, as a factor in preventing reoffending, is so vital.

One of the issues Shelter Scotland highlighted in their report is the link between short sentences and homelessness. We already know that short sentences don’t work and the evidence shows they do little to rehabilitate the offender which is why we believe a more effective approach is replacing short custodial sentences with community sentences which address the underlying issues fuelling crime. Last month, I announced that we are seeking views on new proposals to extend the current presumption against three month sentences even further and I look forward to seeing the responses.

I also recently published a report by the Ministerial Group on Offender Reintegration which introduced a series of actions this Government will deliver in order to improve support for people leaving prison and help reduce re-offending including new legislation to make prison release dates more flexible.

We hope that the range of measures introduced by the Scottish Government will help break the cycle of reoffending. However, we will not be complacent and there will be no let-up in our efforts.

John Finnie MSP, Scottish Green Party

THE SHELTER REPORT Preventing Homelessness and Reducing Reoffending was a stark reminder of the long established link between prisoners with no accommodation on their release and levels of reoffending. In 2014/2015, 6% of all statutory homeless applications to our local authorities were from those leaving prison and a startling 30% of those released from prison will be unsure of where they will stay following their release.

I welcome the Scottish Government’s intention to end short sentencing as, by focusing on community disposals, we can help to prevent the loss of a home and housing through imprisonment.

It would be easy to underestimate the importance of not only housing, but having and keeping a home, in forming a part of a former prisoner’s physical and emotional well-being and the potential for their social inclusion. A house is an anchor and would be security for those leaving prison.

It is clear that the use of hostels and B&Bs are not appropriate to tackle homelessness for anyone. Nor do those leaving prison have any confidence in such ‘solutions’. The Scottish Green Party recognises the importance of having a secure home, and multi-agency support to keep it, and opposes the use of short-term accommodation such as hostels and B&Bs.

To fully tackle reoffending we need to see greater collaboration of all agencies, including health boards and local authorities. Justice Committee Members examining reoffending, were concerned that ‘throughcare’ was not compulsory for those serving less than four years. This denial of automatic access to the services and the continuing support they need on release fails former prisoners. I would like to see a move to ensure that all those leaving prison receive the same level of support and everyone is ready to work together to help former prisoners from day one of their release.
are committed to ensure that throughcare housing issues are dealt with effectively, the situation is unlikely to improve.

However, all too often, in practice when released, young offenders and adult prisoners often have to rely on a roof over their head being provided by their friends, whose influence in many cases resulted in them committing crimes in the first place. In these circumstances, despite their best of intentions when in prison, it becomes much more difficult for these young offenders and other prisoners to resist returning to the offending behaviour which led to their imprisonment.

Confirmation of this was reaffirmed a few months later when I visited the excellent charity Circle Scotland, which as part of its work in Lanarkshire supports offenders, and their families, after release. The charity highlighted the cross-council border problems associated with housing. For example, HMP Addiewell, which is located in West Lothian local authority area has a huge number of inmates who live in South Lanarkshire. Consequently when these prisoners are released, West Lothian local authority has no obligation to rehouse them. Furthermore the two different local authorities don’t appear to communicate or share information.

This is something that MSPs and local councillors, working together, can and should address.

More generally it is a depressing fact that despite the need for throughcare in general, and housing in particular, being recognised as a priority since the inception of the Parliament, under first the Lib Dem/Labour coalition and now the majority SNP government, this still is not happening. Quite simply, until dedicated resources are committed to ensure that throughcare housing issues are dealt with effectively, the situation is unlikely to improve.

Margaret Mitchell MSP, Scottish Conservatives

Scottish Labour Party

THE PROBLEMS faced by offenders in relation to homelessness are exacerbated by a period of imprisonment. Therefore imprisonment should be reserved for those who demonstrate they are incapable of diversion.

At the conclusion of a sentence the loss of tenancy, of family connections and sometimes employment create real difficulty. At my last visit to a prison I was informed that a liberated man could be given a voucher to guarantee three nights in a sleeping bag often on the floor of a homeless persons hostel. Little wonder reoffending is perennial challenge!

To deal with this issue I suggest we must identify in those cases involving short sentence the means by which the prisoner can maintain residency rights in preparation for release. In other cases prison authorities must improve communication with local authorities and housing association to provide accommodation for the day of release. In addition the Scottish Government must initiate a house building programme particularly aimed at constructing smaller flats and houses to take the pressure off of communities across Scotland in regard to accommodation. Finally, there needs to be an effective skills programme developed within prisons aimed at building industry requirements. Not enough effort is made to prepare prisoners for work.

There is more about homelessness and reoffending in the article by Emma Dore of Shelter Scotland on page 23 of this issue.
Homicide in Scotland
THE NEED FOR A DEEPER UNDERSTANDING

Sara Skott

HOMICIDE in Scotland remains at a historic low, according to the most recent homicide statistics published on September 29th (Scottish Government, 2015a). The Homicide in Scotland statistical bulletin reports that there were 59 homicides (including murder and culpable homicide) in 2014-15, the lowest number since 1976. The homicide rate has decreased from 2.1 to 1.1 per 100,000 population since 1995-96, which means that homicide has halved over the past twenty years.

This sharp decrease in homicide is, of course, good news. However, we still do not know if this decline applies to all forms of homicide. Recent research has highlighted the diversity of homicide, and underlined the importance of examining the circumstances of homicide in greater detail. A murder that takes place indoors between two partners is for instance quite different from a murder that occurs between two acquaintances outside a pub. These different types of homicide might in fact be related to different causes as well as different social structures, and it is therefore of great importance to better understand homicide in Scotland if it is to be further prevented. Yet, if we combine all homicides into one single measure we are essentially treating all types of murders as if they were the same.

Dividing homicide into different subtypes would provide more detailed information about these various forms of homicide, which could help to reduce and prevent this crime. The identification of subtypes has previously been found to enable the detection of hidden trends in the data.

The annual Homicide in Scotland statistical bulletins show that although some aspects of homicide has remained stable over the past twenty years, some things have changed. The majority of both homicide offenders and victims over the past twenty years have been male, and the most common weapon is still a sharp instrument, for both male and female victims. People are also still more likely to be murdered by someone known to them than a stranger.

However, a higher proportion of both offenders and victims are older now compared to twenty years ago, and although most homicides still occur within a residential location, the proportion of homicides occurring in public places has decreased. While the overall picture of homicide in Scotland might be one of decline, there might be certain forms of homicide that follow a different pattern. Perhaps only certain types of homicide are decreasing, while other types of homicide remain stable or are even increasing.

Further research about homicide in Scotland is therefore necessary, but in order to understand the scope of the problem, it is also important to compare trends in homicide to those of other violent crime in Scotland (Scottish Government, 2015b). Although homicide is the most serious violent crime, the annual numbers of both attempted murder and serious assault are much greater than the number of homicides. While the homicide rate in 2014-15 was 1.1 per 100,000, the rate for attempted murder was almost five times higher, while the number of serious assaults reported during the same year was almost 50 times higher. In other words, it is safe to say that homicide is not particularly common compared to other violent crimes in Scotland.

Despite the vast differences in numbers and rates of these violent crimes, the trends over time are remarkably similar. These trends were also strongly and significantly related to each other over time. As can be seen in chart 1, despite an overall pattern of decline, up until 2004-05, all three categories of violent crime actually demonstrated a slow increase.

This peak in violent crime in 2004-05 co-incided with the introduction of the Scottish Crime and Recording Standard (SCRS). The implementation of the SCRS, which removed the requirement of corroborative evidence before a crime was recorded,
might have artificially increased the crime figures, adding to the peak in violent crime. However, whatever the reason for the peak in violent crime at this time, it was followed by a dramatic and parallel decrease in all violent crime. All of the three violent crimes had halved in 2014-15 compared to twenty years earlier. The decrease in homicide could however also be related to improved medical care and emergency services. Fewer people die as a result of their injuries today compared to twenty years ago. This can also make comparisons between homicide and non-fatal violence somewhat problematic.

This would suggest that while homicides occur far more infrequently compared to other violent crimes in Scotland, all violent crimes are demonstrating similar trends over time. But like homicide, we do not know if all types of violent crime have decreased. As with homicide, non-fatal violence is a very diverse set of crimes and the identification of subtypes of violence is necessary if the relationship between homicide and serious violence is to be fully explained. We are currently only aware of the overall trends, but in order to understand what types of violence have decreased, and perhaps more importantly which crimes have not decreased, we need to examine these crimes on a more detailed level.

Homicide and violence compared to other crime

So, it would seem that homicide constitutes a very small part of violent crime in Scotland, and that homicide is declining in tandem with other violent crimes. But how does homicide and violence compare to the number of non-violent crimes in Scotland, or put differently; how much of the criminality in Scotland is really constituted by violent crime?

When the number of other forms of crime are examined (see chart 2), it becomes apparent that homicide and other forms of non-sexual violent crime only constitute a tiny part of all crimes recorded in Scotland. Similar to the numbers of both homicide and non-sexual violence, the number of total crimes (excluding offences) has decreased by 46% over the past two decades. Of the total crimes that were reported in 2014-15, non-sexual violent crime (excluding homicide) only constituted approximately 3% of that figure. Furthermore, homicide only contributed by 0.02% to the total number of crimes in Scotland in 2014-15. To compare, there were more than 20 times as many crimes of dishonesty than non-sexual violent crimes in 2014-15. When the number of violent crimes compared to all crimes in Scotland is examined over time, it also becomes evident that the level of both violence and homicide has remained stable.

It would also seem that it is not just violent crime that has decreased. All crime groups have decreased over the past twenty years, with the exception of sexual crimes and other crimes. Homicide was in fact one of the crimes that had demonstrated the sharpest decrease (55%), together with crimes of dishonesty (57%) and other non-sexual violent crime (55%), and the decrease in homicide was significantly greater than all other crimes, except for crimes of dishonesty. It would in other words seem that neither homicide nor violence has become more common, but has been decreasing together with non-violent crime.

Despite this sharp decline in homicide however, there is still somewhat paradoxically a lingering perception of Scotland as having particularly high levels of homicide. Scotland has previously been described as one of the most violent countries in the western world, with Glasgow being depicted as the ‘Homicide Capital of Europe’ (The Guardian, 2005). This unenviable reputation appears to live on, despite the marked decrease in homicide, which underlines the need for further research regarding this subject.

Why homicide?

As seen in the charts above, homicide only constitutes a small part of the wider problem of violence, and the numbers of other violent crimes far outweigh that of homicide. However, this is not simply a numbers game. Although rare, homicide has a devastating effect on families, communities and on wider society. Furthermore, homicide is regarded as the most reliable to measure of all crimes, as most homicides are recorded by the police, which is not the case for other violent crimes. For this reason, studying homicide, and different subtypes of homicide, could act as a valuable barometer of broader social change in society.

Despite its importance, very little research has been conducted on homicide in Scotland. Studies are, therefore, of vital importance, especially those that examine subtypes of both homicide and violence, as well as how these subtypes relate to each other over time. The detailed and comprehensive information such research would entail would have important implications for both policy as well as theory. A more detailed picture of how different types of homicide have changed over time would enable policy makers as well as service providers to determine how to best target interventions in order to both reduce and prevent homicide in Scotland. The next question to tackle should therefore be to examine whether all types of homicide are declining in Scotland. Although the levels of homicide is currently at a record low in Scotland, the task of understanding homicide has only just begun.

Sara Skott is a PhD researcher in criminology at the University of Edinburgh.
Current legislation

Abusive Behaviour and Sexual Harm (Scotland) Bill

A Scottish Government Bill introduced on 8th October to help improve the justice system response to abusive behaviour including domestic abuse and sexual harm. Most media attention related to the provisions on ‘revenge porn’ but there are also substantial practice and procedural reforms in effect implementing the 2015 Equally Safe: Reforming the criminal law to address domestic abuse and sexual offences consultation. The Justice Committee has issued a call for evidence.

Air Weapons and Licensing (Scotland) Bill

This Bill was introduced in May 2014 to “make provision for the licensing and regulation of air weapons” and other licensing matters relating to alcohol. The regulation of air weapons was an SNP manifesto commitment in 2007 and 2011, and the right to legislate was implemented by the Scotland Act 2012. It was passed on 25th June 2015.

Alcohol (Licensing, Public Health and Criminal Justice) (Scotland) Bill

This is a member’s Bill introduced by Richard Simpson in April. It intends to “make provision for reducing and dealing with the abuse of alcohol; to amend the legislation in relation to applications for, and to vary, licences for the sale of alcohol; and for connected purposes”. The lead committee is Health and Sport. Stage One is to be completed by 5th February 2016.

Community Justice (Scotland) Bill

Introduced on 8th May, this important legislation intends to “to make provision about community justice, including establishing a new national body to oversee community justice and introducing requirements in relation to the achievement of particular nationally and locally determined outcomes; and for connected purposes” and in so doing abolish the Community Justice Authorities. The origins of the Bill can be traced to the recommendations about the reform of community justice provision contained in the Angiolini Commission on Women Offenders. Stage One is to be completed by 20th November.

Criminal Justice (Scotland) Bill

“A Bill . . . to make provision about criminal justice including as to police powers and rights of suspects and as to criminal evidence, procedure and sentencing” and other matters which was originally introduced in June 2013. Most media attention was directed at the provisions to implement the proposal in the Carloway Review, to reform the Scottish evidential tradition on corroboration.

The Justice Committee’s Stage 1 report (February 2014) supported the general principles of the Bill with the exception of the corroboration proposals. Although the Bill cleared Stage 1, a surprise announcement in April 2014, in heated exchanges at Holyrood, postponed Stage 2 and therefore any further progress, until the publication of the (Bonomy) Post-corroboration Safeguards Review reference group’s final report published in April 2015. The Cabinet Secretary then announced that the Bill would proceed without the corroboration and jury reform provisions to allow further consideration of the ‘substantial and complex’ recommendations.

Stage 2 amendments to the Bill have been marshalled but at the time of writing Stage 2 had not been completed.

http://www.gov.scot/About/Review/post-corroboration-safeguards

Criminal Verdicts (Scotland) Bill

This Member’s Bill was introduced by Michael McMahon MSP in November 2013 to “make provision for the removal of the not proven verdict as one of the available verdicts in criminal proceedings; and for a guilty verdict to require an increased majority of jurors”. The Justice Committee is to lead but the Bill does not appear in its work programme. No other information is available at the time of writing and its completion date is “yet to be determined”.

Human Trafficking and Exploitation (Scotland) Bill

Introduced by Michael Matheson in December 2014, this Bill aims to “make provision about human trafficking and slavery, servitude and forced or compulsory labour, including provision about offences and sentencing, provision for victim support and provision to reduce activity related to offences.” The Bill was passed on 1st October.

Prisoners (Control of Release) (Scotland) Bill

“A Bill to end the right of certain long-term prisoners to automatic early release from prison at the two-thirds point of their sentences and to allow prisoners serving all but very short sentences to be released from prison on a particular day suitable for their re-integration into the community.”

The ending of automatic early release was an SNP manifesto commitment in 2006. However, a more pragmatic view against a revision of current practices held in the face of repeated criticism especially from the Conservatives. This Bill was introduced in August 2014, to end automatic release at the two-thirds point and replaces that with discretionary release overseen by the Parole Board at the halfway point, for prisoners sentenced to four years or more for a sexual offences and for those sentenced to 10 years or more for any offence. In early February, FM Nicola Sturgeon, on a visit to the offices of Victim Support Scotland, announced an extension to all prisoners serving four years or more. There were concerns expressed to and by the Justice Committee about the effect of denying some long term prisoners community supervision on release and the Bill was amended to provide for a compulsory minimum of six months post release supervision. The Bill was passed on 23rd June.
<table>
<thead>
<tr>
<th>Events</th>
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<tr>
<td><strong>Distant Voices concert</strong></td>
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<tr>
<td>Monday 9th November</td>
<td>CCA Glasgow</td>
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<tr>
<td><strong>Cross-Party Group on Children &amp; Families Affected by Imprisonment</strong></td>
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<tr>
<td>Wednesday 11th November, 1-2pm</td>
<td>Scottish Parliament</td>
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<tr>
<td>Speaker: Carol Maltman from Scottish Prison Service</td>
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<tr>
<td><strong>Scottish Families Affected by Alcohol and Drugs report launch in Parliament</strong></td>
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<td>Thursday 12th November (by invitation)</td>
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<tr>
<td><strong>SASO National Annual Conference</strong></td>
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<td>Friday 13th and Saturday 14th November 2015</td>
<td>Dunblane Hydro, Dunblane. <a href="http://www.sastudyoffending.org.uk">www.sastudyoffending.org.uk</a></td>
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<td><strong>Prisoners Week: ‘Just Us’,</strong></td>
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<td>Sunday 15th–22nd November</td>
<td>Who’s job is it to build community, include the isolated, and care for the vulnerable?</td>
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<td>We can’t leave it to professionals, or even to others... Its Just Us who make a difference! <a href="http://www.prisonersweek.org.uk">www.prisonersweek.org.uk</a></td>
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<td><strong>Faith in Throughcare Fifth Anniversary celebrations</strong></td>
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<td>Tuesday 17th November, 7-9pm</td>
<td>The Lighthouse, Glasgow,</td>
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<tr>
<td><strong>Launch of the Scottish Sentencing Council</strong></td>
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<td>Thursday 17th November, 5-7pm (by invitation)</td>
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<tr>
<td><strong>The Jimmy Reid Memorial Lecture “WORKERS’ RIGHTS ARE HUMAN RIGHTS”</strong></td>
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<tr>
<td>Tuesday 24th November at 6:30pm (doors open from 5.30pm).</td>
<td>University of Glasgow G12 8QQ</td>
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<tr>
<td>Speaker: Rt. Hon. Nicola Sturgeon MSP, First Minister of Scotland.</td>
<td>Free entry is by ticket only. Tickets are available online at Eventbrite</td>
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<td></td>
<td>In honour of workers’ leader Jimmy Reid, Nicola Sturgeon will address the issue of why workers’ rights are human rights and how this can be used in defence against the Tory Government’s attacks on workers’ economic, political and social rights in Scotland. The First Minister and guests will be welcomed by the Principal and Vice-Chancellor, Professor Anton Muscatelli. Following the speech, there will be a question and answer session. Our Director; Professor Gregor Gall will make a short contribution on our work programme to conclude the event. The Foundation has just published a policy paper on this issue, available at our website <a href="http://reidfoundation.org/">http://reidfoundation.org/</a></td>
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<td><strong>Howard League Scotland Drummond Hunter Memorial Lecture “DEFENDING THE HUMAN RIGHTS ACT: GLOBAL PERSPECTIVES ON DOMESTIC REMEDIES”</strong></td>
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<td>Thursday 26th November, 6pm</td>
<td>Lecture Theatre 5, Appleton Tower, 11 Crichton Street, Edinburgh EH8 9LE</td>
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<tr>
<td>Speaker: Susan Kemp, Scottish Human Rights Commissioner</td>
<td>Against the backdrop of current debate about the future of the Human Rights Act as well as UK membership of the European Convention on Human Rights, Scottish Human Rights Commissioner Susan Kemp will share ideas and arguments through the lens of international practice. Using examples from her background in strategic litigation and investigations in various countries around the world, she will discuss some key reasons why we need a robust system of domestic remedies.</td>
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<td>Co-sponsored by the Centre for Law and Society at The University Of Edinburgh. Tickets from Eventbrite</td>
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<td><strong>Families Outside Conference</strong></td>
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<td>Tuesday 1st December</td>
<td>Perth Concert Hall</td>
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<td><strong>Cross-Party Group on Children &amp; Families Affected by Imprisonment</strong></td>
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<td>Wednesday 6th January 2016, 1-2pm</td>
<td>Scottish Parliament</td>
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<td>Speaker: Police Scotland to speak</td>
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CRIME, JUSTICE AND SOCIETY IN SCOTLAND

EDITED BY
HAZEL CROALL, GERRY MOONEY AND MARY MUNRO

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