

Justice Analytical Services: Quarterly Newsletter

July 2021

The JAS Quarterly Newsletter is designed to provide a comprehensive overview of **new** and **emerging** research relevant to the Scottish Government's current crime & justice **research** and **policy**.

This issue contains research on:

POLICING

YOUTH JUSTICE

**SERIOUS
ORGANISED
CRIME**

VIOLENCE

**MANAGING
THE PRISON
POPULATION**

**COMMUNITY
JUSTICE**

**DOMESTIC
ABUSE**

**CRIMINAL
JUSTICE**

DRUGS

VETERANS

**COMMUNITY
SAFETY**

Also, check out [upcoming learning opportunities](#) and stay on top of the data with [JAS's regular data reports](#).

If there is an area of research you would like to see more of or if you have any comments, advice or feedback please get in touch: jocelyn.hickey@gov.scot

POLICING

Football

In their article '[Running an ostler? Exploring the use of stop and search tactics at Scottish football matches](#)', authors Wilson, Miller and Brick used semi-structured interviews with police officers and football supporters to **explore the relationship between stop and search at football matches and police-supporter relationships**. Officers involved in search operations refer to searches as 'ostlers'. Findings from the research demonstrate that ostlers operate in a significantly different manner than

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other forms of stop and search. Whilst ostlers contribute towards the criminalisation of football supporters, they do not impact upon the police-supporter relationship in the same way as traditional stop and search. The researchers account for this by explaining that the removal of autonomy from individual officers –as a result of ostlers being planned in advance by ‘higher ups’- creates an accountability gap and the sense that officers are ‘only doing their job’ and so supporters are “critical” yet “resigned” to this practice. *Published April 2021.*

Writing in *Policing and Society*, Colin Atkinson draws on findings from qualitative research conducted in Scotland **to document a recognition on all sides of the poor state of fan-police relations following the implementation of the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012, repealed in 2018.** The research identifies an “emergent shift in policing sensibilities towards more constructive forms of police-fan engagement and communication” including a shift to dialogue-based approaches, particularly through face-to-face communication at a local level. This form of communication has been shown to improve fan-police relations. However, significant challenges to these “emergent sensibilities” are also identified, particularly the characterisation of police tactics at a political protest in June of 2020 as ‘containment’ and not ‘kettling’. This was seen to be counter-productive to any effort to develop an open and honest line of communication between police and fans. Progress, therefore, is fragile. *Published April 2021.*

England and Wales

Writing in the *Journal of Global Faultlines*, Duckworth (2021) asks, ‘Has the COVID-19 pandemic manoeuvred policing in England and Wales towards a single national police organisation?’ Duckworth **considers whether the COVID-19 pandemic and the resulting national police coordination has accelerated the drive towards further policing reforms and even a national police organisation.** Duckworth explains that Operation Talla – designed to procure PPE – provided a blueprint for a national approach to procurement and distribution and it, alongside other co-ordinated actions, serve to demonstrate that a national police organisation could put an end to “the lack of consistency and variance of interpretation of existing standards”. In making her case, Duckworth points to the national police force formed in Scotland in 2013 and states that knowledge of the challenges faced, and overcome, would be important in considering a national police service in England and Wales. *Published May 2021.*

CRIMINAL JUSTICE

Diminished Responsibility

Writing in the *Edinburgh Law Review* (2021), Dr Rachel McPherson **maps the landscape of diminished responsibility in Scotland following codification of the plea**, paying particular attention to how the interaction between mental abnormality and voluntary intoxication has been understood. The paper argues that within the context of an independent review of mental health law in Scotland, the narrow interpretation adopted by the appeal court of the interaction between mental

abnormality and voluntary intoxication demonstrates an inability to appreciate the realities of mental health conditions and circumstances in which people offend. Furthermore, McPherson argues that the operation of the plea in practice may also be perpetuating gender stereotypes about female offending, specifically the law's tendency towards utilising medical models for female offending. This claim is based on limited evidence that suggests female offenders are being afforded leniency in terms of what conditions will satisfy the plea. *Published May 2021.*

Rape Trials

Writing in the *Journal of Law and Society*, authors Chalmers, Leverick & **Munro** **explore mock jury deliberation in Scottish rape trials**. The authors draw on findings from the largest research study of the nature of mock jury deliberations in rape cases and found “considerable evidence of the expression or problematic attitudes towards rape complainers.” Specifically, the beliefs that a “real” rape victim would have significant internal and external injuries, that they would shout for help and would inflict injuries on their attacker. Furthermore, that even short delays in reporting the rape are suspicious and that it is a common occurrence that women make false allegations of rape. However, the research found that some jurors were willing to challenge these beliefs but relied on third-sector campaigns to do so. This finding gives cause for “measured optimism” and is a demonstration that better-informed deliberations are a possibility. *Published March 2021.*

Paedophile Hunters

Laura Frampton explores ‘Paedophile Hunters’ in her recent contribution to the *British Journal of Community Justice*. Frampton **examines the complicated relationship between the police, courts, and paedophile hunters**. Specifically, there are ongoing, complicated debates about whether evidence provided by paedophile hunters has been obtained legitimately as well as questions over whether it breaches human rights. Furthermore, the evidence suggests that the act of public ‘naming and shaming’, particularly via the means of paedophile hunters, is “ineffective in reducing re-offending and risk” and does in fact increase “risk to victims, the suspect, and the efficiency and effectiveness of the entire criminal justice process”. Frampton explains that the reporting of paedophile hunting by news and media outlets may encourage participation in this type of behaviour and that these outlets would be better placed encouraging the general public to act preventatively and to report suspicious behaviour to the police. *Published 2021.*

DOMESTIC ABUSE

Controlling or Coercive Behaviour

The Home Office **has published a review of the Controlling or Coercive Behaviour (CCB) Offence, which came into force in England and Wales in December 2015**. The review analyses quantitative data from the criminal justice system, includes a literature review and a series of consultations with a targeted group of stakeholders. The review finds an increase in recorded CCB

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offences and prosecutions and thus evidence that the CCB offence is being used across the criminal justice system and has provided and improved legal framework to tackle CCB. However, findings from the Crime Survey for England and Wales suggest that only a small part of CCB is reported to police, which can possibly be attributed to difficulties for both police and citizens in recognising CCB. Falling charge rates and evidence from the consultations indicate that evidencing CCB is a significant challenge. On the basis of these findings, the review makes a number of recommendations, including but not limited to: work should be undertaken to develop suitable measures on victim outcomes with a view to monitoring outcomes for victims of CCB going forward; challenges in evidencing CCB may be overcome by revision of the legislation, in line with the Domestic Abuse (Scotland) Act 2018; the legislation should be extended to include former partners that no longer live together and, research should be undertaken to assess the current levels of awareness and understanding of the legislation in order to identify any required changes to guidance and training. *Published March 2021.*

Benefit Cap

In a [joint briefing](#), Shelter and Women's Aid Federation of England **discuss the impact of the benefit cap on survivors of domestic abuse in England and Wales**. Whilst the briefing discusses the cap imposed in England and Wales, Scotland also has a benefit cap. The authors discuss the "hardship, destitution and homelessness" caused by the cap and explain that it has a disproportionate impact on women and children experiencing domestic abuse. This is largely because the cap actively stops women fleeing domestic abuse and from leaving a perpetrator. The financial implications of such a move act as a significant deterrent to leaving, essentially survivors of domestic abuse "are left facing a choice of staying with their perpetrator or facing homelessness and housing insecurity". If they are able to leave and access a refuge space, the benefit cap is lifted but only whilst they are in the refuge. This may mean that women stay in refuge beyond the point they are willing to leave as they are unable to access affordable housing under the benefit cap. This limits beds in the refuge and means other survivors who need the beds are unable to access them. Ultimately the Shelter and Women's Aid call for an end to the benefit cap but, at the very least, calls on the UK government to provide a two year exemption for survivors of domestic abuse. *Published May 2021.*

Expect Respect Healthy Relationships Toolkit

Women's Aid has **published a second edition of the 'The Expect Respect Toolkit'**. This toolkit is a prevention tool that offers professionals working with children and young people easy-to-use tools to address gender-based violence from its roots. The toolkit is a response to increasing evidence that both boys and girls are unsure of what is inappropriate, controlling or abusive behaviour in relationships and what to do if they experience behaviour that upsets or frightens them. The toolkit enables professionals to teach children and young people about healthy relationships and what they do, and do not, look like with the goal of preventing domestic violence in the long term. The toolkit contains information about domestic abuse, the effect it has and how to deal with disclosure before outlining session plans for 4 - 11 year olds and 11 -18 year olds. *Published 2021.*

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MANAGING THE PRISON POPULATION

Health & Wellbeing

Woodall & Freeman (2021) assess **prison inspection reports compiled by HMIPS in order to determine to what extent Scottish prisons are practically implementing health-promoting activities**. The authors found evidence that across the board health inequalities were recognised by staff and they also found examples of peer support between people in prison, good relationships between staff and prisoners and strong health promotion leadership. However, some factors hindered health promotion including staff shortages, limited resources and a narrow focus on individual risk factors like smoking cessation and substance misuse as opposed to wider health determinants. They concluded that whilst Scotland is at the forefront of attempts to embed a health promoting philosophy in the prison system and there are clear instances of good practice, the “rhetoric seems to be in advance of the reality”, specifically with regard to SPS’ strategic health promotion aspects of ‘equity’, ‘empowerment’, ‘sustainability’ and ‘mutual support’. *Published 2021.*

Writing in the BMJ, authors Holloway, Guthrie, Waller, et al. (2021) **discuss ‘A Prison Pilot study of a male Remand Alcohol Intervention for Self-efficacy Enhancement’**, referred to as ‘APPRAISE’. This pilot is designed to assess the feasibility and acceptability of brief alcohol interventions delivered to male prisoners on remand, who tend to have a prevalence of at-risk drinking of between 62%-68%. The pilot, which is a two-arm parallel-group individually randomised study, will be completed with 180 adult men, 90 from Scotland and 90 from England. The findings from this pilot will be disseminated widely and will be presented to the Health Justice Teams in SG as well as the National Prisoner Healthcare Network. Findings from this pilot should enable the design of a future definitive randomised controlled trial. *Published 2021.*

Writing in the Lancet Psychiatry, authors McMillan et al. **explore the associations between significant head injury (SHI) and persisting disability and violent crime in women in Scottish prisons**. The scholars recruited a demographically representative sample from Scottish prisons and found that 78% of women had a SHI. Of those with SHI, 40% of this group had an associated disability, 84% had repeat injury most commonly as a result from domestic abuse over many years. As a whole, the SHI group was significantly more likely to have a history of violent offences than those without a history of SHI, this is “consistent with predicted behavioural effects of reduced emotional control and impulsive aggression after SHI”. The authors advise that whilst the high prevalence of histories of abuse, problematic substance use and mental health conditions amongst the female prison population are acknowledged, a history of SHI needs to be recognised and included when developing criminal justice policy, interventions to reduce mental health morbidity, and assessment and management of risk of violent offending. *Published May 2021.*

Ex-Prisoners

Writing in *Social Psychiatry and Psychiatric Epidemiology*, authors Bebbington et al. use data from the 2014 Adult Psychiatric Morbidity Survey (APMS) to **provide the first community-based estimate of ex-prisoners' mental health in England**. They compared the mental health of individuals who had been in prison with the rest of the sample and found that, like prisoners, ex-prisoners suffered an “excess” of psychiatric problems including common mental health disorders, psychosis, PTSD, substance dependence and suicide attempts. They also disclosed higher rates of childhood adversity, including physical and sexual abuse. Even after adjusting for trauma and socioeconomic adversity, the odds of having a common mental health disorder were nearly double for ex-prisoners. This means that prison experience is “a marker of enduring psychiatric vulnerability” and could also make re-offending more likely. Thus, ex-prisoners are an important target population for intervention and support. *Published March 2021.*

Restorative Practice

Writing in the *British Journal of Community Justice*, author Caulkin uses the methods of interview and observation to **examine the meaning and impact of implementing restorative practice (RP) within three prisons from the perspective of prisoners and staff**. Caulkin finds that when RP is implemented well it creates and supports a culture of fairness, avoids or defuses confrontation and helps to support constructive relationships both in prison and after release. Despite this, there is confusion within prisons on what constitutes RP, few staff are trained to deliver it and it does not sit at the heart of the prison's philosophy or outlook but rather as a manner of handling challenges as and when they arise. For these reasons, Caulkin recommends that a specific RP guide be developed with a clear definition and overview of its benefits; the creation of a restorative toolkit; training for staff in using the toolkit and the extension of this training to both residents and management. *Published 2021.*

YOUTH JUSTICE

Secure Care

Writing in the *Scottish Journal of Residential Child Care*, authors Sullivan and Logan (2021) **discuss the Secure Care Pathway and Standards, specifically the co-production methods used to develop these standards and the plans for their implementation**. The ‘Pathway and Standards’ set out national guidelines of what young people should expect when in, or on the edges of, secure care. Once implemented, these guidelines will ensure a consistent and unified approach to caring for vulnerable children across Scotland. The 44 standards have been co-produced alongside children with experiences of secure care. Creative methods – such as storytelling, model building and art – were utilised to enable children to express *how* secure care should look and feel. These findings underpinned initial standards that were then fed back to children in secure care before being further refined. The authors explain that the co-production of these standards is a clear

example of effective multi-agency work that ensured children were given meaningful opportunities to take part. *Published 2021.*

The Department for Education (DfE) has recently published a research report, '[Secure children's homes: placing welfare and justice children together](#)'. The report is a response to a recommendation made by the Independent Inquiry into Sexual Abuse (IISA) which asked the DfE to **review the practice of placing children for justice and welfare together in secure children's homes to see whether this increases risk of sexual abuse to children**. The study used both statistical evidence and in-depth interviews with staff and stakeholders. The report found that there was no evidence of increased risk and therefore no evidence to suggest that the model needs to change. Furthermore, the report comments that – contrary to the assumptions made by the IISA – that the justice and welfare children are “fundamentally the same children and are all there because they are deemed to be vulnerable”, and specifically that the justice children do not pose any greater risk of sexual harm than their welfare peers. In fact, not only do all the children share a very high level of vulnerability but in some cases they are literally the same children: “82% of children referred for a welfare placement had past or outstanding criminal convictions and 12% had previously been in a custodial placement. Conversely, many children in a justice placement were involved with the child welfare system, including 40% who had been looked after.” *Published May 2021.*

COMMUNITY SAFETY

Online Sexual Abuse

Writing in [Child Abuse & Neglect](#), authors Manrai et al. **explore the factors that facilitate or prevent the disclosure of Online Sexual Abuse (OSA)**. Existing literature suggested that adolescent victims of OSA rarely tell their parents or other adults, rather they tend to disclose the OSA to other adolescents. Building on this, the researchers sought to further explore the perspectives of these peers, the potential recipients of the disclosure of OSA. The researchers spoke to adolescents in both Scotland and Chile in order to explore factors associated with OSA disclosure across different cultures. The research found that obstacles to disclosure included the lack of clarity around OSA; individuals being vulnerable and finding it easier to form new relationships and feel connected online and, gender stereotypes specifically for boys. It was found that the disclosure process would likely be easier for those with more self-confidence and a more positive social environment with good relationships with peers and less stigmatization. *Published 2021.*

'Sexting'

Writing in [Archives of Sexual Behaviour](#), authors Hunter et al. **seek to understand adolescent sexting behaviour**. The authors researched over 3000 secondary school pupils in Scotland and asked them to complete self-report measures of school connectedness, parental love and support, perceived susceptibility to peer and romantic pressures and their involvement in active and passive 'sexting'. Results demonstrated that the importance of both school and family-level factors in the context of young people's 'sexting' behaviour was evident, however, perceived romantic pressure

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had the largest effect. Thus, interventions to reduce sexting or make it more safe should acknowledge the significant effects of romantic pressure and help young people to tackle and respond effectively to such pressure. *Published March 2021.*

DRUGS

Methadone

Gao, Robertson & Sheila (2021) **look at Scotland's 2009-2015 methadone-prescription cohort to explore the link between age, sex and methadone-specific death risk.** The study found that the risk of methadone-specific drug related death increases both as clients age into their 40s and 50s and as methadone dosage increases. Females are also at a higher risk of methadone-specific drug related deaths as are clients with a non-GP prescriber. On the basis of their findings, the authors say that extra care is needed when methadone daily dose exceeds 90mg and that further large scale, international studies should be undertaken to better understand the relationship between daily dose, age, sex and methadone-specific drug-related deaths. *Published 2021.*

Synthetic Cannabinoids

An article published in *Drug Testing and Analysis*, discusses synthetic cannabinoid receptor agonists (SCRAs). The study **examined SCRA detections in prisons (including Scottish prisons) over a period of two years and compared this with SCRA prevalence data in the wider population.** The study reports that there is a “near constant evolution” of SCRA compounds as they are adapted regularly in response to national and international legislative controls. The study found that while there were regional differences, SCRA prevalence in prisons closely aligned with the SCRAs detected on the local market. This demonstrates that the SCRA monitoring programs in prisons could act as early warning systems for the wider population in that local area and ensure that targeted detection methods are kept up to date. *Published 2021.*

SERIOUS ORGANISED CRIME

The Home Office **commissioned an independent review of Serious Organised Crime (SOC) and the powers, capabilities and funding needed to tackle it.** The review finds that those who work tirelessly to disrupt SOC and its impacts are hampered by a system with significant capacity constraints and a set of inadequate tools that have not adapted to the evolving nature of crime. To address this, the review states that the system will need “sustained and coordinated investment over the next 5-10 years”. More specifically, the review suggests the implementation of a “campus model”, a model based on increased connection, flexibility and sharing with the goal of improving knowledge of SOC and “smarter, faster and more effective interventions”. Such a model would include the creation of a UK Crime Campus (UKCC), a shared working environment; enhanced functions for the UKCC, including national prioritisation of operational activities and, enhancing the role of regional organised crime units by making membership mandatory for English and Welsh police forces. *Published March 2021.*

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VETERANS

Writing in the [BMJ](#), authors Kiernan et al. **used Sailor, Soldier, Air Force Association (SSAFA) beneficiary data to explore the spatial distribution of financial hardship in Scotland's veteran community**. The authors found that over half of benefit applicants were concentrated in only 50 postcode districts, and therefore can be considered to be living in highly concentrated clusters. Furthermore, the beneficiaries were clustered into areas of high deprivation, with higher levels of unemployment and therefore experiencing similar challenges to those in the wider population. The paper states that perhaps the difficulties faced by these individuals, that have led to their application for the SSAFA benefit, are a result of where they are living as opposed to the fact they are veterans. *Published February 2021.*

Bergman et al, writing in the [BMJ](#), **examine long-term mental health outcomes in veterans by age at entry to the UK Armed Forces, compared with non-veterans**. The study is a retrospective cohort study of 78,157 veterans in Scotland who were born between 1945 and 1995 and served between 1960 and 2017. The study compared the long-term mental health outcomes of those who joined the UK Armed forces as 'juniors' (at 16 or 17), those who joined when older and those who have no record of military service. Despite the perception that junior entry is associated with poor long-term mental health, the research found that people who were recruited when older had the poorest mental health outcomes, especially in relation to PTSD. *Published February 2021.*

COMMUNITY JUSTICE

Writing in the [British Journal of Community Justice](#), author Nicholson **discusses restorative justice and specifically the concept of 'giving back'**. Nicholson argues that financial payback is one of the oldest form of restorative justice and a means of making a desistance-enabling restorative justice system, however, this does not work if the offender is unable to make the financial payback. To counter this, Nicholson argues that Community Payback arrangements should be widened. He makes the case for offenders undertaking unpaid work with co-operatives or values-based 'purposeful' employers in order to enable financial pay back: the monetary value of their work would be paid by the employer as a donation to the victims' chosen charity. Furthermore, this unpaid work would also act as a "desistance-enabling" employment opportunity as it would progress into paid work. Effectively the unpaid work acts as a work trial as well as a Community Payback placement. Buy-in from co-operative and values-based 'purposeful' companies would be expected on the basis that such a scheme aligns with the co-operative value of community and would enable purposeful employers to serve the needs of society. Nicholson heralds this approach as a practical and realistic way of making a "desistance-supporting restorative criminal justice system a reality though financial payback". *Published 2021.*

VIOLENCE

Child Sexual Abuse

The Centre of Expertise on Child Sexual Abuse has **published a review of the evidence on the scale and nature of child sexual abuse (CSA)**. This review brings together the latest evidence on CSA in England and Wales with the goal of informing prevention, disruption and identification activities and highlighting evidence gaps. Taking account of variations in survey estimates, the review states that at least 15% of girls/young women and 5% of boys/young men experience some form of sexual abuse before the age of 16. The review also found that certain individuals were significantly more likely to describe experiences of CSA including disabled individuals, individuals who had lived in a care home and those that had experienced childhood neglect. The review found that the vast majority of perpetrators were male, that penetrative offences are most often committed by people already known to the victim and that most children and young people do not tell anyone at the time the abuse is taking place, instead waiting until they are adults to speak about it.

Published June 2021.

Trends in Violent Crime

Writing in the *Journal of Interpersonal Violence*, Dr Sara Skott **explores trends of subtypes of violence in Scotland within the context of the so-called ‘crime drop’**. She uses data from the Scottish Crime and Justice Survey to explore four main types of violence: public no weapon, public weapon, work-related and domestic. The findings demonstrate that although all types of violence have demonstrated an absolute decrease over time, domestic and work-related violence have demonstrated relative increases over time. These findings suggest that it is not only the trends in violence that have changed but also the patterns and characteristics of violence which, Skott argues, must be accounted for if *all* forms of violence are to be prevented equally. *Published 2021.*

LEARNING & TRAINING OPPORTUNITIES

Webinars

SCCJR, ‘**Stories of (In)Justice? Exploring young people’s stories of youth justice**’, Dr Johanne Miller University of West of Scotland and CYCJ Associate, August 12th. More info [here](#).

SCCJR, ‘**Just About... Covid & Criminal Justice**’, Natalie Logan Maclean, SISCO; Kevin Coyne, SISCO & Dr Marguerite Schinkel, University of Glasgow. August 18th. More info [here](#).

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SCCJR, **‘The Gendered Pains of ‘Going Straight’: Researching Female’s Desistance from Crime’**, Gender Research Group at Glasgow Caledonian University. September 8th. More info [here](#).

SCCJR, **‘Drugs & the Criminal Justice System in the UK’**, Sue MacAllister, CB Prisons and Probation Ombudsman; Kieran Lynch, Public Health England; Jason Kew, Chief Inspector Thames Valley Police & Niamh Eastwood, Release. September 29th. More info [here](#).

The Scottish Association for the Study of Offending, **‘The Impact of COVID’**, Dr Margeurite Schinkel & Dr Caitlin Gormley, SCCJR & University of Glasgow. October 7th. More info [here](#).

The Scottish Association for the Study of Offending, **‘Digital Justice’**, Dr Liz Aston, SIPR & Napier University & Laura Paton, HMIPS. October 21st. More info [here](#).

The Scottish Association for the Study of Offending, **‘The Prison Population: Some Reflections and Learning from Other Jurisdictions’**, Assistant Professor Vivian Geiran, Trinity College & Professor Francis Pakes, University of Portsmouth. November 4th. More info [here](#).

The Scottish Association for the Study of Offending, **‘Mental Health and Justice’**, David Strang CBE QPM former Chief Constable & Dr Daniel M Bennet, Royal Cornhill Hospital Aberdeen. November 18th. More info [here](#).

The Scottish Association for the Study of Offending, **‘Equality and Justice’**, Professor Susan McVie, University of Edinburgh & John Scott QC. December 2nd. More info [here](#).

Conferences

Policing and Society Conference, University of Akureyri (Iceland), on the theme Crime Prevention, October 6th. More info [here](#).

REGULAR DATA REPORTS

Recorded Crime in Scotland - A monthly official statistical publication on recorded crime in Scotland, split by crime or offence group and by local authority

COVID-19 Impact on the Scottish Justice System - Monthly data report on how the COVID-19 pandemic has affected the Justice System in Scotland, including information from Police Scotland, Crown Office and Procurator Fiscal Service, courts and prisons.

Hate Crime in Scotland – An annual statistics report published by COPFS on hate crime. The figures relate to charges aggravated by race, religion, sexual orientation, disability or transgender identity, reported to COPFS, and include information on how those charges were proceeded.

Domestic Abuse in Scotland – An annual statistics report of domestic abuse incidents in Scotland reported to police.