

# Scottish Prison Population Statistics 2021-22

An Official Statistics Publication for Scotland

CRIME AND JUSTICE

# Key Findings

## Prison Population

Justice system responses to Covid related public health measures continued to impact the Scottish prison population in 2021-22. The **average daily prison population** in 2021-22 was 7,504. This was a 2% increase from the average daily population in 2020-21, but the prison population remains at lower levels than pre-pandemic (-8% in 2021-22 compared to average daily population figures for 2019-20).

Unlike in 2020-21, prison population levels remained largely stable across 2021-22. The population increased from 2021-Q2 to just over 7,500 but remained stable thereafter (section 1.1).

While the overall prison population level remained stable across 2021-22, the average daily **remand** population increased by around 14% (from 1,634 in 2020-21 to 1,862). This growth has continued to shift the balance between the legal statuses (remand and sentenced) in the prison population. On the average day in 2021-22, around 25% of the prison population were held on remand – the largest proportion on remand on record.

The overall increase in the average daily **remand** population was not spread uniformly across index (alleged) offence groups (section 5). While there were continuing increases in the populations accused of Group 1 Violence (+9% from 911 in 2020-21 to 989), Group 2 Sexual crimes (+23% from 170 in 2020-21 to 209) and Group 5 Crimes against society offences (+34% from 288 in 2020-21 to 386), the population in the other offence groups remained broadly stable between 2020-21 and 2021-22.

Around 60% of the average daily **remand** population in 2021-22 were accused of index Group 1 (Violence) and 2 (Sexual crimes) offences (-3%pts from 2020-21). A further 21% were accused of Group 5 (Crimes against society) offences, making this the second largest index alleged offence group in the average daily remand population in 2021-22.

While the size of the average daily **sentenced** population remained broadly stable between 2020-21 and 2021-22 (-1% from 5,658 to 5,597), the index offence profile continued to change (section 1.3). The sentenced population with index offences in Groups 1 (Violence), 2 (Sexual crimes) and 6 (Anti-social offences) increased slightly in 2021-22, driven by increases in common assault (+12% from 483 in 2020-21 to 541), rape and attempted rape (+8% from 668 in 2020-21 to 721), and threatening and abusive behaviour (+12% from 181 in 2020-21 to 204). Over the same period, populations with index offences in the other groups fell slightly or remained stable.

The proportion of the average daily **sentenced** population with an index offence in Group 1 (Violence) or 2 (Sexual crimes) rose to 65% in 2021-22 (+2%pts from 2020-21).

Population groups serving shorter **index sentences** (i.e. less than 4 years) fluctuated in size between 2020-21 and 2021-22, but population groups serving longer index sentences (4 years or more) remained broadly stable over the same period. The proportion of the average daily sentenced population serving shorter index sentences remains below pre-pandemic levels (45% in 2021-22 compared to 53% in 2019-20).

The population of **women** in prison on an average day in 2021-22 continued to fall (-5% from 298 in 2020-21 to 282), while the average daily population of men increased (+3% from 7,037 in 2020-21 to 7,220 - section 2). The fall in the women's population is driven by a 7% reduction in the sentenced population (from 213 in 2020-21 to 198 in 2021-22). The population of women on remand remained stable between 2020-21 and 2021-22. The combined effect is an increase in the proportion of women on remand on the average day, rising from 28% in 2020-21 to 30% in 2021-22.

The population of **young people** (under 21) in custody continued to fall overall, from 215 in 2020-21 to 188 in 2021-22 (section 3). This change was a result in a 19% reduction in the sentenced population, while average numbers on remand each day fell only slightly. This led to an increase in the proportion of young people on remand, from 44% in 2020-21 to 48% in 2021-22.

The number of **individuals** who spent any time in prison remained at a very similar level in 2021-22 compared to 2020-21, increasing by only 1% from 14,241 to 14,411. While there is a longer term downward trend in the numbers of individuals experiencing imprisonment year-on-year, the number of individuals recorded in 2021-22 is considerably below pre-pandemic levels.

The number of **individual** women who spent any time in prison over the course of the year has halved over the past decade, from 1,720 in 2011-12 to 857 in 2021-22. Over the same period the number of individual men spending any time in prison fell by around a quarter, from 18,815 to 13,552.

### **Prison Population Flows**

There was a 4% increase in **arrivals** to prison (from 10,261 to 10,678) and a very small reduction in **departures** (from 10,493 to 10,474) between 2020-21 and 2021-22. Arrivals to untried were slightly lower in 2021-22 than in 2020-21, while arrivals to convicted awaiting sentence and sentenced arrivals increased 16% and 10% respectively. These increases likely represent a degree of recovery in activity across the wider justice system.

**Time spent on remand** continued to increase between 2020-21 and 2021-22 (section 8.3.1). For those who departed custody from remand, the median duration remained approximately the same (22 days in both reporting years). However, while in 2020-21 90% of remand departures had occurred with 109 days, in 2021-22 this had risen to 139 days. This continues an observed sharp increase from 2017-18, when 90% of remand departures occurred within 63 days.

The **time to transition from the remand to the sentenced population** also continued to increase in 2021-22. The median number of days to transition was 57 in 2021-22, compared to 55 in 2020-21 and 36 in 2019-20. In 2021-22 there was a substantial increase in the 90th percentile of time on remand before transition. In 2019-20 and 2020-21, 90% of transitions occurred within 145 days and 175 days respectively. In 2021-22 this had risen such that 90% of transitions occurred within 262 days.

The number of **liberations** from remand increased by 6% between 2020-21 and 2021-22. This increase was driven by an increase in transitions to the sentenced population and in

liberations to the court or procurator fiscal – indicating a degree of recovery in justice system activity over 2021-22. Liberations from remand to bail fell in 2021-22 (from 1,617 in 2020-21 to 1,475) but remained at a higher level than the pre-pandemic period (section 8.4.1). Liberations from the sentenced population decreased by 5% in 2021-22.

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## Supplementary Tables

The following supplementary tables are available alongside this publication in Excel format<sup>1</sup>

**Table 1: Supplementary Tables**

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<sup>1</sup> Supplementary Tables,  
<https://www.gov.scot/publications/scottish-prison-population-statistics-2021-22/documents/>

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Scottish Prison Service

## About Scottish Prison Population Statistics

This publication was produced by Scottish Government statisticians using administrative data from the Scottish Prison Service (SPS) management information system PR2. 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. PR2 is a live system, updating constantly to capture changes to the state of 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 to provide retrospective information to assess how the prison population has changed over time.

Up until 2014, the Scottish Government held and reported on data compiled by combining and linking daily extracts from PR2. In addition, a number of the tables and figures in those previous reports were based on single-day 'snapshots' rather than the data compiled throughout the year.

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 is retained about the periods 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 the accompanying Technical Manual<sup>2</sup>.

The construction of the cellWise data is fundamentally different, both to the previous data design and to the aggregation produced by SPS in the interim. It has therefore not been possible to align these results exactly with previous publications. Chapter 9 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 also listed in chapter 9. The measurements throughout this publication therefore represent estimates based on the data as constructed.

The Scottish Government is seeking views on its statistical products. To take part in this consultation, please complete the [Scottish Government official statistics feedback survey](#).

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<sup>2</sup> Technical Manual: CellWise Data Construction, <https://www.gov.scot/publications/scottish-prison-population-statistics/pages/cellwise-data-construction/>

## Technical Manual

Information about the derivation of the cellWise analytical dataset and the various measurements and factors used in this report is provided in a stand-alone technical manual, available from the Scottish Government website<sup>3</sup>.

## Interactive Analytical Tool

An interactive tool has been produced alongside this report to allow users access to a bespoke analysis.

<https://scotland.shinyapps.io/sg-prison-population-statistics/>

A worked example using this tool to explore statistics on time on remand was published in the September 2022 edition of the JAS Monthly Data Report<sup>4</sup>.

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<sup>3</sup> Scottish Prison Population Statistics Technical Manual, <https://www.gov.scot/publications/scottish-prison-population-statistics/>

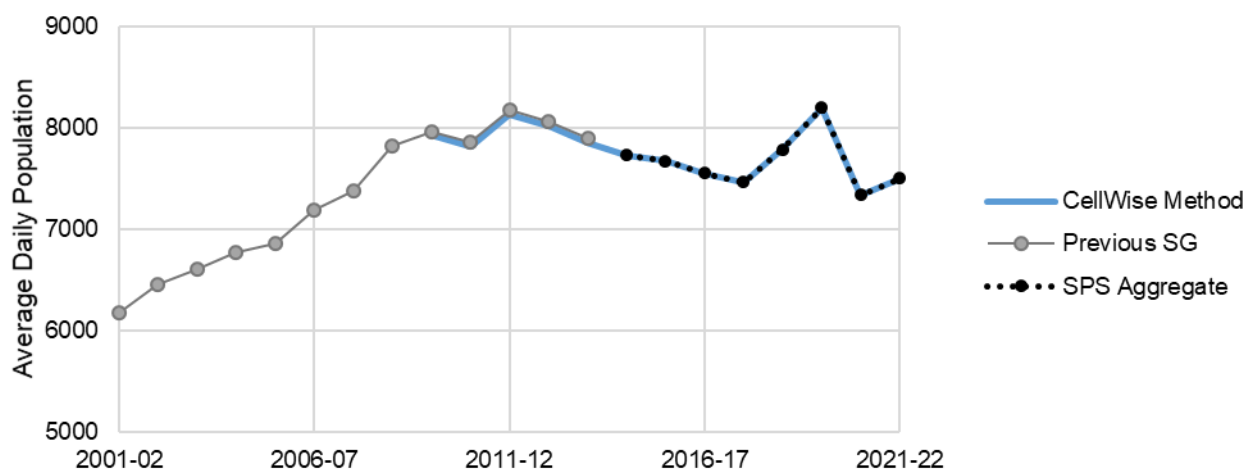
<sup>4</sup> JAS Monthly Data Report, <https://www.gov.scot/publications/justice-analytical-services-jas-safer-communities-justice-statistics-monthly-data-report-september-2022-edition/pages/11/>

# 1 Average Daily Populations

[Supplementary tables A1]

Responses to Covid related public health measures across the Justice System continued to impact on Scotland's prison population in 2021-22. The average daily prison population<sup>5</sup> in 2021-22 was 7,504. This is only a small increase of 2% from the previous year (7,339), which indicates broad stability in average daily population levels across the reporting years.

**Figure 1: Long-term trends in the average daily prison population, 2000-01 to 2021-22**



## 1.1 Change in context - COVID impacts on the prison population

[Supplementary tables X1]

Using only annual average daily population figures masks in-year changes in population levels. Under normal conditions, the changes occurring in the prison population on a day-to-day or week-to-week basis are small relative to the size of that population overall. However, as reported in the Scottish Prison Population Statistics 2020-21<sup>6</sup>, coronavirus public health measures and the adaptations to these across the justice system, led to rapid and significant changes in the prison population from Spring 2020.

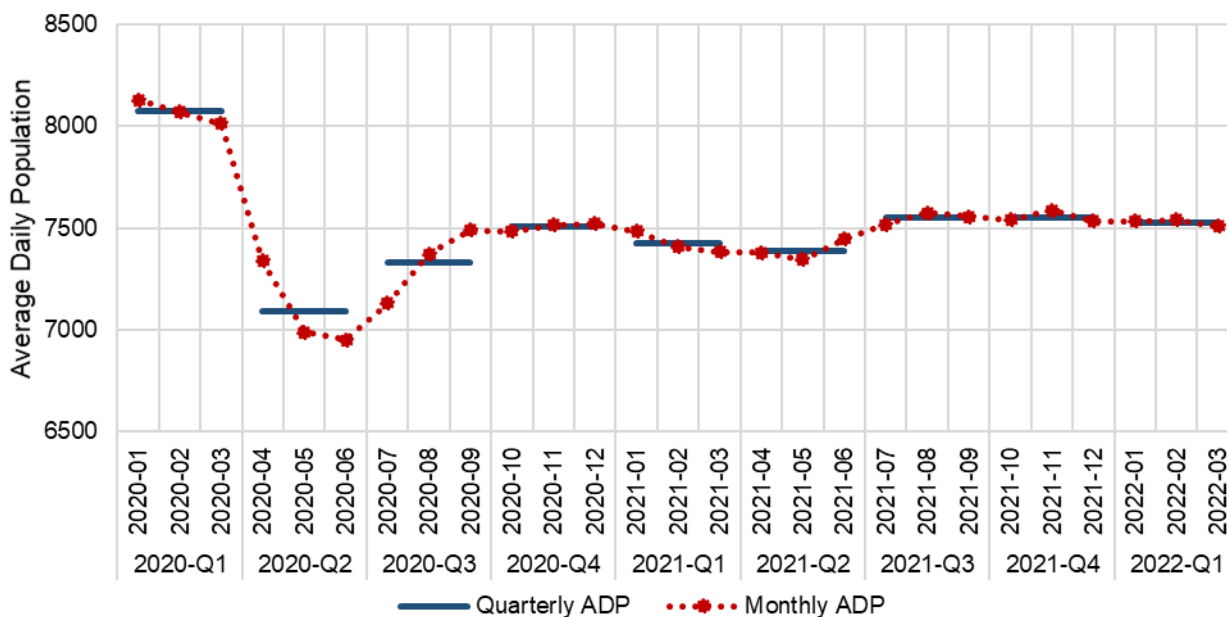
Figure 2 shows the month-to-month changes in the prison population from January 2020 to March 2022. The average prison population fell rapidly in the first three months of the pandemic, from around 8,000 in March 2020 to just under 7,000 by June. The population rose thereafter, and broadly stabilised from September 2020 at around 7,500. The chart shows that the average prison population remained stable at this level throughout 2021-22.

<sup>5</sup> Technical Manual: Average daily population, <https://www.gov.scot/publications/scottish-prison-population-statistics/pages/analytical-factors-and-measurements/#Average%20daily%20population>

<sup>6</sup> Scottish Prison Population statistics, 2020-21 <https://www.gov.scot/publications/scottish-prison-population-statistics-2020-21/pages/6/>

In the previous publication in this series<sup>7</sup>, it was reported that compliance with public health measures during the pandemic influenced operations across the criminal justice system. The Lord Advocate issued revised guidelines on the use of police custody, and the courts had to close for extended periods or operate at reduced capacity. Prison establishments had to ensure sufficient space to allow prisoners to observe public health measures.

**Figure 2: Monthly and quarterly average prison populations, showing a rapid reduction between March and May 2020 and stability from September 2020 to March 2022**



The impact of justice system responses to public health measures in 2020-21 included: a decreased volume of custody cases reported to the Crown Office and Procurator Fiscal Service, and an increased volume of undertakings reports<sup>8</sup>; a reduced likelihood of an accused being remanded<sup>9</sup>; a reduced volume of concluded cases in courts, with subsequent reduction in custodial sentences issued *and* growth in the trial backlog<sup>10</sup>; and

<sup>7</sup> Scottish Prison Population statistics, 2020-21 <https://www.gov.scot/publications/scottish-prison-population-statistics-2020-21/pages/6/>

<sup>8</sup> Coronavirus (COVID-19): Justice Analytical Services data report, <https://www.gov.scot/collections/coronavirus-covid-19-justice-analytical-services-data-report/>

<sup>9</sup> Sheriff Courts - remand and bail outcomes: occasional paper, <https://www.gov.scot/publications/occasional-paper-remand-bail-outcomes-first-bail-decision-points-sheriff-courts/>

<sup>10</sup> Coronavirus (COVID-19): Justice Analytical Services data report, <https://www.gov.scot/collections/coronavirus-covid-19-justice-analytical-services-data-report/>, and Sheriff Courts - remand and bail outcomes: occasional paper, <https://www.gov.scot/publications/occasional-paper-remand-bail-outcomes-first-bail-decision-points-sheriff-courts/>

an agreement in the initial stages of the pandemic response to early release of eligible short term sentenced prisoners<sup>11</sup>.

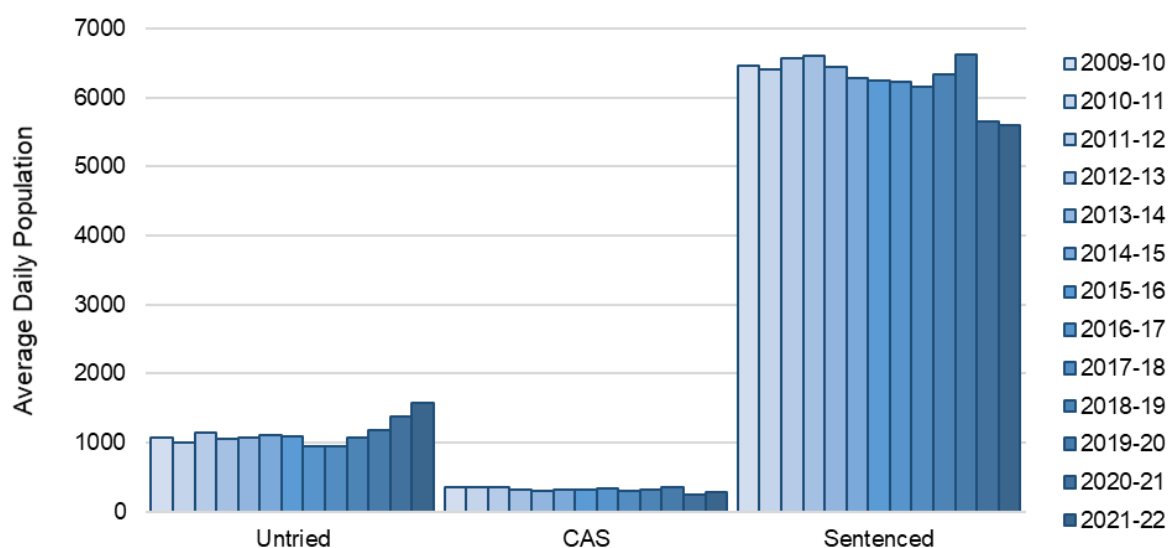
Combined, these changes across the justice system impacted both the in-flows to custody and the out-flows from custody throughout 2020-21. While there was no further early release of prisoners, the changes observed in the first pandemic year continued across 2021-22. The impacts of the changes occurring in response to the pandemic have not yet been fully isolated in the data held by the Scottish Government. However, it is reasonable to conclude that the changes described above have resulted in the lower prison population levels reported in 2020-21 and 2021-22. This should not be interpreted as indicative of longer-term prison population trends. Chapter 10 outlines other important factors determining the level and composition of the prison population, all of which may contribute to further changes in the coming years.

## 1.2 Legal status

[Supplementary tables M1 and X1]

There are known discrepancies between legal status populations determined using cellWise data and the live system data in other published sources. See section 9.1 for details.

**Figure 3: Legal Status – average daily populations, 2009-10 to 2021-22**



The overall (average daily) prison population remained broadly stable between 2020-21 and 2021-22, increasing by just 2%. However, this pattern varied by legal status. Figure 3 breaks the average daily population down by legal status<sup>12</sup> category, showing that the sentenced population remained at very similar levels in 2020-21 and 2021-22, falling by 61 in 2021-22 (-1% to 5,597). Over the same period, the untried population increased by

<sup>11</sup> SPS COVID-19 Information Hub, <https://www.sps.gov.uk/Corporate/Information/covid19/covid-19-information-hub.aspx>

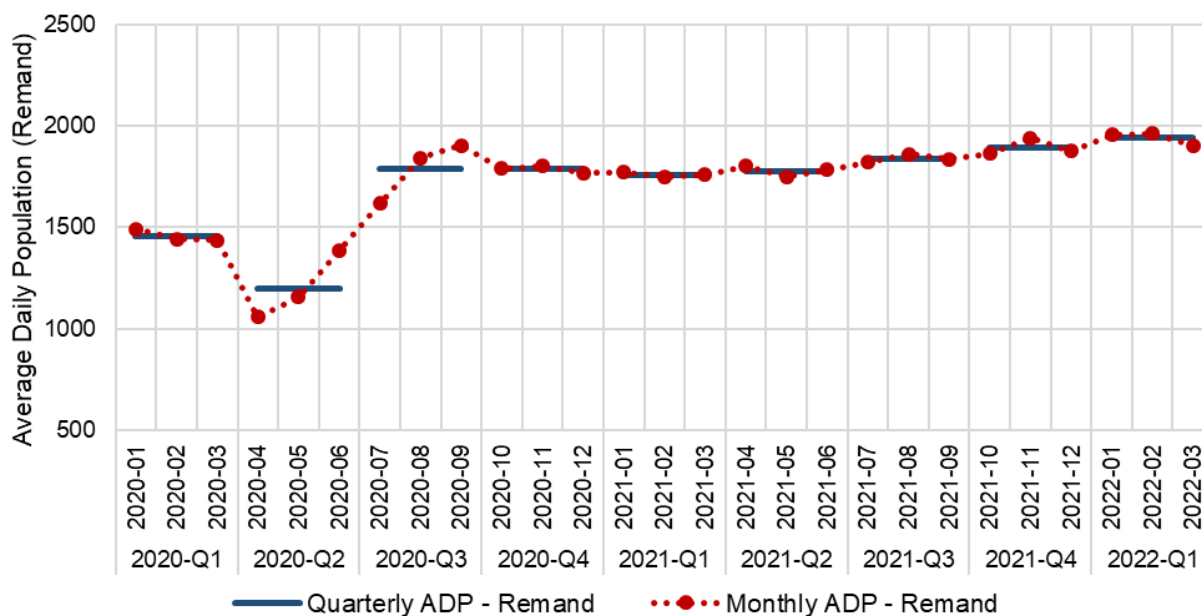
<sup>12</sup> Technical Manual: Legal status, <https://www.gov.scot/publications/scottish-prison-population-statistics/pages/analytical-factors-and-measurements/#Legal%20status>

almost 14%, from 1,384 in 2020-21 to 1,571, while the convicted awaiting sentence (CAS) population increased by 41 (+16% to 291).

The overall (average daily) remand population (untried + CAS) increased by 14% between 2020-21 and 2021-22. On the average day in 2021-22, 1,862 prisoners were on remand. This is the highest annual level recorded to date and, at 25% of the population, the largest proportion on remand on record.

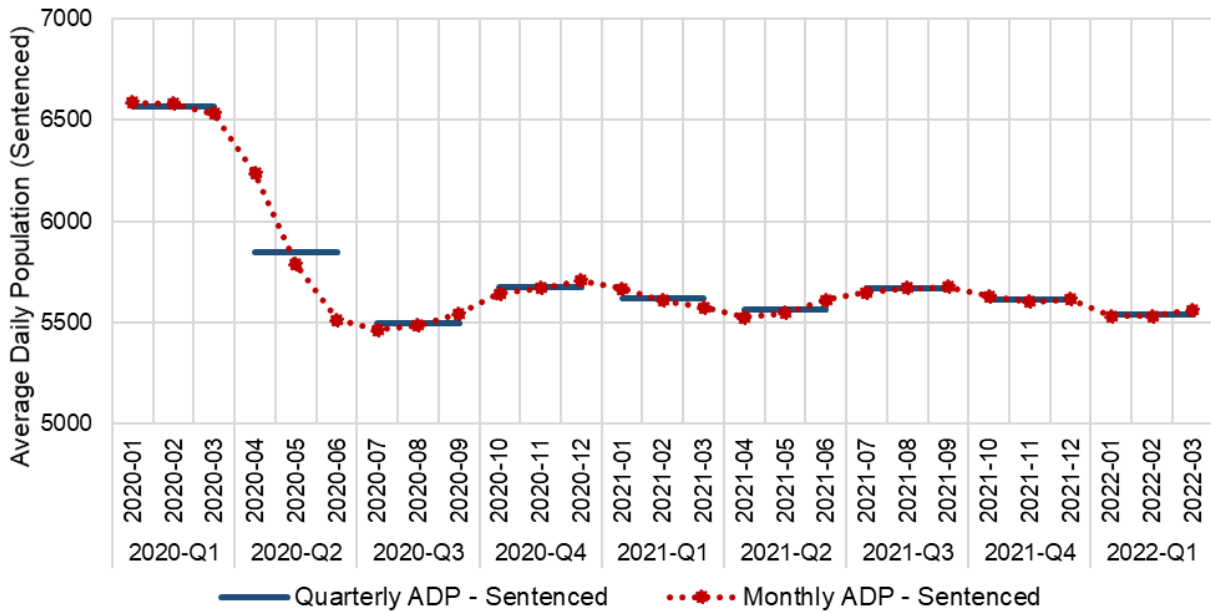
Figure 4 and Figure 5 provide the monthly and quarterly remand and sentenced populations over the past two years. After an initial sharp decrease the remand population grew rapidly to September 2020 – levelling off during the remainder of 2020-21 at a higher level than pre-pandemic. During 2021-22 the remand population has risen again but at a slower rate of growth than observed in 2020.

**Figure 4: Monthly and quarterly average prison populations on remand, with a rapid reduction to April 2020, a steep increase to September 2020 and a steady increase across 2021-22**



The sentenced population fell substantially and rapidly between April and July 2020. Since then it has remained broadly stable (between 5,500 and 5,700 until March 2022) and remained considerably below pre-pandemic levels.

**Figure 5: Monthly and quarterly average sentenced prison population, showing a rapid reduction to July 2020 followed by a period of broad stabilisation from September 2020**

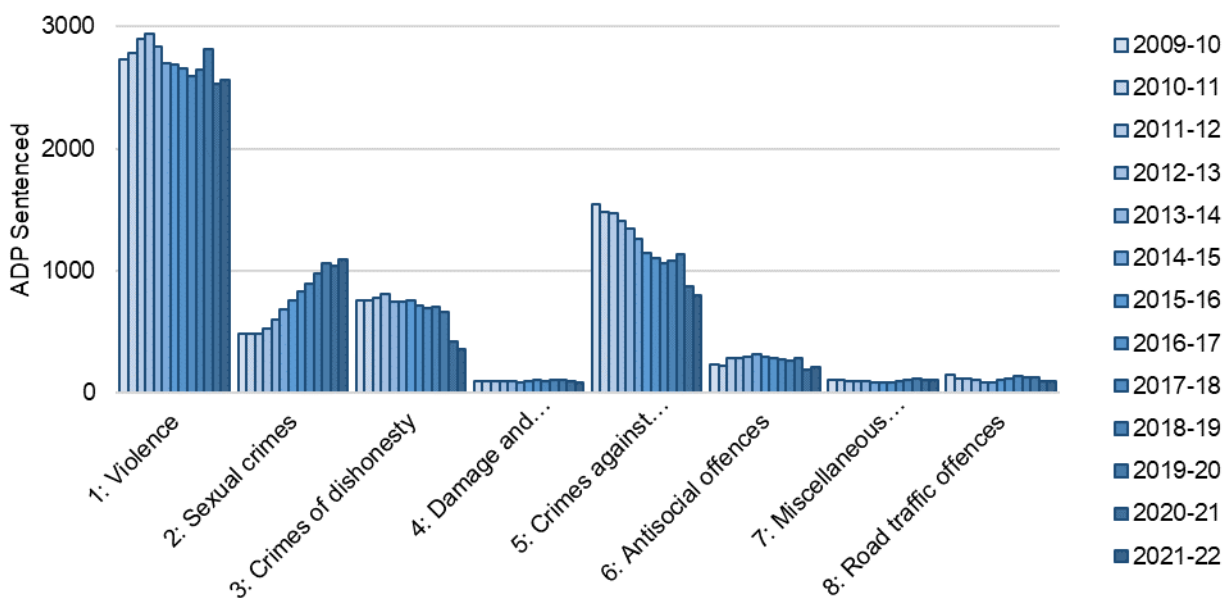


### 1.3 Index Offence Groups

[Supplementary tables M2]

This section examines the index offence groups of the (average daily) sentenced population. A more detailed discussion of the categories within these groups is provided in section 4. The alleged offences of those held on remand are discussed in section 5.

**Figure 6: Sentenced index offence groups – average daily populations, 2009-10 to 2021-22**





Overall, there was a 1% reduction in the sentenced population between 2020-21 and 2021-22. However there were changes across the different index offence category groups<sup>13</sup> through 2021-22, and these varied in direction and extent as Figure 6 shows. The patterns observed reflect both the impacts of the pandemic and a continuation of pre-existing trends.

The population with index offences in Group 1 (Violence), Group 2 (Sexual crimes) and Group 6 (Anti-social offences) increased slightly, while the population in other groups fell slightly or remained stable.

The varied reduction across index offence groups continues to change the overall offence profile of the prison population. This change over the past decade is driven by a consistently large (average daily) population with index offences in Group 1, a growing population in Group 2 and falling populations with index offences in Group 3 (Dishonesty) and Group 5 (Crimes against society).

As a proportion of the sentenced population overall, those with Group 1 (Violence) index offences increased from 44.8% to 45.7% and Group 2 (Sexual) index offences increased from 18.5% to 19.5% between 2020-21 and 2021-22.

Over the same period, the proportion of the sentenced population with index offences in Group 5 (Crimes against society) fell by 1.1 points from 15.4% to 14.3%. Group 3 (Dishonesty) fell by 1.1 points from 7.5% to 6.4% of sentenced population.

## 1.4 Index sentences

[Supplementary tables M3]

The index sentence is the longest single sentence being served in each occupancy period<sup>14</sup>. Where a person in prison has multiple custodial sentences, the *overall* sentence length cannot be calculated from the available data. This is 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 will be longer than the longest individual sentence.

For clarity, the sentence bands presented in the supplementary tables and in the interactive analysis tool<sup>15</sup> have been compressed in the following charts in this section.

During 2021-22, the (average daily) sentence population fell by around 1%, but as shown in Figure 7 this pattern was not observed across index sentence bands. Population groups serving shorter index sentences (i.e. less than 4 years) fluctuated in size between 2020-21

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<sup>13</sup> Technical Manual: Index offence, <https://www.gov.scot/publications/scottish-prison-population-statistics/pages/analytical-factors-and-measurements/#Index%20offence>

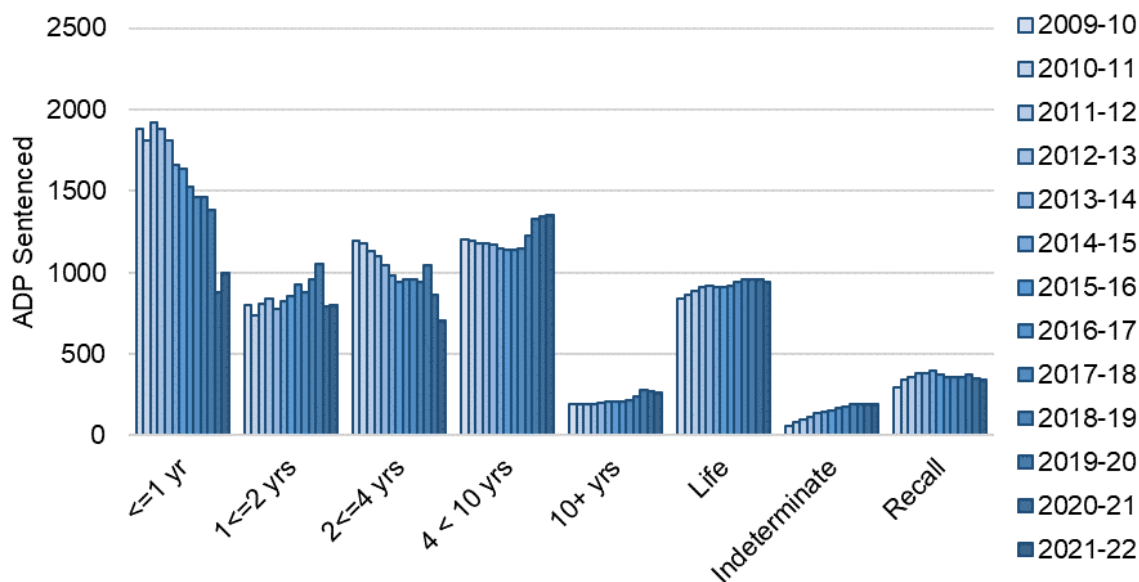
<sup>14</sup> Technical Manual: Index sentence, <https://www.gov.scot/publications/scottish-prison-population-statistics/pages/analytical-factors-and-measurements/#Index%20sentence>

<sup>15</sup> See page 10

and 2021-22, but population groups serving longer index sentences (4 years or more) remained broadly stable over the same period.

The (average daily) population serving index sentences of one year or less increased by around 13% from 880 in 2020-21 to 998 between 2020-21 and 2021-22. Over the same period there was a 19% decrease in the 2<=4 year category, from 866 to 705.

**Figure 7: Index sentences – average daily populations, 2009-10 to 2021-22**



The share of the sentenced population serving shorter index sentences remains below pre-pandemic levels. In 2019-20, 53% of the sentenced population had index sentences of 4 years or less. In 2021-22 this proportion had fallen to 45%.

### 1.5 Further population characteristics

The following two chapters of this report discuss the average daily populations of women (section 2) and young people (section 3) in custody. Further information on other age groups, as well as information on other available protected characteristics (ethnicity, disability, sexual orientation), and breakdowns by prison establishment and armed forces history are available in the Supplementary Tables B1-7 and M1 accompanying this release.

Further exploration of these data can be conducted through the interactive analytical tool at <https://scotland.shinyapps.io/sq-prison-population-statistics/>.

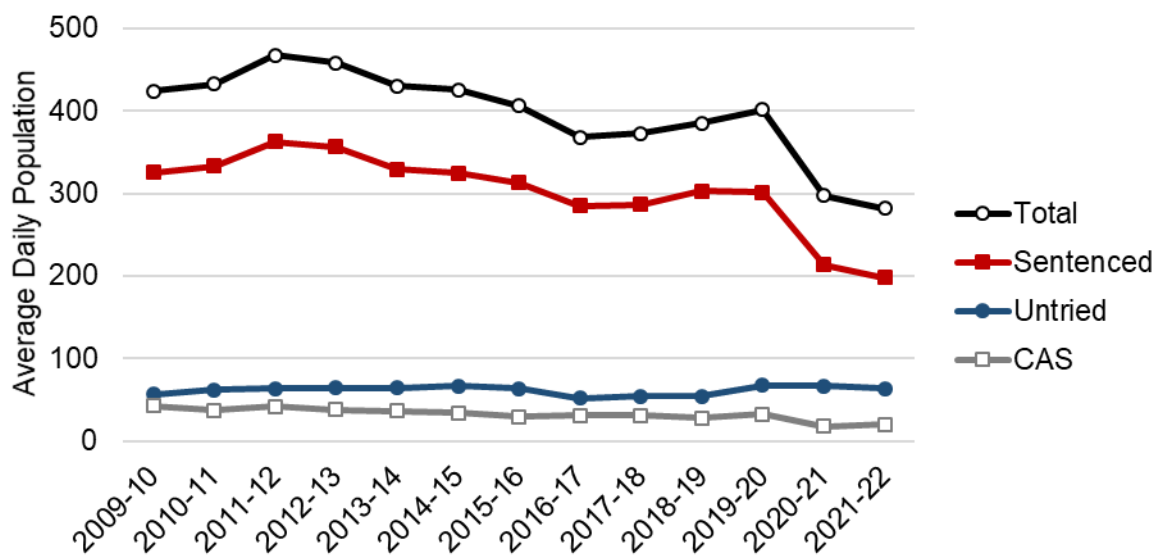
## 2 Women in Custody

[Supplementary tables A2, B2 and M1]

The (average daily) population of women continued to fall in 2021-22, reducing by around 5% from 301 to 284. By contrast, the population of men increased by around 3% between 2020-21 and 2021-22, rising from 7,037 to 7,220. Women comprised just 4% of the average daily prison population in 2021-22.

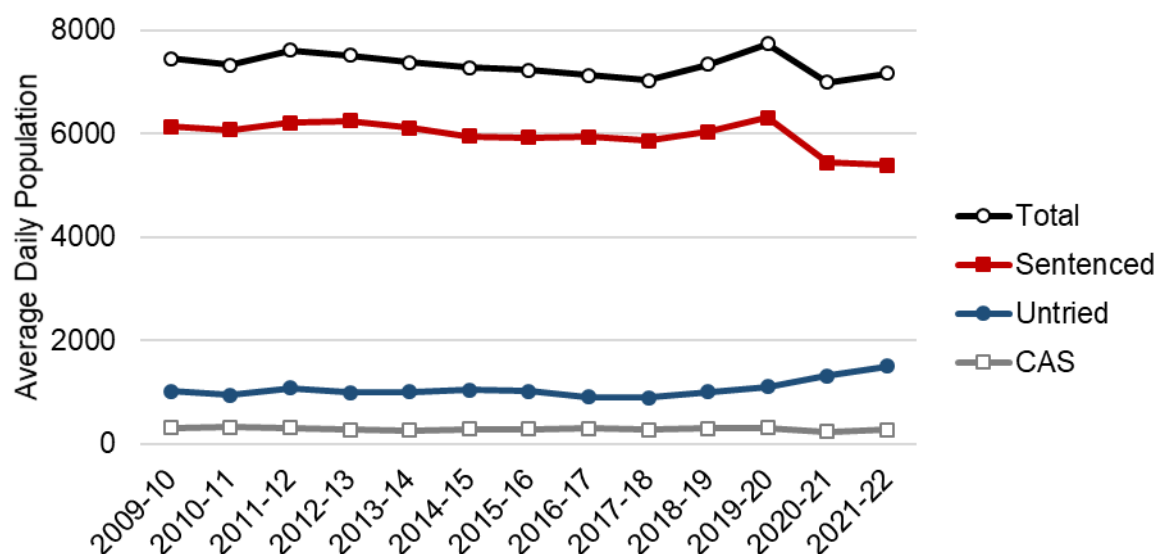
As with the population overall, these changes varied by legal status category. Figure 8 shows that the sentenced population of women fell by 7% from 213 in 2020-21 to 198 in 2021-22, with the untried (-4) and convicted awaiting sentence (CAS, +2) populations remaining broadly stable over the same period.

**Figure 8: Women in prison by Legal Status – average daily populations, 2009-10 to 2021-22**



In contrast, Figure 9 shows that between 2020-21 and 2021-22 the men's sentenced population remained broadly stable (-46), while the men's untried population increased by 14% from 1,317 to 1,507. The men's CAS population remained broadly stable (+39) between 2020-21 and 2021-22.

**Figure 9: Men in prison by Legal Status – average daily populations, 2009-10 to 2021-22**



As a share of their respective populations, the proportion of women on remand has consistently exceeded that of men. In both populations, the proportion on remand rose again between 2020-21 and 2021-22: for men that proportion increased from 22% to 25%, while for women it increased from 28% to 30%.

## 2.1 Index offence groups

[Supplementary table M2]

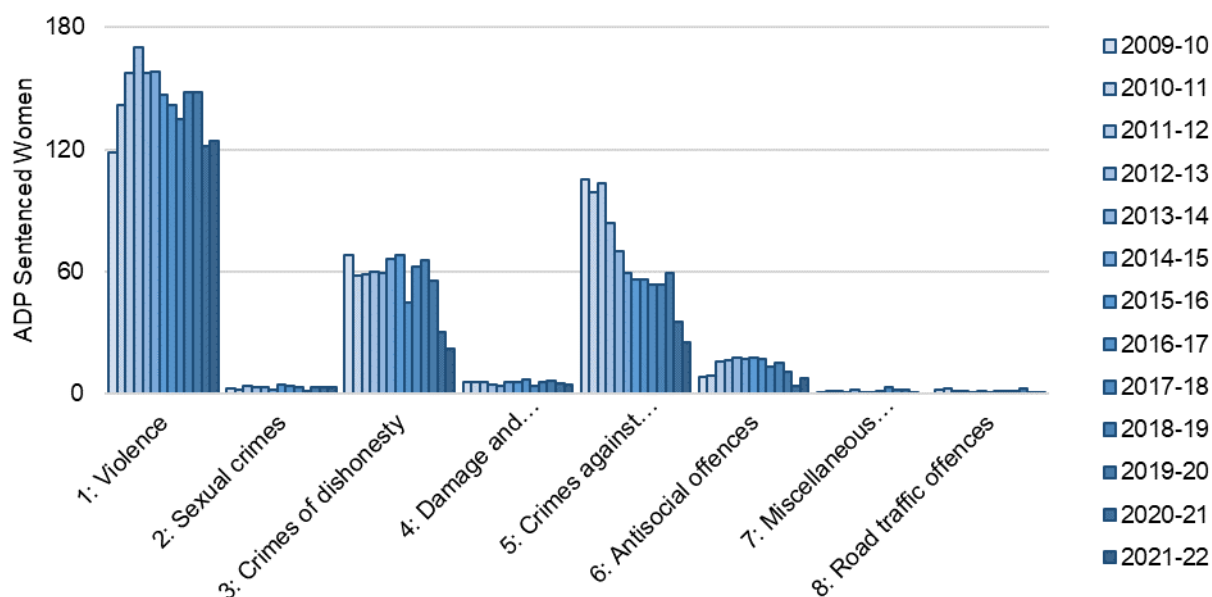
There was a 7% overall reduction in the (average daily) population of sentenced women, from 213 in 2020-21 to 198 in 2021-22.

On the average day in 2021-22, 63% of women in the sentenced population had index offences<sup>16</sup> in Group 1 (Violence). 13% were in Group 5 (Crimes against society) and 11% in Group 3 (Crimes of dishonesty).

Compared to the previous year, there was a small increase in the population with index sentences in Group 1 (Violence) – from 122 to 125 on the average day – and Group 6 (Anti-social offences) – from 4 to 8 on the average day. Across other offence groups populations fell slightly or remained stable (see Figure 10).

<sup>16</sup> Technical Manual: Index offence, <https://www.gov.scot/publications/scottish-prison-population-statistics/pages/analytical-factors-and-measurements/#Index%20offence>

**Figure 10: Sentenced index offence groups of women – average daily populations, 2009-10 to 2021-22**



The population of women serving sentences for index Group 3 (Dishonesty) and 5 (Crimes against society) index offences have more than halved from pre-pandemic levels. Group 3 index offence populations fell from 55 in 2019-20 to 23 (around 11% of sentenced women) in 2021-22, while Group 5 index offence populations fell from 59 to 25 (around 13% of sentenced women).

The women’s sentenced population is increasingly comprised of those serving sentences for Group 1 (Violence) offences. In 2019-20, 49% of the sentenced population of women were serving sentences for index Group 1 (Violence). In 2020-21 this proportion increased to 57%, further increasing to 63% in 2021-22.

## 2.2 Index sentences

[Supplementary table M3]

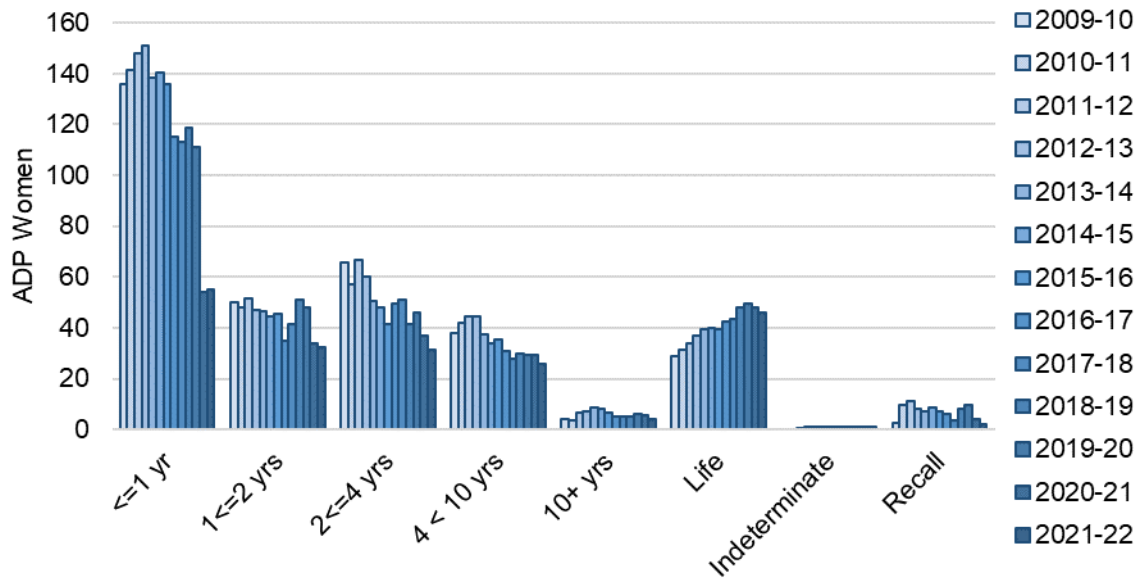
Figure 11 shows the index sentence<sup>17</sup> profile of the (average daily) population of women to 2021-22. In line with the 7% reduction in this population overall, reductions are observed across the different index sentence bands between 2020-21 and 2021-22. The only exception is in the subgroup of those serving index sentences of up to 1 year, which remained broadly stable at 55 in 2021-22 (+1 from 54 in 2020-21).

As in the overall population, the share of the women’s sentenced population serving shorter index sentences remains below pre-pandemic levels. There were substantial reductions in the population of women serving short index sentences between 2019-20 and 2021-22, but a broad stability in the population of women serving long-term and life index sentences between 2019-20 and 2020-21. In 2019-20, 68% of the (average daily)

<sup>17</sup> Technical Manual: Index sentence, <https://www.gov.scot/publications/scottish-prison-population-statistics/pages/analytical-factors-and-measurements/#Index%20sentence>

women's sentenced population were serving index sentences of up to 4 years. In 2021-22 this had fallen to 60%.

**Figure 11: Index sentence length populations of women in custody – average daily populations, 2009-10 to 2021-22**



### 3 Young People in Custody

[Supplementary tables A2, B2, and M1]

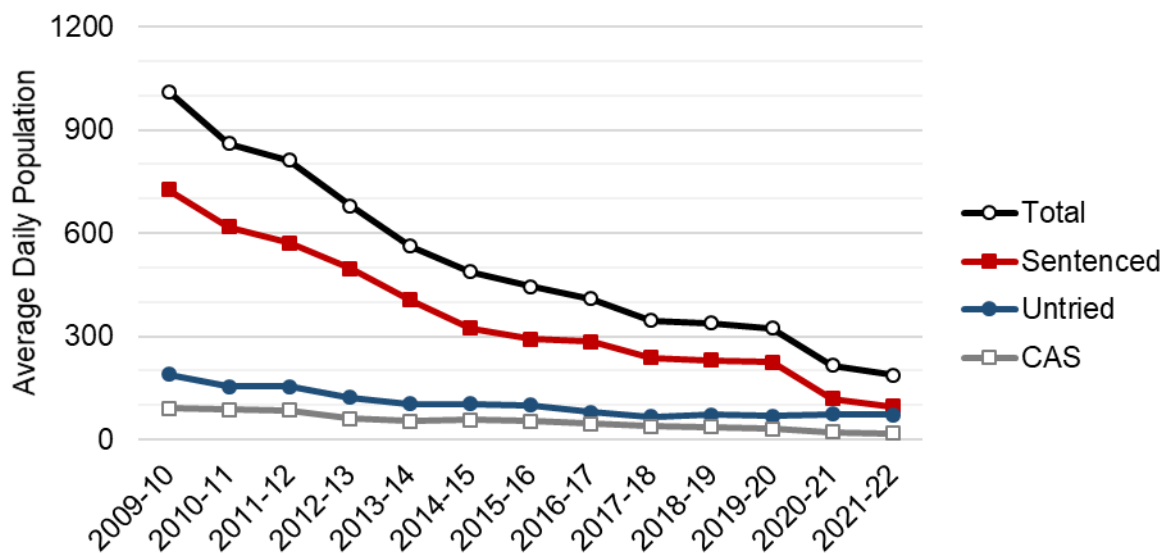
In the context of stability in the prison (average daily) population overall, the number of young people in custody fell in 2021-22. The population of 16 and 17 year olds continued in its downward trend, falling from 22 in 2020-21 to 14 in 2021-22. The population of 18 to 20 year olds also fell in that period by around 10% from 194 to 174.

The reduction in 16 and 17 year olds is observed across the sentenced and untried populations. Between 2020-21 and 2021-22, the sentenced population reduced from 7 to 3, the untried population from 12 to 10. The convicted awaiting sentence (CAS) population remained stable at around 2 in both years.

For 18 to 20 year olds, the sentenced and CAS populations reduced between 2020-21 and 2021-22 (-17 and -4 respectively), while the untried population remained stable (+1 to 63).

The overall population of young people in custody by legal status is provided in Figure 12. The proportion of this group on remand (untried and CAS) has been consistently higher than that of the prison population as a whole, and pre-pandemic was typically around 30%. The reductions in the sentenced population in 2020-21 led this proportion to increase to 44%. In 2021-22, 48% of young people in custody were on remand on the average day.

**Figure 12: Young people (under 21) in prison by legal status – average daily populations, 2009-10 to 2021-22**

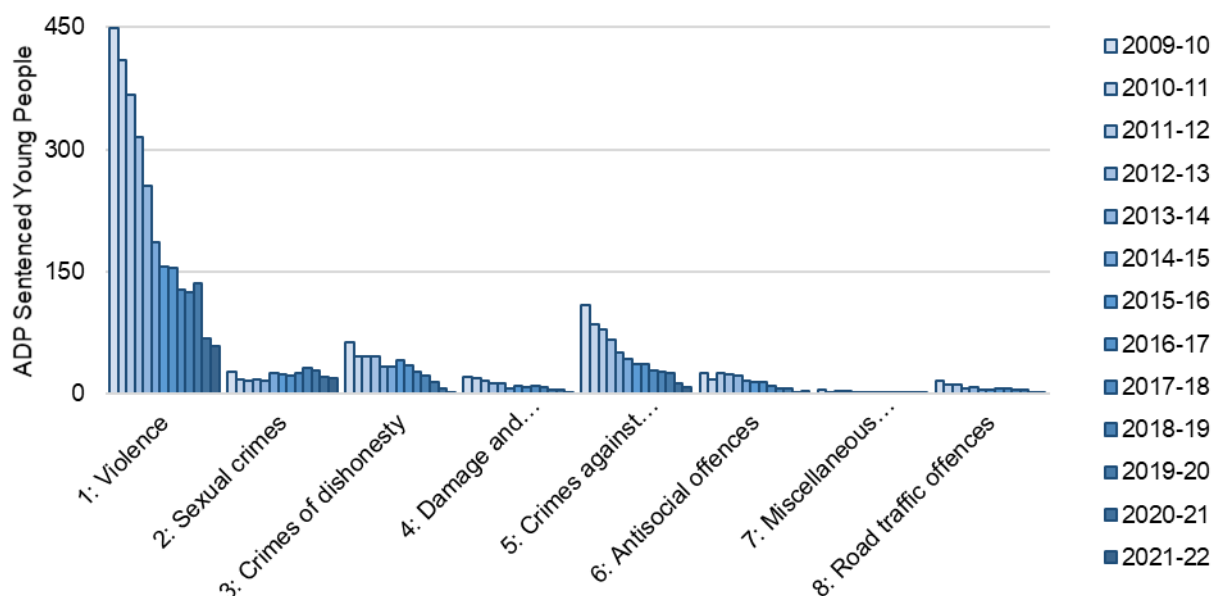


### 3.1 Index offence groups

[Supplementary tables M2]

As shown in Figure 13, the sentenced (average daily) population of young people continued a previously observed downward trend<sup>18</sup> across all index offence groups (with the exception of Group 7, although very small numbers in this group make it difficult to discern trends)<sup>19</sup>. This includes a reduction in those serving sentences for index offences in Group 1 (Violence) where an increase had previously been noted (between 2018-19 and 2019-20).

**Figure 13: Index offence groups of sentenced young people (under 21 years) – average daily populations, 2009-10 to 2021-22**



Group 1 (Violence) continued to account for the largest group in the sentenced population of young people in 2021-22 at 61% (58 sentenced young people on the average day). The second largest segment of the sentenced population had index offences in Group 2 (Sexual crimes) (20%, 19 sentenced young people on the average day).

### 3.2 Index sentences

[Supplementary table M3]

Figure 14 shows the index sentence profile of the (average daily) population of people under 21. This population continued to fall, with 96 sentenced under-21 year olds on the average day in 2021-22; a 23% reduction from 118 in 2020-21. In line with this overall trend, there has been stability or a reduction in the population of young people in each of the index sentence bands between 2020-21 and 2021-22. The largest proportionate

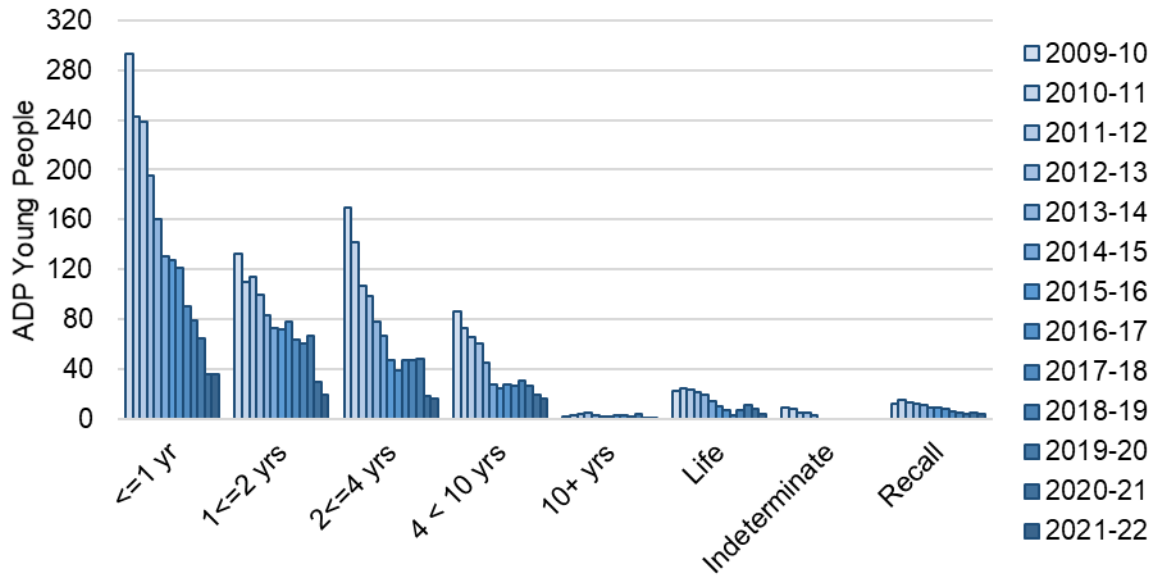
<sup>18</sup> Scottish Prison Population Statistics: Legal Status, 2019-20, <https://www.gov.scot/publications/scottish-prison-population-statistics-legal-status-2019-20/pages/6/>

<sup>19</sup> Technical Manual: Index offence, <https://www.gov.scot/publications/scottish-prison-population-statistics/pages/analytical-factors-and-measurements/#Index%20offence>



reduction was in those serving life sentences, falling from 8 in 2020-21 to 4 in 2021-22, all of whom entered the adult population. This was followed by a 36% reduction in the population serving index sentences of 1-2 years, decreasing from 30 in 2020-21 to 19 in 2021-22.

**Figure 14: Index sentences of young people (under 21) – average daily populations, 2009-10 to 2021-22**



## 4 Sentenced Index Offences

[Supplementary tables M2]

This section provides detailed breakdowns of index offence groups in the sentenced average daily population discussed in section 1.3 into index offence categories<sup>20</sup>. The 50 offence categories (and eight over-arching offence groups) provide high-level summaries of the offence profile of the prison population, but necessarily mask the full complexity of the offence profiles of individuals in the prison population.

Some of the likely reasons for the changes discussed in this section are discussed in section 1.1.

### 4.1 Group 1 – Non-sexual crimes of violence

The largest category of offence in Group 1 is ‘Serious assault and attempted murder’. The sentenced (average daily) population with this index offence was 980 in 2021-22, a slight reduction from the previous year (-2%). There was a larger proportionate reduction (-8%) in the sentenced population with the index offence of ‘Robbery’, falling to 345 in 2021-22.

The offence category of ‘Domestic Abuse’ saw the largest annual proportionate increase, increasing 59% from an sentenced population of 27 in 2020-21 to 43 in 2021-22. Offences in this category originate with the 2018 Act and therefore do not cover the totality of domestic abuse offences in the prison population.

The largest absolute increase was observed in ‘Common Assault’. The sentenced population with this index offence increased 12% to 541, but has not reached the pre-pandemic population of 610 in 2019-20.

The sentenced population with index offences ‘Murder and culpable homicide’ increased by 3 from the previous year to 564, and ‘Causing death by dangerous driving’ by 3 to 32.

### 4.2 Group 2 – Sexual offences

In line with the previously observed rising trend<sup>21</sup>, the sentenced (average daily) population with an index offence of ‘Rape and attempted rape’ increased between 2020-21 and 2021-22. This population rose by 8% from around 668 in 2020-21 to 721 on an average day in 2021-22, and remains the largest population category in Group 2.

The sentenced population with the index offence of ‘Sexual assault’ fell 7% over the same period, from 240 to 225.

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<sup>20</sup> Technical Manual: Index offence, <https://www.gov.scot/publications/scottish-prison-population-statistics/pages/analytical-factors-and-measurements/#Index%20offence>

<sup>21</sup> Scottish Prison Population Statistics: Legal Status, 2019-20. Section 3.1.2 <https://www.gov.scot/publications/scottish-prison-population-statistics-legal-status-2019-20/pages/6/>

Increases were observed in the categories 'Causing to view sexual activity or images', 'Communicating indecently', and 'Indecent photos of children'. The largest of these was 'Communicating indecently', which increased from 8 in 2020-21 to 18 in 2021-22.

### **4.3 Group 3 – Crimes of dishonesty**

The (average daily) populations across the group 3 offence categories all fell in 2021-22. The largest category 'Housebreaking' saw a 16% decrease from 209 in 2020-21 to around 176 in 2021-22. 'Shoplifting' - the second largest category – fell a further 16% on the more than 54% reduction of the previous year and had 54 sentenced people on the average day in 2021-22.

### **4.4 Group 4 – Damage and reckless behaviour**

The sentenced (average daily) population with an index offence of 'Reckless conduct' or 'Vandalism' increased marginally, while that of 'Fire-raising' fell. Overall the population of this group fell by 5% from 91 in 2020-21 to 87 in 2021-22.

### **4.5 Group 5 – Crimes against society**

The (average daily) populations across the group 5 offence categories fell by 8% in 2021-22 from 871 to 799. The largest index offence category in this group is 'Drugs - Supply', whose population fell by 9% from 421 in 2020-21 to 381 in 2021-22. The largest proportionate reduction was in the 'Weapons possession' category, which fell 14% to 194 on the average day in 2021-22. It nonetheless remains the second largest category, ahead of 'Crimes against public justice' which had a sentenced population of 173 on the average day in 2021-22.

### **4.6 Group 6 – Antisocial offences**

The (average daily) population in this group increased 12% from 193 in 2020-21 to 216 in 2021-22.

Around 94% of the sentenced population in this group had an index offence of 'Threatening and abusive behaviour' (204), and the rise in this category (+23) accounted for 98% of the overall rise in this group.

### **4.7 Group 7 – Miscellaneous offences**

The (average daily) population in this group remained broadly stable between 2020-21 and 2021-22 (109). Around two thirds of the population in Group 7 (74) had index 'Licensing offences', while a further 34 had index 'Other miscellaneous offences' in 2021-22.

### **4.8 Group 8 – Road traffic offences**

The index offence of 'Dangerous and careless driving' made up around 60% of the sentenced average daily population of this group and remained broadly stable from the previous year at 56 on the average day. The second largest category - 'Unlawful use of vehicle' - increased marginally from 27 to 29 in 2021-22.

## 5 Remand Index (alleged) Offences

The remand population comprises individuals who are untried and those who are convicted awaiting sentence (CAS).<sup>22</sup> As discussed in section 1.2 of this report, the remand population continued to grow in 2021-22, increasing from 1,634 in 2020-21 to 1,862 in 2021-22.

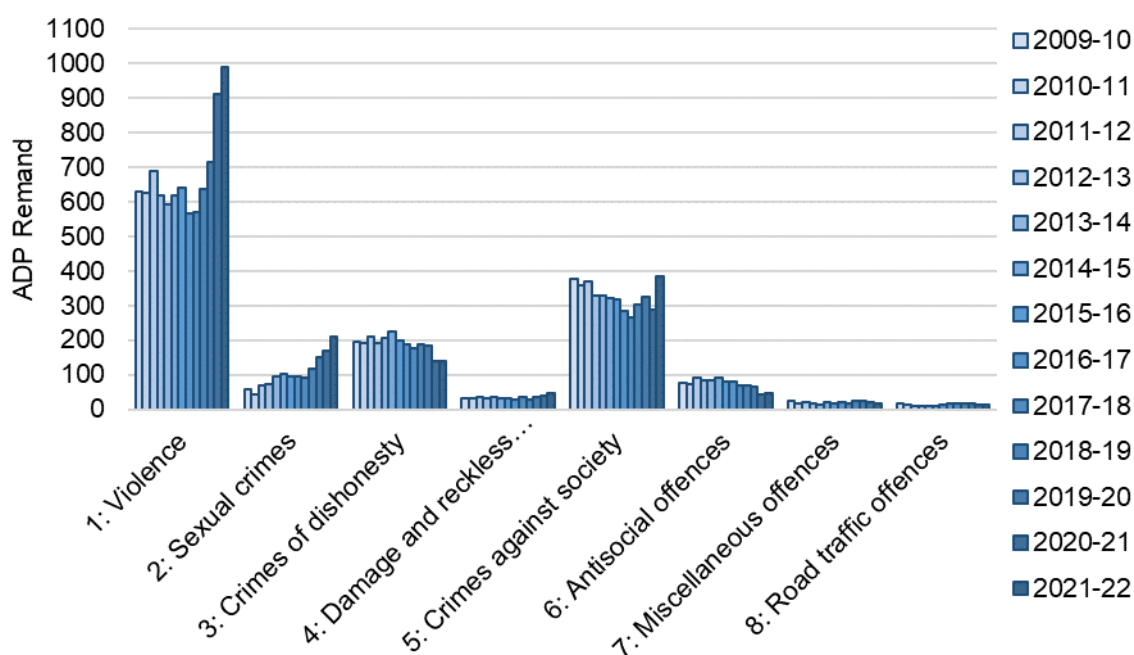
This section provides the breakdown of the average daily population on remand by index (alleged) offence group, followed by a further breakdown of those groups into index (alleged) offence categories. Detail of the method for deriving index (alleged) offence is provided in the technical manual.<sup>23</sup>

### 5.1 Remand index (alleged) offence groups

[Supplementary tables M2]

While the overall (average daily) remand population rose by 14% between 2020-21 to 2021-22, this rise is not observed across all the index (alleged) offence<sup>24</sup> groups within the remand population (see Figure 15).

**Figure 15: Remand offence groups – average daily populations, 2009-10 to 2021-22**



<sup>22</sup> Technical Manual: Legal Status, <https://www.gov.scot/publications/scottish-prison-population-statistics/pages/analytical-factors-and-measurements/#Legal%20status>

<sup>23</sup> Technical Manual: Index Offence Derivation: <https://www.gov.scot/publications/scottish-prison-population-statistics/pages/cellwise-data-construction/#index-offence-derivation>

<sup>24</sup> Technical Manual: Index Offence group, <https://www.gov.scot/publications/scottish-prison-population-statistics/pages/analytical-factors-and-measurements/#Index%20offence%20group>

There were continued increases in the remand population accused of index Group 1 (Violence) between 2020-21 and 2021-22. This population increased by 9% from around 911 to 989. This group comprised 53% of the remand population.

The population accused of index Group 5 (Crimes against society) also increased from 288 to 386 (+34%), remaining the second largest population group at 21% of those held on remand on the average day in 2021-22.

The remand population accused of index Group 2 (Sexual) offences increased, rising 23% from around 170 in 2020-21 to 209 in 2021-22.

The remand populations accused of index offences in Group 3 (Dishonesty), group 4 (Damage and reckless behaviour), and Groups 6 through 8 remained broadly stable between 2020-21 and 2021-22.

## **5.2 Index (alleged) offence categories**

[Supplementary tables M2]

This section provides a breakdown of the remand population into categories of index (alleged) offence<sup>25</sup>.

### **5.2.1 Group 1 – Non-sexual crimes of violence**

Among the (average daily) population held on remand for Group 1 (Violent) offences in 2021-22, the largest index offence category was 'Serious assault and attempted murder'. This index offence category made up 20% of the (average daily) population on remand overall, and 37% of those in Group 1. The remand population with this index offence is largely unchanged from 2020-21, at 367 on the average day.

The second largest index offence category by population in Group 1 were those remanded for 'Common assault'. This group grew 19% from 301 in 2020-21 to 359 in 2021-22 and made up 19% of the average day remand population overall.

The population remanded for the index offence of 'Robbery' fell 9% over the same period, from 130 to 118. The population remanded for 'Murder and culpable homicide' increased from 50 on the average day in 2020-21 to 58 in 2021-22.

Relatively large proportionate increases were observed in the small populations remanded for 'Domestic Abuse' and 'Other non-sexual violence', which increased to 54 and 31 respectively on the average day in 2021-22.

### **5.2.2 Group 2 – Sexual offences**

Among Group 2 (Sexual) offences, the largest index offence category is 'Rape & attempted rape' at 61% of the Group 2 remand population on the average day in 2021-22 and 7% of the remand population overall. The population with alleged offences in this

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<sup>25</sup> Technical Manual: Index offence, <https://www.gov.scot/publications/scottish-prison-population-statistics/pages/analytical-factors-and-measurements/#Index%20offence>

category increased from 113 in 2020-21 to 128 in 2021-22, which was the largest absolute change across the Group 2 index offences.

'Sexual assault' was the second largest index offence category in the group, and saw an increased average day population on remand from 24 in 2020-21 to 34 in 2021-22.

Small absolute increases were observed in the small average day populations remanded for the index offences 'Causing to view sexual activity or images', 'Communicating indecently', 'Indecent photos of children' and 'Threatening to or disclosing intimate images' between 2020-21 and 2021-22.

### **5.2.3 Group 5 – Crimes against society**

The 34% annual increase in the (average daily) remand population accused of Group 5 offences was driven by a 63% rise in the population accused of 'Drugs – supply' offences (from 84 to 138) and a 24% rise in 'Crimes against public justice' (118 to 146). There was also a 17% increase in the population accused of 'Weapons possession (not used)' offences (83 to 97).

### **5.2.4 Other offence categories**

The remaining offence categories (those in groups 3,4,6,7 and 8) were broadly unchanged from 2020-21. Further information on these categories is contained in the supplementary table (M2) or through the Interactive Analysis Tool (see page 11).

## 6 Individuals Experiencing Imprisonment

[Supplementary tables B2 and M1]

The number of individuals<sup>26</sup> who spent any time in prison remained at a very similar level in 2021-22 compared to 2020-21, increasing by only 1% from 14,241 to 14,411 (see Figure 16). While there is a longer term downward trend in the numbers of individuals experiencing imprisonment year-on-year, the number of individuals recorded in 2021-22 is considerably below pre-pandemic levels. This likely reflects the impacts of the pandemic on justice system operations, as discussed in section 1.1.

Note that the measure of individuals differs from average daily population discussed in previous chapters in that each individual is given equal weight regardless of how long they spent in prison.

**Figure 16: Unique individuals spending any time in prison, 2009-10 to 2021-22**

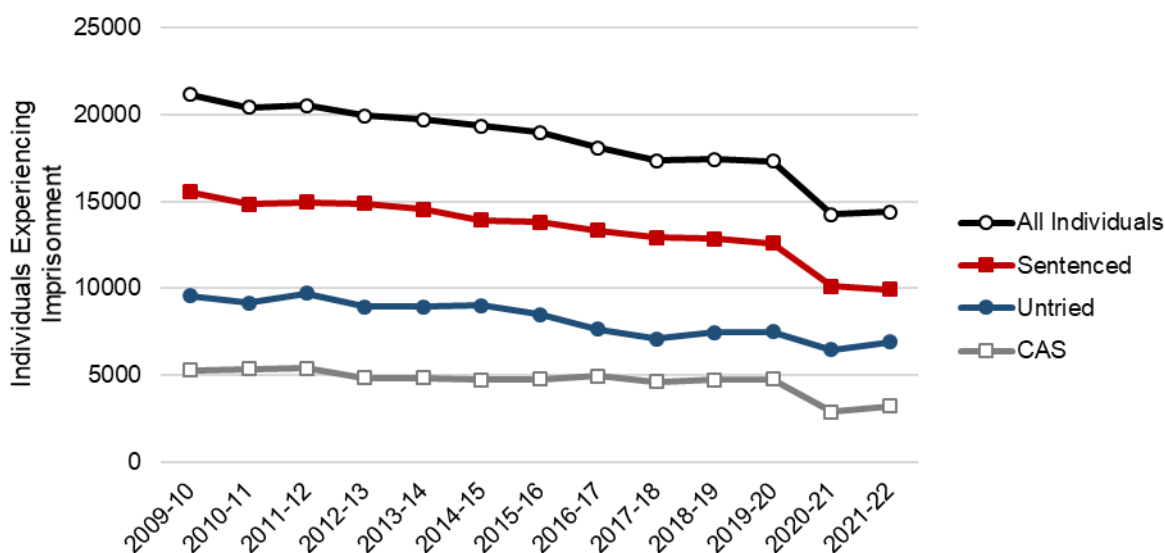


Figure 16 shows that while there was overall stability in the number of individuals experiencing imprisonment between 2020-21 and 2021-22, the pattern does vary when broken down by legal status. Between 2020-21 and 2021-22, the number of individuals spending any time as sentenced remained broadly stable, falling by just 2% (from 10,127 to 9,923). On the other hand, the number of individuals spending time as convicted awaiting sentence increased by 11% (from 2,883 to 3,210) and the number of individuals spending time as untried increased by 7% (from 6,480 to 6,915), bringing this figure closer to pre-pandemic levels<sup>27</sup>.

<sup>26</sup> Technical Manual: Individuals, <https://www.gov.scot/publications/scottish-prison-population-statistics/pages/analytical-factors-and-measurements/#Individuals>

<sup>27</sup> Technical Manual: Legal Status, <https://www.gov.scot/publications/scottish-prison-population-statistics/pages/analytical-factors-and-measurements/#Legal%20status>

Note that an individual can have more than one legal status type each year. This means that the total number of individuals across the legal status types will sum to more than the total number of individuals held in custody in each year.

The rest of this section examines the changes in the characteristics of individuals experiencing imprisonment.

## 6.1 Gender

[Supplementary tables B2 and M1]

The number of women who spent any time in prison over the course of the year has halved over the past decade, from 1,720 in 2011-12 to 857 in 2021-22. Over the same period the number of men spending any time in prison fell by 28%, from 18,815 to 13,552.

As per 2020-21, women made up just 6% of individuals experiencing imprisonment in 2021-22.

The numbers of men and women spending any time in prison during 2021-22 were very similar to those recorded in 2020-21. In 2021-22, 13,552 men experienced imprisonment (+1% from 2020-21), as did 857 women (-1% from 2020-21).

While there is overall stability in the number of individuals recorded for men and women, this pattern varies by legal status. For men, the pattern follows that for the overall numbers of individuals – increases of 7% (6,034 to 6,481) and 11% (2,657 to 2,945) in the numbers experiencing imprisonment as untried and convicted awaiting sentence respectively between 2020-21 and 2021-22, and a decrease of just 2% (9,625 to 9,463) in the numbers experiencing imprisonment as sentenced.

For women, the pattern is different. While the numbers of women experiencing imprisonment as convicted awaiting sentence and sentenced followed the same direction as the numbers of men between 2020-21 and 2021-22, the proportionate change is greater for both at +18% for convicted awaiting sentence (224 to 265) and –8% for sentenced (501 to 459). In contrast to the pattern seen for men, the numbers of women experiencing imprisonment as untried *decreased* by 3% (445 to 433).

## 6.2 Age

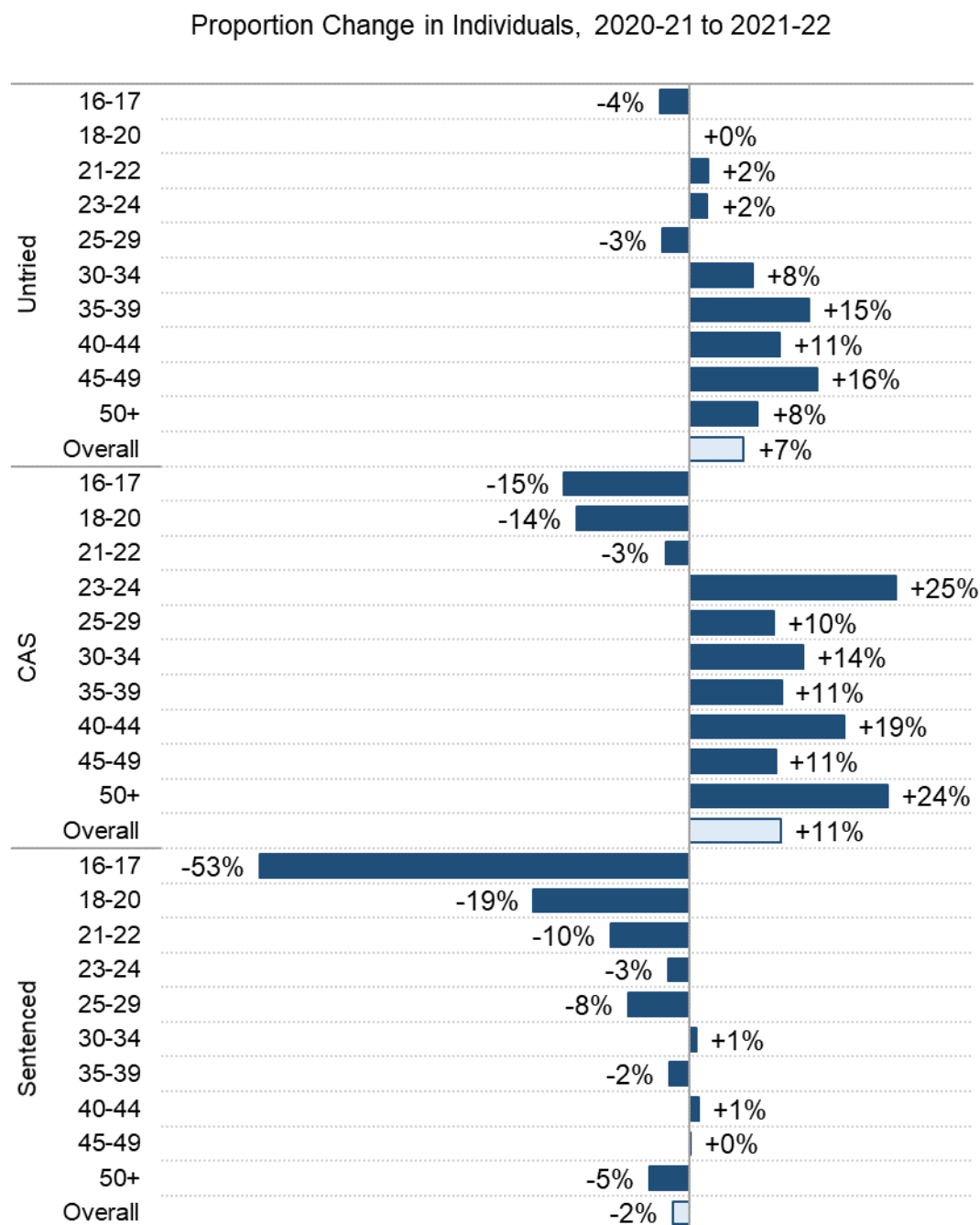
[Supplementary tables B2 and M1]

While there is broad stability in the number of individuals experiencing imprisonment as sentenced, and increases in the number experiencing imprisonment as untried or convicted awaiting sentence between 2020-21 and 2021-22, this pattern varies by age group.

Figure 17 shows that the increase in individuals experiencing imprisonment as untried is driven largely by increases in the older age groups (30+ years old). Similarly, the increase in individuals experiencing imprisonment as convicted awaiting sentence is driven by increases in individuals aged 23 years or older. The stability in individuals experiencing imprisonment as sentenced is only seen by the middle age groups (30-49 years), with younger (16-29) and older (50+) groups experiencing greater proportionate decreases.



**Figure 17: Change in number of individuals experiencing imprisonment by legal status and age, 2020-21 to 2021-22**



The previously reported trend<sup>28</sup> of an aging group of people experiencing imprisonment continued in 2021-22. The average age of individuals spending any time in prison in 2010-11 was 31.8 years; by 2021-22 this had risen to 36.9. The proportion aged 55 years or older has more than doubled in ten years, rising from 3.5% to 8.1%.

<sup>28</sup> Scottish prison population: statistics 2019 to 2020, Section 2.1  
<https://www.gov.scot/publications/scottish-prison-population-statistics-2019-20/pages/4/>

## 6.3 Ethnicity

[Supplementary tables B3]

Individuals identifying as White continued to form the largest ethnic group within those experiencing imprisonment in 2021-22 (94%)<sup>29</sup>.

There was broad stability in the number of individuals experiencing imprisonment across the White and Asian ethnic groups, and increases in the number of individuals from all other ethnic groups. Overall there was little change to the proportion of individuals each ethnic group represented between 2020-21 and 2021-22.

In 2021-22, the rate of imprisonment for the White and Asian ethnic groups remained similar to the previous reporting year (3.2 and 2.4 per 1,000 respectively). The imprisonment rates remained higher for the African, Caribbean and Black and Other Ethnic groups, and showed an increase from the rates seen in 2020-21 (from 6.3 to 8.2 and from 5.8 to 7.2 per 1,000 respectively). The rate for the Mixed or Multiple Ethnic group also increased, from 3.7 per 1,000 in 2020-21 to 4.5 per 1,000 in 2021-22<sup>30</sup>.

Ethnic groupings have been aggregated in this report, which is likely to mask variations within each group. Disaggregation of prisoner ethnicity data is currently being pursued for future analyses.

## 6.4 Other individual level characteristics

Statistics on other available protected characteristics (disability, sexual orientation, and marital status) and armed forces history are provided in the Supplementary Tables B4-7 accompanying this publication.

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<sup>29</sup> Technical Manual: Ethnicity, <https://www.gov.scot/publications/scottish-prison-population-statistics/pages/analytical-factors-and-measurements/#Ethnicity>

<sup>30</sup> More information about the derivation of these rates is provided in the Technical Manual: Comparator population rates, <https://www.gov.scot/publications/scottish-prison-population-statistics/pages/analytical-factors-and-measurements/#Comparator%20population%20rates>

# 7 Population In-Flows

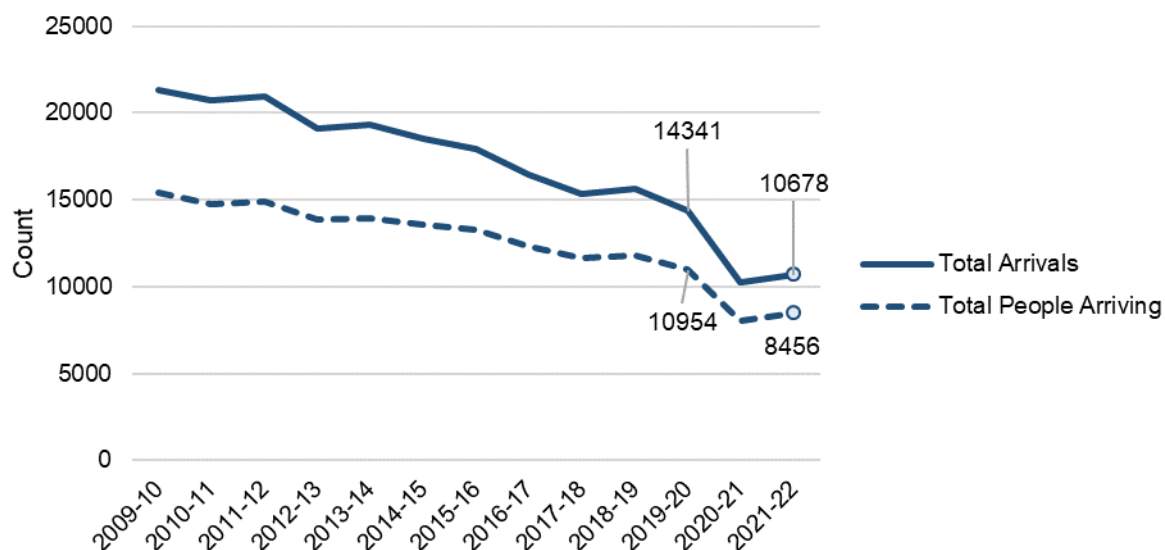
## 7.1 Arrivals to prison

[Supplementary Table C1]

An arrival<sup>31</sup> is where a continuous 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. Individuals can arrive to custody more than once each year and so a single individual may be counted more than once when analysing arrivals.

As per the patterns seen for the average daily population and the number of individuals spending time in custody, there is a pattern of broad stability in the number of arrivals to custody between 2020-21 and 2021-22. There were 10,678 arrivals to custody in 2021-22, an increase of around 4%. The number of arrivals has been considerably lower than pre-pandemic levels for the last two reporting years (see Figure 18).

**Figure 18: Number of arrivals, and unique individuals arriving, 2009-10 to 2021-22**



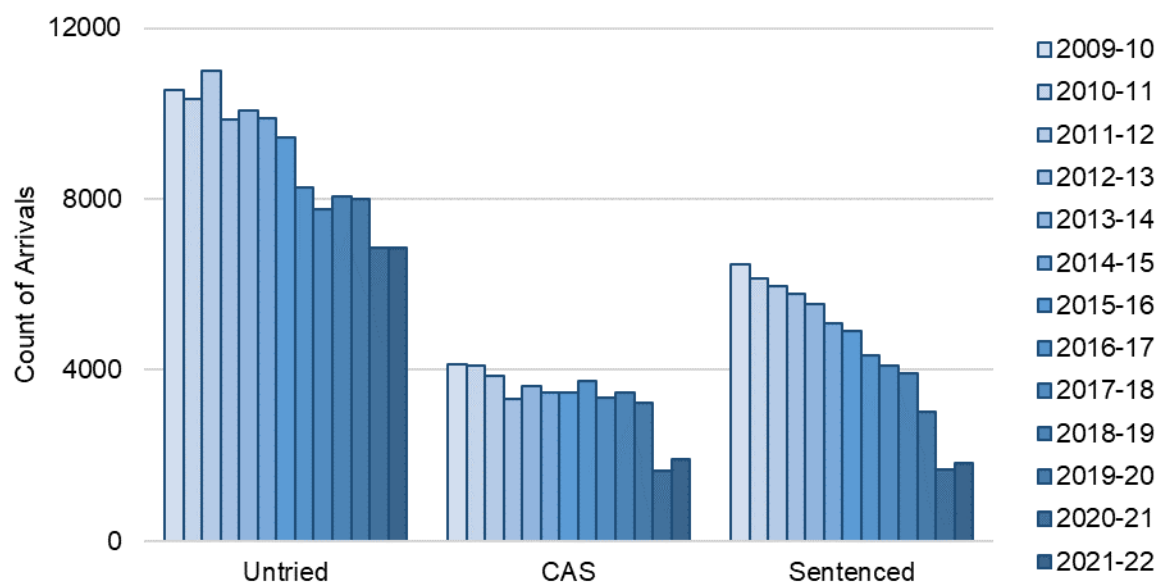
## 7.2 Arrivals by legal status

[Supplementary Table O1]

Figure 19 shows the number of arrivals varies by legal status category. Arrivals across all legal status categories are still below pre-pandemic levels but the distribution of arrivals across the categories is broadly similar to that in 2020-21.

<sup>31</sup> Technical Manual: Arrival, <https://www.gov.scot/publications/scottish-prison-population-statistics/pages/analytical-factors-and-measurements/#Arrival>

**Figure 19: Arrivals by legal status**



Reflecting the Covid impacts on the operation of the justice system (see Section 1.1), convicted awaiting sentence and sentenced arrivals remained at considerably lower levels than pre-pandemic, albeit with small increases in both categories between 2020-21 and 2021-22. Convicted awaiting sentence arrivals increased by 16% to 1,916 and sentenced arrivals increased by 10% to 1,836. Untried arrivals decreased from 6,875 to 6,859 – a decrease of just 16 arrivals in total.

Untried arrivals accounted for 64% of all arrivals to prison in 2021-22 (compared to 67% in 2020-21).

### 7.3 Arrivals by local authority

[Supplementary tables C2]

Arrivals to prison remained broadly similar across all local authority areas between 2020-21 and 2021-22. The rate of arrival increased by a small amount from 1.8 per 1,000 head of population in 2020-21 to 1.9 in 2021-22<sup>32</sup>.

Dundee City retained the highest rate of arrival at 3.6 per 1,000 population in 2021-22, although other local authorities had similar rates of 3 or more per 1,000 (Clackmannshire at 3.3 per 1,000 and East Ayrshire at 3.0 per 1,000).

### 7.4 Arrivals by deprivation

[Supplementary tables C3]

There was little change to the previously reported pattern of arrivals to prison being most likely from the 10% most deprived areas of Scotland – a consistent pattern over the past

<sup>32</sup> More information about the derivation of these rates is provided in the Technical Manual: Comparator population rates, <https://www.gov.scot/publications/scottish-prison-population-statistics/pages/analytical-factors-and-measurements/#Comparator%20population%20rates>

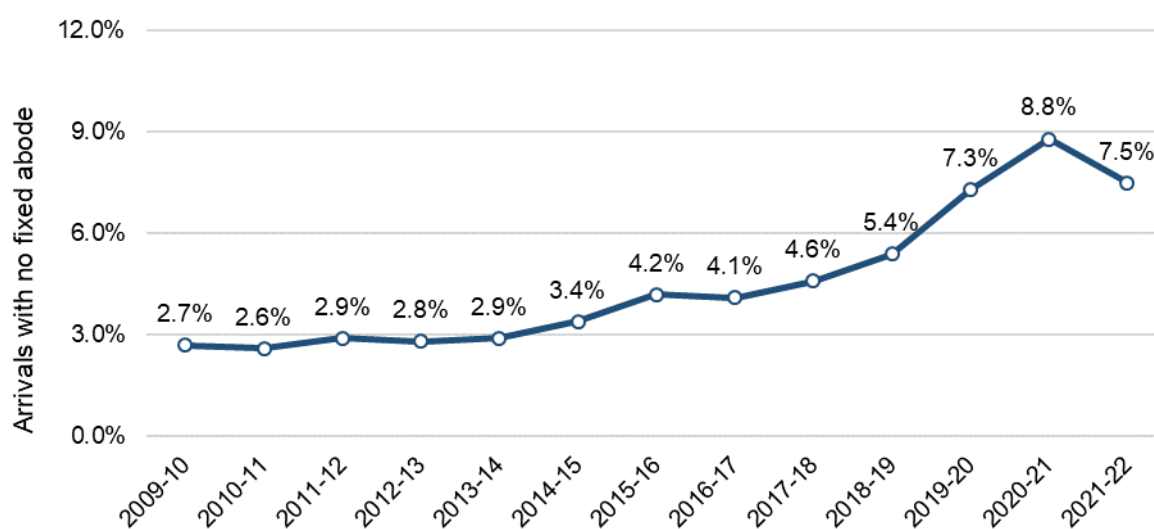
decade<sup>33</sup>. The 10% most deprived areas of Scotland accounted for 31% of all arrivals to prison in 2021-22 - a small reduction from 34% in 2020-21.

## 7.5 Arrivals by no fixed abode

[Supplementary tables C4]

In 2021-22, 7.5% of arrivals to prison were individuals registered as of no fixed abode (Figure 20) , a reduction from 8.8% in 2020-21<sup>34</sup>.

**Figure 20: Proportion of arrivals of individuals with no fixed abode continues to increase**



## 7.6 Arrivals by offence group

[Supplementary tables O6]

The number of arrivals across the index offence groups<sup>35</sup> remained at very similar levels between 2020-21 and 2021-22. The exception to this is the number of arrivals for Group 2 (Sexual) offences. These increased from 614 in 2020-21 to 820 in 2021-22 – a rise of 34%. Arrivals for Group 2 index offences are the only group where there has been a ‘recovery’ to pre-pandemic levels.

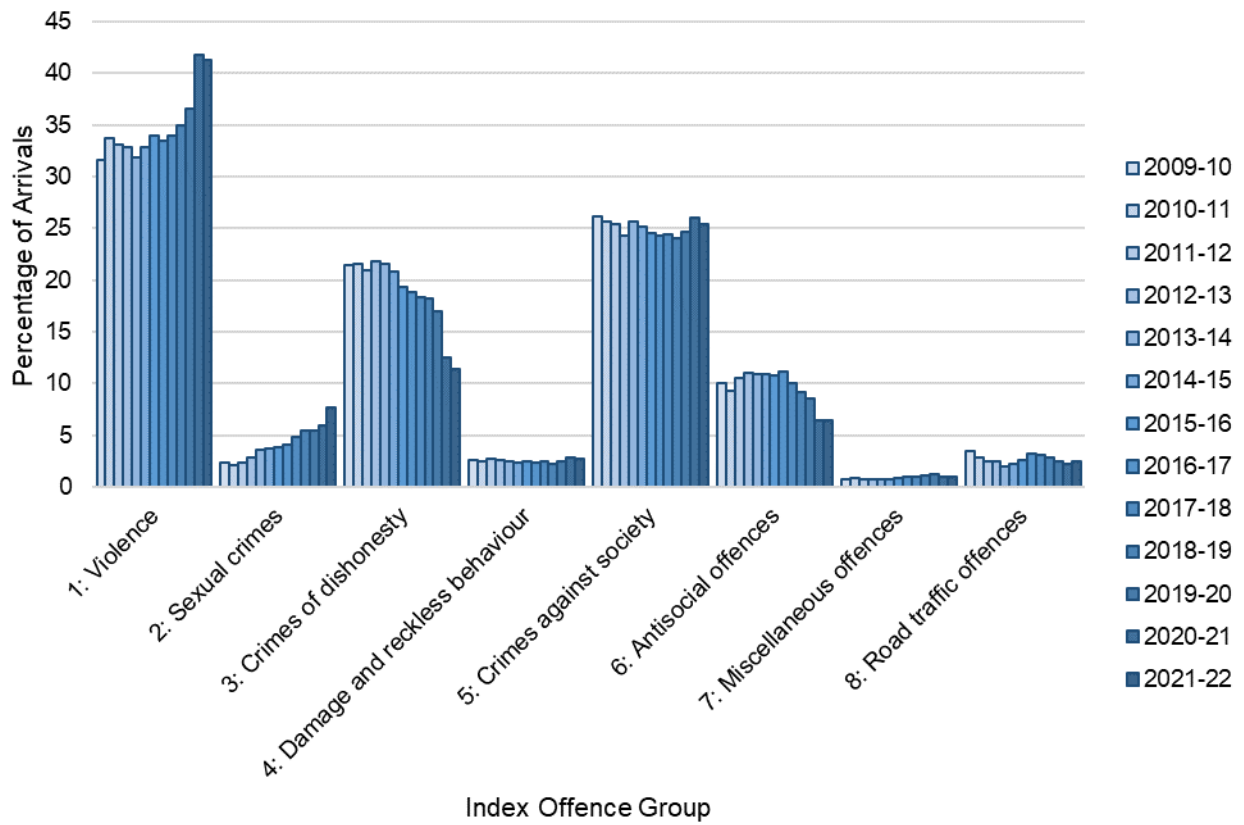
Reflecting the broad similarity in arrivals by index offence group between 2020-21 and 2021-22, the share of arrivals remained broadly similar across the two reporting years Figure 21. Notable changes include the increase in the proportion arriving with index sexual crimes (7.7%, +1.7%pts) and reduction in the proportion arriving with index crimes of dishonesty (11.4%, -1.1%pts) between 2020-21 and 2021-22.

<sup>33</sup> Scottish prison population: statistics 2019 to 2020, Section 3.3, <https://www.gov.scot/publications/scottish-prison-population-statistics-2019-20/pages/5/>

<sup>34</sup> Technical Manual: No fixed abode, <https://www.gov.scot/publications/scottish-prison-population-statistics/pages/analytical-factors-and-measurements/#Of%20no%20fixed%20abode>

<sup>35</sup> Technical Manual: Index offence, <https://www.gov.scot/publications/scottish-prison-population-statistics/pages/analytical-factors-and-measurements/#Index%20offence%20group>

**Figure 21: Proportion of arrivals by Index Offence Groups, 2009-10 to 2021-22**



## 8 Population Transitions and Out-Flows

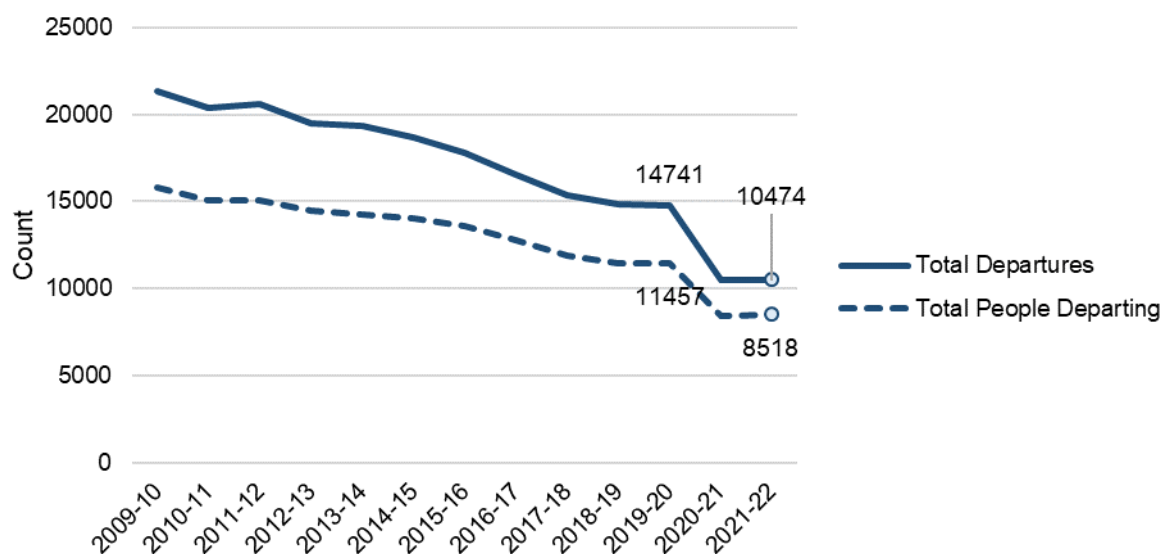
This section of the report examines transitions within, and departures from, custody in the reporting year. Quantification of population flows are provided, as well as an examination of custodial ‘journeys’ by legal status. Individuals can enter custody with any one of the legal statuses (untried, convicted awaiting sentence, or sentenced), and may transition through other statuses before departing<sup>36</sup>. For the custodial ‘journeys’ captured in the cellWise data, it is possible to measure and report overall time in custody, as well as time spent with a remand status. Where available, the reasons for an individuals’ liberation is provided in section 8.4.

### 8.1 Departures and transitions

[Supplementary Tables C1, O2, O3 & O4]

There were 10,474 departures<sup>37</sup> from prison in 2021-22, a decrease of less than 1% from 2020-21. Accounting for multiple departures per person, 8,518 individuals departed prison one or more times in 2021-22 – a increase of 1% (see Figure 22), but still far below the 2019-20 level of 11,457.

**Figure 22: Number of departures, and unique individuals departing, fell over 2009-10 to 2021-22**



<sup>36</sup> For more information see the Technical Manual: Legal Status Hierarchy, <https://www.gov.scot/publications/scottish-prison-population-statistics/pages/cellwise-data-construction/#Legal%20status%20heirarchy>

Section 9.1 provides details of the reverse transitions in 2021-22.

<sup>37</sup> Technical Manual: Departure, <https://www.gov.scot/publications/scottish-prison-population-statistics/pages/analytical-factors-and-measurements/#Departure>

Of all departures<sup>38</sup> in 2021-22, 46% were from remand and 54% were sentenced. This is a greater proportion departing from a remand status than in previous years, albeit the difference is small (43% in 2020-21 and 44% in 2019-20). In absolute terms, the number of remand departures increased 6% from 4,489 in 2020-21 to 4,773 in 2021-22. In the same period departures from sentenced status decreased 5% from 5,942 to 5,628.

There were 3,847 transitions<sup>39</sup> from remand to sentenced status in 2021-22, around 12% more than in 2020-21 (3,445) but still 23% less than pre-pandemic (4,966 in 2019-20).

## 8.2 Custodial journeys

[Supplementary Tables C1 & O2]

**Figure 23: Departures by Journey Type**

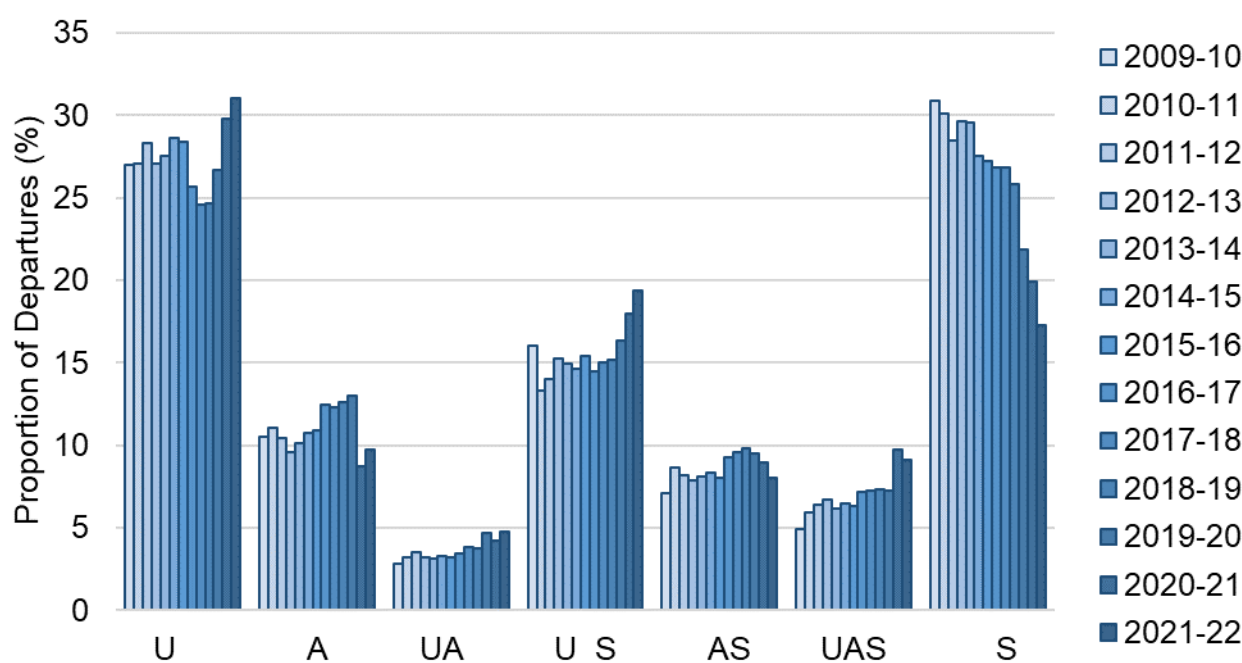


Figure 23 shows the proportion of departures by custodial journey type<sup>40</sup>. Journey types represent the progress through the legal status hierarchy<sup>41</sup> in the course of an occupancy period, from untried (U), convicted awaiting sentence (A) to sentenced (S). This demonstrates broad stability between 2020-21 and 2021-22, with only small proportionate increases in departures from a journey ending in remand and small proportionate decreases in journeys ending in the sentenced population (absolute counts are available

<sup>38</sup> A small number of departures have missing values for legal status at time of departure. The sum of labelled departures (e.g. remand plus sentenced) will therefore be different to the sum of all departures above (10,401 rather than 10,474)

<sup>39</sup> Technical Manual: Status transitions, <https://www.gov.scot/publications/scottish-prison-population-statistics/pages/analytical-factors-and-measurements/#Status%20transition>

<sup>40</sup> Technical Manual: Journey type, <https://www.gov.scot/publications/scottish-prison-population-statistics/pages/analytical-factors-and-measurements/#Journey%20type>

<sup>41</sup> Technical Manual: Legal status hierarchy, <https://www.gov.scot/publications/scottish-prison-population-statistics/pages/cellwise-data-construction/#Legal%20status%20heirarchy>



via the interactive analysis tool and also show little change between 2020-21 and 2021-22).

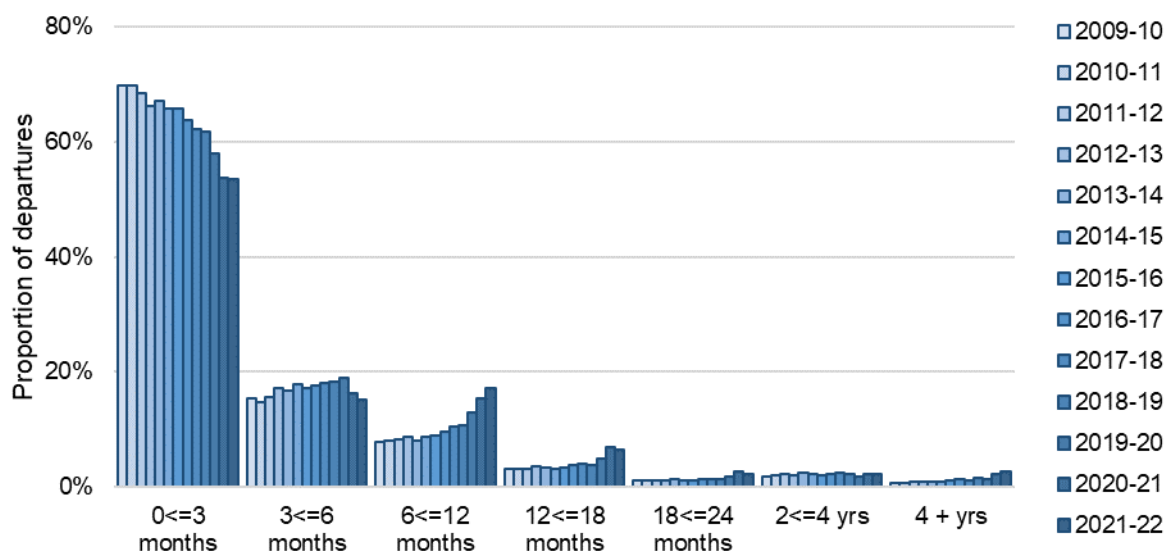
### 8.3 Time in custody

[Supplementary tables D2]

The mean total duration of an occupancy period in custody increased steadily from 122 days in 2009-10 to 169 in 2019-20<sup>42</sup>. This increased by 47 days in 2020-21 to 216 days on average. A further increase was seen in 2021-22 when the average length of a completed occupancy period was 226 days (+10). This latest increase appears to have been driven by a continued reduction in the share of departing occupancy periods of 3-6 months and increase in those of 6-12 months, as shown in Figure 24.

Continuous periods in custody of up to 6 months made up 85% of all occupancy periods ending in 2009-10 and 77% in 2019-20, but just 69% in 2021-22.

**Figure 24: Banded time in custody at departure**



#### 8.3.1 Time on remand

[Supplementary tables O2]

We can measure time on remand when an individual departs custody without a sentencing warrant in that occupancy period, or when they transition from a remand status to the sentenced population<sup>43</sup>.

As shown in Figure 25, the median time taken for an individual to depart custody from remand remained approximately the same over the time series. In 2021-22 the median number of days to departure from remand was 22 days. However, while in 2019-20 90% of remand departures had occurred within 98 days, in 2020-21 this rose to 109 days. In

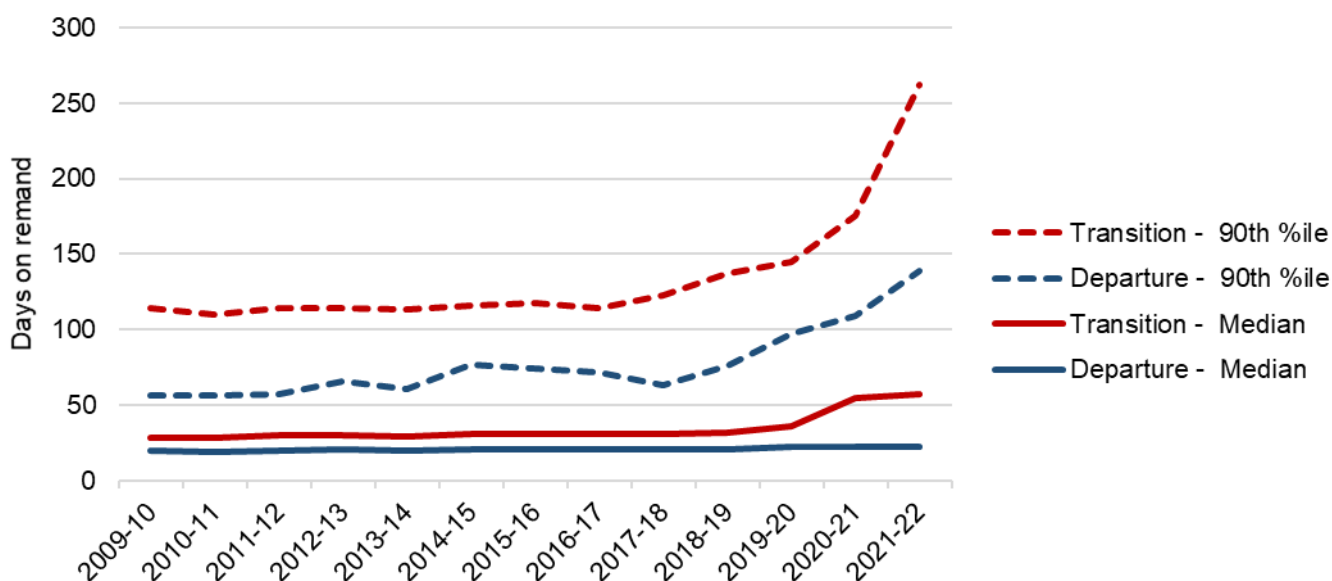
<sup>42</sup> Technical Manual: Time to departure, <https://www.gov.scot/publications/scottish-prison-population-statistics/pages/analytical-factors-and-measurements/#Time%20to%20Departure>

<sup>43</sup> Technical Manual: Time on remand, <https://www.gov.scot/publications/scottish-prison-population-statistics/pages/analytical-factors-and-measurements/#Time%20on%20remand>

2021-22 it had risen further such that 10% of departures from remand took 139 days or more.

The time taken to transition from a remand status to the sentenced population also increased in 2021-22. The median number of days to transition in 2019-20 was 36, while in 2020-21 this rose steeply to 55. A smaller increase was seen in 2021-22 to a median of 57 days. In 2021-22 there was a substantial increase in the 90<sup>th</sup> percentile of time on remand before transition. In 2019-20, 90% of transitions occurred within 145 days and in 2020-21 this had risen to 175 days. In 2021-22 this rose further, such that 10% of transitions from remand to the sentenced population took 262 days or more.

**Figure 25: Days on remand by destination – transition to the sentenced population or departure to the community – median and 90<sup>th</sup> percentile days**



Earlier statistical releases<sup>44</sup> have explored the distribution of days spent on remand for all remand only journeys. In 2020-21, although remand only journeys of all lengths fell in number, the proportion share across duration bands remained broadly similar to 2019-20. The proportion of remand journeys lasting up to 7 days has remained around 22% over the past three reporting years. The proportion of remand journeys lasting more than 140 days rose from 5% in 2019-20 to 7% in 2020-21 then 10% in 2021-22.

## 8.4 Liberations

### 8.4.1 Liberations from remand

[Supplementary tables O4]

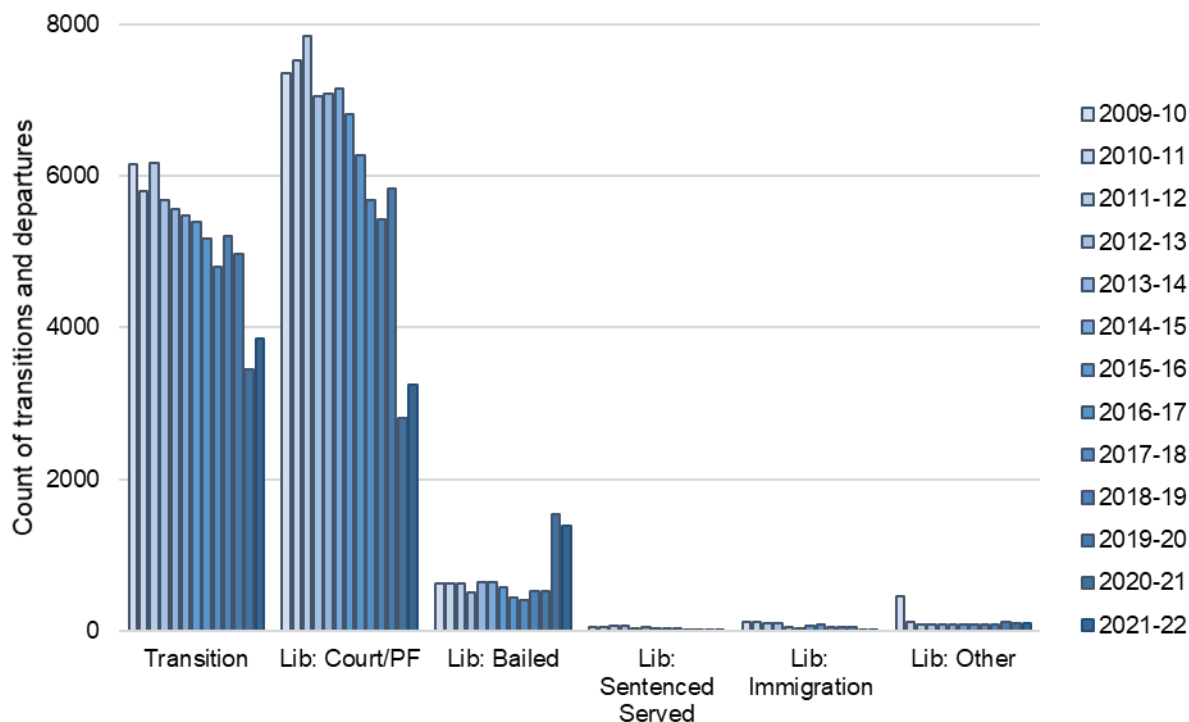
The overall volume of recorded liberation types for departures from remand increased by 6% between 2020-21 and 2021-22, from 4,489 to 4,773.

<sup>44</sup> Scottish Prison Population Statistics: Legal Status, 2019-20, Section 4.3  
<https://www.gov.scot/publications/scottish-prison-population-statistics-legal-status-2019-20/pages/7/>

The number of court or procurator fiscal liberations increased 15%, from 2,811 in 2020-21 to 3,241 in 2021-22. This follows a large (52%) decrease in this liberation type in the first pandemic year.

In 2019-20, 528 remand departures were liberated to bail, but in 2020-21 this increased almost threefold to 1,544 (Figure 26). In 2021-22 this fell 10% to 1,393.

**Figure 26: Number of transitions and departures from remand by liberation type**

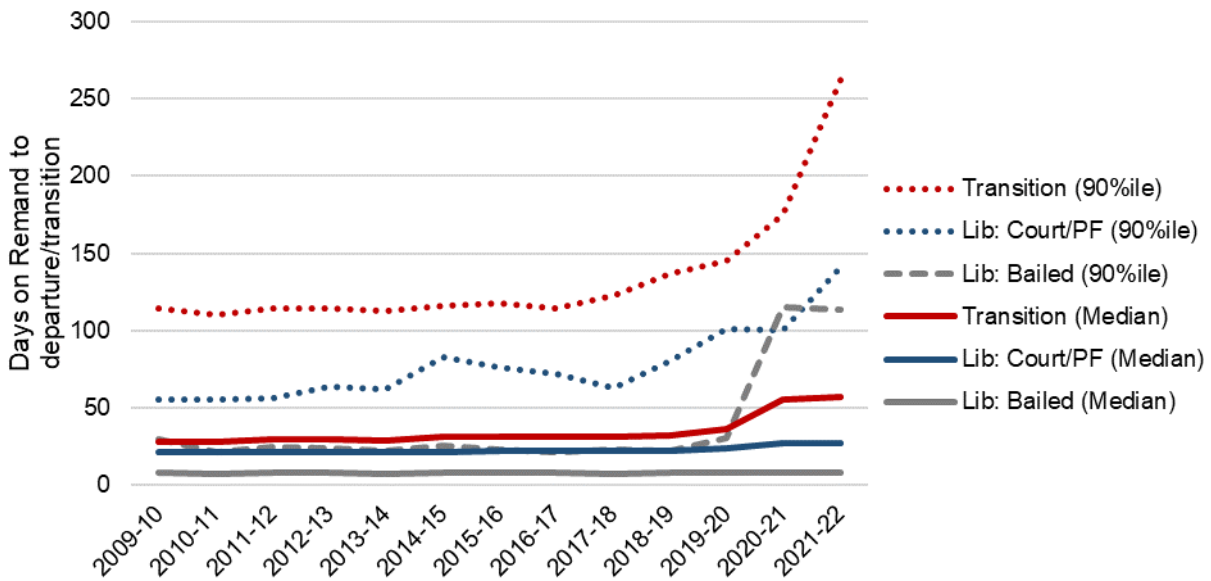


The time to departure varies depending on the type of liberation. Figure 27 shows the median and 90<sup>th</sup> percentile days on remand by liberation type. Liberations to bail is of particular interest here, with the median time to liberation staying constant between 2019-20 and 2021-22 at 8 days. However, 10% of those liberated to bail remained in custody for 114 days or more in 2021-22 and 115 days or more in 2020-21, compared with just 31 days or more in 2019-20.

Median time to liberation from remand by the courts or procurator fiscal remained constant from the previous year, while the 90<sup>th</sup> percentile increased from 100 to 141 days.

Days on remand until transition is described in section 8.3.1.

**Figure 27: Days on remand for transitions to the sentenced population and departures by liberation type, median and 90<sup>th</sup> percentile**

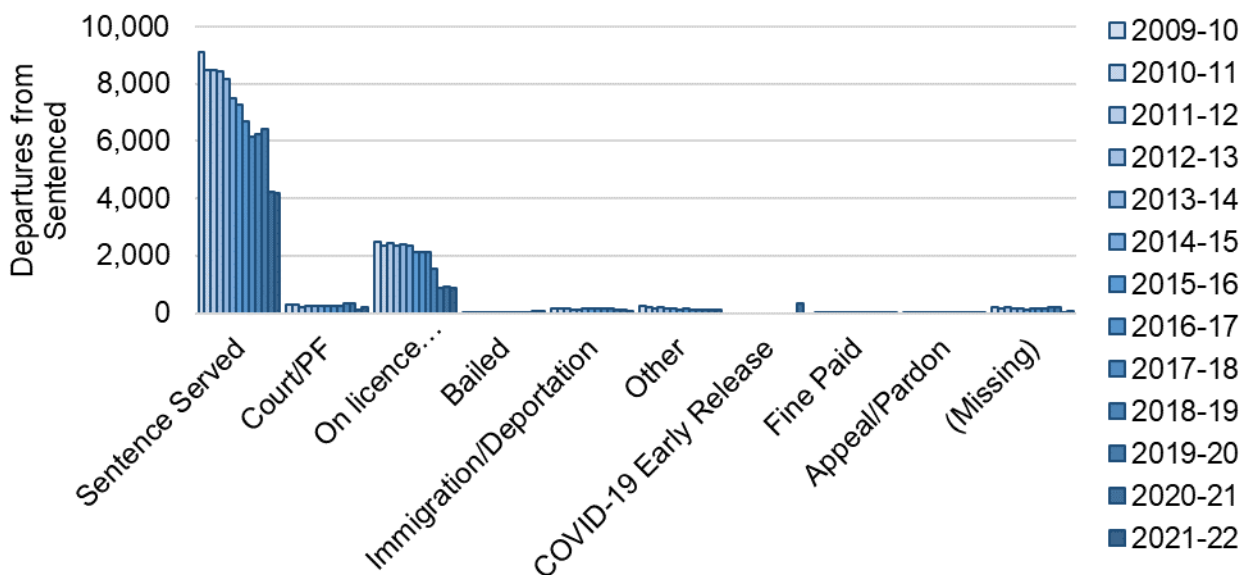


**8.4.2 Sentenced liberations**

[Supplementary tables O4]

As discussed in section 8.1, the overall volume of sentenced departures fell slightly in 2021-22. This was reflected in a 5% decrease in recorded liberations<sup>45</sup> from the sentenced population (from 5,942 in 2020-21 to 5,628 in 2021-22). Figure 28 below shows the breakdown by liberation type.

**Figure 28: Number of departures from sentenced status by liberation type**



<sup>45</sup> Technical Manual: Liberation type, <https://www.gov.scot/publications/scottish-prison-population-statistics/pages/analytical-factors-and-measurements/#Liberation%20type>

Liberations recorded as 'sentence served' fell by 2% in 2021-22, from 4,240 in 2020-21 to 4,175. Liberations to conditional release (on licence, parole or home detention curfew) also fell by a small amount (-1% from 906 in 2020-21 to 898 in 2021-22).

Liberations by the court or procurator fiscal increased from 120 to 189 over the same time period. There was also an increase in liberations to bail, from 71 in 2020-21 to 80 in 2021-22. These liberation types, generally associated with remand prisoners, give further indication of individuals moving from sentenced to remand prior to departure, as discussed in section 9.1.

Under emergency legislation introduced at the beginning of the Covid pandemic<sup>46</sup>, 348 prisoners were released in 2020-21. There were no further such releases in 2021-22.

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<sup>46</sup> The Release of Prisoners (Coronavirus) (Scotland) Regulations 2020, <https://www.legislation.gov.uk/ssi/2020/138/contents/made>

## 9 Source Comparison

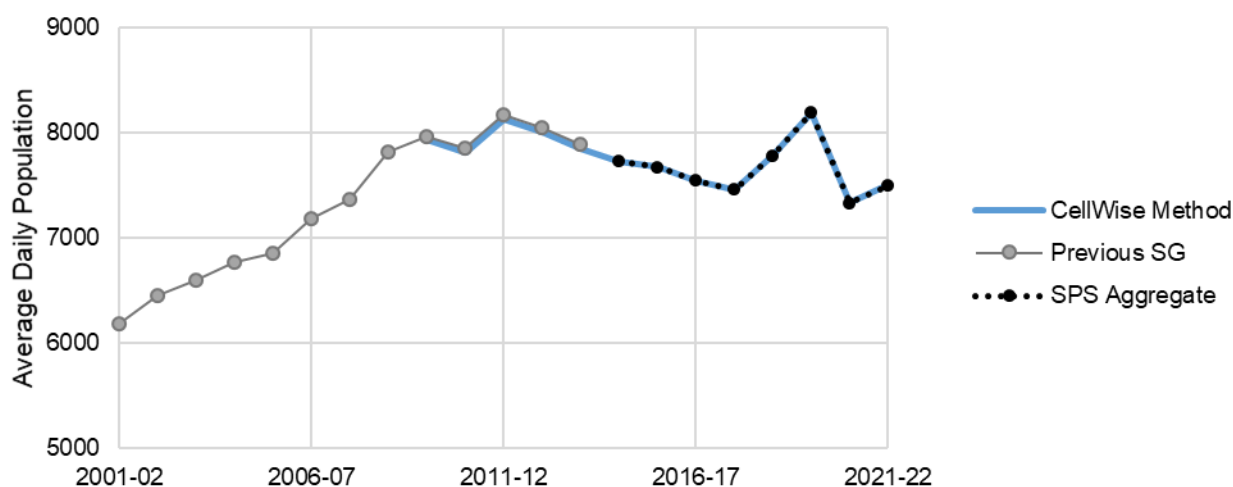
The cellWise data on which this publication is based is substantially different from other sources of information about the prison population – the preceding statistical publications from Scottish Government (up to 2013-14)<sup>47</sup>, the management information snapshots taken throughout the pandemic period published as monthly reports by Scottish Government<sup>48</sup>, and the aggregate information produced by the Scottish Prison Service<sup>49</sup>.

The major points of difference lie in the average distribution between legal statuses, and the inability in the cellWise data to determine overall sentence lengths. In spite of this, as shown in Figure 29, the estimate of the overall prison population are closely aligned across the three annual sources:

- across the 5 years where the previous Official Statistics overlap, the cellWise estimate of average daily population is slightly lower by between 0.4% and 0.6%
- across the 8 years where the SPS aggregation overlaps, the cellWise estimate of average daily population is within  $\pm 0.02\%$

This provides us a very high level of confidence in using the cellWise data to describe the occupancy and characteristics of people in Scottish prisons.

**Figure 29: Comparison of sources for the overall prison population estimation show close alignment**



Further disaggregated population group changes are provided in Supplementary Table A2.

<sup>47</sup> Historic publications are still available on the Scottish Government website: <https://www.gov.scot/collections/scottish-prison-population-statistics/>

<sup>48</sup> Monthly reports from June 2020 to March 2022: <https://www.gov.scot/collections/coronavirus-covid-19-justice-analytical-services-data-report/>

From April 2022 onwards: <https://www.gov.scot/collections/justice-analytical-services-safer-communities-and-justice-statistics-monthly-reports/>

<sup>49</sup> Annual aggregates and weekly snapshot information: <https://www.sps.gov.uk/Corporate/Information/SPSPopulation.aspx>

## 9.1 Legal status discrepancies

Due to the lack of consistent information retained on PR2 about the end point of periods spent in prison serving a sentence, prisoners who return to the remand population immediately after a sentence is served continue to be counted as sentenced for the purpose of their on-going Occupancy Period<sup>50</sup>. This aspect of the data construction is explained in further detail in the accompanying technical manual<sup>51</sup>.

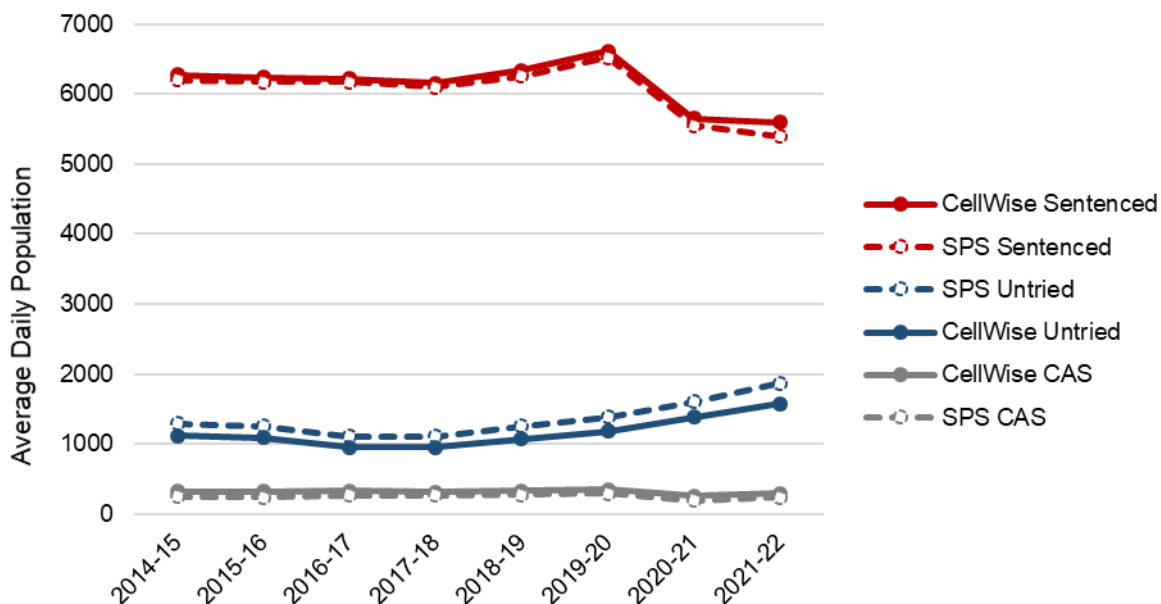
Based on the snapshots collected as part of the prison population monitoring project started at the beginning of the pandemic, there were 936 such retrograde transitions (from sentenced to remand) in the course of 2021-22. In addition there were a further 168 transitions from CAS to Untried in the same period. No such transitions can be detected in the cellWise data construction.

This leads to the following effects when comparing the cellWise and SPS aggregate estimates of legal status populations over the 6 intersecting years:

- Underestimate of the average daily Untried population by 150-300, or approximately 15%
- Over-estimate of the average daily Convicted Awaiting Sentence population by 50-80, or around 25%
- Over-estimate of the average daily Sentenced population by 50-200, or around 4%

These differences over time are illustrated in Figure 30:

**Figure 30: Comparison of sources of population estimates by legal status**



<sup>50</sup> Technical Manual: Occupancy Period, <https://www.gov.scot/publications/scottish-prison-population-statistics/pages/cellwise-data-construction/#Occupancy%20period>

<sup>51</sup> Technical Manual: Legal Status Hierarchy, <https://www.gov.scot/publications/scottish-prison-population-statistics/pages/cellwise-data-construction/#Legal%20status%20heirarchy>

## 9.2 Index offences

The offences for which people are imprisoned listed throughout this report are index offences<sup>52</sup>. People may be imprisoned for multiple offences in a single occupancy period. In such cases we identify the most “serious” offence by the only available metric – the length of associated sentence. Where no sentences have been passed, the index offence is the offence category with the longest associated sentence on average based on all sentencing warrants over the past three years of SPS warrant data.

## 9.3 Sentence length ambiguity

Throughout this report, where mentioned, the sentence length of prisoners is their Index sentence length<sup>53</sup>. There is currently no conflicting published source on the sentence distribution of prisoners. However, live information drawn from the PR2 system can provide the *overall sentence length* for each individual person in prison when the snapshot is taken. CellWise cannot use this information, which is over-written on PR2 when it is amended or updated.

Information about sentence length drawn from the cellWise data will therefore always explicitly reference *Index Sentence length* – the length of the longest determinate sentence applied in the course of an Occupancy Period.

This information cannot be used to divide the population into “long-term” and “short-term prisoners” (those serving an *overall* sentence of less than 4 years). Live (or daily aggregated) information is needed for this population segmentation.

A comparison of index sentence length and overall sentence length is provided in the Technical Manual for 2013-14, the latest year when the previous Official Statistics publication and cellWise data were both available<sup>54</sup>.

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<sup>52</sup> Technical Manual: Index Offence Derivation, <https://www.gov.scot/publications/scottish-prison-population-statistics/pages/cellwise-data-construction/#index-offence-derivation>

<sup>53</sup> Technical Manual: Index Sentence derivation, <https://www.gov.scot/publications/scottish-prison-population-statistics/pages/cellwise-data-construction/#index-sentence-derivation>

<sup>54</sup> *Ibid.*



## 10 Context and supplementary information

Previous publications have 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 from 2017-18 that appeared to be driven by increases in the time served in custody.

This publication builds on the information provided in previous publication<sup>55</sup>. With that in mind, we re-iterate the explanation for the trends documented in previous releases as the key context in which the findings from this publication should be viewed<sup>56</sup>:

“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 report<sup>57</sup>, 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 prisoners<sup>58</sup> 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.<sup>59</sup>

“Scottish Government Justice Analytical Services provide ongoing monitoring and modelling of change within the justice system. Recent analysis<sup>60</sup> 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.

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<sup>55</sup> Scottish Prison Population statistics collection, <https://www.gov.scot/collections/scottish-prison-population-statistics/>

<sup>56</sup> Scottish prison population: statistics 2019 to 2020, Section 5.1  
<https://www.gov.scot/publications/scottish-prison-population-statistics-2019-20/>

<sup>57</sup> Criminal proceedings in Scotland: 2018-2019, <https://www.gov.scot/publications/criminal-proceedings-scotland-2018-19/>

<sup>58</sup> 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>

<sup>59</sup> Audit Scotland (2019) [https://www.audit-scotland.gov.uk/uploads/docs/report/2019/s22\\_190912\\_sps.pdf](https://www.audit-scotland.gov.uk/uploads/docs/report/2019/s22_190912_sps.pdf)

<sup>60</sup> See Conlong (2019), available in addendum here: [https://www.parliament.scot/S5\\_Public\\_Audit/General%20Documents/SG\\_SPS\\_20191216.pdf](https://www.parliament.scot/S5_Public_Audit/General%20Documents/SG_SPS_20191216.pdf)

“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 [previous] Criminal Proceedings in Scotland 2018-19 release points to substantial rises in convictions for sexual offences (including rape and attempted rape) where the imposition of custodial sentences is highly likely<sup>61</sup>.

“Compliance with public health measures during the pandemic influenced operations across the criminal justice system. The Lord Advocate issued revised guidelines on the use of police custody, and the courts had to close for extended periods or operate at reduced capacity. Prison establishments had to ensure sufficient space to allow prisoners to observe public health measures.

“The impact of justice system responses to public health measures in 2020-21 included: a decreased volume of custody cases reported to the Crown Office and Procurator Fiscal Service, and an increased volume of undertakings reports<sup>62</sup>; a reduced likelihood of an accused being remanded<sup>63</sup>; a reduced volume of concluded cases in courts, with subsequent reduction in custodial sentences issued *and* growth in the trial backlog<sup>64</sup>; and an agreement in the initial stages of the pandemic response to early release of eligible short term sentenced prisoners<sup>65</sup>. Combined, these shifts impacted both the in-flows *to* custody and the out-flows *from* custody.

“Whilst it is not yet possible to isolate the impact of the pandemic on the data, it is reasonable to conclude that the latest data is predominantly a reflection of the impact of the pandemic across the justice system, and should not be interpreted as indicative of longer-term trends.”

## **Other sources of information on the Scottish prison population**

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/>)

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<sup>61</sup> See also Recorded Crime in Scotland 2020-21 for further context: <https://www.gov.scot/publications/criminal-proceedings-scotland-2020-21/>

<sup>62</sup> Coronavirus (COVID-19): Justice Analytical Services data report, <https://www.gov.scot/collections/coronavirus-covid-19-justice-analytical-services-data-report/>

<sup>63</sup> Sheriff Courts - remand and bail outcomes: occasional paper, <https://www.gov.scot/publications/occasional-paper-remand-bail-outcomes-first-bail-decision-points-sheriff-courts/>

<sup>64</sup> Coronavirus (COVID-19): Justice Analytical Services data report, <https://www.gov.scot/collections/coronavirus-covid-19-justice-analytical-services-data-report/>, and Sheriff Courts - remand and bail outcomes: occasional paper, <https://www.gov.scot/publications/occasional-paper-remand-bail-outcomes-first-bail-decision-points-sheriff-courts/>

<sup>65</sup> SPS COVID-19 Information Hub, <https://www.sps.gov.uk/Corporate/Information/covid19/covid-19-information-hub.aspx>

From June 2020 until April 2022, Scottish Government Justice Analytical Services published a monthly data report with the latest available information from across the justice system<sup>66</sup>. This includes information about monthly populations and about the alleged offences of people arriving on remand. These data are not directly comparable with the statistics presented in this report, as they are derived from collected daily snapshots rather than by the cellWise data construction. Furthermore, they are based on live information and have not been passed through the quality assurance applied to cellWise statistics.

From May 2022 this monthly information on prison populations was integrated into the Justice Analytical Services Monthly data report<sup>67</sup> and expanded to include statistics on time on remand to date for the remand population on the first of each month.

Information comparing prison populations across Europe is compiled by the Council of Europe each year in the SPACE-I collection<sup>68</sup>. The collated figures are drawn from single day snapshots (typically January 31<sup>st</sup> each year), or totals over the course of a calendar year. They are therefore related to, but not directly comparable with, cellWise data.

The Scottish Prison Service (SPS) publish a range of statistical information and research reports about the prison population on their website. Justice Analytical Services is not responsible for the content of these reports.

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>.

The latest SPS Prisoner Survey was conducted in 2019 and is available at

<http://www.sps.gov.uk/Corporate/Publications/Publication-7196.aspx>

The Scottish Prison Service publishes quarterly public information reports providing information across a number of prisoner and staff metrics. The quarterly reports covering the period of this annual report are listed below:

- Public Information Page (PIP) Quarter 1 2021:  
<http://www.sps.gov.uk/Corporate/Publications/Publication-7725.aspx>
- Public Information Page (PIP) Quarter 2 2021:  
<http://www.sps.gov.uk/Corporate/Publications/Publication-8078.aspx>
- Public Information Page (PIP) Quarter 3 2021  
<http://www.sps.gov.uk/Corporate/Publications/Publication-8307.aspx>
- Public Information Page (PIP) Quarter 4 2021/2022  
<http://www.sps.gov.uk/Corporate/Publications/Publication-8528.aspx>

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<sup>66</sup> Coronavirus (COVID-19): Justice Analytical Services data report collection,  
<https://www.gov.scot/collections/coronavirus-covid-19-justice-analytical-services-data-report/>

<sup>67</sup> Justice Analytical Services Safer Communities and Justice Statistics Monthly Report,  
<https://www.gov.scot/collections/justice-analytical-services-safer-communities-and-justice-statistics-monthly-reports/>

<sup>68</sup> Council of Europe & University of Lausanne: Annual Penal Statistics,  
<https://wp.unil.ch/space/space-i/annual-reports/>

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### **How to access background or source data**

The data collected for this <statistical bulletin / social research publication>:

- are available in more detail through Scottish Neighbourhood Statistics
- are available via an alternative route: see our Interactive Analysis Tool (page 11)
- may be made available on request, subject to consideration of legal and ethical factors. Please contact [Justice\\_Analysts@gov.scot](mailto: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.

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