

Scottish Prison Population Statistics 2019-20

**Updated with legal status information for 2009-10
to 2019-20**

An Experimental Statistics release

CRIME AND JUSTICE

Executive Summary

This publication supplements the previously published 2019-20 Scottish Prison Population Statistics¹. With the inclusion of legal information², this publication contains additional analyses of the legal statuses, index offences and the sentences being served in the Scottish prison population from 2009-10 to 2019-20.

The supplementary statistics presented in this publication are in development and are therefore labelled as experimental. Experimental statistics are defined by the Code of Practice for Statistics as 'a subset of newly developed or innovative official statistics undergoing evaluation, that are published in order to involve users and stakeholders in the assessment of their suitability and quality at an early stage'. User feedback is therefore sought to inform ongoing improvement of these statistics. This can be submitted at <https://tinyurl.com/SPPS2020B>

A summary of key findings from the data presented in the publication is provided below.

Average daily prison population

The data indicates that the overall average daily prison population fluctuated over the ten years to 2019-20. Between 2009-10 and 2011-12, there was a general rising trend in the prison population. The population fell steadily thereafter but rose steeply between 2017-18 and 2019-20 from around 7,500 to almost 8,200, exceeding the previous peak (8,133) in 2011-12.

The prison population comprises three groups: the sentenced population, the untried population and the convicted awaiting sentence population (with the latter two comprising the remand population). The new data shows that the recent increase in the overall population was driven by increases in the sentenced and untried populations. By 2019-20, the average daily population for both groups exceeded the previous peak population levels in 2011-12 (reaching 6,621 and 1,177 respectively).

Trends for women and young people in custody differ from the overall population trend. Following a downward trend from 2011-12, the women's average daily sentenced population rose by around 7% in 2018-19, while the untried population increased by around 29% in 2019-20 (from 52 to 67). However, by 2019-20, the overall average daily population of women in custody remained below the peak population level observed in 2011-12 (402 as opposed to 468).

The average daily population of young people in custody has fallen substantially across all three legal status categories since at least 2009-10, although the reduction for those aged 18-20 years appears to have levelled off from 2017-18.

Individuals in custody

The data shows that the number of individuals spending time in custody each year fell by around 15% between 2009-10 and 2019-20. This decrease is observed across all legal status categories but is most pronounced for individuals held as untried or sentenced.

¹ Scottish prison population: statistics 2019 to 2020, <https://www.gov.scot/publications/scottish-prison-population-statistics-2019-20/>

² The legal information contained in warrants issued to the Scottish Prison Service by the courts.

However, there were observed increases in the number of individuals spending time in custody as untried and convicted awaiting sentence between 2017-18 and 2019-20 (from 7,114 to 7,509 for untried and from 4,632 to 4,786 for convicted awaiting sentence).

Disaggregation by demography, shows that the overall reduction in individuals spending time in custody each year from 2009-10 has been driven almost entirely by a reduction in young people and younger adults (those under 30 years). For individuals aged 30 or over there has been either observable stability or increases in the numbers held in custody across legal status types.

Over the period analysed, there has also been a greater reduction in the number of women spending time in custody than men (falling by 24% and 21% respectively for the untried; by 29% and 7% for those convicted awaiting sentence; and 28% and 18% for the sentenced population).

Arrivals and departures from custody

Overall between 2009-10 to 2019-20, arrivals to custody fell. Breaking down by legal status, sentenced arrivals fell by a greater proportion than untried or convicted awaiting sentence arrivals, falling by 53% between 2009-10 and 2019-20 compared to just 24% and 22% for untried and convicted awaiting sentence respectively.

Since 2009-10, the majority of arrivals to custody (=>70% in any given year) were in remand (untried and convicted awaiting sentence). In 2019-20, sentenced arrivals accounted for just 21% of arrivals to custody.

The number of departures from custody also fell overall between 2009-10 to 2019-20, and the nature of sentenced departures also changed. Compared with the period 2010-11 to 2017-18, a higher proportion of departures from the sentenced population in 2018-19 and 2019-20 were on completion of full sentence. The proportion of departures on conditional release (i.e. released on license, parole, under Supervised Release Order or Home Detention Curfew) fell substantially from between 20-24% during 2010-11 to 2017-18 to just 11% in 2019-20.

Index offences and sentences

The single largest group in the average daily sentenced population are individuals serving sentences for Violent offences (around one third of the average daily population), a consistent pattern from 2009-10. Across *all* violent offence categories, the average daily sentenced population rose in 2019-20. Recent increases are also observed in the average daily populations serving sentences for 'handling offensive weapons', 'common assault', 'breach of the peace', 'housebreaking', 'other miscellaneous offences' and 'drugs' offences.

There has been a substantial increase in the average daily population of those serving sentences for Sexual offences (rising from 8% of the average daily sentenced population in 2009-10 to 16% in 2019-20). While there have been increases across all the sexual offence categories, the most marked increase was in the population serving sentences for 'rape and attempted rape', trebling from 213 in 2009-10 to 640 in 2019-20.

On the other hand, a clear downward trend is observed for the average daily population serving sentences for Other offences. This is largely driven, despite the recent small increases, by the 36% reduction in the average daily sentenced population serving sentences for 'drugs' offences, falling from 993 in 2009-10 to 637 in 2019-20.

The short term sentenced prison population (those serving sentences of less than 4 years) has shifted in a number of ways over time. The average daily population of those serving very short sentences of 1 year or less has been decreasing over time, particularly those serving up to 3 and up to 6 month sentences (from 280 and 879 in 2009-10 to 119 and 567 in 2019-20).

On the other hand, the average daily population of those serving sentences between 1 and 2 years increased substantially over the period, with notable spikes in 2018-19 and 2019-20. Moreover, the average daily population serving sentences between 2 and 4 years decreased overall to 2018-19 but had a substantial increase in 2019-20 (to 1,037, an increase of almost 100 from 2018-19).

The long term sentenced prison population (those serving 4+ year sentences) has increased across the board, resulting from both longer term trend growth and more recent rapid growth. Recent growth is observed in the average daily populations of those serving sentences up to 10 years (from 1,147 in 2017-18 to 1,318 in 2019-20) and 10 years or more (from 214 in 2017-18 to 275 in 2019-20).

Longer term, consistent growth is observed in the average daily populations serving life sentences (rising from 839 in 2009-10 to 948 in 2019-20) and sentences with an Order of Lifelong Restriction (rising from 57 to 185 over the same time period). These categories account for a growing proportion of the average daily sentenced population (up from 13.8% in 2009-10 to 17.1% in 2019-20). The number of recalled prisoners in the average daily sentenced population has grown 36% since 2009-10, reaching 403 in 2019-20.

Custodial journeys

Individuals entering custody can experience a variety of custodial journey types, depending on their legal status on arrival and whether or not they transition between legal statuses before departing. Using the new data, this publication analysed for the first time, the nature of custodial journeys and the amount of time spent with untried and convicted awaiting sentence statuses.

Looking specifically at custodial journeys that begin in remand, the most common journey type is an individual entering and departing from the untried population only, accounting for around a third of journeys beginning in remand in 2019-20. These journeys are typically associated with shorter periods in custody (a median of 21 days in 2019-20). Similar short periods in custody are typically associated with individuals who enter and depart from the convicted awaiting sentence population only, and with individuals who enter custody as convicted awaiting sentence before transitioning to the sentenced population.

Longer periods on remand are associated with individuals who transition from untried to awaiting sentence, or to the sentenced population, or both (a median of 37 days, 53 days and 112 days respectively). The length of time spent in the remand population increased substantially between 2009-10 and 2019-20, with stays of more than 120 days accounting for around 6% of such journeys in 2009-10, rising to around 17% of such journeys in 2019-20. The increase in length of time on remand has been most pronounced since 2017-18.

Contents

Executive Summary	2
Average daily prison population.....	2
Individuals in custody.....	2
Arrivals and departures from custody	3
Index offences and sentences	3
Custodial journeys	4
Contents	5
List of Tables & Figures	7
Data Tables Index	9
Introduction	10
About Scottish Prison Population Statistics	10
1 Average Daily Populations by Legal Status	12
1.1 Explaining legal status.....	12
1.2 Overall average daily populations	12
1.3 Women in custody.....	13
1.4 Young People in Custody.....	14
1.5 Ethnic groups in custody	15
2 Numbers of Individuals and Arrivals by Legal Status	18
2.1 Individuals	18
2.1.1 Gender	19
2.1.2 Age.....	19
2.1.3 Ethnic group	21
2.2 Arrivals	21
2.2.1 Deprivation	22
2.2.2 No fixed abode.....	23
3 Index Offences and Sentences	24
3.1 Index Offences in the Sentenced Population	24
3.1.1 Group 1: Non-sexual crimes of violence.....	26
3.1.2 Group 2: Sexual Offences.....	27
3.1.3 Group 3 Crimes of Dishonesty	27
3.1.4 Group 5: Other Crimes.....	28
3.1.5 Group 6: Miscellaneous Offences	29
3.1.6 Index Offences by Gender	30
3.1.7 Index offences for young people in custody	31
3.2 Index Sentence	33
3.2.1 Index Sentence Length by Gender.....	34
3.2.2 Index Sentences for Young People in Custody	35
3.3 Remand Population Index Offences.....	36
4 Custodial Journeys	38

4.1	Departures by journey type	39
4.2	Journeys including periods on remand.....	40
4.2.1	Nature of remand journeys	40
4.2.2	Time on remand.....	41
4.3	Liberation types.....	45
4.3.1	Sentenced Departure Liberation Types.....	45
4.3.2	Remand Departure Liberation Types	45
5	Technical Annex.....	47
5.1	Data Words	47
5.2	Determining Prison Occupancy: the “cellwise” method	47
5.3	Sequencing Warrants.....	48
5.4	Determining time on remand	50
5.4.1	Sequencing Dates	51
5.4.2	Legal Status Transitions	51
5.4.3	End Dates.....	51
5.5	Index Offences	52
5.5.1	Sentenced Index Offences.....	52
5.5.2	Remand Index Offences	53
5.6	Index Sentence Length	54
5.6.1	Validation.....	54
5.6.2	Life Sentences.....	55
5.6.3	Recalls.....	55
5.7	Recorded Liberations	56
5.8	Postcode Quality	57
6	Context and supplementary information	58
	Other sources of information on the Scottish prison population.....	59
	An Experimental Statistics Publication for Scotland.....	60

List of Tables & Figures

Executive Summary	2
Contents	5
Introduction	10
1 Average Daily Populations by Legal Status	12
Figure 1: Average daily population by legal status, 2009-10 to 2019-20	13
Figure 2: Average daily prison population (Women) by legal status	14
Figure 3: Population by gender and legal status, 2019-20.....	14
Figure 4: Average daily population of young people in custody by legal status	15
Figure 5: Average daily population of ethnic minorities in custody by legal status.....	16
2 Numbers of Individuals and Arrivals by Legal Status	18
Figure 6: Individuals by legal status, 2009-10 – 2019-20.....	18
Figure 7: Count of individual men and women by legal status, 2009-10 to 2019-20.....	19
Figure 8: Change in number of individuals experiencing imprisonment by legal status and age	20
Table 1: Numbers and proportion of arrivals by legal status.....	21
Figure 9: Arrivals by status	22
Figure 10: Proportion arriving to remand statuses by SIMD Decile, 2019-20	23
Figure 11: No Fixed Abode (NFA) and non-NFA prisoners by legal status on arrival	23
3 Index Offences and Sentences	24
Figure 12: Sentenced Index Offence Group populations, 2009-10 to 2019-20.....	25
Figure 13: Group 1 “Non-sexual crimes of violence” Index Offence Sentenced Populations	26
Figure 14: Group 2 Sexual Index Offence Sentenced Populations.....	27
Figure 15: Group 3 Crimes of Dishonesty Index Offence Sentenced populations	28
Figure 16: Group 5 “Other” Index Offence Sentenced Populations	28
Figure 17: Group 6 “Miscellaneous” Index Offence Sentenced populations	29
Figure 18: Index Offence Groups for the Sentenced Population of Women Prisoners ..	30
Figure 19: Proportion of average daily sentenced population by offence group for men and women in 2019-20.....	31
Figure 20: Index Offence Groups for the Sentenced Population of Young People in Custody	32
Figure 21: Proportion of average daily sentenced population by offence group for young people and for those aged 21 and over in 2019-20.....	32
Figure 22: Index Sentence Length by Year	33
Figure 23: Average Daily Population of Women by Index Sentence Length.....	34
Figure 24: Distribution across Index Sentence bands for Men and Women (2019-20)..	35
Figure 25: Index Sentences of Young People in Custody.....	35
Figure 26: Distribution across Index Sentence bands for Young People (Under 21) and Adults (2019-20).....	36
Figure 27: Remand Index Offence Group populations, 2009-10 to 2019-20	37
4 Custodial Journeys	38
Table 2: Total Departures and Transitions by Year	39
Figure 28: Departures by journey type including remand statuses	40

Figure 29: Growing Time on Remand (Median) by Journey Type	41
Figure 30: Time on Remand (90th Percentile) by Occupancy Profile	42
Figure 31: Distribution of Days Spent Untried for 'Untried only' and 'Untried and Awaiting sentence' journeys.....	43
Table 3: Times to Remand Departure.....	43
Figure 32: Distribution of Days Spent Untried, U_S and UAS Occupancy Profiles.....	44
Table 4: Cumulative times to Remand Transition	44
Table 5: Sentenced departure liberation types (* denotes less than 5)	45
Table 6: Remand departure liberation types (* denotes less than 5)	46
5 Technical Annex.....	47
Figure 33: Deriving stints in prison from PR2 cell data	48
Figure 34: Deriving Legal Status in Occupancy Periods.....	49
Figure 35: Prisoner Legal Status Average Population by Source	50
Table 7: Offence Categories ordered by Average Length of Sentence	53
Figure 36: Sentence Band Comparison with SG 2013-14 publication	54
Table 8: Revised liberation description categories	56
Table 9: Postcode data quality	57
6 Context and supplementary information	58
An Experimental Statistics Publication for Scotland.....	60

Data Tables Index

The following tables are available alongside this publication in Excel format

Table	Title
M1	Population Legal Statuses
M2	Population Index Offences
M3	Population Index Sentences
O1	Arrivals
O2	Remand Time Statistics
O3	Remand Departure / Transition Offences
O4	Departures & Liberation Types

Reference will also be made to previously published statistics in report from June 2020:
<https://www.gov.scot/publications/scottish-prison-population-statistics-2019-20/>

Table	Title
A1	Average Daily Populations by Source
A2	Women and Young Offenders by Source
B1	Establishment Demographics
B2	Populations by Age and Gender
B3	Ethnicity
B4	Forces
B5	Disability
B6	Sexual Orientation
B7	Marital Status
C1	Arrivals and Departures per Person
C2	Arrivals by Local Authority
C3	Arrivals by Deprivation
C4	Arrivals Address Types
D1	Departures by Liberation Type
D2	Departures by Time Served
D3	Time Served by Age
E1	People in prison; Full- and part-year individuals
E2	Full- and Part-year Demographics

Introduction

An Experimental Statistics Publication
by
Scottish Government Justice Analytical Services
on behalf of the
Scottish Prison Service

This statistical release has been designated as experimental statistics. Experimental statistics are official statistics that are newly developed or innovative, and are undergoing evaluation. Part of the aim of this publication is to engage with users to assess the suitability and value of the statistics released. Scottish Government Justice Analytical Services are therefore seeking your feedback on this publication, to improve the product and better support our user base. If you are a user of these statistics, please click the link below to take part in our user questionnaire.

Leave Feedback

<https://tinyurl.com/SPPS2020B>

No information about participants is collected without their explicit consent.

About Scottish Prison Population Statistics

In July 2020 Scottish Government Justice Analytical Services released new data on the Scottish prison population up to 2019-20³. This was the first Scottish Government publication on the prison population since December 2015. Data were provided on annual average population levels, the changing nature of the movements of the prison population and the characteristics of that population over time.

At the the time of that publication it was not possible to provide data relating to the legal statuses, offences and sentences recorded on the Scottish Prison Service management information system. This publication presents these covering the period 2009-10 to 2019-20.

As with the previous statistical release in 2020, this publication was produced by Scottish Government statisticians using administrative data from the Scottish Prison Service (SPS) management information system. These data are collected by prison officers and staff for operational intelligence and logistical support.

It is important to note that the prison population is not static; individuals move in and out of the population every day. Therefore, SPS management information system is live, updating on a daily basis to capture movements (e.g. to/from remand) within the prison population. An extract of data from this system reports on the population at the moment in time the extract is drawn. Like many other operational databases, it was not designed to retain detailed historical data or provide retrospective information to assess how the prison population is changing over time.

Up until 2014, the Scottish Government held and reported on data compiled by combining and linking daily extracts from the live Scottish Prison Service operational database. A

³ Scottish prison population: statistics 2019 to 2020, <https://www.gov.scot/publications/scottish-prison-population-statistics-2019-20/>

number of tables and figures in the previous reports were also based on 'snapshots' (single extracts from the prisoner records system).

However, due to technological changes in 2014, it is no longer possible to produce these data. The dataset used in this publication has been created using the information that still exists about the times when prisoners occupied specific cells. Hence the population spine underlying this publication is termed "Cellwise", or the Cellwise data. More detail on how these data are constructed is provided in section 5.3.

The construction of the data is fundamentally different, both to the previous data design and to the aggregation produced by SPS in the interim and therefore it has not been possible to align these results exactly with previous publications, or to confirm their comparability with statistics from other jurisdictions. Figure 35 shows that trends and approximate levels are sufficiently aligned for meaningful interpretation of high level prison population trends. Uncertainties in certain metrics will be highlighted throughout this report, and are collated in section 5.

Producing and analysing data, and publishing information, on the Scottish prison population is an ongoing development project between Scottish Government Justice Analytical Services and the Scottish Prison Service. Our intention is that user feedback on the information released to date will inform this work and how it progresses.

1 Average Daily Populations by Legal Status

1.1 Explaining legal status

An individual can be held in custody for a number of reasons set out in the Criminal Procedure (Scotland) Act 1995:

- They may have been convicted of an offence and their sentence may comprise (wholly or in part) a custodial disposal (i.e held as **Sentenced**)
- They may have been convicted of an offence and been remanded in to custody by the court to await final sentencing (i.e. held as **Convicted awaiting sentence**)
- They may have been charged with an offence and have been remanded in to custody to await further criminal proceedings (i.e. held as **Untried**)

On any given day, the prison population comprises three key groups: the sentenced population, the untried population, and the convicted awaiting sentence population. The untried and convicted awaiting sentence populations are often referred to as the remand population (the sum of the two groups combined).

If an individual has committed multiple offences at different points in time it is possible for them to be involved in multiple criminal proceedings and therefore have multiple legal statuses. For example, an individual may have been given a custodial disposal for a particular offence but may be awaiting trial for a further offence whilst serving this sentence. This individual is therefore held in the sentenced population but is subject to an untried warrant at the same time.

For the purposes of this publication individuals only appear with one legal status (sentenced – convicted awaiting sentence – untried). If an individual is serving a custodial sentence but has an outstanding untried or awaiting sentence warrant, they are classed here as in the sentenced population. Similarly, if an individual is convicted awaiting sentence for one (or multiple) offence/s but also has an outstanding untried warrant they are classed here as convicted awaiting sentence. Transitions between legal statuses are explored in Section 4 of this report.

1.2 Overall average daily populations

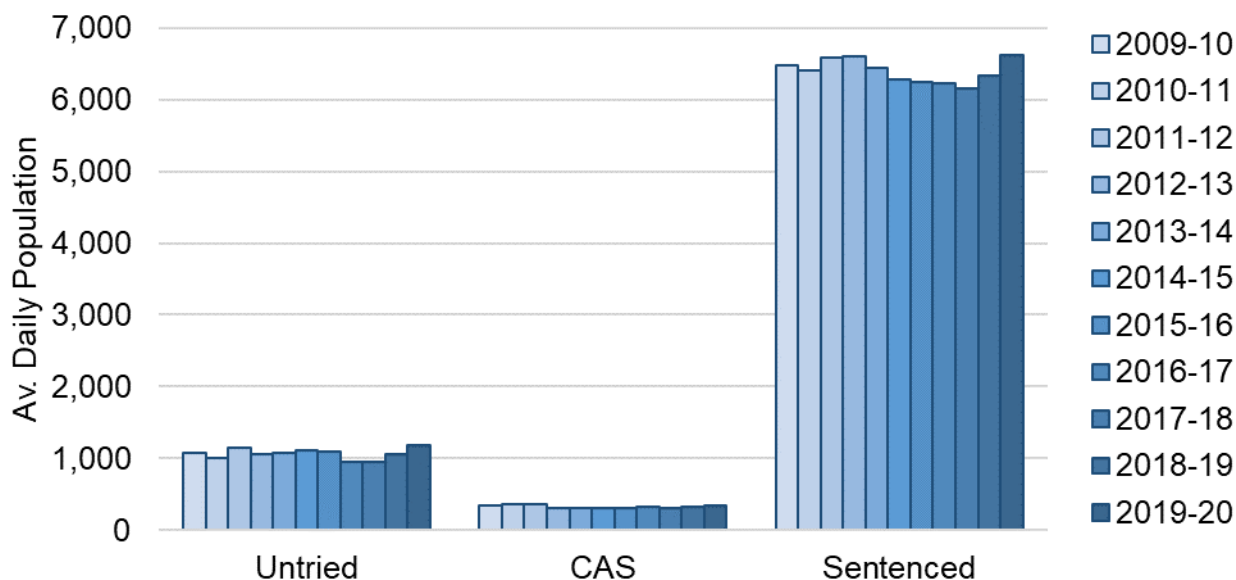
As reported in the previous publication for 2019-20 between 2010-11 and 2011-12, there was a continuation of a general rising trend in the prison population which was then followed by several years of steady reduction. However, between 2017-18 and 2019-20, the average daily prison population rose steeply from around 7,500 in 2017-18 to nearly 8,200 in 2019-20, an increase of almost 10% over a 2 year period. By 2019-20, the overall average prison population exceeded the population levels at the previous peak in 2011-12.

Breaking this down by legal status (Figure 1), the overall trend is broadly reflected in both the sentenced and untried populations. The sentenced population peaks in 2012-13 at 6,606, declining to 6,155 by 2017-18. The untried population peaks in 2011-12 at 1,146, declining to 947 by 2017-18. Both populations then rise steeply to 2019-20 (reaching 6,621 and 1,177 respectively, and representing increases of 7.6% and 24.3% from 2017-18). By 2019-20, the average daily population for both groups exceeded the previous peak levels in 2011-12 and 2012-13. Looking at the average daily convicted awaiting sentence

population (shown as CAS in the chart), this group is broadly stable over the time period observed remaining between 300 and 360 throughout.

As a proportion of the overall population, the size of the remand population (comprising both the untried and convicted awaiting sentence populations) shows signs of modest growth. In 2019-20 it stood at 18.7% of the population – the highest level since 2011-12 (when it was 18.6%).

Figure 1: Average daily population by legal status, 2009-10 to 2019-20



1.3 Women in custody

The prison population is largely comprised of men aged 21 and over. Women and young people (section 1.4) are held separately in custodial establishments and distinct approaches have been developed to manage these particular groups within the prison system⁴.

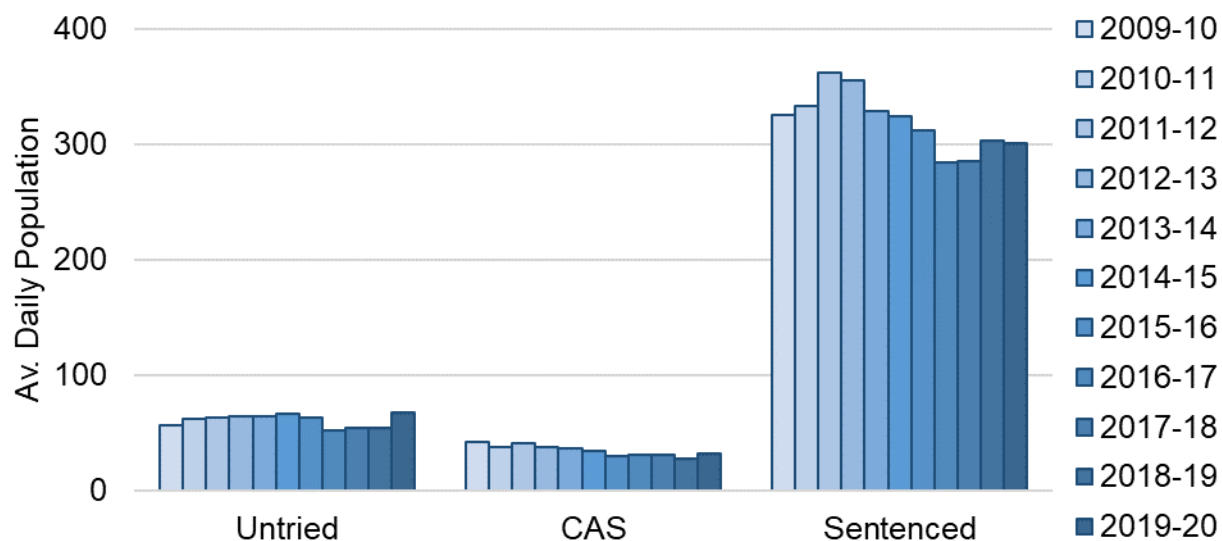
Following a rapid rise to its peak in 2011-12, the average daily population of women in custody fell until 2016-17. By 2019-20, the average daily population had risen to around 400. Unlike the overall average daily population trend however, the women's average daily population in 2019-20 (402) remains below the 2011-12 peak (468).

Breaking these trends down by legal status (Figure 2), the women's sentenced population shows a substantial fall between 2011-12 and 2016-17 followed by an increase in 2018-19 (from 284 in 2016-17 to 303 in 2018-19, an increase of almost 7%).

The average daily untried population remained largely stable from 2016-17, albeit increasing by around 29% to 2019-20 (from 52 to 67). The average daily convicted awaiting sentence population is also relatively stable, albeit with an observable decrease between 2011-12 to 2015-16.

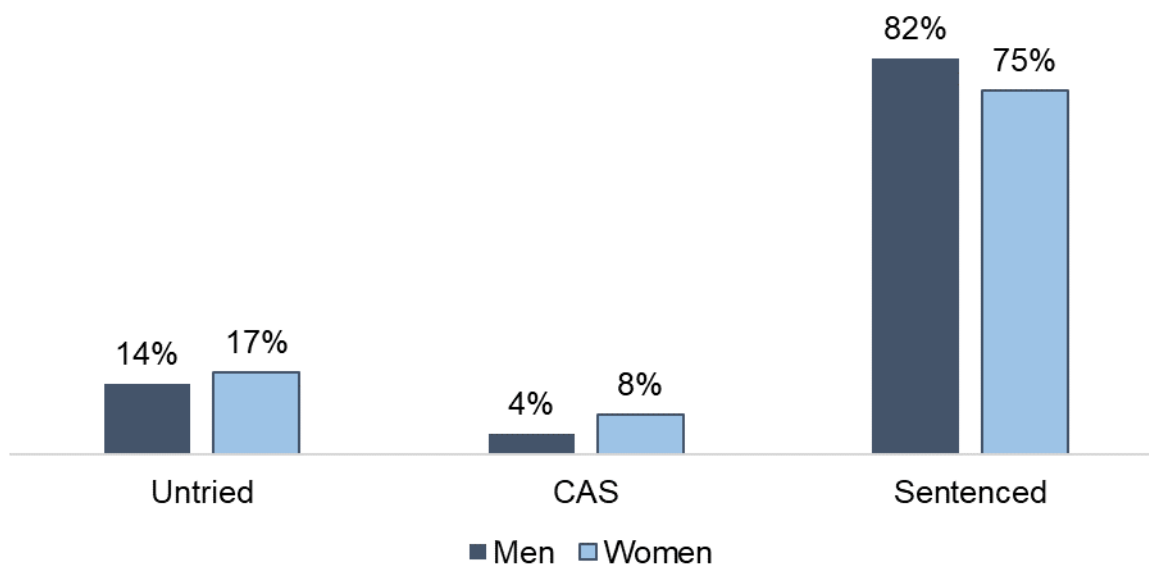
⁴ See the Scottish Prison Service Strategy for the Management of Women Offenders in Custody (<https://www.sps.gov.uk/Corporate/Publications/Policies2.aspx>) and the Vision for Young People in Custody 2021 (<http://www.sps.gov.uk/Corporate/Publications/Publication-7393.aspx>)

Figure 2: Average daily prison population (Women) by legal status



As a proportion of the average population, remand has consistently accounted for a higher proportion of the women’s average daily prison population than men’s. Between 2009-10 and 2019-20, between 21% and 25% of the women’s average daily population are recorded as remand, compared to 17%-18% of the men’s average daily population. Figure 3 provides a comparison for 2019-20.

Figure 3: Population by gender and legal status, 2019-20



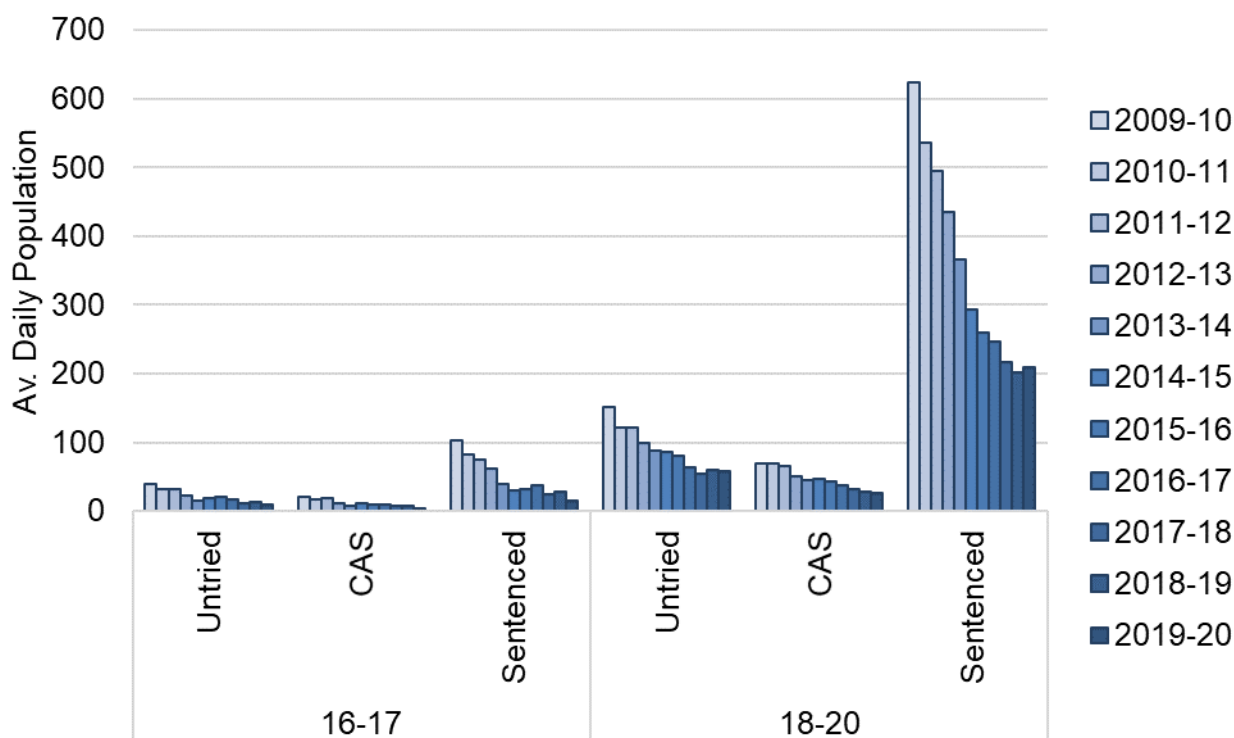
1.4 Young People in Custody

The previous publication highlighted the substantial drop in the number of young people in the average daily prison population over time. The average number of young people in custody (those under 21 years) dropped from around 864 in 2010-11 to around 325 in 2019-20⁵.

⁵ [Scottish prison population: statistics 2019 to 2020](#)

Breaking this down further, this overall downward trend is observed across all legal status types (Figure 4). However, for the untried and sentenced legal statuses, the downward trend for 18-20 year olds appears to be levelling off from 2017-18 onwards. Nevertheless, the average daily untried and sentenced populations for both groups are substantially lower in 2019-20 than in 2009-10.

Figure 4: Average daily population of young people in custody by legal status



A higher proportion of the young people’s average daily populations are held on remand when compared against the overall average daily population, and the proportions vary more year to year. For 18-20 year olds, the proportion of the average daily population held on remand fluctuates between 25% and 32%, and the proportion for 16 and 17 year olds fluctuates between around a third of the average daily population to around half. The absolute number of 16 and 17 year olds is very low however (see Figure 4 above).

1.5 Ethnic groups in custody

The previous publication examined ethnicity of individuals in custody using broad Census groups.⁶ The average daily population of individuals from ethnic groups other than white is small in absolute terms⁷. Breaking these small groups down further by legal status means analysis of trends and the quantification of change over time have to be undertaken and interpreted with caution.

As they comprise the overwhelming majority of the prison population, the average daily population of individuals identifying as white closely follows the trends identified in the overall average daily population above. Similar trends can be observed in the average

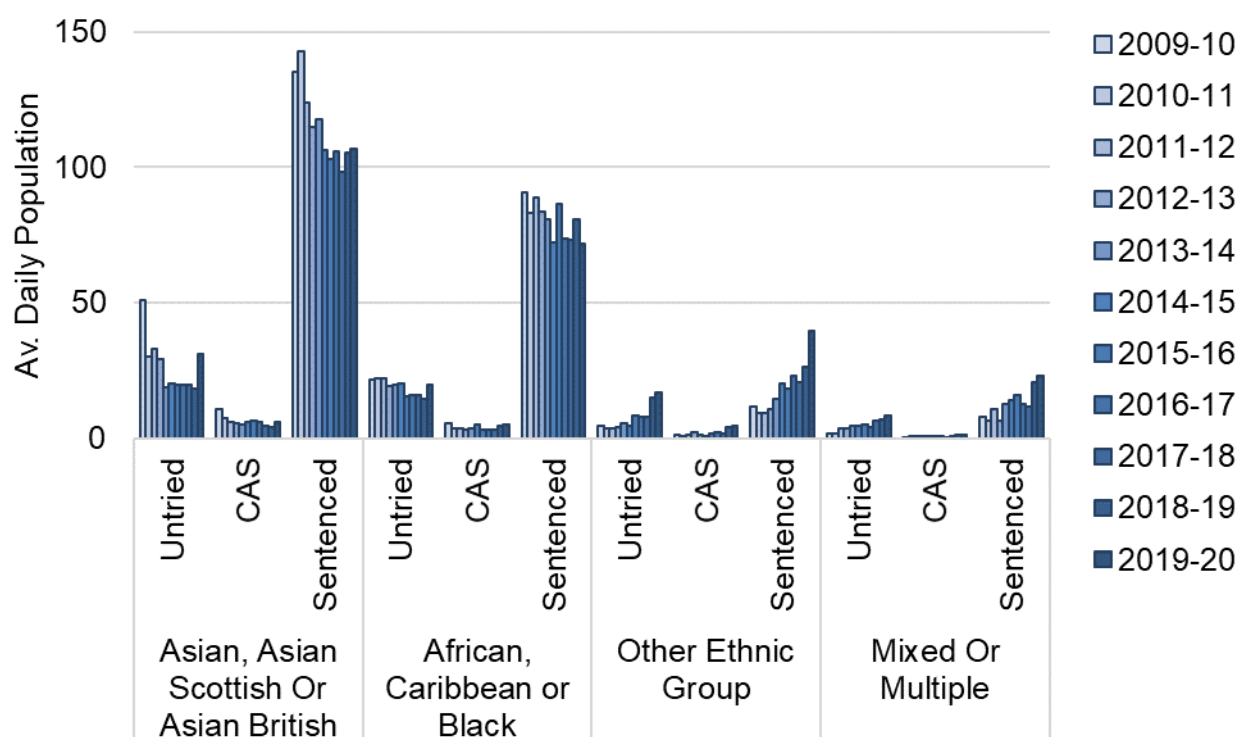
⁶ These groups are: White; Asian, Asian Scottish, or Asian British; African, Caribbean or Black; Mixed or multiple ethnic groups; and Other ethnic group.

⁷ Scottish prison population: statistics 2019 to 2020, <https://www.gov.scot/publications/scottish-prison-population-statistics-2019-20/>

daily populations of those identifying as ‘African, Caribbean or Black’ and ‘Asian, Asian Scottish or Asian British’ in Figure 5. While both groups show a decline in their average untried populations over the longer term, both saw an increase from 2018-19 to 2019-20 (from 15 to 20 and from 18 to 31 respectively). Similarly, both show overall declines in the average daily sentenced population (from 91 and 135 in 2009-10 to 72 and 107 in 2019-20), and both show fluctuations in the average daily convicted awaiting sentence populations (albeit for both groups the average daily convicted awaiting sentence population is fewer than 10 individuals from 2010-11 onwards).

For those identifying as ‘Mixed or multiple ethnic groups’ or ‘Other ethnic group’, the pattern is different. Here, both groups show increases in their average daily populations over time, across each legal status type while numbers remain very small overall. For those identifying as ‘Mixed or multiple ethnic group’, the average daily untried and convicted awaiting sentence populations contain fewer than 10 individuals across the time period observed, and the average daily sentenced population rises from 8 in 2009-10 to 23 in 2019-20. For those identifying as ‘Other ethnic group’, the average daily convicted awaiting sentence population remains below 5 individuals over the time period observed. The average daily untried and sentenced populations rise from 5 and 12 in 2009-10 to 17 and 40 in 2019-20.

Figure 5: Average daily population of ethnic minorities in custody by legal status



The share of the population on remand (untried and convicted awaiting sentence combined) among minority ethnic groups taken together varied between 21.2% and 28.4% between 2009-10 and 2019-20 – somewhat higher than the prison population as a whole. In the census the link between ethnic minority identity and relative youth was clear⁸. The relatively high levels of remand among minority ethnic groups is likely associated with the

⁸ National Records of Scotland, Scotland's Census 2011 - Table DC2101SC - Ethnic group by sex by age: <https://www.scotlandscensus.gov.uk/ods-web/standard-outputs.html>

relative youth of this group, shown in section 1.4. Given the small numbers of individuals these breakdowns cannot be further explored here.

In 2019-20, 28% of people in an ethnic group other than 'White' were on remand. The aggregation of ethnic groupings in this report are likely to mask variations within each group. Disaggregation of prisoner ethnicity data continues to be pursued for more in-depth analyses.

2 Numbers of Individuals and Arrivals by Legal Status

The daily average population figures provides the ‘stock’ of individuals held in custody at any given point in a year. However, this framing can mask the dynamic nature of the prison population and the extent of the effects of imprisonment across Scottish society.

People move in and out of the prison population every day. In this section we explore the numbers of unique individuals held in custody in each year by legal status and by key demographic characteristics. As an individual can have more than one legal status type in a given year, the total number of individuals across the legal status types will amount to more than the total number of individuals held in custody.

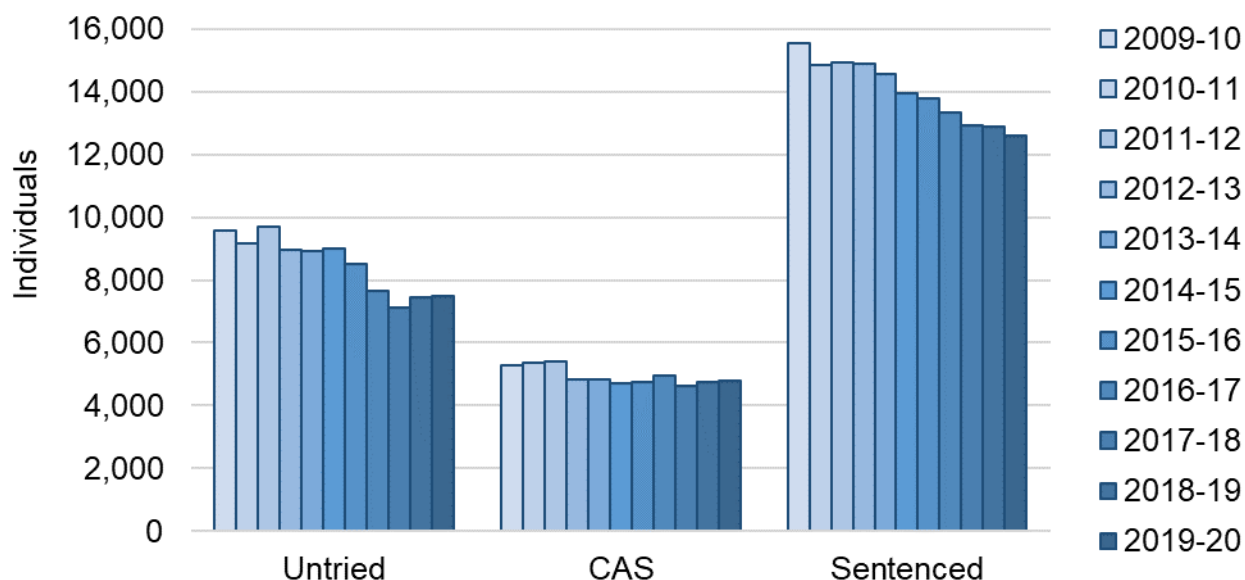
Individuals may be held in custody more than once in a given year, so this section also highlights the number of arrivals in to custody in each year, again broken down by legal status.

2.1 Individuals

The number of individuals who have spent time in custody in any given year is much greater than the daily average population figure. Yet as the average daily population has risen over time, the number of individuals spending time in custody in a given year has *fallen* between 2009-10 and 2019-20 (from 21,163 to 17,294, an overall reduction of 18%)⁹.

Figure 6 shows this decline has been observed across all of the legal status types.

Figure 6: Individuals by legal status, 2009-10 – 2019-20



While there has been an overall decrease, there was a slight rise in individuals held in custody as untried and convicted awaiting sentence (CAS in the chart) from 2017-18 to

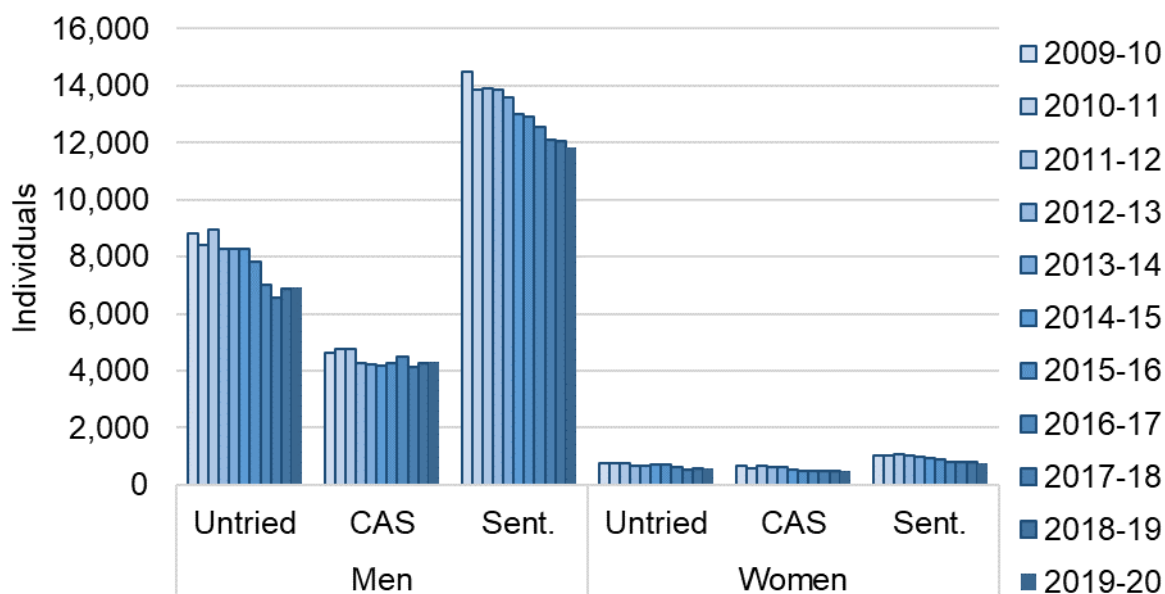
⁹ [Scottish prison population: statistics 2019 to 2020](#)

2019-20 (from 7,114 to 7,509 for untried and from 4,632 to 4,786 for convicted awaiting sentence).

2.1.1 Gender

Both men and women have seen an overall reduction in the number of individuals spending time in custody across each legal status. However, the recent rise in numbers held as untried and convicted awaiting sentence is more pronounced for men, and only observed in 2017-18 for women (Figure 7).

Figure 7: Count of individual men and women by legal status, 2009-10 to 2019-20

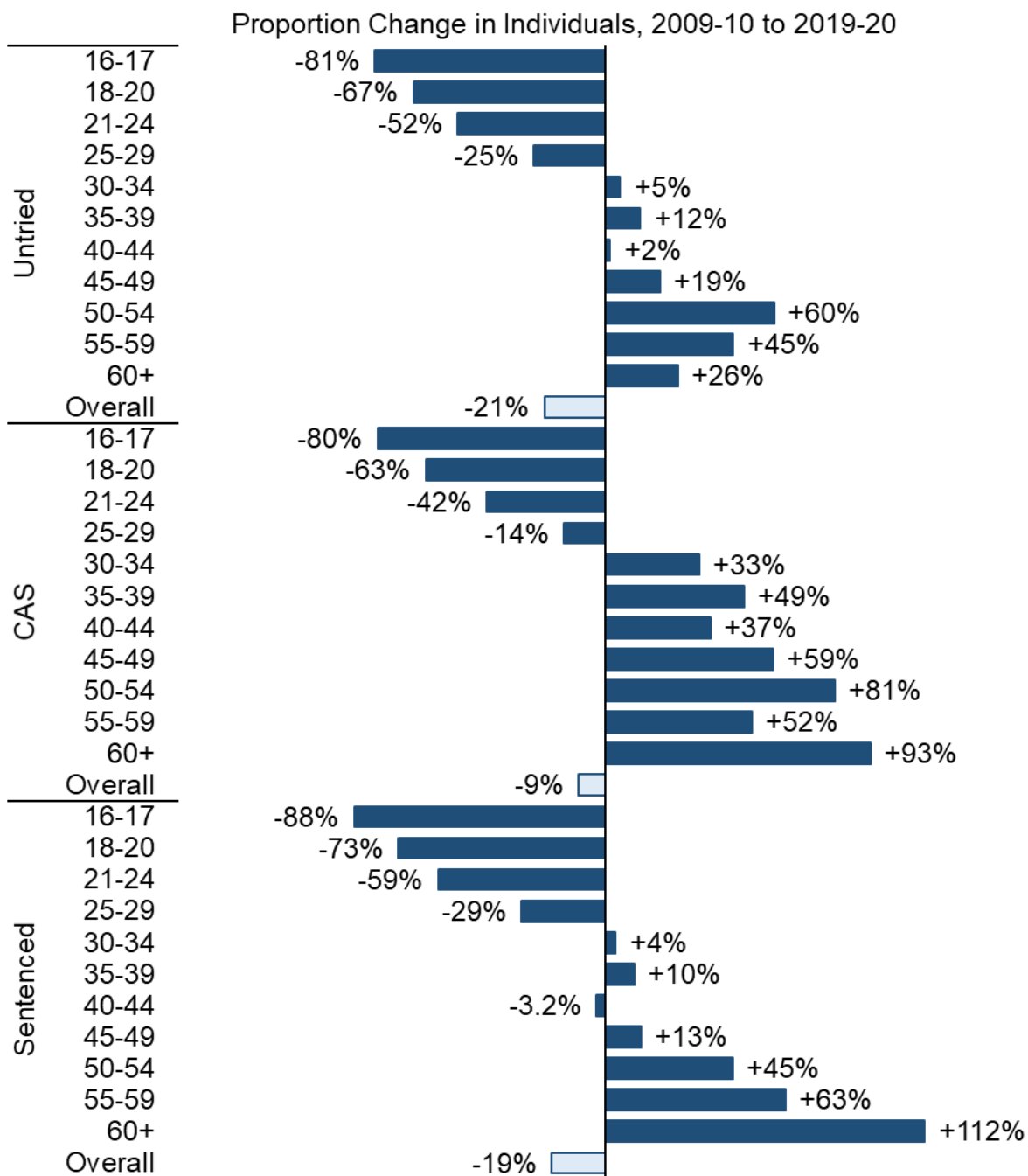


The percentage reduction in the number of individuals held each year is greater for women than men. This pattern holds across each legal status: the percentage reduction for numbers held as untried is 21% and 24% for men and women respectively; as convicted awaiting sentence 7% and 29% respectively; and as sentenced 18% and 28% respectively.

2.1.2 Age

Differences are also observed between age categories. The overall downward trend in numbers of individuals held by legal status appears to have been driven entirely by reductions in the number of individuals in the younger age groups. Up to and including the '25-29 years' group, each age group shows a substantial reduction in the numbers of individuals held in custody in each year. This is particularly pronounced for the '16-17 years' and the '18-20 years' groups (Figure 8).

Figure 8: Change in number of individuals experiencing imprisonment by legal status and age



However, each age group from '30-34 years' and above shows a very different pattern, demonstrating either observable stability over the time period examined or *increases* in the numbers of individuals held in custody across the legal status types.

Across all of the older age groupings, the number of individuals held as convicted awaiting sentence has increased substantially (by around 33% for '30-34 years' and almost doubling for '60+ years').

The middle age groupings from '30-34 years' to '40-44 years' have shown very little change in the numbers of individuals held as untried or sentenced, but the older age groups (particularly '50-54 years' and above) have shown substantial increases in the numbers of individuals in the same categories. The numbers of individuals held as

sentenced in the '60+ years' group has more than doubled between 2009-10 and 2019-20, rising from 264 to 533.

2.1.3 Ethnic group

There are different trends across the ethnic groups as well. There have been clear reductions in the numbers of individuals identifying as 'African, Caribbean or Black', 'Asian, Asian Scottish or Asian British' and 'White' across each of the legal statuses. These changes are most pronounced for the 'Asian, Asian Scottish or Asian British' groups, and for the legal status of untried.

While the overall numbers are small, there have been observable increases in the numbers of individuals identifying as 'Mixed or multiple ethnic group' or 'Other ethnic group'. These statistics are provided in the accompanying table M1.

2.2 Arrivals

An arrival is where a period of imprisonment begins for an individual, and is only counted as such if the arrival occurred on a separate day from any previous departure for that individual. Overall numbers of arrivals in each year fell between 2010-11 and 2019-20¹⁰, and the fall in arrivals was more pronounced than the fall in the number of individuals, at around 31% (falling from 20,721 to 14,324) compared to 15%.

Analysis by legal status on first point of entry for each arrival in each year reveals two key patterns. Firstly, that arrivals as untried consistently account for just over half of all arrivals to custody in any given year from 2009-10 to 2019-20, a proportion that has risen over the time period (50% in 2009-10 to 56% in 2019-20). Arrivals as convicted awaiting sentence accounted for 18-20% of all arrivals from 2009-10 to 2015-16, rising to 22-23% for 2016-17 to 2019-20 (Table 1).

Arrivals to the sentenced population account for a decreasing proportion of all arrivals over the time period considered. From 2009-10 to 2018-19, sentenced arrivals comprised between a quarter and 30% of all arrivals to custody. This had fallen to 21% by 2019-20; meaning that 79% of all arrivals in 2019-20 were to the remand population.

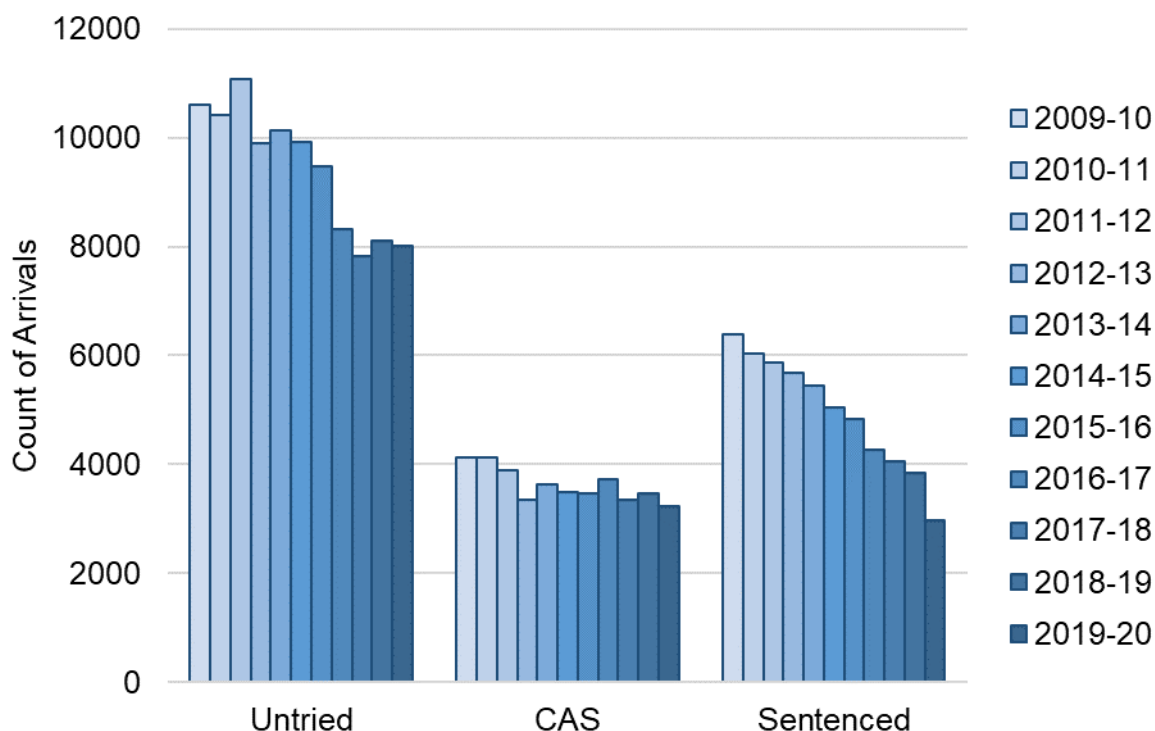
Table 1: Numbers and proportion of arrivals by legal status

Year	2009-10	2010-11	2012-13	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20
Count of Arrivals									
Untried	10,613	10,403	9,907	9,926	9,476	8,312	7,817	8,116	8,014
CAS	4,138	4,121	3,343	3,488	3,465	3,734	3,356	3,478	3,232
Sentenced	6,376	6,034	5,691	5,035	4,839	4,274	4,045	3,848	2,970
Unknown	159	163	130	91	125	126	106	153	108
Arrivals	21,286	20,721	19,071	18,540	17,905	16,446	15,324	15,595	14,324
Proportion of Arrivals									
Untried	50%	50%	52%	54%	53%	51%	51%	52%	56%
CAS	19%	20%	18%	19%	19%	23%	22%	22%	23%
Sentenced	30%	29%	30%	27%	27%	26%	26%	25%	21%
Unknown	1%	1%	1%	0%	1%	1%	1%	1%	1%

¹⁰ [Scottish prison population: statistics 2019 to 2020](#)

The second key pattern is the variation from the overall downward trend by legal status. Arrivals for each legal status have declined, but by varying degrees. As Figure 9 shows, the number of arrivals to the sentenced population has fallen consistently and substantially between 2009-10 and 2019-20 (from 6,376 to 2,970, a fall of around 53%)

Figure 9: Arrivals by status



The number of arrivals with untried legal status has also fallen overall (by around 24% from 10,613 in 2009-10 to 8,014 in 2019-20). However, as Figure 9 shows, there has been more fluctuation year to year. While there was a sustained decrease from 2013-14, the number of untried arrivals began to rise again in 2018-19. The number of untried arrivals has remained broadly stable in 2019-20. Similarly, the number of arrivals with convicted awaiting sentence legal status has also fallen overall (by around 22%), but with fluctuation year on year.

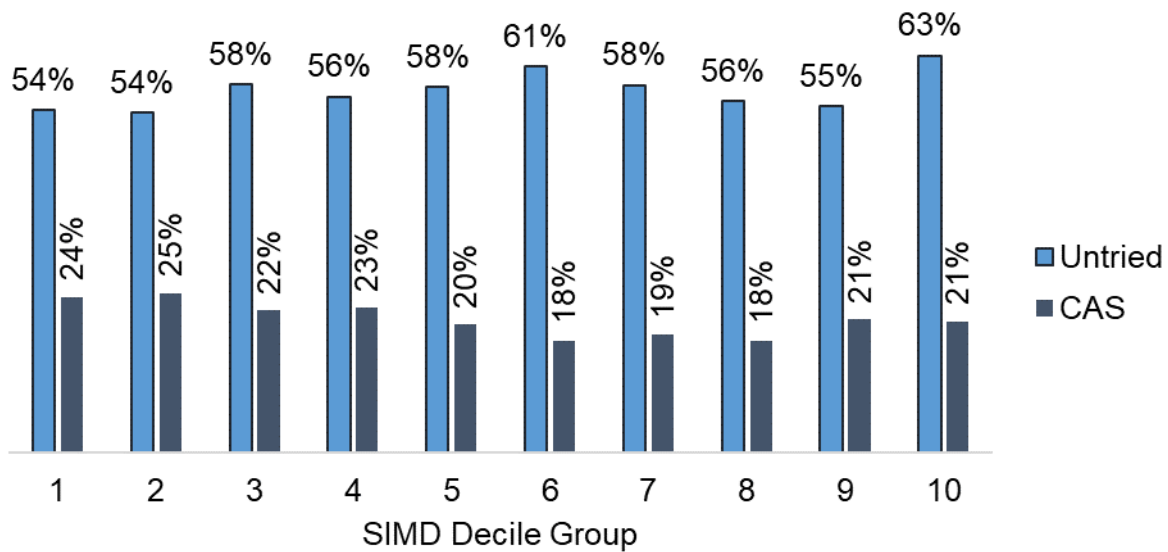
2.2.1 Deprivation

Between 2010-11 and 2019-20, the 10% most deprived areas were over-represented in prison arrivals by a factor of three. The least deprived 60% of areas (group 5 and above) were under-represented by increasing degrees as area deprivation decreased.¹¹

A full breakdown of this pattern by legal status is provided in supplementary table O1, showing similar over-representation by legal status. However, as a proportion of arrivals by deprivation, those from more deprived areas do not appear more likely to arrive as untried but slightly more likely to arrive as convicted awaiting sentence than those from the least deprived areas (as shown in Figure 10).

¹¹ Scottish prison population: statistics 2019 to 2020, <https://www.gov.scot/publications/scottish-prison-population-statistics-2019-20/>

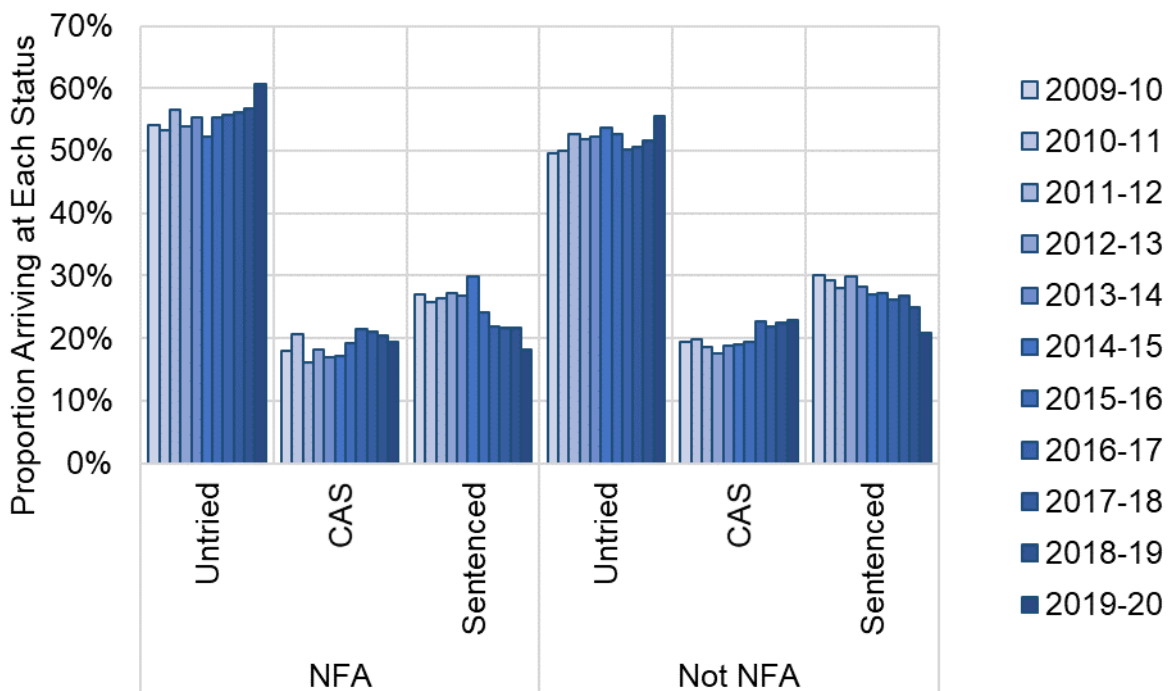
Figure 10: Proportion arriving to remand statuses by SIMD Decile, 2019-20



2.2.2 No fixed abode

The proportion of arrivals in to custody where the individual was of ‘no fixed abode’ had rose from 2010-11 to 2019-20 (from 4.4% to 7.5%)¹². Figure 11 compares arrivals from ‘no fixed abode’ against those from a given address to see if these vary by legal status. Across both categories, the likelihood of an arrival being untried has increased between 2016-17 and 2019-20. However, with the exception of 2014-15, the proportion of arrivals as untried is greater amongst those from ‘no fixed abode’. The difference in proportion is small (between 2 and 6 percentage points in any given year) but the pattern is consistent.

Figure 11: No Fixed Abode (NFA) and non-NFA prisoners by legal status on arrival



¹² [Scottish prison population: statistics 2019 to 2020](#)

3 Index Offences and Sentences

Individuals can be remanded in to custody or sentenced to a custodial disposal for a range of different offences, so the offence profile of the prison population varies. The length of a custodial sentence can also vary considerably, from short determinate sentences to a life sentence. The offence and sentence profiles of those held in custody have implications for population trends, as well as for how individuals are managed within the prison estate.

To allow comparison over time and with other statistical sources on the justice system, we examine the offence profile of those held in custody by index offence only . An index offence is defined within a continuous occupancy period as the offence with the longest sentence. Where there are multiple offences with the same sentence, or for alleged offences with no sentence yet, we use the Criminal Proceedings in Scotland statistics to identify average sentence length by offence type and rank offences accordingly. For more information see section 5.5.

The 35 offence categories (and 7 over-arching offence groups) provide appropriate detail on the nature of offences committed for high-level summary of the prison population and its changes over time, but these categories and groups do mask considerable variation in offending behaviour. By relying on index offence only and using these broad offence categories, the statistics in this section cannot examine the full complexity of the offence profiles of individuals in the prison population. Nevertheless, we do explore broad differences and similarities within key population subgroups (women and young people).

Notable in the following section are increases over time in the average daily population serving sentences for the most serious crime categories. In some categories, for example those falling under 'Sexual offences', this reflects an increasing number of criminal proceedings and convictions over the time period examined¹³. In other categories, such as those falling under 'Non-sexual crimes of violence', there has been an overall decrease in the number of proceedings for these offence types. Such offences usually receive longer custodial sentences, so the increasing average daily population likely reflects the greater amount of time individuals must serve before departing custody. It also likely reflects changes to release mechanisms over time, and other factors that impact the flows into and out of custody. See section 4.3 for more information on changes to sentenced departures, and section 6 for the broader context of prison population change over time.

3.1 Index Offences in the Sentenced Population

There have been a number of changes in the average daily sentenced population when analysed by index offence between 2009-10 and 2019-20 (Figure 12).

¹³ Criminal Proceedings in Scotland, 2018-19: Table 4(a)
<https://www.gov.scot/publications/criminal-proceedings-scotland-2018-19/pages/10/>

Figure 12: Sentenced Index Offence Group¹⁴ populations, 2009-10 to 2019-20

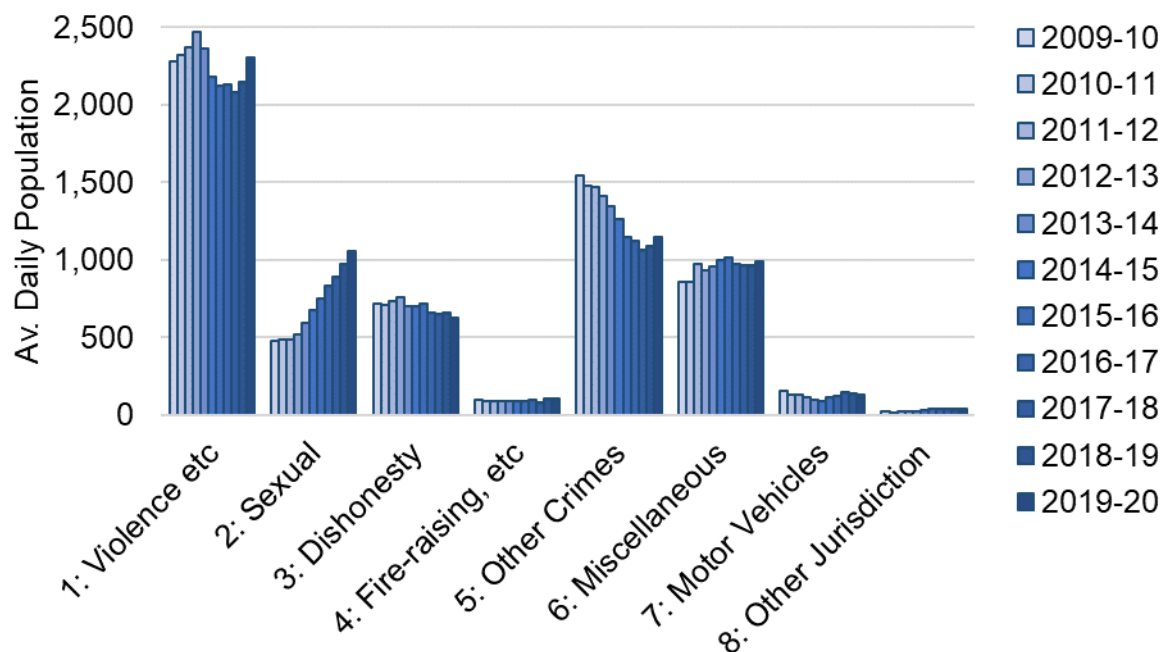


Figure 12 demonstrates that:

- The most common index offence group from 2009-10 to 2019-20 are **Violent** offences. This category accounts for just over one third of the average daily sentenced population in any given year, peaking at 39% in 2012-13.
- Following a period of sustained reduction from 2012-13 to 2017-18, there was an sharp increase in 2019-20 in the average daily population for whom violence was the index offence.
- There has been a pronounced and continuous increase in the average daily sentenced population held for **Sexual** index offences since 2012-13, doubling from 8% of the sentenced population in 2009-10 to 16% in 2019-20
- The average daily population for crimes of **Dishonesty** has been gradually decreasing since 2012-13 (including acquisitive crime)
- **Other crimes** have accounted for a large proportion of the average daily population over the time period observed, but there has been a considerable decrease in this group between 2009-10 and 2017-18. Despite this overall trend, an increase in the average daily population sentenced for Other crimes was observed in 2018-19 and 2019-20.
- **Miscellaneous** offences account for a further large proportion of the average daily prison population in any given year, but this group has been broadly stable since 2014-15.
- **Fire-raising, vandalism etc., motor vehicle offences** and convictions from **other jurisdictions** comprise only a very small proportion of the average daily prison

¹⁴ Shortened for the purposes of this chart, categories on the x-axis reflect the broad offence groups used by other SG publications: “Non-sexual crimes of violence”; “Sexual crimes”; “Crimes of dishonesty”; “Fire-raising, vandalism, etc.”; “Other crimes”; “Miscellaneous offences”; “Motor vehicle offences”.

“Other Jurisdiction” offences defy such categorisation due to the lack of further information held on PR2.

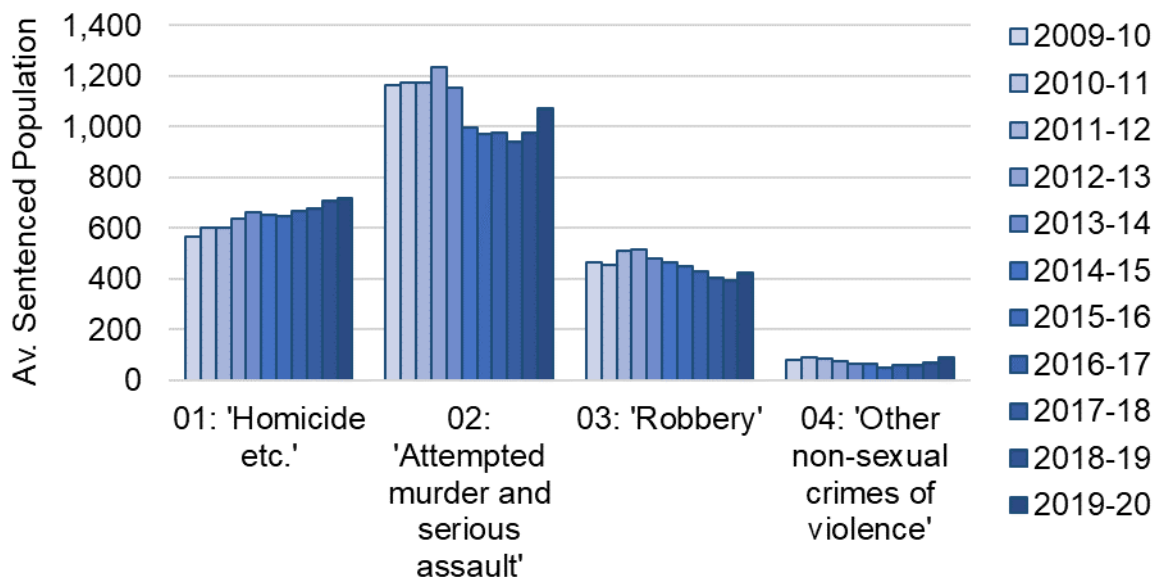
population in any given year. While these groups show broad stability over time, there has been a small and gradual increase in the average daily population of those whose index offence is 'Other jurisdiction'.

These trends can be explored in more detail by examining the offence categories within the broad offence groups accounting for the largest proportion of the average daily prison population.

3.1.1 Group 1: Non-sexual crimes of violence

This group contained the first, second and sixth most populous index offence categories in the sentenced population in 2019-20. As Figure 13 shows, regardless of the wider trends over time, the average daily populations for *all* of these offence categories increased in 2019-20.

Figure 13: Group 1 “Non-sexual crimes of violence” Index Offence Sentenced Populations



'Attempted murder and serious assault' is consistently the most common index offence category in this offence group and in the wider sentenced population. After five years at a reduced level, in 2019-20 there was a 10% increase in the average daily sentenced population. This index offence category accounted for 16.7% of the sentenced population in 2019-20.

The average daily population of individuals sentenced for 'Homicide etc.' has increased slowly but substantially over time. In 2016-17, 'Homicide etc.' went from being the 3rd to the 2nd largest index offence group in the sentenced population, exceeding those held on index drug offences (see section 3.1.4). In 2019-20, there were 720 prisoners serving sentences for 'Homicide etc.' on the average day, compared to 567 in 2009-10.

'Robbery' was the 6th most common index offence in 2019-20, at 6.6% of the sentenced population. This is down from 5th in 2015-16. There was a 6% increase in this population from 2018-19 to 2019-20 after several years of falling population.

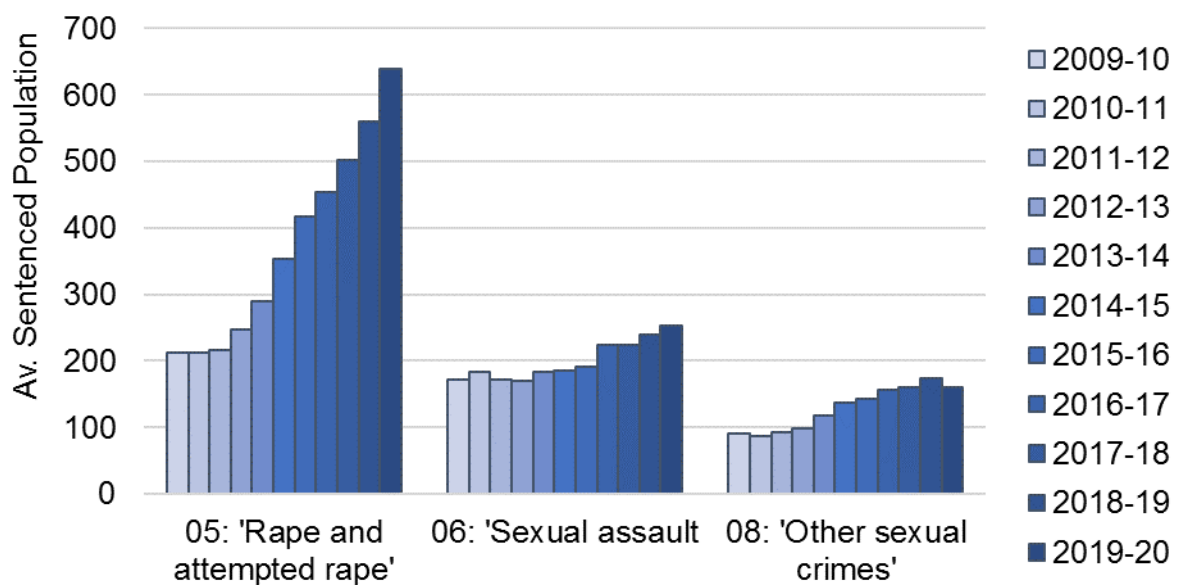
3.1.2 Group 2: Sexual Offences

The average daily population serving sentences for sexual index offences has seen the largest growth of any category over the last decade.

Figure 14 shows that the increase in the average daily population serving sentences for 'Rape and attempted rape' is key in driving this population growth. This particular population has trebled since 2009-10, rising from 213 to 640 in 2019-20 and 'Rape and attempted rape' has become the third most common index offence in the sentenced population.

The average daily population of those serving sentences for 'Sexual assault' has also substantially increased from 2009-10.

Figure 14: Group 2 Sexual Index Offence Sentenced Populations

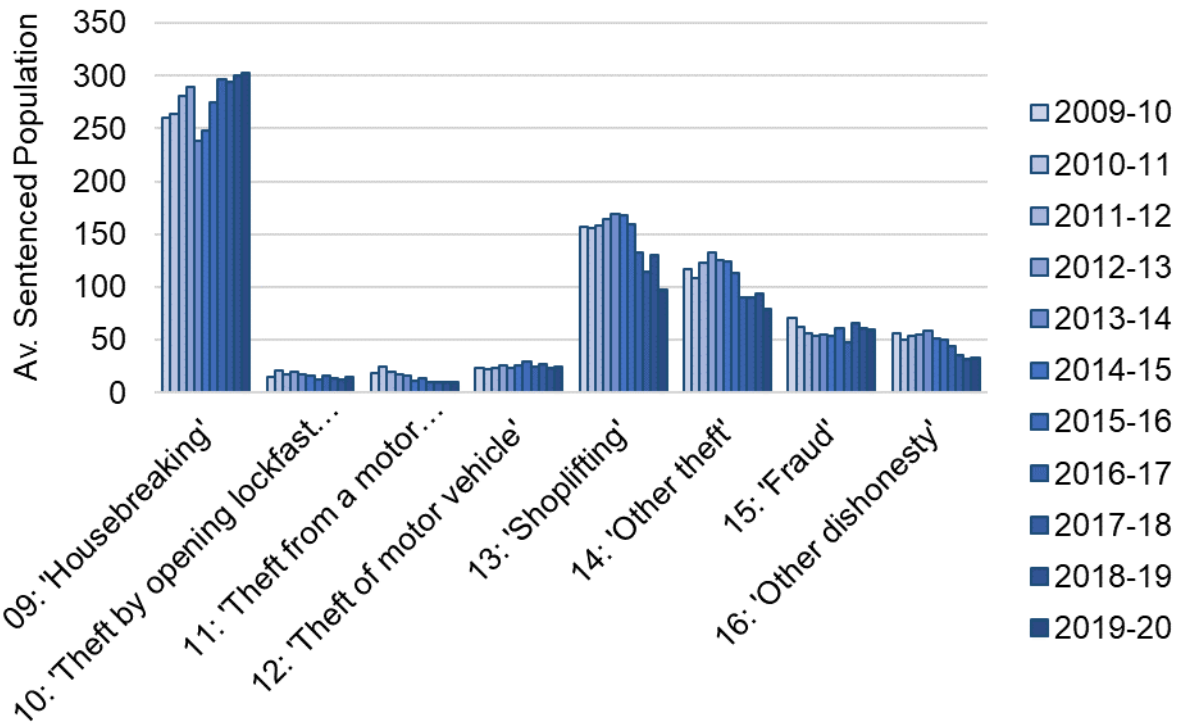


3.1.3 Group 3 Crimes of Dishonesty

Following a period of increase between 2009-10 to 2012-13, the average daily population serving sentences for 'Housebreaking' fell considerably in 2013-14. However, the population proceeded to increase once again, exceeding 2012-13 numbers (289) in each of the last four years and reaching 303 by 2019-20.

Across other crimes of dishonesty, however, the sentenced population has largely fallen. The average daily population serving sentences for an index offence of 'Shoplifting', for example, fell by 38% between 2009-10 and 2019-20, from 158 to 97.

Figure 15: Group 3 Crimes of Dishonesty Index Offence Sentenced populations

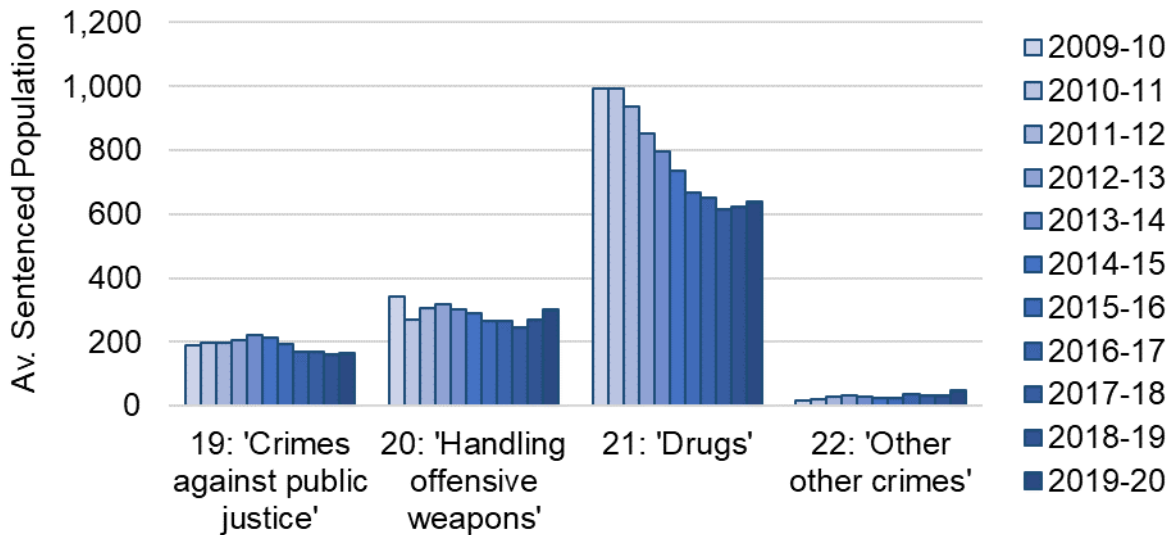


3.1.4 Group 5: Other Crimes

The Other Crimes group includes the 'Crimes against public justice', 'Handling offensive weapons', 'Drugs' categories and a further, nested 'Other other crimes' category.

Within this group, 'Drugs' offences accounts for the largest volume of the prison population by a considerable amount. However, there has been a clear reduction in the population serving sentences for index 'Drugs' offences over the past decade. 'Drugs' went from the 2nd most common index offence in 2009-10 (993) to 4th in 2019-20 (637) following a 36% reduction in the average population. This group accounts for 9.9% of the sentenced population in 2019-20, down from 16.2% in 2009-10. However, there were small increases in the average daily population with index 'Drugs' offences in 2018-19 and 2019-20.

Figure 16: Group 5 "Other" Index Offence Sentenced Populations



The average daily sentenced populations with index offences of ‘Crimes against public justice’ has been broadly stable by volume after a fall from the 2013-14 peak (163 in 2019-20 compared to 220 in 2013-14). The ‘Handling offensive weapons’ population fell from 2012-13 but increased from 245 in 2017-18 to 303 in 2019-20.

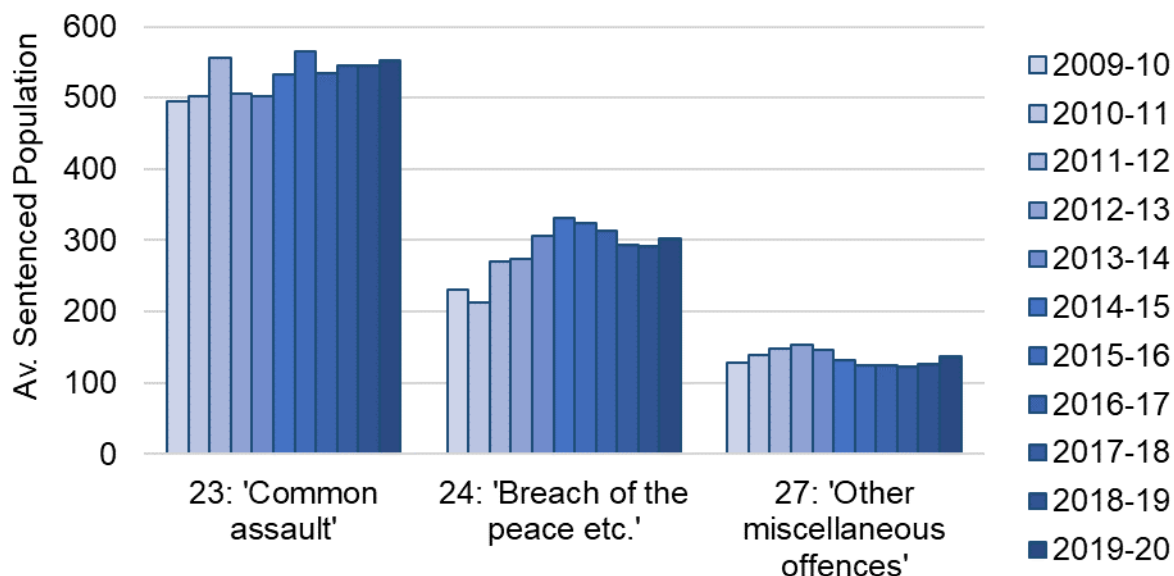
The group serving sentences for index offences in the ‘Other other crimes’ category has grown slightly over the past decade, from an average population of 17 in 2009-10 to 48 in 2019-20. These crimes include those associated with serious and organised crime, conspiracy, and obstruction of emergency workers.

3.1.5 Group 6: Miscellaneous Offences

The Miscellaneous Offences group includes ‘Common assault’, ‘Breach of the peace etc.’, ‘Drunkenness and other disorderly conduct’, ‘Public urination’, and a further nested “Other miscellaneous offences” category. Drunkenness and public urination are not observed as index offences in the average daily prison population over the time period examined.

‘Common assault’ is a high volume index offence within the prison population however. It is the largest offence category in this group, and consistently the 4th or 5th largest in the wider sentenced population since 2009-10. It accounts for 8-9% of the sentenced population over this period (8.6% in 2019-20). Although there are some fluctuations, it appears that the average daily population of those serving sentences for an index common assault offence has been on a general upward trend since 2014-15.

Figure 17: Group 6 “Miscellaneous” Index Offence Sentenced populations



The offence category Breach of the Peace etc. has fluctuated over time, with some considerable increases in the average daily population between 2010-11 and 2014-15. This particular offence category has been subject to changes over time, with its definition expanded to include additional offences at various points. For example, this category contains ‘new’ offences relating to stalking and harassment, and threatening or abusive behaviour. It has also included the repealed Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012 offences. Overall though, there has been an increase in the average daily population serving sentences for ‘Breach of the Peace etc’, rising from 231 in 2009-10 to 303 in 2019-20.

The Other miscellaneous offences category contains a collection of disparate offences, the consistently most common being miscellaneous firearms offences. Similar to other offence categories, despite a period of stability there has been an increase in the average daily population in 2019-20.

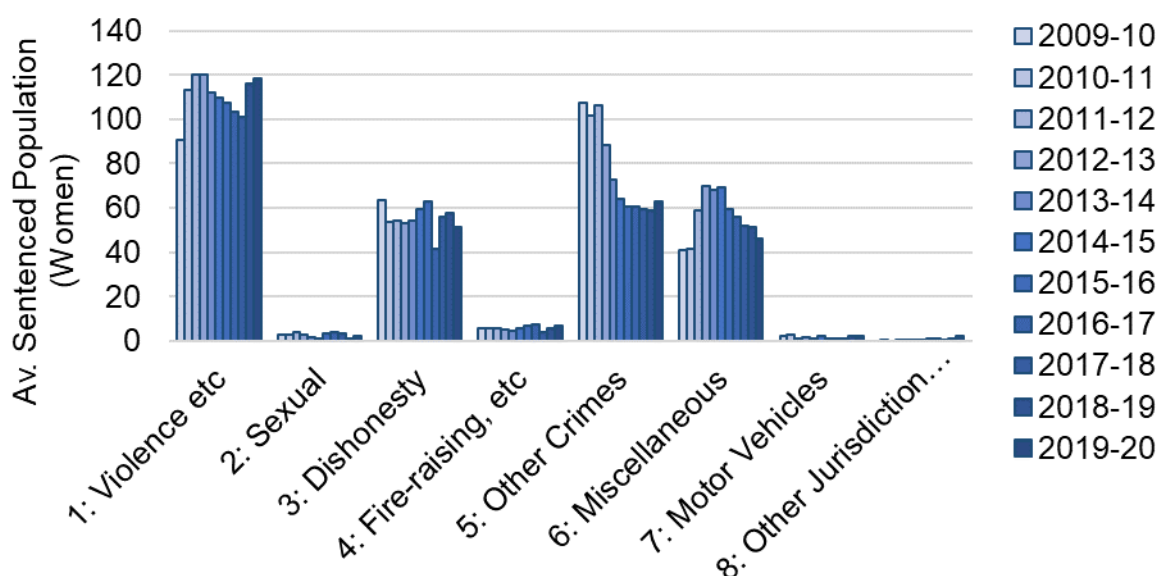
3.1.6 Index Offences by Gender

While women comprise a very small proportion of the overall prison population, their index offence profiles have followed some similar patterns to the index offence profiles of men, with the exception of Sexual offences.

Figure 18 shows the broad trend across index offence groups for women. Comparing with Figure 12 for the full population, we see similar patterns of continuity and change:

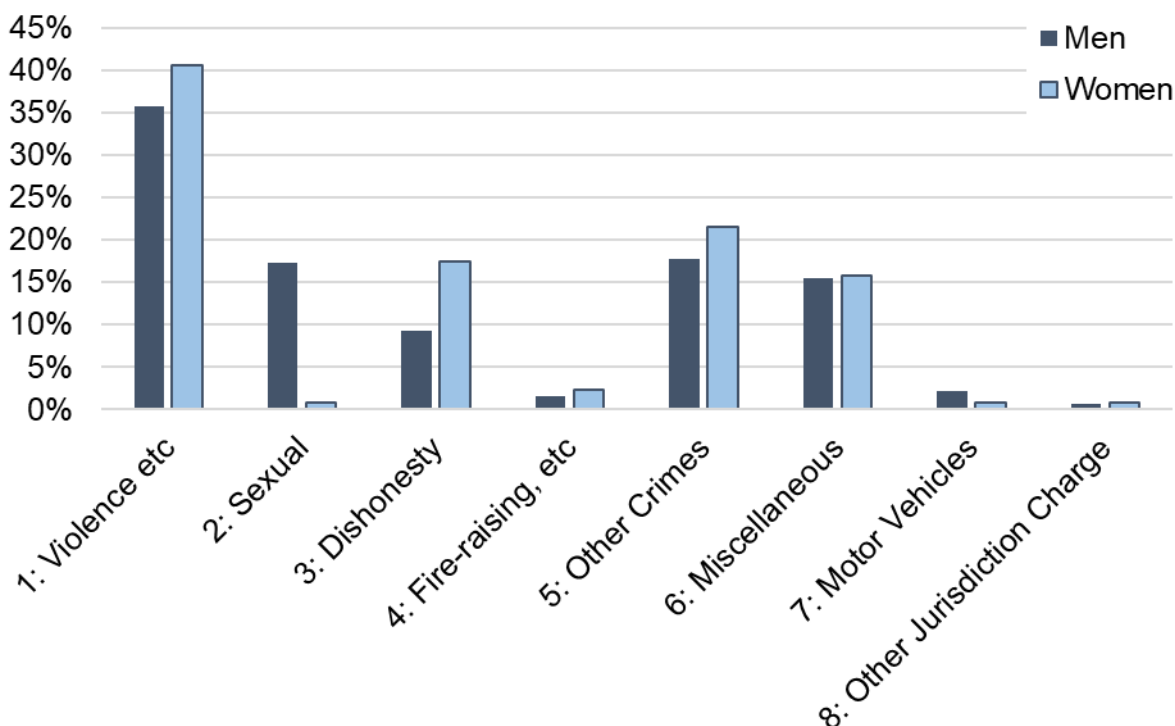
- Violent offences account for the single largest proportion of the average daily prison population from 2010-11 to 2019-20.
- A fall in the average daily population serving sentences for Violent offences from 2013-14 to 2017-17, followed by a notable increase in 2018-19 and 2019-20.
- Broad stability in Dishonesty offences, albeit with fluctuation year on year. This differs somewhat from the clear downward trend in the general prison population.
- Relatively small, stable group size across the Fire-raising etc., Motor Vehicle, and Other jurisdiction offence groupings (very small population numbers across all three).
- A sharp fall in Other Crimes, followed by an observable increase in 2019-20.
- Miscellaneous offences follow a similar pattern to the general population with a rise in the average daily numbers to 2012-13. Average daily population numbers remain stable until 2014-15 but fall substantially thereafter to 2019-20; diverging from the trend in the general population.

Figure 18: Index Offence Groups for the Sentenced Population of Women Prisoners



The most striking difference for the women's sentenced population in Figure 18 above is that Sexual offences were at very low levels in 2009-10 and have remained at low levels across the time period observed. This is in stark contrast to the large and rapid changes observed in the general population. Figure 19 further highlights the key differences in the offence profiles in the men's and women's average daily sentenced populations in 2019-20.

Figure 19: Proportion of average daily sentenced population by offence group for men and women in 2019-20



As shown in Figure 19, Violent offences (40%), Other crimes (21%), Dishonesty (17%), and Miscellaneous offences (16%) are the most common offence groupings in the women’s average daily population. In the men’s average daily population, the most common offence groupings are Violent offences (36%), Other crimes (18%), Sexual offences (17%), and Miscellaneous offences (15%). Dishonesty only accounts for 9% of the men’s average daily sentenced population.

3.1.7 Index offences for young people in custody

Figure 20 shows the changing offence profile of young people in custody (under 21 years) over time. In line with the large reduction in this sub-population overall, there have been some large reductions by offence group as well, albeit this is not the case for Sexual offences whereby the average daily population has *increased*, from 15 in 2010-11 to 28 in 2019-20. As in the adult populations, over the time period observed, the highest volume index offence group amongst young people in custody is Violent offences.

Figure 20: Index Offence Groups for the Sentenced Population of Young People in Custody

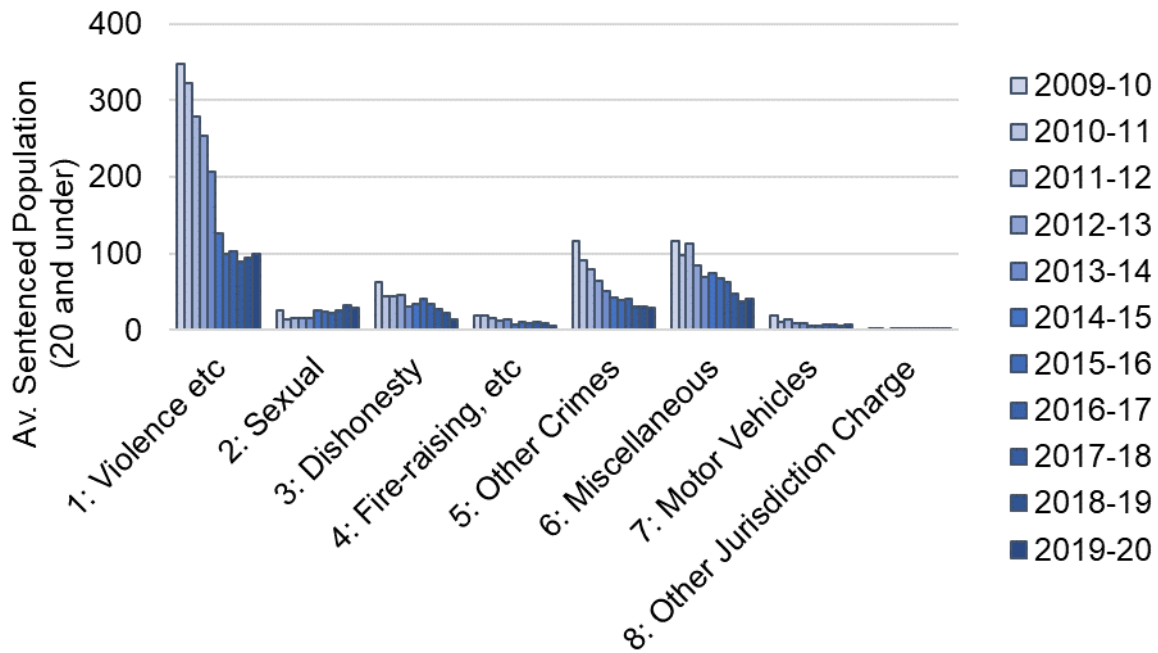
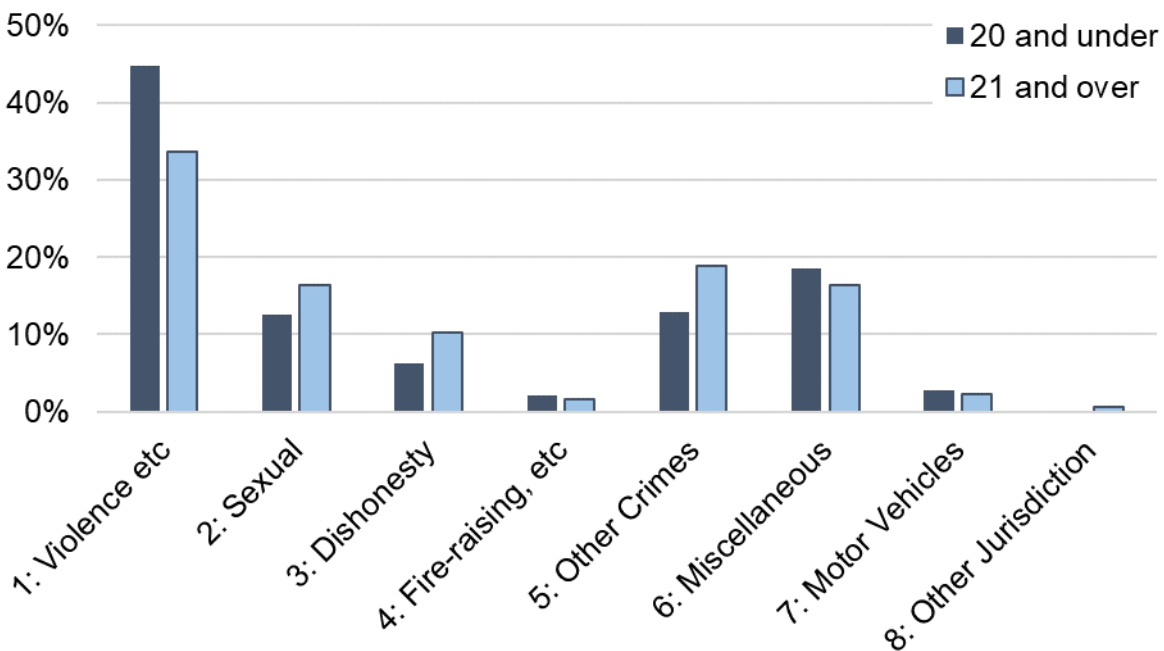


Figure 21 shows how the average daily sentenced population varies by age in 2019-20. A greater proportion of the young people’s average daily population are serving sentences for Violent offences than those aged 21 and over (45% compared to 34%). However, the proportions serving sentences for Sexual offences, Dishonesty and Other crimes are greater in the 21 and over average daily population.

Figure 21: Proportion of average daily sentenced population by offence group for young people and for those aged 21 and over in 2019-20



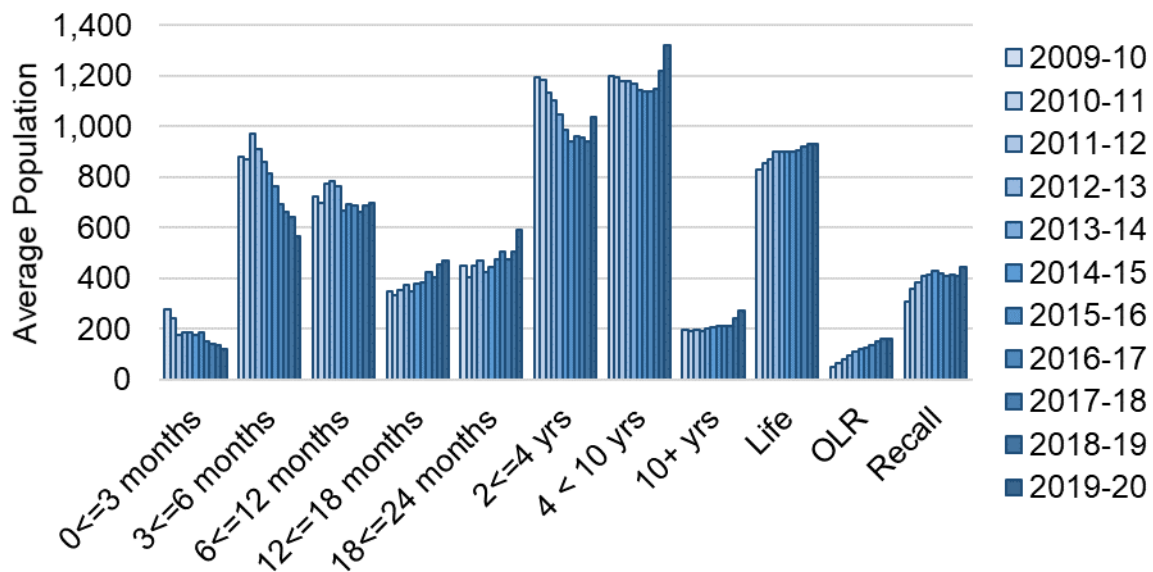
3.2 Index Sentence

In this section we examine the longest individual sentence being served by prisoners in each occupancy period; the 'index sentence'.

These categories do not represent overall sentence length, which cannot be calculated from the available data due to a lack of information as to whether multiple custodial sentences are to be served consecutively or concurrently. Where an individual is given multiple sentences to be served consecutively (a common occurrence with multiple short sentences), their overall sentence length may be considerably longer than the longest individual sentence. See section 5.6 for more information.

Short-term sentences are those of less than 4 years. As Figure 22 shows, since 2009-10 there has been a broad reduction in the average daily number of individuals serving short index sentences of 6 months or less. Meanwhile, the average daily number of individuals serving 1-2 year sentences has increased steadily over time but with pronounced increases in 2018-19 to 2019-20. The average daily number of individuals serving sentences between 2 and 4 years was decreasing sharply between 2009-10 and 2015-16. Following a period of stability, this number also rose sharply in 2019-20.

Figure 22: Index Sentence Length by Year



Looking at long-term sentences in Figure 22 there have been increases in average daily population size across the board, following both from longer term trends and more recent, rapid growth. There had been a downward trend followed by a short period of stability in the average daily population serving index sentences of 4-10 years. However, in 2018-19 and 2019-20 there have been sharp and substantial increases in average daily numbers, from 1,147 in 2017-18 to 1,318 in 2019-20.

The average daily numbers of individuals serving sentences of 10+ years had been stable between 2009-10 and 2017-18. In the last two years there has been an observable increase in the average daily numbers, from 214 in 2017-18 to 275 in 2019-20.

The average daily number of individuals serving life sentences has also grown, with observable increases between 2009-10 and 2012-13, and again between 2017-18 and 2019-20. By 2019-20, there were 948 individuals (on average) serving life sentences, up

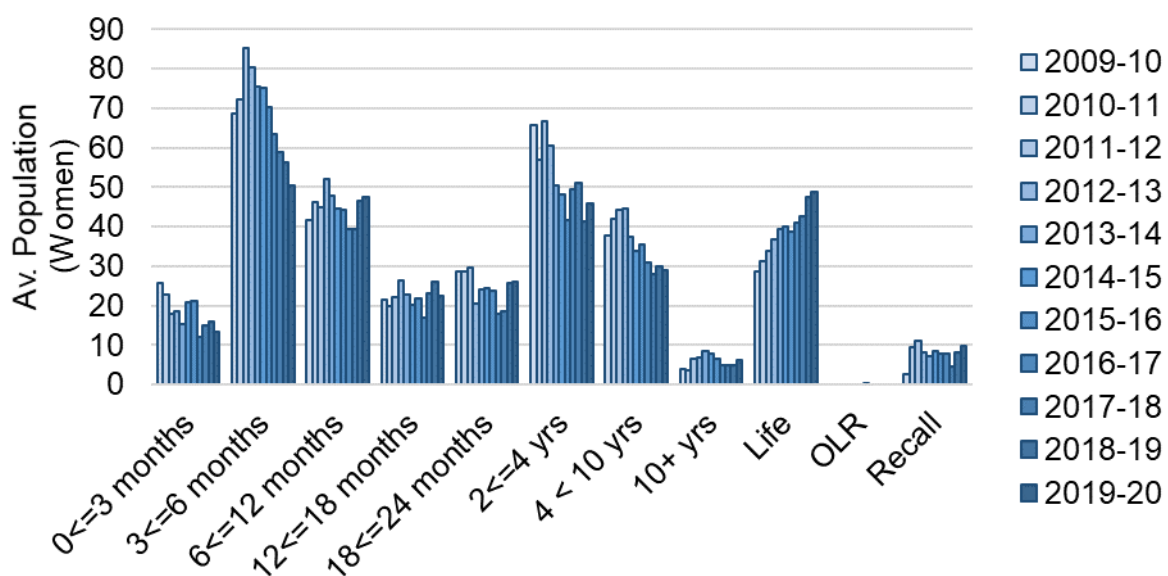
from 839 in 2009-10. The average population serving sentences with an Order of Lifelong restriction (OLR) has also grown steadily over time, from 57 in 2009-10 to 185 in 2019-20. In 2019-20, life and OLR sentences combined accounted for 17.1% of the sentenced population (in 2009-10 this figure was 13.8%).

Recalls to custody show another increase in the average daily sentenced population. The number of recalled individuals in the average daily prison population has risen 36% from 296 in 2009-10 to 403 in 2019-20.

3.2.1 Index Sentence Length by Gender

Looking at sentence length trends by gender is challenging due to the smaller numbers of women held in custody in a given year. The pattern of change over time for women is provided in Figure 23.

Figure 23: Average Daily Population of Women by Index Sentence Length



There are some identifiable trends in the average daily women’s population. There have been clear reductions in the average daily numbers serving very short sentences of 6 months or less between 2009-10 and 2019-20. There have also been substantial reductions in the average daily numbers serving sentences between 2 and 10 years.

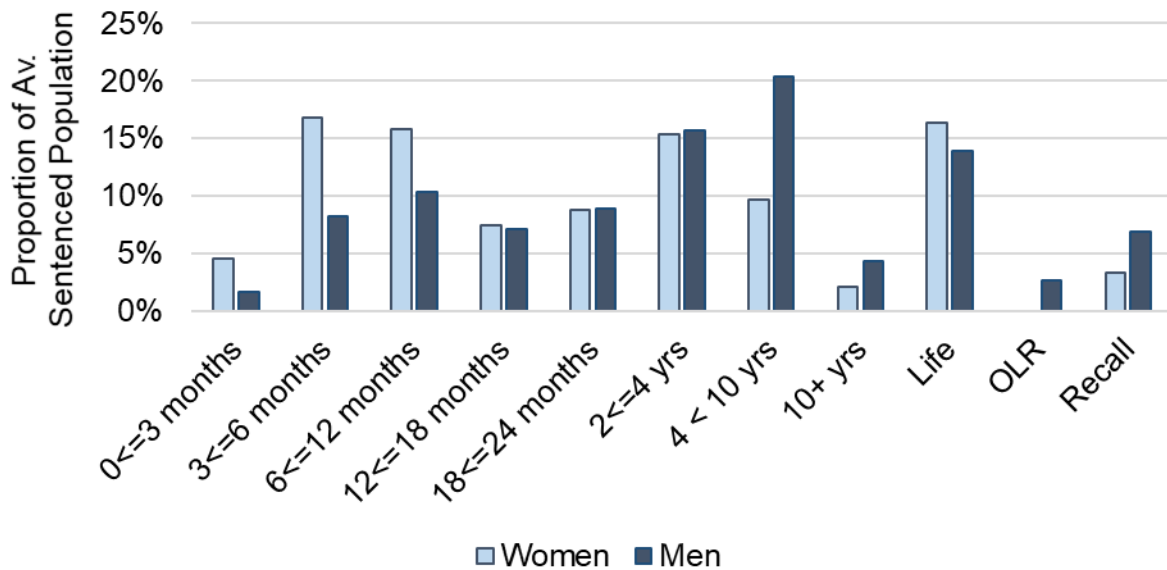
There appears to be broad stability in the average daily numbers serving sentences between 6 and 24 months, but with some fairly substantial rises in 2018-19 and 2019-20. This is a similar pattern for the smaller groups serving sentences of 10+ years and those recalled to custody over time.

There has been a clear increase in the average number of women serving life sentences, from 29 in 2009-10 to 49 in 2019-20.

Comparing the women’s average daily population with that of men, there are differences in sentence length profile. As shown in Figure 24, in 2019-20 women were somewhat more likely to have an index sentence of 1 year or less, and around half as likely to have an index sentence of 4 years or more (12% of women compared with 24% of men).

In 2019-20, 16% of women prisoners were serving a life sentence, with none on an Order of Lifelong Restriction. 14% of men were serving life sentences, and 3% on an OLR (Figure 24). Women were around half as likely to have returned to custody on recall.

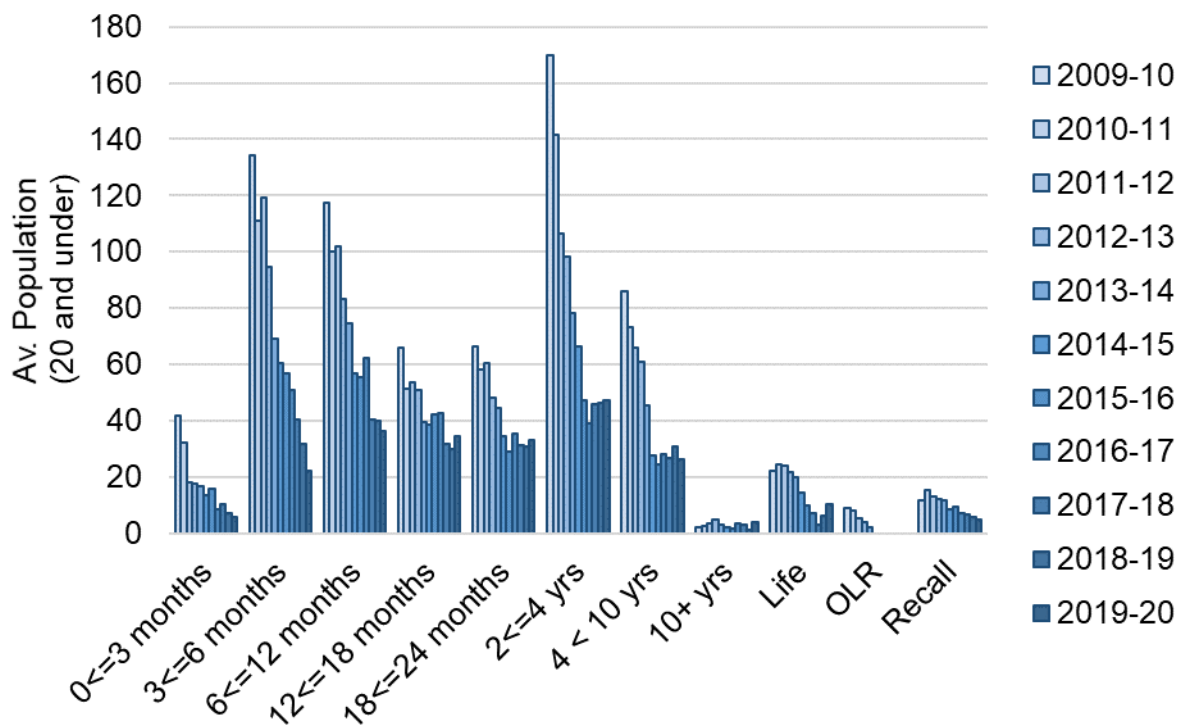
Figure 24: Distribution across Index Sentence bands for Men and Women (2019-20)



3.2.2 Index Sentences for Young People in Custody

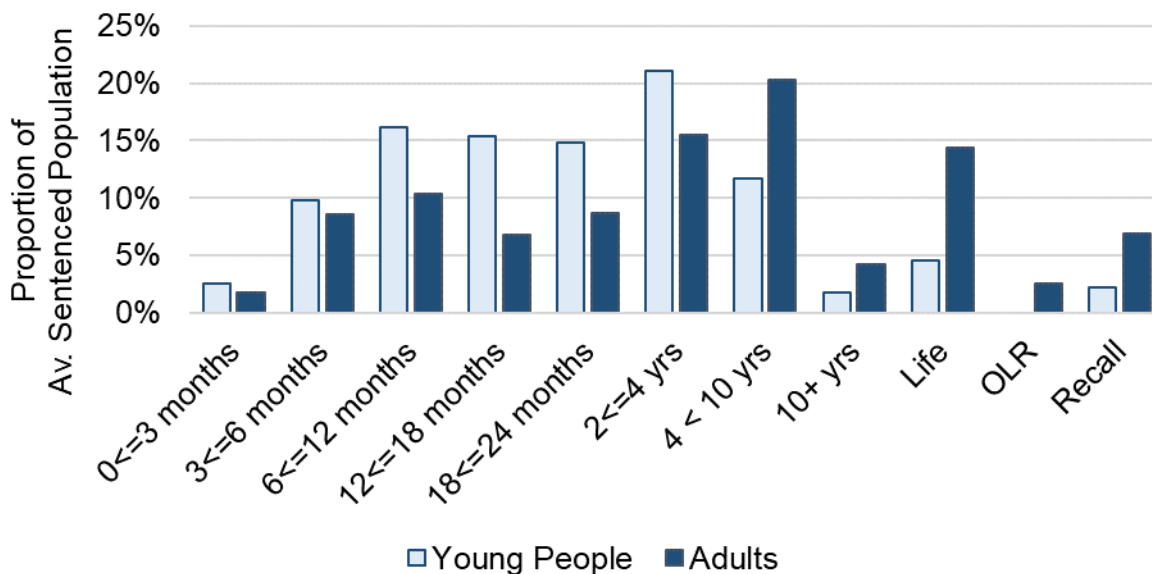
The overall trend for young people in custody is a dramatic reduction across the all index sentence bands. With the now small populations each year – an average population of 224 in 2019-20 – it is difficult to discern small variations from population trends within index sentence bands, as Figure 25 illustrates.

Figure 25: Index Sentences of Young People in Custody



As shown in Figure 26, in 2019-20, the index sentences for young people in custody were less likely to be long term (4 years or more), or to be life sentences or OLRs when compared against the adult population. Nonetheless, 4.6% of young people in custody were serving life sentences.

Figure 26: Distribution across Index Sentence bands for Young People (Under 21) and Adults (2019-20)



3.3 Remand Population Index Offences

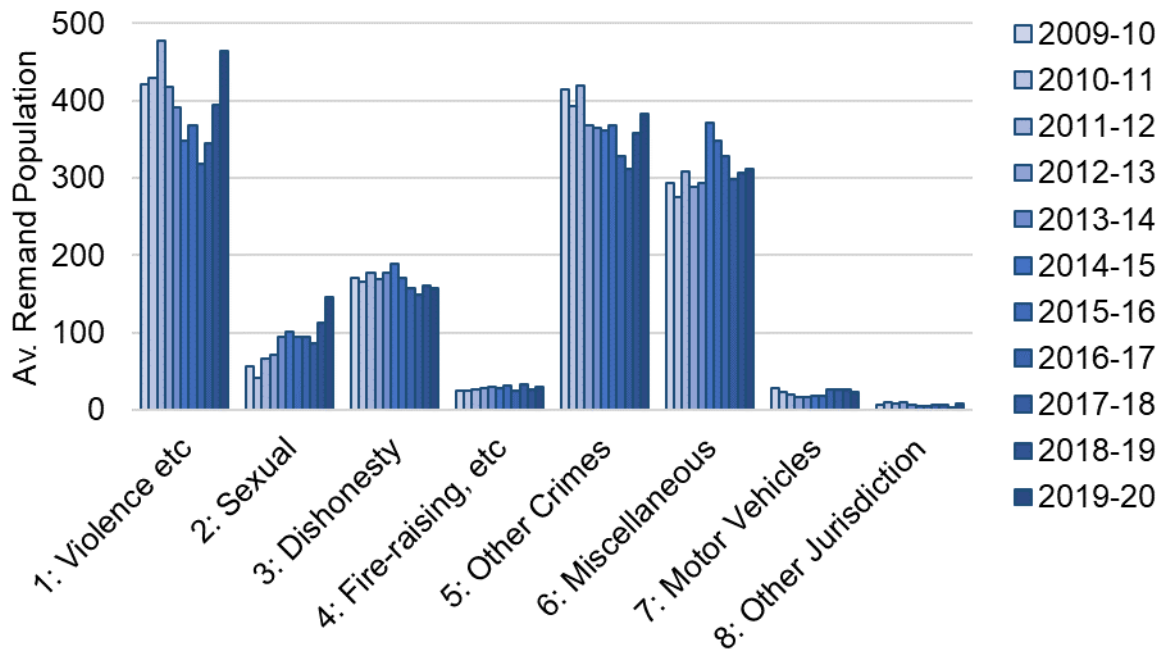
As discussed in Section 1 of this report, the remand population comprises individuals who are untried and those who are convicted awaiting sentence. To analyse index offences, these groups are examined together.

Figure 27 shows the changes in levels over time for those held untried or convicted awaiting sentence (taken together termed “Remand”) by alleged offence. The distribution across offence groups differs somewhat from the sentenced population, with a greater proportion of those remanded accused of offences in the “Other Crimes” and “Miscellaneous offences” groups.

In the “Other crimes” group, the volume of alleged offenders falling to 2017-18 and subsequently rising again to 2019-20 is driven by changes in the “Drugs” and “Handling of offensive weapons” index offence category populations.

For the “Miscellaneous Offences” group, the slow-rising trend from 2009-10 to 2019-20 with a peak in 2014-14 through 2016-17 is driven by a combination of alleged “Common assault” and “Breach of the Peace” offences. See section 3.1.5 for more information on these offences.

Figure 27: Remand Index Offence Group¹⁵ populations, 2009-10 to 2019-20



¹⁵ Shortened for the purposes of this chart, categories on the x-axis reflect the broad offence groups used by other SG publications: “Non-sexual crimes of violence”; “Sexual crimes”; “Crimes of dishonesty”; “Fire-raising, vandalism, etc.”; “Other crimes”; “Miscellaneous offences”; “Motor vehicle offences”.

“Other Jurisdiction” offences defy such categorisation due to the lack of further information held on PR2.

4 Custodial Journeys

Examining index offences and associated sentence lengths provides one summary picture of the prison population and how it is changing over time. It also allows insight in to why the prison population has risen in recent years despite crime and the number of individuals entering custody falling. However, summarising the information in this way masks the complexity of the offence profile of those in custody, as well as the complexity of their custodial journeys.

In the previous publication, information on departures from custody was provided¹⁶. Volumes of departures, liberation types and overall time served were presented, demonstrating that volumes had decreased, that release arrangements had changed, and that time served was increasing over the time period observed. With the newly developed dataset it is possible to explore departures from custody by legal status and to better examine the nature of the custodial ‘journeys’ experienced by individuals.

Section 1 of this report explained that individuals may be held in custody for a number of reasons as per the Criminal Procedure (Scotland) Act 1995 and that the prison population comprises three key groups: the **(U)**ntried population, the Convicted **(A)**waiting Sentence population and the **(S)**entenced population.

Some individuals enter and leave custody having had the same legal status for the duration of their time served/ held. Others enter custody with one legal status and transition to another before leaving. Custodial journeys vary depending on legal status on arrival and whether or not the individual transitions between legal statuses before departing. Exploring the new dataset identifies the following possible custodial ‘journey’ types:

<i>Journey type</i>	<i>Journey description</i>	<i>Summary notation</i>
Untried only	Individual enters and departs custody as untried	U__
Convicted awaiting sentence only	Individual enters and departs custody as convicted awaiting sentence	__A_
Untried to convicted awaiting sentence	Individual enters custody as untried, transitions to convicted awaiting sentence and then departs	UA__
Untried to convicted awaiting sentence to sentenced	Individual enters custody as untried, transitions to convicted awaiting sentence, and transitions to sentenced before departing	UAS
Untried to sentenced	Individual enters custody as untried and transitions to sentenced before departing	U_S
Convicted awaiting sentence to sentenced	Individual enters custody as convicted awaiting sentence and transitions to sentenced before departing	__AS
Sentenced only	Individual enters and departs custody as sentenced	___S

¹⁶ <https://www.gov.scot/publications/scottish-prison-population-statistics-2019-20/pages/6/>

The data held by the Scottish Prison Service provides the legal statuses attributed to individuals in custody and how these change during the time spent in custody. However, it cannot explain *why* custodial journeys vary in this way.

4.1 Departures by journey type

As discussed in section 2 of this report, arrivals have decreased overall across all legal status types between 2009-10 to 2019-20. This pattern is reflected in the number of departures from custody over the same time period¹⁷. Table 2 shows the volume of departures and transitions by broad journey type between 2009-10 and 2019-20:

Table 2: Total Departures and Transitions by Year¹⁸

Journey Types	U__;_A_; UA_	__S; U_S; _AS; UAS	U_S; _AS; UAS	All	U_S; _AS; UAS
Year	Remand Departure	Sentenced Departure	Remand Transition ¹⁹ & S-Departure	Total Departures	Remand Transition w/o Departure ²⁰
2009-10	8,636	8,896	3,837	21,369	2,354
2010-11	8,432	8,465	3,467	20,364	2,341
2011-12	8,713	8,266	3,592	20,571	2,590
2012-13	7,788	8,363	3,354	19,505	2,316
2013-14	7,899	8,138	3,286	19,323	2,275
2014-15	7,979	7,438	3,282	18,699	2,197
2015-16	7,571	7,101	3,134	17,806	2,231
2016-17	6,911	6,751	2,913	16,575	2,258
2017-18	6,253	6,425	2,680	15,358	2,130
2018-19	6,106	5,940	2,830	14,876	2,379
2019-20	6,544	5,484	2,713	14,741	2,269
% change 2009-10 to 2019-20	-24%	-38%	-29%	-31%	-4%

The table shows that while there have been decreases across each of the departure or transition types, the size of the reduction has varied. Consistent with the findings of increasing numbers of individuals serving longer sentences in section 3 of this report, the greatest percentage decrease has been for departures from the sentenced population.

¹⁷ Scottish prison population: statistics 2019 to 2020, <https://www.gov.scot/publications/scottish-prison-population-statistics-2019-20>

¹⁸ In a given year, an individual may transition from the remand population to the sentenced population and then depart from the sentenced population in the same year. Others will transition to the sentenced population and remain there until a later date. These transitions are noted in the table.

¹⁹ These cases are where the date of transition to the sentenced population occurs in the same year as the departure from custody

²⁰ These indicate where the sentence date occurs within the year, but the departure occurs in a subsequent year (or is yet to occur).

4.2 Journeys including periods on remand

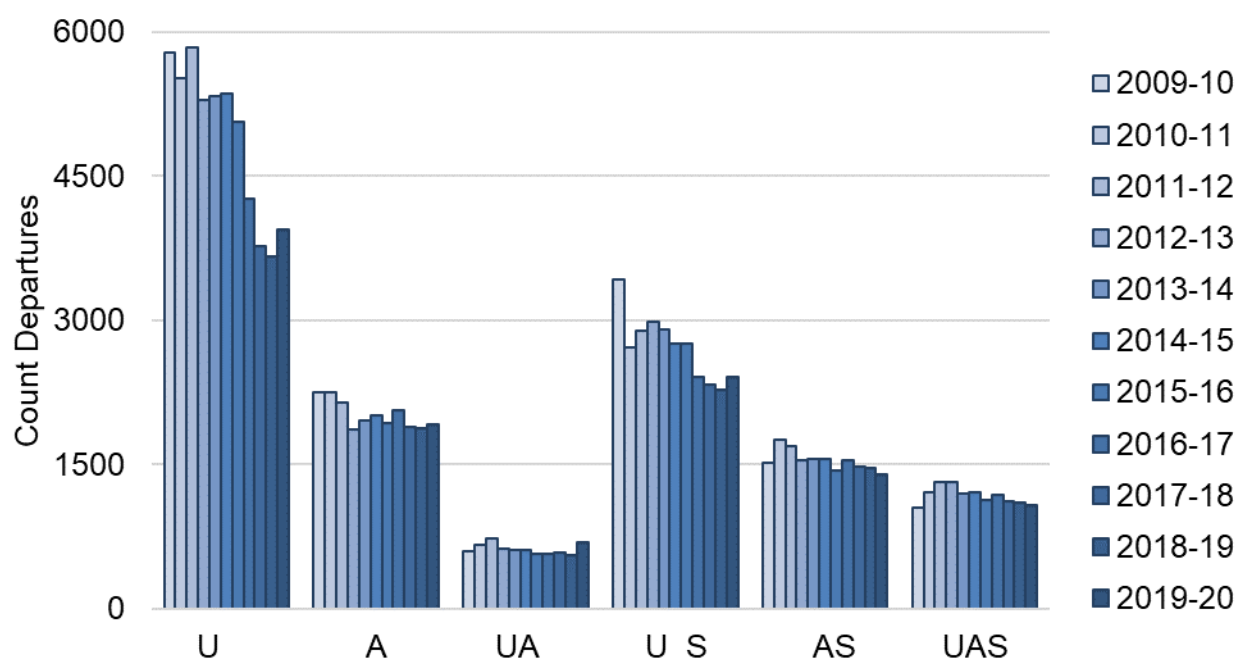
Looking at completed journey type within each year (2009-10 to 2019-20) we can examine how custodial journeys have changed over time, and, in particular, examine the experience of remand much more closely than previous datasets have allowed.

As per section 2 of this report, remand arrivals (both untried and convicted awaiting sentence) continue to comprise the majority of arrivals to custody from 2009-10 to 2019-20.

4.2.1 Nature of remand journeys

Figure 28 shows the number of completed journeys per year for custodial journeys that begin in remand. There is an overall reduction in the number of remand custodial journeys concluding from 2009-10 onwards, and the broad distribution of journey types in each year remains consistent over time.

Figure 28: Departures by journey type including remand statuses



The most commonly completed journey type in each year is 'untried only' (U__). The number of completed journeys of this type has fallen substantially (from 5,778 in 2009-10 to 3,939 in 2019-20, a reduction of around 32%), but there is an observable increase in 2019-20. In 2019-20, 'untried only' comprised just over one third of all journeys involving time on remand.

The next most common journey type is 'untried to sentenced' (U_S), and again there is an overall downward trend in the number of these journeys concluding (from 3,124 in 2009-10 to 2,312 in 2019-20). 'Convicted awaiting sentence only' (_A_) is the third most commonly completed journey type, but this has remained at a fairly consistent volume, at or around 2,000 journeys per year since 2009-10. Similar consistencies in volumes over time are observed across the remaining journey types.

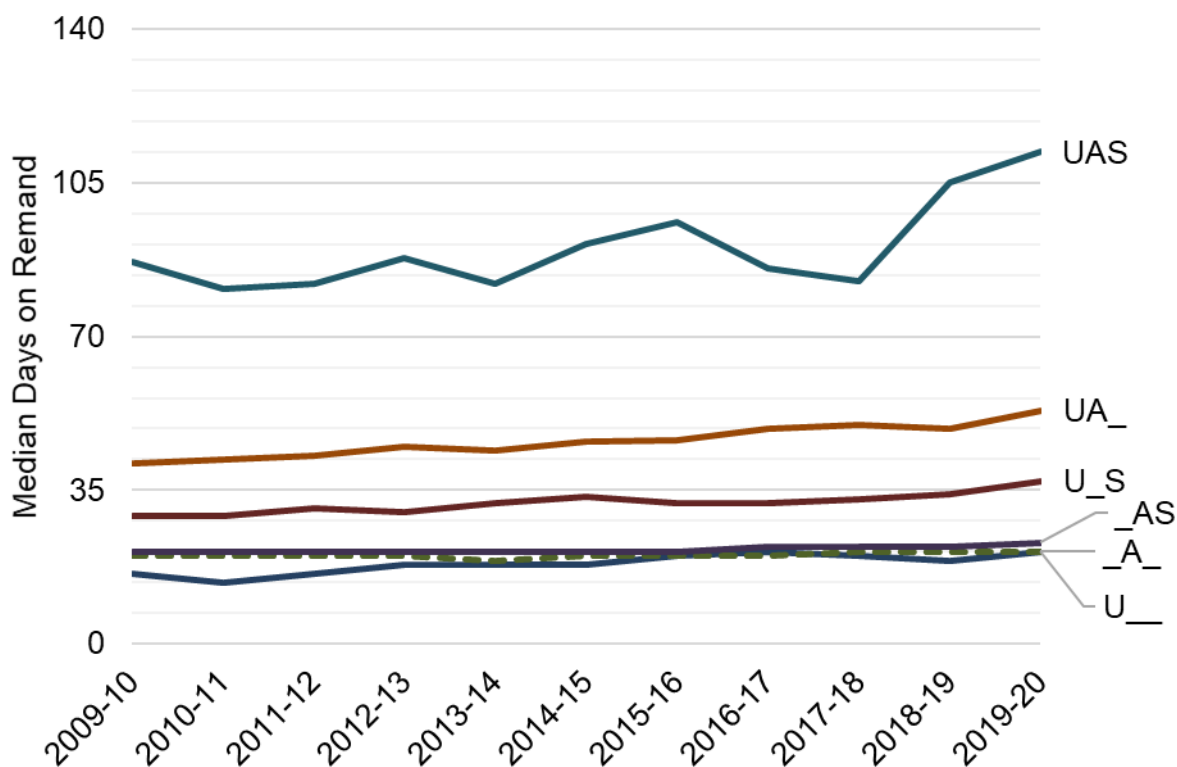
Overall, a high volume of custodial journeys that begin in remand result in an individual departing custody straight from remand (6,544 in 2019-20, or 57% of all completed

custodial journeys that began in remand). The outcome or destination of these journeys (U__, _A_ and UA_) is explored further in 4.3.1.

4.2.2 Time on remand

Figure 29 shows the median time on remand for individuals by journey type. These statistics include those individuals who completed the remand part of their journey in each year of analysis (even where the sentence was on-going at the end of that period).

Figure 29: Growing Time on Remand (Median) by Journey Type



The chart illustrates a number of findings. Firstly, the journeys associated with the shortest median time on remand are ‘untried only’ (U__), ‘convicted awaiting sentence only’ (_A_), and ‘convicted awaiting sentence and sentenced’ (_AS). All three are associated with a median time on remand of just over 20 days. Those including time ‘awaiting sentence’ have been at a consistent level since 2009-10 but ‘untried only’ journeys have increased from a median of 16 days in 2009-10 to a median of 21 days in 2019-20.

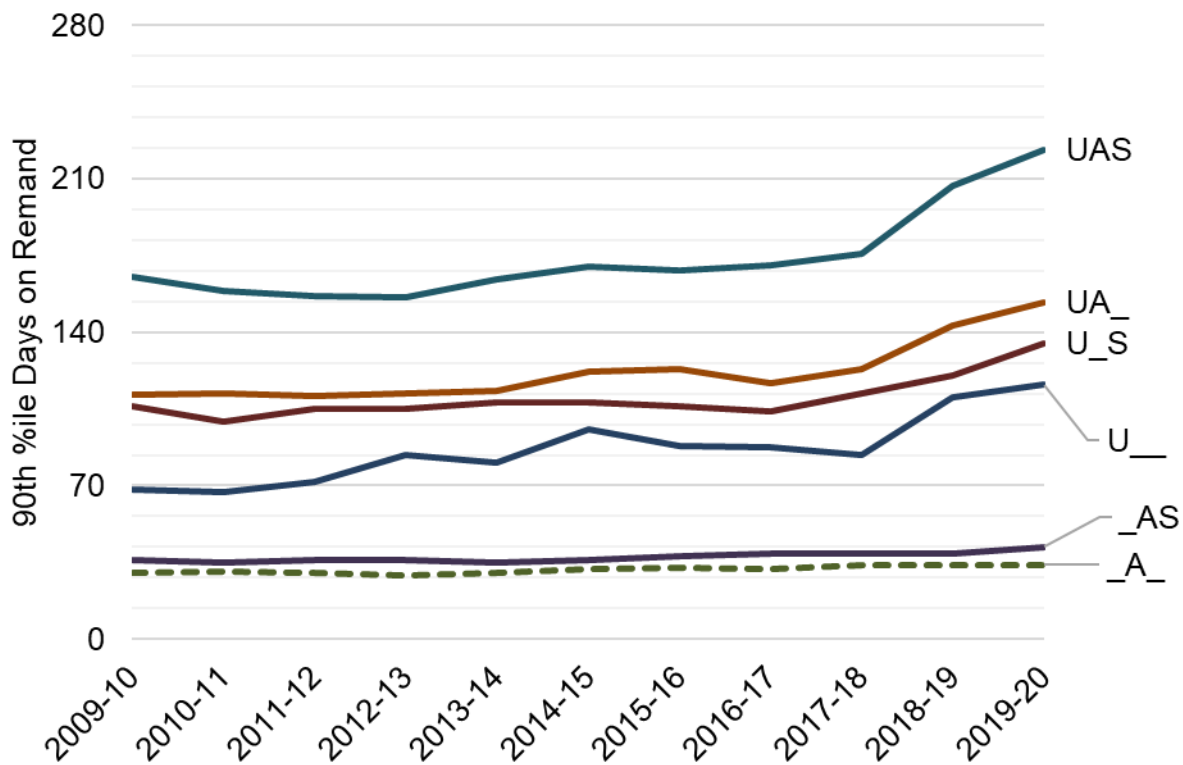
On the other hand, journeys beginning as untried and transitioning to different legal statuses are longer and appear to be increasing in duration over time. The journey associated with the longest time on remand is ‘untried, awaiting sentence and sentenced’ (UAS). Between 2009-10 and 2017-18, the median number of days spent on remand for this journey type varied between 81 and 96 days. This rose to 105 days in 2018-19, and to 112 days by 2019-20.

‘Untried and awaiting sentence only’ (UA_) is the next longest journey type, and has been increasing in duration more consistently over time, the median number of days rising from 41 in 2009-10 to 53 in 2019-20. ‘Untried and sentenced only’ (U_S) has increased from a median of 29 days in 2009-10 to 37 days in 2019-20.

Relying on a measure of central tendency (i.e. median number of days) can mask the full distribution of time spent on remand. Figure 30 shows the time at which 90% of remand

prisoners have departed or transitioned to the sentenced population is of a greater distance from the median for the transitioning untried journeys and the untried only journeys. Moreover, the number of days to reach 90% completion has grown faster than the median, particularly for the group spending time as untried. Across the different journey types, the growth in the number of days appears most pronounced from 2017-18 onwards:

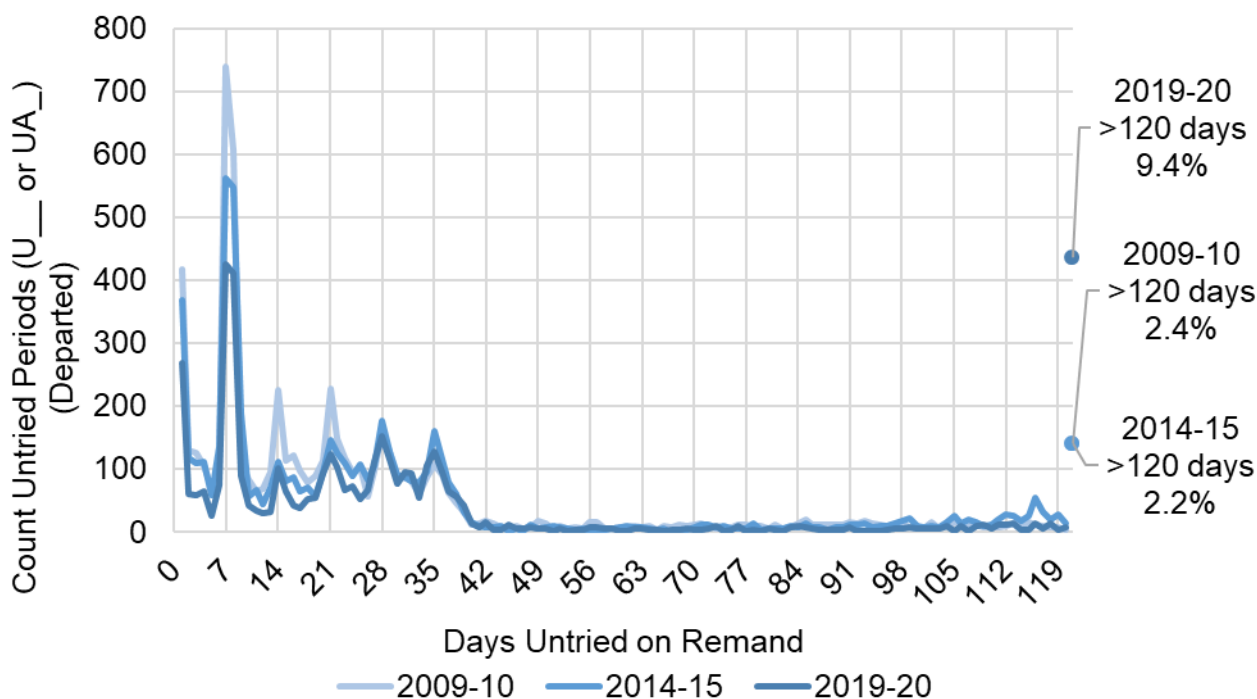
Figure 30: Time on Remand (90th Percentile) by Occupancy Profile



Exploring the distribution of time on remand in more detail, for those departing remand without transitioning into the sentenced population, there are clear peaks in the number of individuals spending specific numbers of days untried. These peaks appear to be largest at 1 and 7 days, followed by 14, 21, 28 and 35 days, as shown in Figure 31.

The number of journeys associated with the shortest stays on remand has been decreasing over time, as shown in Figure 31. For example there were around 400 stays of 7 days in 2019-20 compared with around 750 in 2009-10. The number of stays lasting 14 and 21 days also appear to be decreasing over time. Meanwhile, while 2009-10 and 2014-15 saw similar numbers of untried stays exceeding 120 days (140 and 135 respectively – around 2% of untried periods), this rose to 430 exceeding 120 days in 2019-20 (or around 9% of untried periods concluding in that year).

Figure 31: Distribution of Days Spent Untried for 'Untried only' and 'Untried and Awaiting sentence' journeys



Looking more closely at times on remand, Table 3 shows that, overall, it took longer for individuals spending time untried to leave prison in 2019-20 than in 2009-10 or in 2014-15. For example, in 2009-10 72% of individuals had departed after 28 days held on remand but this had fallen to 61% in 2019-20.

Table 3: Times to Remand Departure

	2009-10		2014-15		2019-20	
Total Departures (U__, UA_)	6,384		5,960		4,625	
Departed after... (cumulative by days)						
1 Day	418	7%	369	6%	268	6%
7 Days	1,692	26%	1,463	25%	976	21%
14 Days	2,947	46%	2,550	43%	1,717	37%
21 Days	3,788	59%	3,151	53%	2,188	47%
28 Days	4,567	72%	3,946	66%	2,812	61%
35 Days	5,198	81%	4,667	78%	3,481	75%
42 Days	5,472	86%	4,988	84%	3,778	82%
Longer Stays (Count)						
> 120 Days	141	2.2%	141	2.4%	436	9.4%

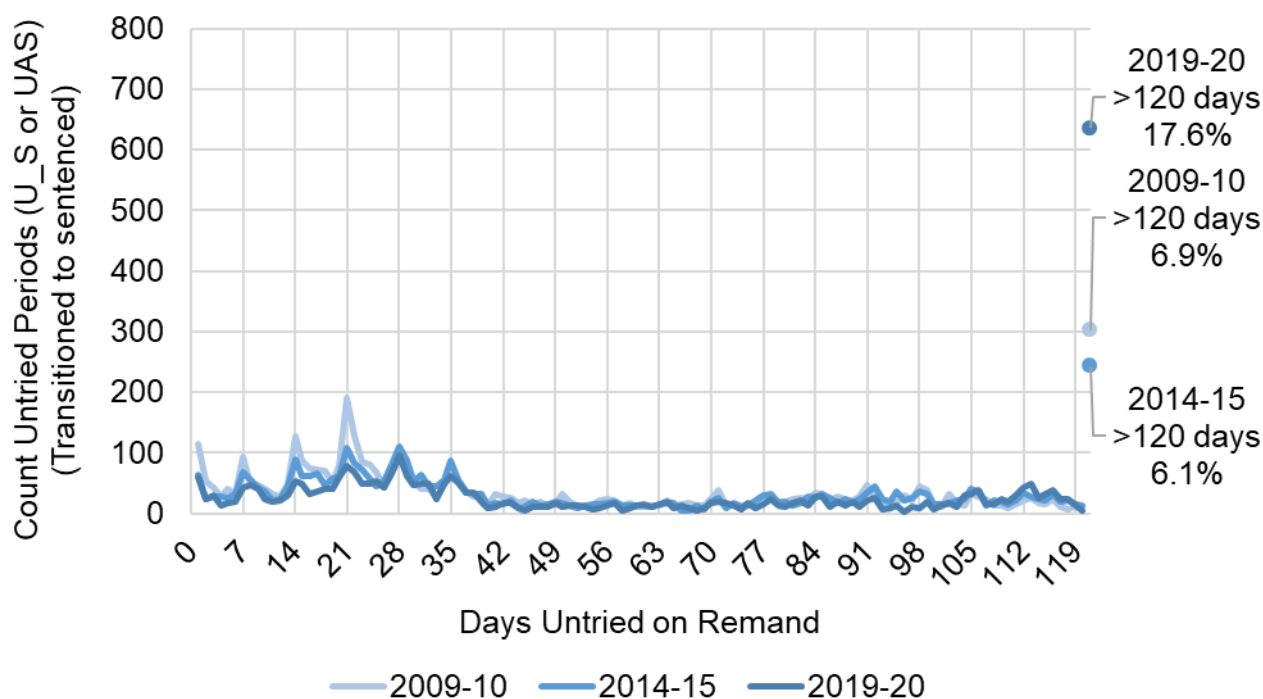
From around 40 days onwards, there is no clear weekly pattern. Those individuals staying longer than 5-6 weeks are spread over a wide range of longer durations. In 2019-20, around 9% exceeded 120 days on remand prior to their departure, up from around 2% in previous years.

Journeys that result in a transition from the remand to the sentenced population typically spend longer periods in remand than those journeys leading straight to a departure.

The distribution of days on remand for transition journeys (Figure 32) shows that the peaks observed at 1, 7, 14, 21, 28 and 35 days still exist, indicating that some transitions to the sentenced population happen relatively quickly. These peaks have also been shrinking in size between 2009-10 and 2019-20.

Overall, the tail of the distribution for transition journeys is longer in 2019-20 than in previous years, and a greater proportion of these journeys see a period of 'untried' of longer than 120 days, increasing from 6.7% in 2009-10 to 17.3% in 2019-20.

Figure 32: Distribution of Days Spent Untried, U_S and UAS Occupancy Profiles



It is evident from Figure 32, and from Table 4, that a lower – and decreasing – proportion of transition journeys completed their time on remand within 5 or 6 weeks than for the departure journeys in Table 3. For example, in 2009-10 only 6.9% of transition journeys took more than 120 days to complete time on remand. By 2019-20 this had risen to 17.6% of journeys.

Table 4: Cumulative times to Remand Transition

Financial Year	2009-10		2014-15		2019-20	
Total Transitions (U_S, UAS)	4,403		3,983		3,612	
Transition after... (cumulative)						
1 Day	115	3%	64	2%	60	2%
7 Days	402	9%	268	7%	206	6%
14 Days	772	18%	581	15%	440	12%
21 Days	1,397	32%	1,044	26%	776	21%
28 Days	1,972	45%	1,545	39%	1,200	33%
35 Days	2,330	53%	1,981	50%	1,536	43%
42 Days	2,548	58%	2,186	55%	1,714	47%
Longer Stays (Count)						
> 120 Days	302	6.9%	243	6.1%	636	17.6%

4.3 Liberation types

The previous publication provided information on the liberation reasons or ‘types’ recorded on the SPS prisoner records system. Here we break these down by legal status to explore differences between the remand and sentenced populations.

Note that the way that liberation descriptions have been combined has changed slightly for the purposes of this publication. See section Table 8 for further information.

4.3.1 Sentenced Departure Liberation Types

Table 5 provides details of the liberation types associated with departures from a sentenced legal status.

Table 5: Sentenced departure liberation types²¹ (* denotes less than 5)

Liberation Type	2010-11	2011-12	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20
Sentence Served	8481	8473	8164	7494	7267	6687	6166	6246	6417
On licence/Parole/SRO/HDC	2346	2427	2376	2359	2116	2116	2119	1524	851
Court/PF	298	216	264	258	258	241	260	321	327
(Missing)	178	188	144	129	156	147	137	205	189
Immigration/Deportation	172	152	126	160	168	165	169	146	130
Other	215	168	182	151	120	145	107	117	105
Bailed	24	38	26	25	18	*	6	19	25
Fine Paid	49	22	18	27	18	25	17	16	25
Appeal/Pardon	*	5	10	9	8	8	18	13	9
Grand Total	11767	11689	11310	10612	10129	9537	8999	8607	8078

From 2010-11 to 2017-18, around 70% of sentenced liberations completed their sentence and were released, with between 20-24% released on license, parole, supervised release order (SRO) or Home Detention Curfew (HDC) in any given year. However, the proportion of conditional releases decreased to 17% in 2018-19 and to 11% in 2019-20. As a result, in 2019-20 the proportion of sentenced departures following completion of full sentence had risen to 79%.

In around 2% of sentenced releases, there was no associated liberation type due to missing data. In a minority of cases – 3-4% – a liberation type usually associated with remand departures are associated with sentenced departures. Court or Bailed liberation types for individuals released from a sentenced status might indicate that these individuals spent some time on remand directly following the completion of a sentence. This remand time would not be logged in the cellWise data build, as discussed in section 5.3.

4.3.2 Remand Departure Liberation Types

Table 6 provides details of the liberation types associated with departures from remand legal statuses.

²¹ SRO: Supervised Release order; HDC: Home Detention Curfew

Table 6: Remand departure liberation types (* denotes less than 5)

Liberation Type	2010-11	2011-12	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20
Court/PF	7,532	7,847	7,078	7,159	6,807	6,274	5,680	5,420	5,830
Bailed	616	628	647	648	573	435	403	519	528
Other	40	39	37	52	49	45	51	60	60
Immigration/ Deportation	121	98	52	36	64	91	54	46	54
(Missing)	65	38	43	26	28	31	25	32	54
Sentence Served On licence/Parole/ SRO/HDC	49	59	35	52	40	28	35	21	12
Appeal/Pardon	8	*	6	6	8	*	*	5	*
Fine Paid	*	*	*	0	*	*	*	*	*
	0	0	0	0	0	*	0	0	0
Total	8,432	8,713	7,899	7,979	7,571	6,911	6,253	6,106	6,544

Remand departures are associated with 'Court' liberations in between 85% and 91% of cases since 2010-11 (89% in 2019-20). 'Court' liberations indicate that either: the individual is acquitted; the individual is admonished; the individual has received a non-custodial disposal for their offence when found guilty; or that the case has been dropped. The information provided to SPS when an individual is released from custody does not explain the full circumstances of each departure, so it is not possible to differentiate these outcomes using data from the prisoner records system alone. Further analysis linking the SPS derived data to the data held by other justice agencies would be required to establish specific outcomes.

A further 6-8% of departures relate to the individual being placed on bail after spending some time on remand (8.1% in 2019-20).

A small number of departures from remand are associated with sentenced liberation types: Sentence Served, On licence/Parole/SRO/HDC, Appeal/Pardon or Fine Paid. This indicates that there are some situations where a sentencing warrant has not been received by SPS, and we are potentially categorising these individuals as remand-only occupancy profiles in error. These amount to less than 1% of all remand departures each year, and only 0.3% in 2019-20. Departures from remand that can't be associated with a liberation type make up a similar level – less than 1% – except in 2009-10 when they made up 4.9% of the total.

5 Technical Annex

5.1 Data Words

Stint	As defined in SPPS 2020, a stint is a continuous cell allocation in a specific prison establishment.
Occupancy Period	A series of consecutive stints, where the entry date of the second is equal to the exit date of the first (and so on).
Arrival and Departure	A prisoner arrival is a stint that begins on a separate day from the previous departure for that prisoner. An Occupancy Period begins with an arrival and ends with a departure.
Warrant	Information provided by the Scottish Courts and Tribunals Service indicating the basis for and (in the case of determinate sentences) duration of a stay in prison
Warrant span	<p>The duration attributed to the effect of a warrant. For warrants without a stated length – i.e. those that do not define a determinate – remand warrant are given a standard span of 10 days. Sentenced warrant spans are equal to the length of the sentence. Life sentence warrants spans are effectively infinite.</p> <p>Note that this attribute is not necessarily the same as sentence length, and is used solely to attached warrants to occupancy periods.</p>

5.2 Determining Prison Occupancy: the “cellwise” method

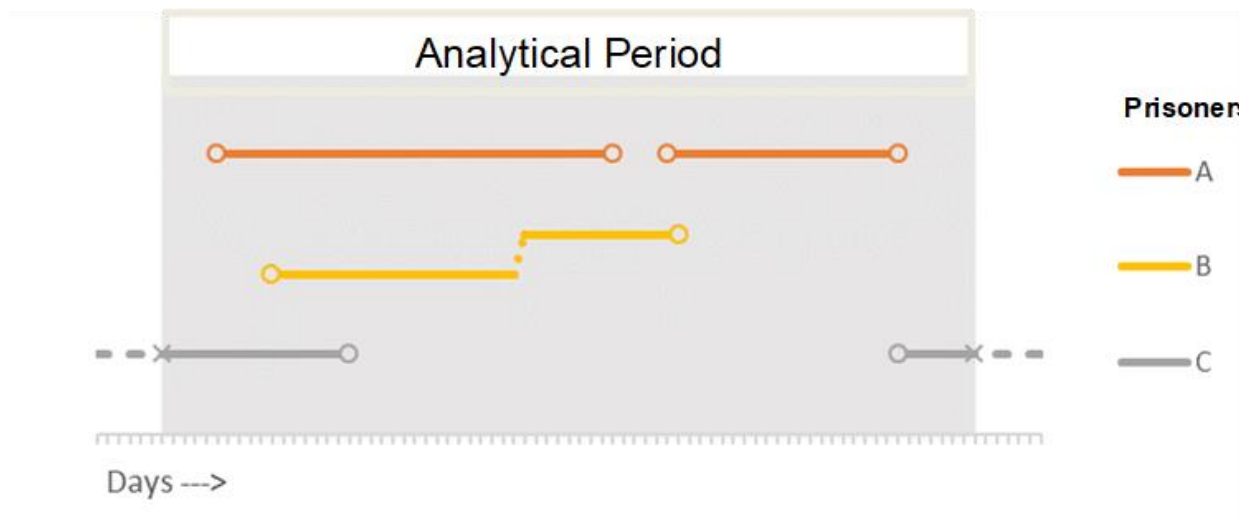
The most complete record of a prisoner’s presence in a prison establishment that is retained in sufficient detail historically on the SPS management information system (known as PR2) is the occupancy by prisoners of specific cells in the estate.

A stint in prison is defined as the period in which a prisoner has an allocated cell (or series of cells) in an SPS establishment. A worked example is given in Figure 33. In this example, Prisoner A has two stints within an analytical period, represented by the dates that the cell was allocated to them and subsequently de-allocated.

Where a prisoner moves between cells but not between establishments, the stints are combined into a single, continuous period of occupancy in that establishment, as with Prisoner B below. Movements between establishments are kept separately to allow for prison-level analysis of the population.

For statistics within a defined time period (annual, quarterly, monthly), only presence within that period is counted. Prisoner C also has two stints in prison: they entered prison before the period began and the second stint ends after the analytical period. Only the days served in the analytical period are counted towards their weight in the annual average statistics; days served afterwards are out of scope.

Figure 33: Deriving stints in prison from PR2 cell data



A prisoner's occupancy (in days) within an year provides each prisoner with a weight for analysis. For example the average population over a year across the prison estate is the total number of prisoner days served, divided by the number of days in that year.

When calculating the length of a stint, some edge cases exist: for example when a prisoner enters and leaves prison on the same day. Since the time of entry and exit are not recorded in these data, this would count as zero prisoner days, and therefore zero weight. To account for this, such stints are given a value of 0.25 prisoner days (6 hours) by default.

5.3 Sequencing Warrants

Information on cell occupancy is supplemented here with information held on warrants issued to the SPS in respect of accused and convicted individuals during the course of criminal proceedings.

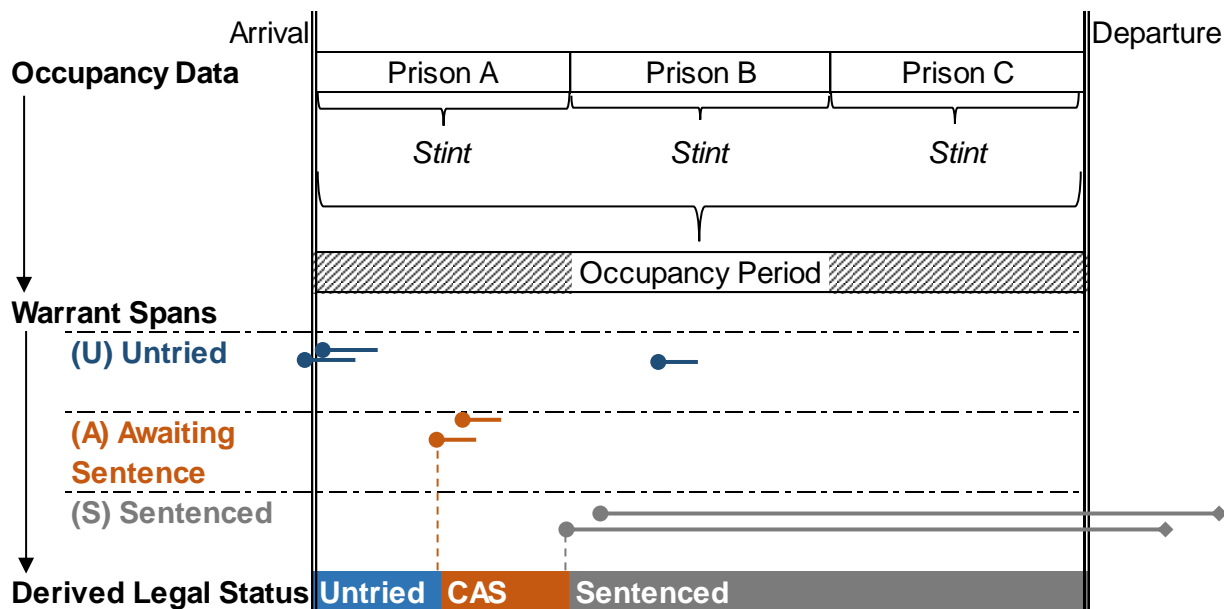
Based on this combined data, a number of new measurements of the prison population become possible. These are designed to be internally consistent and comparable across time and between population segments.

A number of steps are required to link the previously derived occupancy data with information held on PR2 about legal status, offences, sentences, etc.

1. The spine of this dataset is the cellwise occupancy data derived in the previous publication
2. From that spine, the occupancy periods are derived based on continuous occupancy in any SPS establishment
3. Warrant spans are derived, based on the start and (nominal) end date of each warrant held on PR2.
4. Warrant spans are joined to occupancy periods by date overlap
5. The first warrant of each type defines the start of that legal status within each period

Legal statuses in each period are determined one-directionally, from Untried (U) to Awaiting Sentence (A) to Sentenced (S). Subsequent warrants of a lower level do not change the legal status. E.g. once the sentenced period of an occupancy period starts, it remains sentenced until departure. Figure 34 provides an illustration of this, where an Untried warrant span occurs halfway through the occupancy period but does not change the derived legal status.

Figure 34: Deriving Legal Status in Occupancy Periods²²



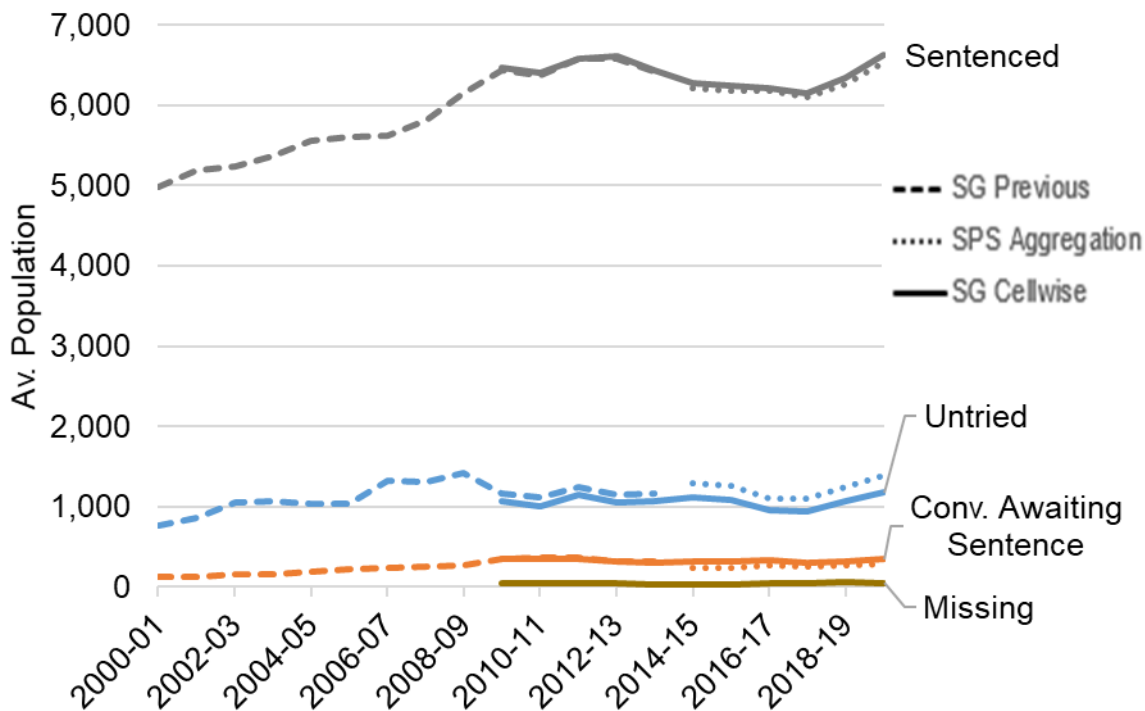
The new cellWise dataset has been designed to provide comparison against previous sources for context, although the measurements being made are often rather different. Figure 35 provides a comparison between the three sources available to us on the legal status of prison populations since the financial year 2000-01. There are small but clearly systematic discrepancies between sources where they overlap.

For the average daily untried population, the cellWise data under-estimates the size of the population compared with the previous SG Official Statistics and compared with the continuity statistics from SPS aggregation. It (cellWise) also overestimates the sentenced population to a very small degree.

The convicted awaiting sentence (CAS) population is slightly underestimated by cellWise compared with the Official Statistics, and overestimates it relative to SPS aggregations. This is certainly a result of the single direction hierarchy necessarily applied to legal statuses in the course of a period in prison, where the first warrant with the CAS status changes the overall legal status irreversibly until the first sentenced warrant is lodged.

²² Warrant spans are shown as ●— for remand warrants or ●—◆ for sentencing warrants. See section 5.4.3 for more information on how these warrant spans are defined

Figure 35: Prisoner Legal Status Average Population by Source



5.4 Determining time on remand

Time within an occupancy period may then be divided into three broad types of occupancy in prison:

- **U:** Untried: Unconvicted individuals held in prison awaiting court proceedings
- **A:** Convicted Awaiting Sentence: Time spent convicted of an offence but awaiting a sentence. Sometimes shortened to “CAS”.
- **S:** Sentenced: Time spent in prison with a custodial sentence. This includes individuals with determinate sentences, life sentences or those recalled to prison after previously being released.

It should be noted that U- or A-time indicates the length of a period **after the first** designation in each category, before entering a subsequent status. With the available data it has not been possible to attribute backwards movement through the U-A-S hierarchy. Some prisoners may, after completing a sentence, remain in prison awaiting trial or sentencing or additional offences. This is evident in occupancy periods ending in a sentenced status being liberated “On Bail”, or other liberation types associated with remand prisoners.

We are not able to attribute the times spent on remand at the end of sentenced occupancy periods with the current data design.

Each warrant has several associated dates. For this build the most important are:

- the warrant **issue** date – the date the warrant was provided by the Court
- the warrant **start** date – the date from which the warrant was effective

5.4.1 Sequencing Dates

For sentencing warrants in particular, a start date can pre-date its issue date. This is often the situation where a prisoner has spent a period on remand which counts towards the service of their subsequent sentence.

For the purpose of sequencing, the full effective period of a warrant – its span – is used to associate warrants to occupancy periods. *The earlier of the issue and start date* defines the first date in a warrant span.

5.4.2 Legal Status Transitions

When we seek to attribute legal statuses to time within a period, the *warrant issue date* is used to show the contemporaneous effects of the warrant.

This more accurately reflects the results of a snapshot on any given day, and the separation of populations in prisons (as remand prisoners are required to live separately from people serving a sentence).

5.4.3 End Dates

PR2 is a live system, providing in-depth information about the prison population at the time it is consulted. Some information is retained when it ceases to be active on the current prison population, which allows us to produce the retrospective statistics in this and previous bulletins.

Some information that would be useful for this purpose, however, is not reliably retained. This is the case for the effective end dates of warrant records. As a result we have needed to make some assumptions about warrant spans.

Untried/CAS: We have assumed a 10-day duration on warrants with this legal status. This allows a margin for error in associating them with occupancy periods, i.e. where a remand warrant is registered prior to the individual being admitted.

Determinate Sentences: The full duration of a sentence is used to associate sentencing warrants with occupancy periods. This is one option for attributing an end date, and a known counterfactual.

All else being equal, prisoners on determinate sentences can generally expect to serve half to two-thirds of their sentence before being considered for parole. This provides is the second option for attributing an end date.

There are pros and cons to both options. Applying the full length of a determinate sentence could result in a period on remand being “over-written” in error by a pre-existing sentence. However, using only a proportion of the sentence length to define the warrant span resulted in a large number of periods where durations could not be attributed to a legal status or offence.

Since prisoners can be recalled from parole for breach of conditions and return to serve out the remainder of that sentence, the longer span is preferable to applying a rule of thumb based on *likely* service.

Given that the remand estimates provided by cellwise are largely in line with that of other sources, misattribution of remand time to sentenced would appear to be a relatively small effect.

Life Sentences: Life sentences (of all types) are attributed with an effectively infinite determinate length. Any life sentenced prisoner who is released may be returned to prison for a variety of reasons. Regardless, they will continue to be classed as a life sentenced prisoner on their return.

Further work is again required to gather the full information about the basis for life recalls. In these statistics, life sentenced and life recall prisoners are accounted for together under the index offence based on all sentenced warrants (including the life sentences) associated with their occupancy period.

5.5 Index Offences

People are often incarcerated for a number of offences at once.

Due to the structure of the warrant file in PR2, it is not always possible to disentangle which offences are active or inactive at what stage of an occupancy period.

We therefore provide statistics on **Index Offences**, which are determined at occupancy period level. Index offences are intended to represent the most serious offence for which a prisoner is incarcerated.

5.5.1 Sentenced Index Offences

For the collated sentencing warrants applicable over an occupancy period, we must pick the index offence based on the following prioritisation:

1. the offence associated with a life sentence
2. where there are no life sentences, the offence associated with the longest determinate sentence
3. where multiple offences have the same sentence, the index offence is the offence associated with the longest average sentence length, as shown in Table 7

There are several uncertainties introduced into our reckoning as a result.

- Individuals may be sentenced for a less serious offence first, and spend several months serving that sentence while awaiting trial, receiving the heavier sentence later in the occupancy period. Particularly where the occupancy periods overlap multiple years, we may therefore over-count certain offences in-year when compared with custodial sentence statistics from criminal proceedings statistics²³
- Individuals might serve a series of consecutive sentences for lesser offences. It may appear that individuals remain in prison for extended periods for what looks like a single, lesser offence. However this extended period might be justified by multiple instances of offending.
- Offence categories are quite broad, and there is a good deal of variability in sentence lengths for the 35 offence groups. The average sentence length is arguably a poor measure of the actual severity of each of these categories taken together.

²³ Criminal proceedings in Scotland: 2018-2019, <https://www.gov.scot/publications/criminal-proceedings-scotland-2018-19/>

5.5.2 Remand Index Offences

Where warrants do not have associated sentences, the determination of the index offence is based solely on the **average sentence** for each category, as shown in Table 7. Average sentence is provided by Criminal Proceedings statistics²⁴.

Table 7: Offence Categories ordered by Average Length of Sentence

Scottish Government Top 35 Offence Category	Ordered by Average Length
1 Homicide etc.	1
5 Rape and attempted rape	2
4 Other non-sexual crimes of violence	3
2 Attempted murder and serious assault	4
6 Sexual assault	5
3 Robbery	6
8 Other sexual crimes	7
17 Fire-raising	8
22 Other other crimes	9
21 Drugs	10
9 Housebreaking	11
20 Handling offensive weapons	12
15 Fraud	13
28 Dangerous and careless driving	14
27 Other miscellaneous offences	15
26 Urinating etc.	16
23 Common assault	17
11 Theft from a motor vehicle (OLP)	18
12 Theft of motor vehicle	19
10 Theft by opening lockfast places	20
16 Other dishonesty	21
18 Vandalism etc.	22
31 Unlawful use of motor vehicle	23
14 Other theft	24
24 Breach of the peace etc.	25
29 Driving under the influence	26
19 Crimes against public justice	27
13 Shoplifting	28
35 Other motor vehicle offences.	29
33 Seat belt offences	30
34 Mobile phone offences	31
7 Crimes associated with prostitution	32
25 Drunkenness and other disorderly conduct	33
30 Speeding	34
32 Vehicle defect offences	35

²⁴ Criminal proceedings in Scotland: 2018-2019, <https://www.gov.scot/publications/criminal-proceedings-scotland-2018-19/>

5.6 Index Sentence Length

Determining the overall length of sentence a prisoner is serving in a given occupancy period has not been possible with these data.

On arrival to prison, an officer calculates the overall sentence length of the prisoner individually based on a combination of the sentences they arrive with. This includes information from the Court about whether sentences are to be served consecutively or concurrently. This information is not transferred to PR2 and therefore cannot be used in our calculations. Overall sentence length can also change over the course of a period in prison, as more convictions and sentences may be forthcoming during that period.

Sentencing warrants are associated with occupancy periods as described in section 5.4.1. However, information about how these discrete records should be processed and combined is largely absent from the system.

To be able to provide some information about the sentences leading to incarceration, we have identified the longest sentence in each occupancy period as the Index Sentence Length.

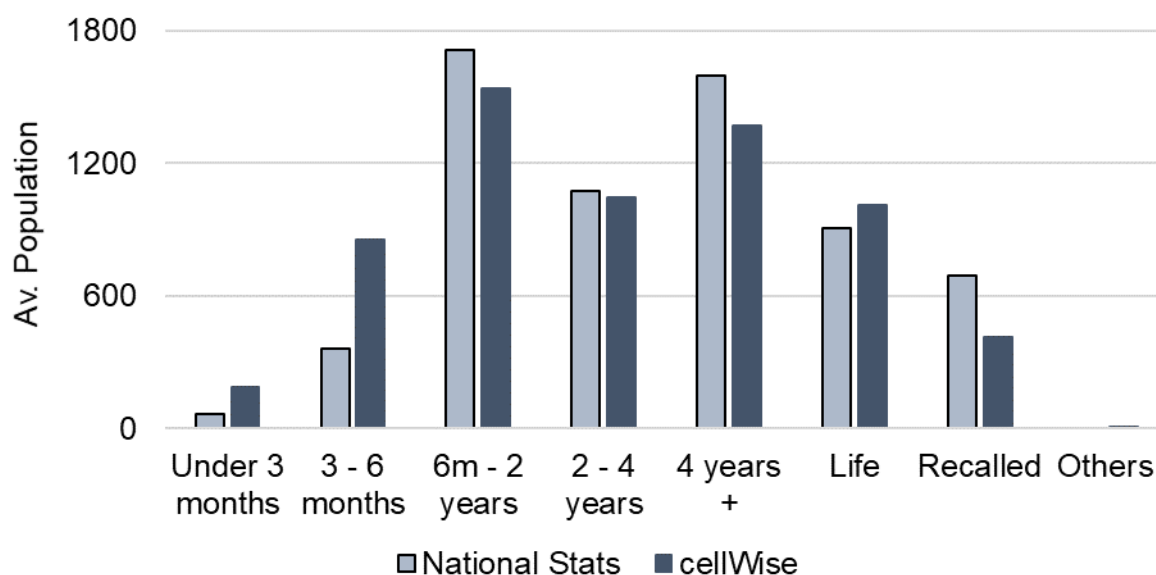
Where, for example, a prisoner is serving a sentence of multiple years as a result of several consecutive shorter sentences, they will be categorised by index sentence length as the longest of those constituent sentences.

Added to this information on determinate sentences, we have included the available information about life sentences and certain recall types.

5.6.1 Validation

We can compare the distribution of prisoners by sentence length in 2013-14 from this newly build data set with the previously published statistics²⁵, as shown in Figure 36.

Figure 36: Sentence Band Comparison with SG 2013-14 publication



²⁵ [Prison statistics and population projections Scotland: 2013-14 - gov.scot \(www.gov.scot\)](http://www.gov.scot/publications/prison-statistics-and-population-projections-scotland-2013-14/)

The previous statistics publication was based on a collation of daily snapshots, and therefore retained the overall sentence length information from the live PR2 system.

The following differences between sources can be observed:

- Excess of prisoners in the categories under 6 months and a dearth of those in the longer sentence length categories.
This is likely a direct result of our inability using the cellWise data to reliably combine sentences, whether consecutively or concurrently
- Excess of life prisoners: Life sentences are given precedence over sentences in the cellWise build, and may legitimately over-ride determinate sentenced stints for some prisoners.
- Dearth of recalled prisoners: Recall is given precedence in this categorical description over determinate sentence lengths. Individuals recalled to custody may quickly complete their sentence on recall then transition to an alternative sentence or remand group. This subsequent movement would not be detected, as described in section 5.3

As a result of these shortcomings in the utility of these data, we cannot say that the newly constructed data reflect the population in the same way as the previous data set. Throughout this report we therefore refer to the “index” sentence, rather than overall sentence length, to differentiate these two different metrics.

5.6.2 Life Sentences

Life sentences are persistent: they continue to be in effect even after a prisoner is liberated. When an individual returns to custody after a period at liberty, for whatever reason, if they were previously given a life sentence they will continue to serve it. This life sentence will continue to be the longest sentence they are serving, and the offence associated with the life sentence will continue to be classed as their index offence.

Due to the persistence of life sentences, some of the warrant data associated with older life sentences has been lost.

Information about the life sentence type (standard life sentence or OLR) is retained on a separate table and used to identify life sentences where warrant information is missing,

Where there is evidence of a life sentence being served, but the original warrant is absent from the system, the index offence will be classed as ‘(Missing)’.

5.6.3 Recalls

Two types of recall are included in the index sentence band categories from Prisoners and Criminal Proceedings (Scotland) Act 1993:

- Section 17 Revocation of Licence
- Section 18 Breach of Supervised Release Order

The presence of such recall warrants in an occupancy period places prisoners in the recall category for that period. Where possible, the offence associated with the original period in custody is provided as the index offence.

Where a prisoner is also subject to a life sentence, that life sentence takes precedence in both the index sentence categorisation and the index offence.

5.7 Recorded Liberations

When a prisoner leaves prison and is not expected to return under the same legal basis, their liberation is recorded on the SPS management information system.

We have made a distinction here between “departures” – defined as a stint in prison ending and not immediately followed by a further stint – and “liberations”, where an individual has finished their period in custody and is released. A person in prison can have multiple departures and liberations within a year if they are released for short periods but subsequently return. Where a departure coincides with a Liberation record (+/- 1 day) that departure is counted as a Liberation. Where no Liberation is available, they are simply counted as departures.

If a liberation record does not coincide with a departure, it is not included in these statistics. Similarly liberations to court are not included here – they generally occur in the middle of a stint in prison, after which a person would return to prison at the end of the day.

Table 8: Revised liberation description categories

Expected Status	Summary Liberation Type	Full Liberation Description
On Liberation Sentenced	Sentence Served	Lib Sent. Exp.
	On licence/Parole/SRO/HDC	HDC Lib On Licence Lib On Parole Lib To S.R.O
	Appeal/Pardon	Lib On Appeal Pardon
	Fine Paid	Lib Fine Paid
	Remand	Bailed Court/PF
Ambiguous	Immigration/Deportation	Lib Imm. Author Lib Dungavel DC Deported Repatriation Lib To E.R.S
	Other	Deceased Lib To Mental Hosp Lib To List D Local Authority Discretionary Early Release Gender Reassignment Lib To Interlib Police Int'view

People who have died in prison are counted in the “Other” category above. Deaths in custody are the subject of Scottish Prison Service reporting, available on the SPS website: <https://www.sps.gov.uk/Corporate/Information/PrisonerDeaths.aspx>

5.8 Postcode Quality

SPS is in the process of working backwards through prisoner records to improve the quality of postcode information held on PR2 in collaboration with data officers at the individual establishments across the prison estate.

One of the steps being taken is to apply the postcode of Council offices to people with no fixed abode. This process is currently incomplete, however future data releases will be able to include people of no fixed abode in the Local Authority disaggregated statistics.

Aside from records for prisoners of no fixed abode, many postcodes remain incomplete and therefore unmatchable to broader geographic characteristics. A further data improvement exercise by PR2 system administrators is in train, and the number of postcodes which cannot be matched is likely to fall as this proceeds.

The records marked as being “Address Outwith Scotland” leverage information from the “country” part of the address data where the supplied postcode cannot be matched. This group includes only records where the country is recorded as specific administrations in the UK (England, Wales, Northern Ireland) or non-UK countries, but does not include those cases where the country is given as “UK”, i.e. unspecified. Cases with unmatchable postcodes and where the country provided is either Scotland or is unspecified are gathered together under the “Unknown Address” category.

Table 9: Postcode data quality

Financial Year	Total Arrivals	Known LA	No Fixed Abode	Unknown Address	Address Outwith Scotland
2010-11	20,721	19,176	915	615	15
2011-12	20,958	19,305	947	696	10
2012-13	19,071	17,547	899	610	15
2013-14	19,306	17,759	976	558	13
2014-15	18,540	16,958	1,002	557	23
2015-16	17,905	16,260	1,069	527	49
2016-17	16,446	14,861	994	527	64
2017-18	15,324	13,813	980	480	51
2018-19	15,595	14,095	997	413	90
2019-20	14,324	12,825	1,072	129	298

Total Arrivals: The number of times someone arrives in prison in the period. Includes counting of multiple arrivals per person.

Known LA: The postcode provided by the person arriving in prison matches a known address in Scotland, allowing the derivation of further geographical information

No Fixed Abode: The person self-identifies as have no fixed abode on entry to the prison

Unknown Address: A postcode has been provided which cannot be matched.

Outwith Scotland: A postcode has been provided which cannot be matched AND the individual has supplied the country of their address as being outwith Scotland

6 Context and supplementary information

The previous publication provided a high level summary of the changes occurring in characteristics of the prison population. These included a reduction in the numbers of individuals spending time in custody year on year, but a growth in the daily prison population over the past three years that appeared to be driven by increases in the time served in custody.

This publication builds on the information provided in July 2020 and the findings continue to reflect this overarching trend. With that in mind, we re-iterate the explanation for these trends provided in July 2020 as the key context in which the findings from this publication should be viewed²⁶:

“The changes described [in this publication] may reflect the multitude of legislative and policy changes implemented across the wider criminal justice system in recent years. The data presented here cannot attest to the impact of these on their own, but the context is important to consider in interpreting the patterns above.

For example, in terms of sentencing, the presumption against short term prison sentences was introduced in 2011, and extended to include custodial sentences of 12 months or less in 2019, with the aim of reducing ineffective use of custody and encourage community based sentences addressing offending and rehabilitation. Changes in sentencing practices over time are observed in the Criminal Proceedings in Scotland 2018-19 report²⁷, with a steady increase in custodial sentences of more than one year.

Changes to release arrangements can impact the prison population. Automatic early release for longer term prisoners ended in 2015 and use of home detention curfew for short term prisoners²⁸ was substantially reduced in 2018. Audit Scotland have also highlighted the stretching of financial resources and staff due to rising prisoner numbers as adversely affecting re-offending/rehabilitation programme completion and preventing prisoners from qualifying for release on parole.²⁹

Scottish Government Justice Analytical Services provide ongoing monitoring and modelling of change within the justice system. Recent analysis³⁰ suggests that the above factors, in combination with historical improvements in clear-up and conviction rates, have impacted on the size and nature of the prison population.

However, modelling change also suggests that shifts in [the prison] populations may reflect changes in the nature of offending coming to the attention of justice agencies, whether through shifting social norms and values and/or direct changes to legislation on criminal offences. The most recent Criminal Proceedings in Scotland 2018-19 release points to

²⁶ Scottish prison population: statistics 2019 to 2020, Section 5.1
<https://www.gov.scot/publications/scottish-prison-population-statistics-2019-20/>

²⁷ <https://www.gov.scot/publications/criminal-proceedings-scotland-2018-19/>

²⁸ Defined as those serving a sentence of less than 4 years. More information on HDC is available on the SPS website: <https://www.sps.gov.uk/Corporate/Information/HomeDetentionCurfew.aspx>

²⁹ Audit Scotland (2019) https://www.audit-scotland.gov.uk/uploads/docs/report/2019/s22_190912_sps.pdf

³⁰ See Conlong (2019), available in addendum here:
https://www.parliament.scot/S5_Public_Audit/General%20Documents/SG_SPS_20191216.pdf

substantial rises in convictions for sexual offences (including rape and attempted rape) where the imposition of custodial sentences is highly likely³¹.”

Other sources of information on the Scottish prison population

The Scottish Prison Service (SPS) publish a range of statistical information and research reports about the prison population on their website. Weekly population snapshots and annual averages of the prison population broken down by custody type, gender and age, as well as the population on home detention curfew by gender can be found on the SPS website: <https://www.sps.gov.uk/Corporate/Information/SPSPopulation.aspx>.

For the SPS Prisoner Survey and other research reports:

<https://www.sps.gov.uk/Corporate/Publications/Publications.aspx>

The Scottish Government produces a range of statistics on the criminal justice system. Those referenced in this publication include information about recorded crime rates (<https://www.gov.scot/collections/recorded-crime-in-scotland/>) and criminal proceedings statistics (<https://www.gov.scot/collections/criminal-proceedings-in-scotland/>)

³¹ See also Recorded Crime in Scotland 2018-19 for further context: <https://www.gov.scot/publications/recorded-crime-scotland-2018-19/>

An Experimental Statistics Publication for Scotland

Experimental statistics are statistics which are published in order to involve users and stakeholders in their development and as a means to build in quality at an early stage.

Scottish Government Justice Analytical Services are seeking feedback on this publication. If you are a user of these statistics, please click the link below to take part in our user questionnaire.

Leave Feedback

<https://tinyurl.com/SPPS2020B>

No information about participants is collected without their explicit consent.

For other enquiries about this publication please contact:

Justice Analytical Services

e-mail justice_analysts@gov.scot

For general enquiries about Scottish Government statistics please contact:

Office of the Chief Statistician

Telephone: 0131 244 0442,

e-mail: statistics.enquiries@gov.scot

How to access background or source data

The data collected for this statistical bulletin:

- are available in more detail on statistics.gov.scot
- are available on the UK Data Archive under end user license
- may be made available on request, subject to consideration of legal and ethical factors. Please contact justice_analysts@gov.scot for further information.
- cannot be made available by Scottish Government for further analysis as Scottish Government is not the data controller.

Complaints and suggestions

If you are not satisfied with our service or have any comments or suggestions, please write to the Chief Statistician, GR, St Andrews House, Edinburgh, EH1 3DG, Telephone: (0131) 24 40442, e-mail statistics.enquiries@gov.scot.

If you would like to be consulted about statistical collections or receive notification of publications, please register your interest at www.gov.scot/scotstat

Details of forthcoming publications can be found at www.gov.scot/statistics

ISBN 978-1-80004-951-2

Crown Copyright

You may use or re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. See: www.nationalarchives.gov.uk/doc/open-government-licence

REVISIONS TABLE

	Date	Changes
First Published 1.0	28 th April 2021	
1.1	16 th February 2022	Correction to Figure 14. See page 10 for details



Scottish Government
Riaghaltas na h-Alba
gov.scot

© Crown copyright 2021

OGL

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3 or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: psi@nationalarchives.gsi.gov.uk.

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at www.gov.scot

Any enquiries regarding this publication should be sent to us at

The Scottish Government
St Andrew's House
Edinburgh
EH1 3DG

ISBN: 978-1-80004-951-2 (web only)

Published by The Scottish Government, April 2021

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA
PPDAS1029559 (02/22)

W W W . g o v . s c o t