



WWW.IPPR.ORG

# Crime and Justice after Devolution

Rick Muir

An extracted chapter from *Devolution and Practice 2010*, edited by Guy Lodge and Katie Schmuecker, forthcoming April 2010

March 2010

© ippr 2010

**Institute for Public Policy Research**

Challenging ideas – Changing policy

# 10. Crime and justice after devolution

*Rick Muir*

Questions of crime and justice are always near the top of the political agenda. Indeed, before the impact of the recent recession, 'law and order' was felt by the British public to be the most important issue facing the country (Ipsos Mori 2009).

But how has the process of devolution affected the criminal justice systems in the different nations of the UK? Have the devolved governments taken different approaches to tackling crime? If so, what has been the impact on crime itself? This chapter asks if and in what way devolution has led to a divergence in criminal justice policy and crime trends since the late 1990s.

The chapter comes in three parts:

- First, it sets the context by sketching out some of the key differences in crime patterns in the different jurisdictions of the UK.
- Second, it asks whether the different countries took different approaches to questions of crime and punishment, highlighting policy innovations and any transmission of ideas, policies and learning across the union.
- Third, it examines whether these policy differences had any impact on outcomes, by examining whether crime trends differed across the union.

The chapter compares the three separate criminal justice systems of the UK:

- England and Wales are treated as a common unit because they share the same legal system and a common framework for the administration of justice and policing.
- Scotland has had its own system of law and justice, going back centuries before the Act of Union. Upon devolution in 1999 crime and justice were devolved fully from Westminster to the Scottish parliament<sup>1</sup>.
- Northern Ireland also has its own framework of laws dating back before 1921, but also resulting from the period of devolved government that ran from 1921 to 1972. At the time of writing, responsibility for policing and justice is about to be devolved from the Westminster government to the Northern Ireland Assembly, following agreement between the Northern Ireland parties.

---

<sup>1</sup> There are some important exceptions: drugs and firearms laws remain with Westminster.

## Crime patterns across the UK

Patterns of crime vary across the union, meaning that the different administrations face different challenges. There are two main ways of measuring crime. The first is to look at crimes recorded by the police. This method is problematic because most crimes go unreported and there have been changes to recording rules, meaning that the figures tend to rise and fall because of changes in the type of data collected by the police. For example, new crime recording standards were introduced across police forces in England and Wales in 2002 and in Scotland in 2004. At both of these points we see a rise in the overall recorded crime figures in both jurisdictions (Scottish Government 2009a, Walker *et al* 2009).

The second way of measuring crime is to ask a representative sample of the public whether they have been a victim of crime in the last 12 months – something that is now done annually through the British Crime Survey (BCS) for England and Wales, and also separately through the Scottish Crime and Justice Survey (SCJS) and the Northern Ireland Crime Survey (NICS) (see Box 10.1 for details). This method is the one generally favoured by criminologists because it gets at the majority of offences that go unrecorded.

In what follows we compare the data from the victimisation surveys to assess differences in the patterns of crime in different parts of the union. We should be cautious when comparing crime patterns across countries, simply because the criminal law differs across jurisdictions. For example, one reason the number of assaults per head is higher in Scotland may be because assault is always given priority in the Scottish survey when two crimes have occurred simultaneously, which is not the case in the British Crime Survey. Similarly, part of the reason burglary might be higher per head in England and Wales is because it is a more encompassing offence than housebreaking in Scotland, including for example incidences without forced entry.<sup>2</sup> Having said that, much of what comes under ‘burglary’ in England and Wales gets coded under ‘other household thefts’ in Scotland – and burglary and other household thefts are *both* proportionately higher in England and Wales than in Scotland.

While making comparison of individual crime types like burglary or assault is more problematic, we can be more confident about differences between the larger categories of criminal activity (such as ‘property crime’ and ‘violent crime’), which cover all offences of a certain broad type, whatever the legal definition of a particular crime in each country.

The first finding is that crime has always been and remains higher in England and Wales than in Scotland or Northern Ireland – and that Northern Ireland has much lower levels of crime than its UK neighbours. In 2008/9 23.4 per cent of people were the victim of a crime in England and Wales, compared with 20.4 per cent of people in

---

4. See MacLeod *et al* 2009: 212 for a detailed discussion of the comparability of these surveys.

**Box 10.1. The UK crime surveys**

The British Crime Survey (BCS) is a face-to-face victimisation survey in which people aged over 16 resident in households in England and Wales are asked about their experiences of crime in the 12 months prior to interview. Respondents to the survey are also asked about their attitudes towards different crime-related issues such as the police and criminal justice system, and perceptions of crime and anti-social behaviour.

The BCS excludes fraud and those crimes termed as victimless (for example, possession of drugs). As it is a survey that asks people whether they have experienced victimisation, murders cannot be included.

The survey has been run regularly since 1981 and is now carried out every year. BCS estimates for 2008/9 are based on face-to-face interviews with 46,286 respondents.

The Scottish Crime and Justice Survey (SCJS) is a large-scale continuous survey measuring people's experience and perceptions of crime in Scotland, based on 16,000 face-to-face interviews conducted annually with adults (aged 16 or over) living in private households in Scotland. It is the latest phase of a number of Scottish crime surveys that have been carried out since 1993.

The latest 2008/9 survey represents a major shift in design and methodology from previous surveys, principally involving a large increase in sample size – which makes the latest survey much more reliable. There was also a move to continuous interviewing using a rolling reference period, asking people about 'the last 12 months', rather than a fixed period. Although the basic structure of the questionnaire remained the same, this latter change cannot be discounted as an explanation for changes in trends compared with the preceding survey.

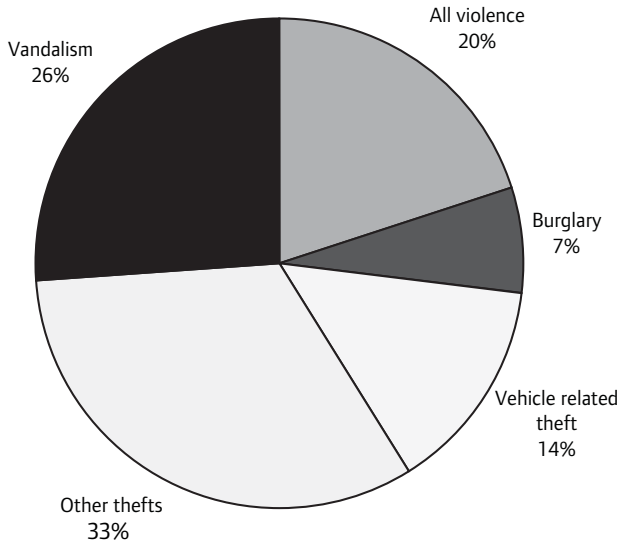
The Northern Ireland Crime Survey (NICS) is a representative, continuous, personal interview survey of the experiences and perceptions of crime of 3,856 adults living in private households throughout Northern Ireland. Previously conducted on an ad hoc basis in 1994/95, 1998, 2001 and 2003/04, the NICS began operating on a continuous basis in January 2005. It is similar in structure and methodology to the BCS.

*Sources: Walker et al (2009), MacLeod et al (2009) and Toner and Freel (2009)*

Scotland and just 13.4 per cent in Northern Ireland (Walker *et al* 2009, MacLeod *et al* 2009 and Toner and Freel 2009).

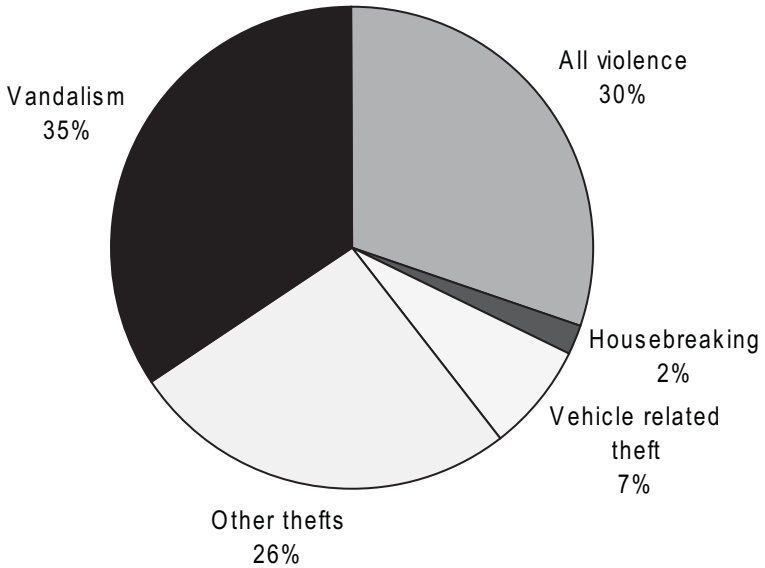
The overall distribution of crime is also different across the different countries. Whereas violent crimes make up just 20 per cent of total crime in England and Wales, it makes up 29 per cent of crime in Northern Ireland and 30 per cent in Scotland. At the same time property crimes make up 80 per cent of crimes in England and Wales, but just 71 per cent in Northern Ireland and 70 per cent in Scotland. All property crimes (burglary, other household theft and vehicle related theft) are higher in England and Wales than in Scotland or Northern Ireland. Finally, vandalism is much higher in Scotland than in the rest of the UK.

**Figure 10.1. Crime in England and Wales 2008/9**



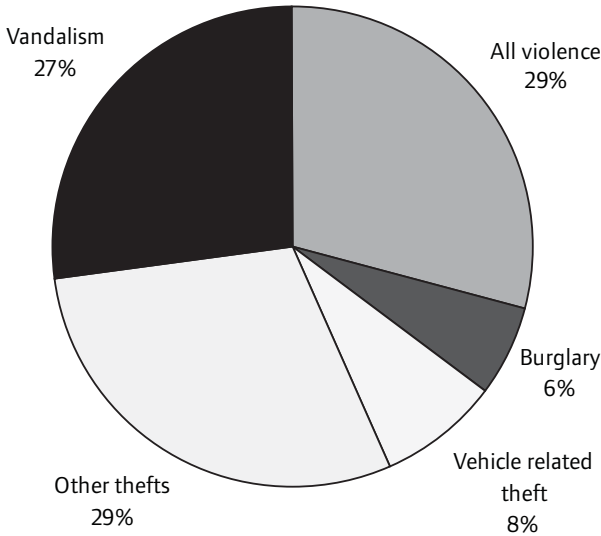
Source: British Crime Survey in Walker *et al* (2009)

**Figure 10.2. Crime in Scotland 2008/9**



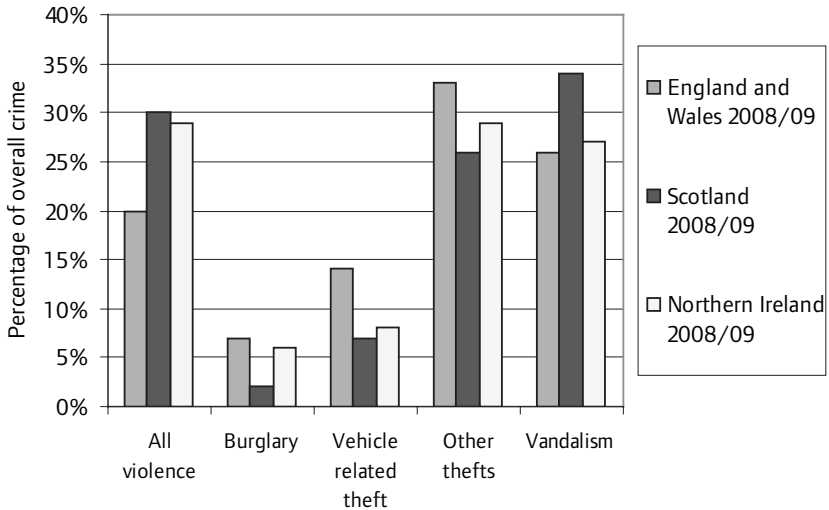
Source: Scottish Crime and Justice Survey in MacLeod *et al* (2009)

**Figure 10.3. Crime in Northern Ireland 2008/9**



Source: Northern Ireland Crime Survey in Toner and Freel (2009)

**Figure 10. 4. Crime in England and Wales, Scotland and Northern Ireland compared, 2008/9**



Sources: British Crime Survey, Scottish Crime and Justice Survey (and predecessor crime and victimisation surveys in Scotland) and Northern Ireland Crime Survey in Walker *et al* (2009), MacLeod *et al* (2009) and Toner and Freel (2009)

In this context, how has criminal justice policy diverged or converged across the UK since devolution? And what has been the effect, if any, on the crime rates of each jurisdiction?

### **Criminal justice policy across the UK**

This section briefly sketches out some of the key characteristics of criminal justice policy in the devolved territories of the UK. In doing so it sketches out the similarities and differences, and highlights examples of policy innovation and learning.

#### **England and Wales**

In opposition, Tony Blair sought to distinguish his approach to 'law and order' both from the Conservatives' focus on enforcement and from the Labour party's traditional focus on crime's wider social causes, which had left it open to accusations of being 'soft on crime'. In an extremely successful act of political triangulation Blair labelled his approach 'tough on crime and tough on the causes of crime'. It is this basic approach that has characterised the Westminster government's philosophy towards tackling crime in England and Wales since 1997.

Of course, most of what was done to tackle crime's causes had little to do with the work of the criminal justice system. Economic growth and low unemployment are widely believed to be responsible for most of the fall in crime during the Blair years. Indeed, one government report argued that 80 per cent of the fall in crime over this period was due to economic growth (*The Sunday Times* 2006). Other initiatives, such as introducing the New Deal which helped lower unemployment and policies that reduced poverty levels in the UK, are also likely to have helped lower the crime rate.

Criminal justice policy delivered the 'tough on crime' component of Labour's strategy in England and Wales. Below we examine three key components of the Government's approach: investment in and reform to the police service, a tough penal policy and a coordinated effort to reduce 'anti-social behaviour'.

#### *New Labour and the Old Bill*

Labour massively increased the resources available to the police: spending on the police service in England and Wales increased by 19 per cent in real terms between 1997/8 and 2008/9 (Home Office 2009a). Most of this money was spent on raising the number of police officers, responding to a widespread public perception that there were too few police officers out on the beat in local neighbourhoods. Police numbers increased by 11 per cent or by 16,326 officers between 1997 and 2009, meaning that there are more police now than at any time in the past (Home Office 2009b, Solomon *et al* 2007).

In addition to these new constables, the Government recruited over 16,000 police community support officers (PCSOs), uniformed officers without the full powers of a warranted constable but who are able to conduct regular foot patrols and provide a visible reassurance to the public. PCSOs were first criticised as being 'policing on the cheap' by the Police Federation, but they have played a critical role in delivering the

Government's neighbourhood policing programme. There are now over 3,000 neighbourhood policing teams in England and Wales, made up of constables, PCSOs, local authority wardens and special constables. These teams are designed to provide policing that is visible, reduces fear of crime, engages actively with the public and works jointly with other local agencies.

Has any of this been effective? The early neighbourhood policing pilots (known as 'reassurance policing' pilots) showed impressive results. The pilot areas saw higher reductions than elsewhere in the number of reported victims, falls in some types of recorded crime, decreases in perceptions of anti-social behaviour, a rise in feelings of safety after dark and a big rise in public confidence in the police (Tuffin *et al* 2006). It is also true that since the rollout of neighbourhood policing nationwide, the proportion of people in England and Wales saying the police do a good or excellent job increased from 50 per cent in 2005/6 to 53 per cent in 2008/9 (Walker *et al* 2009).

Nevertheless, a recent nationwide assessment of the neighbourhood policing programme found that after two years it had yet to have a statistically significant impact on key factors like detection rates and public confidence (Mason 2009). This should be a disappointment given the amount of money spent, although the report notes that two years is too short a period to come to a fair assessment of the impact of the programme and that it is not yet fully developed in all areas. The report points to international evidence that this style of policing can have a significant impact over time.<sup>3</sup>

In addition to putting 'more bobbies on the beat', Labour introduced a system of centrally set targets that all police forces had to follow. This involved quantitative targets, such as increasing the number of offences brought to justice, and ceiling targets to keep specific recorded crimes under certain levels. Strong performance was rewarded through bonuses to some senior officers, increased status and funding – while poor performance could be sanctioned through Home Office interventions (Gash 2008).

This framework was certainly accompanied by falling crime rates (see below) although most experts argue that this was in the main due to wider social factors such as the growing economy during the 2000s (Pearce 2007, Solomon *et al* 2007). At the very least these targets focused police effort on tackling certain types of crime. However, in its 2008 policing green paper the Government itself recognised that this centralised approach had reached the limits of its useful life: policing targets set in Whitehall reduced the flexibility forces needed to respond to local people's concerns about crime. They have now been replaced by a single target to improve people's confidence in the ability of their local police to reduce crime (Home Office 2009b).

---

3. For example, the Chicago Alternative Policing Strategy in the United States, known for its beat meetings between police and members of the public and its problem-solving approach, led to significant increases in public confidence in the police and reduced worry about crime over a 10-year period (Mason 2009).



### *Punishment*

The second main characteristic of criminal justice policy in England and Wales has been that it has become increasingly punitive. It has been estimated that Labour has introduced over 3600 new criminal offences since 1997, an average of over 320 a year (*The Daily Telegraph* 2008).

The Government gave the police new summary powers to punish low-level disorder through on-the-spot fines: after 2004 the number of Penalty Notices for Disorder issued rose from 63,639 to 176,200 in 2008 (Hansard, 26 January 2009, Ministry of Justice 2008). Most of these were for drunk and disorderly behaviour, minor shoplifting and causing harassment, alarm or distress.

The judicial process has been speeded up in some areas: Labour set targets to ensure that the courts dealt with persistent young offenders more quickly, delivering a reduction in the amount of time between arrest and sentence from 142 days in 1997 to 72 days in 2006 (Solomon *et al* 2007).

The sentences passed down by the courts have become tougher, with a 40 per cent rise in the use of custodial sentences between 1997 and 2007 (Centre for Social Justice 2009). Custodial sentences in England and Wales have become longer: the average sentence length increased from 14.7 months in 1995 to 16.8 in 2005. The number of people serving sentences of over 12 months rose 70 per cent from 32,000 in 1995 to 54,000 by 2005 (House of Commons Justice Committee 2008). The average length of sentences handed down by magistrates courts for robbery rose from 3.7 months in 1997 to 8.4 months by 2009. In the crown courts immediate custodial sentences for burglary increased by one month and drugs offences by five months over the same period (Centre for Social Justice 2009).

The increased use of custodial sentences and the greater length of prison sentences have not been due to a deliberate policy intervention by government (Pearce 2007). Rather they reflect an increasingly punitive climate of public opinion, very likely intensified through sensationalist media reporting of crime, and consequent pressure on both politicians and the courts to act tough. In fact, while the Government has made it clear that it expects only serious and violent offenders to be sent to prison, the courts in England and Wales remain reluctant to use alternative non-custodial sanctions such as community orders. The House of Commons Justice Committee found that this was because the courts do not feel the public have confidence in community sentences, but also because they are not sufficiently resourced so that the courts can be sure that they will be effectively implemented (House of Commons Justice Committee 2009).

The consequence of all this is a massive expansion in the prison population, leading to serious overcrowding. The prison population in England and Wales increased from 61,000 in 1997 to over 84,000 in 2009, with estimates indicating that it will reach 100,000 by 2013 (Pearce 2007, *The Independent* 2009). England and Wales have the

second highest imprisonment rate in Western Europe, with 149 prisoners for every 100,000 people, compared to the European Union average of 102 per 100,000 (although that is in the context of one of the highest crime rates) (Centre for Social Justice 2009). This is despite the fact that most experts believe that prison is an ineffective way of reducing crime, with reoffending rates running at 60 per cent for ex-offenders within two years of leaving prison (*The Independent* 2008).

#### *Anti-social behaviour*

There was unquestionably growing public concern over what has been termed ‘anti-social behaviour’ during this period. In response the Government introduced a number of new legal measures designed to control low-level disorder. These include the famous anti-social behaviour orders (ASBOs) to control undesirable behaviours, which if breached can result in a prison sentence. They also include parenting orders, late night curfews, group dispersal orders and crack house closure orders (Home Office 2007). The programme has had an impact: public perceptions of anti-social behaviour since the inception of this programme are that it has decreased: 21 per cent of people were concerned about high levels of anti-social behaviour in 2002/3, falling to 17 per cent in 2008/9 (Walker *et al* 2009).

However, critics argue that ASBOs have become a motor for youth incarceration and criminalisation. Between 2000 and 2007 a total of 14,868 ASBOs were imposed in England and Wales, of which 40 per cent (6,028) were on persons aged between 10 and 17 years old. The breach rate for ASBOs imposed on under-18s across that whole period was 64 per cent, of which 41 per cent resulted in a custodial sentence, supporting the view that the legislation is fast-tracking young people into the criminal justice system (Home Office 2009). Critics have argued that these enforcement measures ignore the real causes of youth offending and misbehaviour, which lie in poor parenting, dysfunctional households and a lack of alternative, structured youth activities (Margo *et al* 2006).

In England and Wales, then, we have an approach characterised by a massive investment in the criminal justice agencies (especially the police) and a tough approach to punishing offenders and clamping down on anti-social behaviour, particularly that committed by young people.

#### **Scotland**

Scotland has for centuries had its own system of law and justice, pre-dating the Act of Union. There are substantial differences between Scots and English law in areas such as property law, criminal law, trusts law and family law. Some of the most significant differences in criminal law include a different age of criminal responsibility, the fact that the accused has no right to choose a judge or a jury trial in Scotland and the fact that judges and juries have a third option of ‘not proven’, which does not exist in English law. Prior to devolution criminal justice was therefore an area in which the Scottish Office and the relevant policy communities in Scotland had long adopted a distinctive approach to that taken in England and Wales.

One can broadly distinguish between three phases of criminal justice policy since devolution in Scotland, which correspond with the different political administrations during this period:

- *The first Parliament, 1999–2003*: during this period the Labour and Liberal Democrat coalition maintained a policy of continuity with the approach to criminal justice long adopted in Scotland, taking a less activist – critics might say less authoritarian – approach to these issues than the government in England and Wales. This approach may in part be due to the fact that the Liberal Democrats held the Justice Ministry.
- *The second Parliament, 2003–2007*: in this period there was greater convergence between the approaches taken in Scotland and in England and Wales. The First Minister Jack McConnell made tackling crime a key priority and Labour took control of the Justice Ministry for the first time. There was a flagship Anti-Social Behaviour Act in 2004, which heralded a tougher new approach to the issue, bringing in ASBOs for under-18s, crack house closure orders and dispersal orders. This was followed by legislation to clarify the system of early release from prison, introduce football banning orders, extend electronic tagging of prisoners out on licence and increase the penalties for knife crime.
- *The third Parliament 2007–* : the election of the SNP administration led to some significant changes in criminal justice policy, meaning that this area of policy has started to diverge once more from the approach taken in London. Although there is considerable continuity with the approach of the previous administration – in particular, wanting to increase the numbers of police officers out on the beat – there have also been some substantive changes of direction. The SNP plans to raise the age of criminal responsibility from 8 to 12 (it is 10 in England, Wales and Northern Ireland), replace short-term custodial sentences with community sentences and curtail the use of ASBOs.

In what follows we highlight some of the key areas of divergence and convergence between criminal justice policy in Scotland and that in England and Wales since 1999.

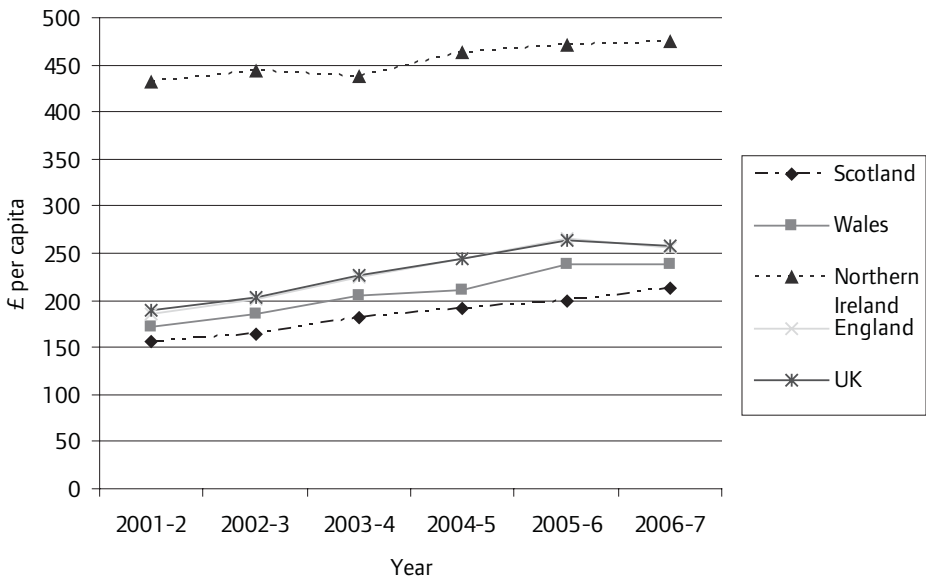
### *Policing*

Police officer numbers have risen in Scotland, as in England and Wales: from 15,400 in 2003 to an historic high of 17,048 in 2009 (Scottish Government 2009). The SNP made recruiting a further 1,000 officers a manifesto pledge, although it is one it has struggled to deliver.

However, as Figure 10.5 demonstrates, although police spending has risen since devolution, Scotland continues to spend less of its resources on policing than the other parts of the UK. An independent analysis of expenditure figures on key public services in Scotland (commissioned by the Scottish Police Federation) found that police spending per capita is the lowest in Scotland of all the nations of the UK with England spending 20 per cent more, and Wales 13 per cent more (2006–7 figures). Northern Ireland spends 122 per cent more than Scotland for obvious reasons. Police

expenditure in the UK as a whole is 21 per cent higher than in Scotland – despite the fact that overall public spending per head is significantly higher in Scotland than in the rest of the UK (Midwinter 2007, McClean *et al* 2008).

**Figure 10.5. Police spending per capita across the UK, 2001–7**



Source: PESA 2007, quoted in Midwinter 2007

Moreover, this gap in police spending across the union has widened over time: whereas Scotland was spending £33 per head less than the UK average on policing in 2001–2, by 2006 it was spending £44 per head less than the rest of the country. Policing has received less of a priority compared with other services in Scotland: although Midwinter found that police spending has grown at 3.4 per cent a year in the Scottish budget, that compares to 5.6 per cent a year for all services (Midwinter 2007).

A further difference between Scotland and the other two UK jurisdictions is the absence of a national neighbourhood or community policing strategy. This is not to say that there is no community policing in Scotland – clearly there has been for decades. But Her Majesty’s Chief Inspector of Constabulary Scotland found in a 2004 report that ‘a lack of any consistent or standardised approach to community policing is evident, largely due to the continuing challenge of meeting reactive resource and operational demands’ (HMICS 2004). This has since been reiterated by a report from the Scottish Parliament’s Justice Committee which concluded: ‘while in some forces community policing is at the core of everything the police do, the priority accorded to

community policing varies from force to force' (Scottish Parliament Justice Committee 2008). The Committee opposed rolling out a uniform model as has occurred south of the border, but did call for the Scottish Government to push all forces to develop proactive community policing strategies.

One final related difference between Scotland and England and Wales, is that police community support officers have not been adopted north of the border. Local authority wardens to help the police patrol and engage with communities have been rolled out, however.

### *Youth offending*

Scotland has long had a less punitive approach to youth offending. The Social Work (Scotland) Act of 1968 introduced the innovative Children's Hearings system which meant that children's welfare hearings took over from the courts responsibility for dealing with children and young people under 16 who commit offences or are in need of care and protection (Youth Justice Scotland 2008).

The paramount concern during these hearings is the welfare of the child, rather than punishment for an offence – a completely different philosophy to that taken to youth offending south of the border. Local councils run the system, with decisions being made by a panel of trained community volunteers. If the panel members decide that compulsory supervision is required, in most cases this will entail the child continuing to live at home under the supervision of a social worker. In others cases, they may be directed to live away from home with relatives of foster parents or in a local authority children's home or secure accommodation. Children under 16 are only considered for prosecution in court for serious offences such as murder, an assault that puts a life in danger or very serious road traffic offences.

The 2004 Antisocial Behaviour (Scotland) Act – heralding a so-called 'war on neds' – did introduce a 'tougher' approach to youth offending. This was a case of policy convergence with Westminster, although one motivated by public and political concern in Scotland about youth crime and disorder – in particular in the deprived urban areas that make up Scottish Labour's heartlands. The Act required local authorities to adopt anti-social behaviour strategies, introduced ASBOs for under-16s (unlike in England and Wales, until then an ASBO could only be imposed on someone over 16), brought in dispersal orders and gave the police powers to close down 'crack dens' and other premises where anti-social behaviour has been continuously taking place.

However, even though the 2004 Act did mark a 'tougher' turn in Scottish youth offending policy, it remained more liberal than the anti-social behaviour legislation south of the border. Importantly, unlike in England and Wales, the breach of an ASBO, while a criminal offence, cannot lead to a prison sentence in Scotland. More importantly, even after the introduction of the Act, hardly any ASBOs have been imposed on children: between 2004 and 2007 only six ASBOs were granted against

under-16s in the Scottish courts, which is in stark contrast to the situation south of the border where 40 per cent of the ASBOs granted between 2000 and 2007 were on children.

The arrival of the SNP in power marked a return to Scotland's traditional welfare-oriented approach to youth offending – although, perhaps conscious of public demand for action on crime, the administration has not sought to repeal the 2004 Act. The Government has agreed with the Convention of Scottish Local Authorities (COSLA) updated guidance which emphasises that ASBOs should only be used as a last resort, and only with appropriate supportive packages in place.

### *Penal reform*

A further key area of policy divergence is in sentencing policy, which has become a significant political hot potato since the SNP came to power. Scotland faces a similar prisons crisis to England and Wales: the prison population in Scotland currently stands at around 8,100, many more than the estate was built to accommodate – and this is estimated to rise to 9,600 by 2018/19 (Scottish Government 2010).

The recent rise in numbers is largely down to rising numbers of people imprisoned for less than four years. These have increased from approximately 2,600 in 2007 to 3,000 in 2008, with the rate of increase accelerating during 2008 and 2009 to reach 3,500 (Scottish Government 2010).

This has led to a wide-ranging debate about sentencing policy, with the previous Labour-Liberal Democrat coalition establishing a Sentencing Commission. The Commission recommended that a clear set of national sentencing guidelines should be established to determine the balance between custodial and non-custodial sentences. The Government is setting up the Scottish Sentencing Guidelines Council to do just this.

More radically, the nationalist administration has put forward legislation to replace prison sentences of under six months with a set of 'tough' community sentences. These would include a new Community Payback Sentence, to enable the court to impose one or more of a range of requirements on the offender, including unpaid work, supervision, alcohol or drug interventions or a requirement to take part in a programme to address offending behaviour.<sup>4</sup> This issue has provoked furious debate – in particular Labour and the Conservatives have argued that the proposals will make Scotland a 'soft touch' and that it will mean that those convicted of knife crime will no longer go to prison.<sup>5</sup>

On the question of penal policy there is then now a clear divergence between Edinburgh and Westminster: the Scottish government has explicitly stated that it believes that prison is ineffective at rehabilitation and that community-based

4. It should be noted that these options are also available in England and Wales under their system of community orders – the major difference in Scotland is the action to discourage short-term prison sentences by law.

5. The legislation is still before Parliament at the time of writing.

alternatives should be actively pushed on the courts. Despite provisions for community justice being in place south of the border they remain under-resourced and there is no comparable legislative action to reduce the use of short-term custodial sentences.

### *Alcohol-related crime*

A final area of innovation in Scotland is in relation to alcohol misuse – relevant in this chapter because alcohol is a cause of crime, especially violent crime. To put this into some context, sales data for the year 2007 estimate that Scots over the age of 16 drank, on average, the equivalent of almost 23 units of alcohol per week, compared with just over 19 units in England and Wales (Scottish Government 2009c). Scotland is eighth in the world for alcohol consumption per head of population (Alcohol Focus Scotland 2008).

This is very likely to affect Scotland's crime rate: violent crime as measured by the Scottish Crime and Justice Survey (SCJS) makes up a higher proportion of overall crime in Scotland than it does in England and Wales (see Figures 10.1–4 above). And we know that for 58 per cent of violent crime measured by the SCJS 2008/9, victims said the offender(s) were under the influence of alcohol. This was a significantly higher proportion than found in the BCS in England and Wales in 2008/9, where victims reported that the offender(s) were under the influence of alcohol in 47 per cent of violent crime.

The SNP government has responded to this by adopting an aggressive alcohol-reduction strategy, with an Alcohol Bill currently before Parliament. This contains many similar measures to those being proposed by the Home Office in Westminster, in particular a clampdown on irresponsible discounts and promotions. The most radical proposal in the bill is to set a minimum price for a unit of alcohol to stop strong drink being sold at very low prices. This move, vociferously opposed by the drinks industry, prompted the Chief Medical Officer for England and Wales Sir Liam Donaldson to call for a similar reform south of the border. However, the Prime Minister quickly ruled out minimum pricing, arguing that it would also punish moderate drinkers on low incomes.

### **Northern Ireland**

This section is inevitably rather different from the previous two simply because so much of what might be discussed under the heading of 'criminal justice policy' in Northern Ireland concerns the gradual implementation of the Good Friday Agreement. This includes, for example, the establishment of a new cross-community police service, the decommissioning of paramilitary weapons, the release of prisoners, and the devolution (still pending at the time of writing) of crime and justice powers from Westminster to the Northern Ireland Assembly.

Rather than go over that familiar terrain, this section focuses on those aspects of criminal justice policy where there are clear comparisons to be made with policy in England, Scotland and Wales – and lessons to be learned.

### *Community policing*

One of the most important components of the Good Friday Agreement was the establishment of a new cross-community and non-sectarian police force. The 1999 Patten Report called for the establishment of the Police Service of Northern Ireland (PSNI), to replace the Royal Ulster Constabulary. The new police service began operations in November 2001, although Sinn Fein refused to recognise it or join the governing Policing Board until all of Patten's recommendations were implemented. Following the St Andrew's Agreement of 2006, Sinn Fein voted to recognise the PSNI in 2007 and its Members of the Legislative Assembly (MLAs) have now taken their seats on the policing board.

The purpose behind the establishment of the PSNI was to create a legitimate cross-community police service. So, the symbols of the service are neutral between the different religious communities. Recruitment has been undertaken on a 50 per cent Catholic and 50 per cent Protestant basis, which has led to an increase in the number of Catholic police officers from just 8 per cent in 1999 to 26 per cent in 2009 (*The Guardian* 2009).

In the Northern Ireland context police/community relations are clearly crucial, not just for reducing crime, but for underpinning the stability and legitimacy of the state. The PSNI has now adopted an extensive neighbourhood policing strategy similar in approach to that implemented in England and Wales. Each policing district is divided into a number of small geographic areas, which are allocated a dedicated team of police officers. Each neighbourhood is to set up a consultative forum through which residents can agree local priorities with the police. Where the programme differs from England and Wales is that it is not currently supplemented by Police Community Support Officers (PCSOs). This is not because of any ideological opposition and indeed the policing board had planned to start recruiting PCSOs, but a funding shortfall led to the plans being dropped.

### *Police accountability*

The accountability of the Chief Constable to the Policing Board is arguably much clearer in Northern Ireland than in England and Wales. In England and Wales a chief constable is said to be 'operationally independent' – although this is a long-standing constitutional convention and has never been fully defined in law. As a result there have been a series of recent controversies regarding the politicisation of the police, most prominently London Mayor Boris Johnson's alleged attempt to take greater political control of the Met.

By contrast, in Northern Ireland the Patten Commission codified the different roles and responsibilities of the police, on the one hand, and politicians, on the other. The report argued, 'no public official, including a chief of police, can be said to be "independent"' and that they need to be held to account for their decisions. Rather, chief constables should have "operational responsibility", being solely responsible for decisions to enforce the law in particular cases' (Independent Commission on Policing



for Northern Ireland 1999). However, the chief constable is then answerable for their decisions afterwards to the Northern Ireland Policing Board. The Policing Board, made up of elected and appointed members, sets the budget and the three to five year strategic priorities for the police service. Politicians in England and Wales might do well to lay out in similarly clear terms the different roles and responsibilities of elected politicians and police officers.

#### *A declining prison population*

Northern Ireland's prisons system has not been under the same sort of pressures as its counterparts in the rest of the UK. Reflecting its lower crime rate, Northern Ireland has a much lower prison population per capita than the other parts of the union. Moreover, rather than experiencing a growth of prison over-crowding, the province's prison population grew smaller in the aftermath of the Good Friday Agreement as many paramilitary prisoners were released. Indeed one of the most controversial questions discussed in the Northern Ireland Assembly has been over what to do with vacant prison sites such as the Maze prison, closed in 2000.

The prison population increased very rapidly from an annual average of 686 in 1967 to a high of 2,946 in 1978. The next two decades were characterised by a generally declining trend, which was accelerated further from 1998, following the Good Friday Agreement. A low of 910 prisoners was reached in 2001, followed by an increase bringing the prison population up to 1,379 in February 2010 (Amelin and O'Loan 2005).

Despite this comparative lack of pressure on the system, the province has experimented in some interesting penal reforms in recent years.

#### *Restorative justice*

Northern Ireland's youth justice system was reformed in the aftermath of the Good Friday Agreement. The most important element of that reform was the introduction of restorative justice into the heart of the youth justice system. The Restorative Justice Consortium says that 'Restorative Justice (RJ) processes give victims the chance to tell offenders the real impact of their crime, to get answers to their questions and to receive an apology. It gives the offenders the chance to understand the real impact of what they've done and to do something to repair the harm. RJ holds offenders to account for what they have done, personally and directly, and helps victims to get on with their lives' (Restorative Justice Consortium 2010).

A Youth Conference Service was introduced which organises 'youth conferences' at which the victim and victim's supporters (or representatives) are brought together with the offender and offender's supporters in a meeting facilitated by professionals. The aim of the conference is to discuss the offence and its repercussions, and to agree on an action plan for the offender. Youth conferences are fully integrated within the criminal justice process: a young person can be referred for a conference either before conviction (after an admission of guilt to a prosecutor) or after conviction – and they have been very effective. A recent report from the Prison Reform Trust found that in 2006 youth conferencing led to a one year reoffending rate of just 37.7 per cent,

compared to 52.1 per cent from community-based sanctions and 70.7 per cent for custodial sentences (Jacobson and Gibbs 2009).

Restorative justice schemes have also been operated in working class communities, run in part by former loyalist and republican paramilitaries. Forms of paramilitary self-policing continued for years after the Good Friday Agreement. An American group, Atlantic Philanthropies, provided the finance to effectively co-opt this informal system of justice into the democratic system and reform it to protect the rights of the accused and make it more open and transparent.

The loyalist programme Northern Ireland Alternatives has worked intensively with young people accused of crime or anti-social behaviour including elements such as mediation between victims and offenders, reparation and purposeful activity to change offending behaviour. The Republican-based project Community Restorative Justice Ireland operates in over a dozen locations. Volunteers engage with problems or disputes brought to them by members of the public or by other agencies. They organise mediation sessions where alleged perpetrators, direct victims and community representatives try to work out solutions.

The Northern Ireland Office has deemed the projects a success and is now formally accrediting and financing schemes provided they cooperate with the wider criminal justice system and include safeguards to protect the rights of the accused. Partly building on its success in Northern Ireland the Prison Reform Trust is now pushing for the role of restorative justice to be expanded in the criminal justice system in England and Wales (BBC News Online 2009).

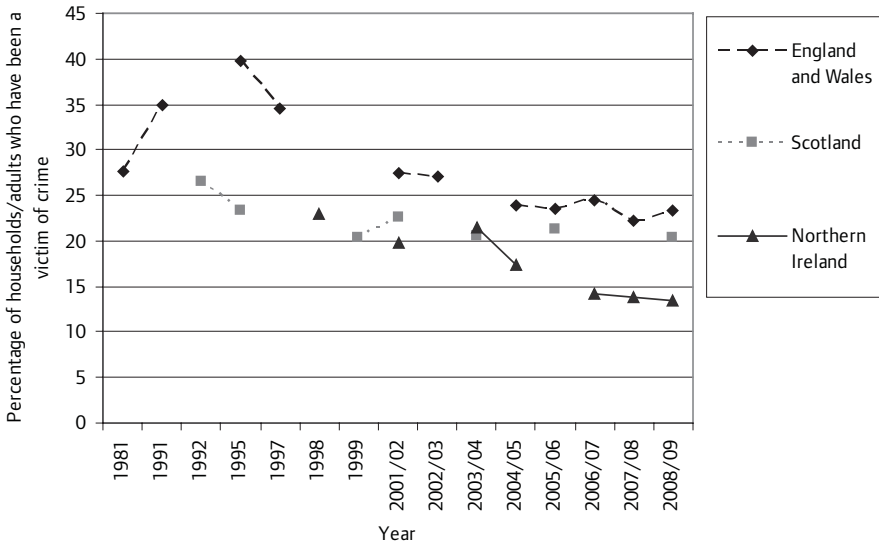
## **Outcomes**

Having surveyed the differences in approach taken across the UK we can ask: has any of this led to differences in outcomes? This is complicated terrain given that most observers believe the operation of the criminal justice system exerts a relatively small influence on the crime rate. The Prime Minister's Strategy Unit estimated that 80 per cent of the fall in crime in England and Wales in the Blair years was due to economic and social factors (*The Sunday Times* 2006). So that would lead us to conclude that just 20 per cent of the fall in overall crime rates is due to the work of the criminal justice agencies. If there are differences between the crime trends between the different nations, this may be because of differences in the drivers behind crime, or differences in the approach of the criminal justice agencies.

In what follows we look at the crime survey data for England and Wales, Scotland and Northern Ireland to assess any differences in their crime trends since devolution.

Figure 10.6 shows trends in the percentage of people who were victims of crime in the different nations, over time. In England and Wales crime rose steadily from 1981 to reach a peak of 40 per cent in 1995, then falling fairly steadily to just 23.4 per cent in 2008/9, well below its 1981 level. Similarly, crime has fallen consistently in Northern Ireland since 1998, from 23 per cent to just 13.4 per cent today.

**Figure 10.6. Trends in percentage of households/adults who were victims of crime 1981–2008/9: England and Wales, Scotland and Northern Ireland**



Sources: British Crime Survey, Scottish Crime and Justice Survey (and predecessor crime and victimisation surveys in Scotland) and Northern Ireland Crime Survey in Walker *et al* (2009), MacLeod *et al* (2009) and Toner and Freel (2009)

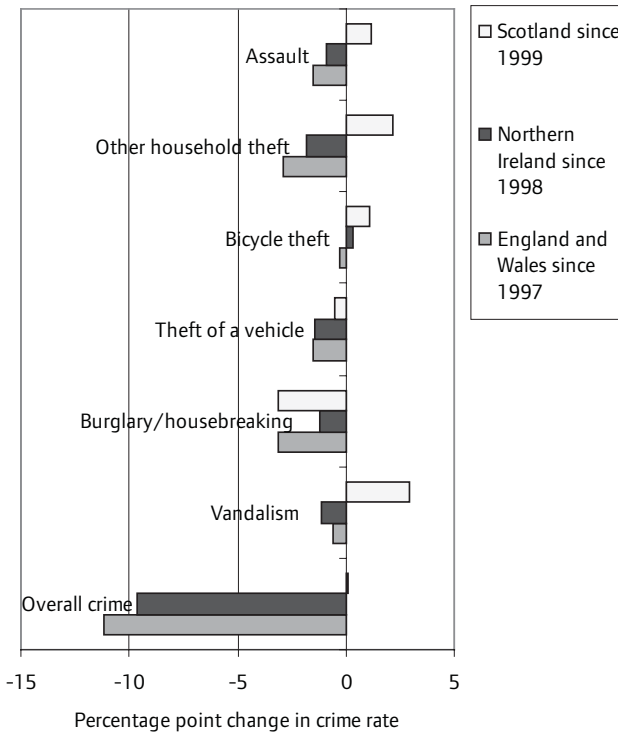
The main contrast is with Scotland: although crime in Scotland is 6.2 percentage points lower than it was in 1992, unlike the rest of the UK the Scottish crime rate has not changed much since devolution in 1999. In fact, the crime rate in 2008/9 was almost exactly the same as in 1999.

Figure 10.7 helps shed some light on this issue by showing trends in different types of crime since devolution. Taking the closest crime victimisation survey to devolution as the benchmark it shows that whereas crime fell by 11.2 percentage points in England and Wales and by 9.2 percentage points in Northern Ireland, it remained almost the same in Scotland (increasing by a statistically insignificant 0.1 percentage points).

Turning to different types of crime we find that while vandalism fell by 0.6 percentage points in England and by 1.1 percentage points in Northern Ireland, it rose by 2.9 percentage points in Scotland. Scotland also saw increases in 'other household thefts', which include thefts from garages and outside areas, and in the number of assaults, despite falls in these types of crimes in the rest of the UK. Burglary or housebreaking, and vehicle theft, fell across all parts of the UK during this period.

We should note that the 2008/9 phase of the Scottish survey used a different methodology, asking people on a rolling basis to recall crimes 'in the last 12 months' rather than for a fixed period. This cannot be discounted as a possible explanation for

**Figure 10.7. Change in the crime rate across the UK since devolution**



Sources: British Crime Survey, Scottish Crime and Justice Survey (and predecessor crime and victimisation surveys in Scotland) and Northern Ireland Crime Survey in Walker *et al* (2009), MacLeod *et al* (2009) and Toner and Freil (2009)

change. Nevertheless the latest figures are largely consistent with the trends identified in the previous Scottish crime surveys (see MacLeod *et al* 2009).<sup>6</sup>

It is important to note that the results of the SCJS contrast with the overall trends for police recorded crime in Scotland, which shows that crime is lower now than it was at the time of devolution. The total number of crimes reported to the police fell from 435,481 in 1999–2000 to 414,214 in 2003–4. They then rose with the introduction of a new recording standard in 2004–5 to 438,121 but then fell to 377,433 in 2008–9 (Scottish Government 2009). Still, criminologists generally prefer victimisation surveys for measuring crime overall, given that they cover the vast swathe of crimes that are not reported to the police.

A final group of outcomes are public attitudes: how has public confidence in the criminal justice system changed since devolution? Have the various policy measures

6. The exception is vandalism, which had been declining in the last two surveys but which shows a large spike in the latest 2008/9 figures (MacLeod *et al* 2009).

satisfied the public? From the victimisation surveys, we only have data from the BCS and the SCJS. First, in terms of perceptions of anti-social behaviour in England and Wales, policy may have had some effect: the proportion of people saying that there is a high level of anti-social behaviour in their area fell from 21 per cent in 2002/3 to 17 per cent in 2008/9 (Walker *et al* 2009). Similarly, in Scotland the proportion believing that anti-social behaviour is 'very' or 'fairly' common also decreased slightly, from 48 per cent in 2005/6 to 46 per cent in 2008/9 (MacLeod *et al* 2009).

Second, across the UK, trends in worrying about particular types of crime have improved. In England and Wales, the proportion of people with a high level of worry about burglary declined from 19 per cent in 1998 to 11 per cent in 2008/9, about car crime from 22 to 12 per cent and about violent crime from 25 to 14 per cent (Walker *et al* 2009). In Scotland, the proportion 'very' or 'fairly' worried about having their home broken into declined from 45 per cent in 2000 to 35 per cent in 2008/9 and about having your car or vehicle stolen from 31 to 28 per cent. Interestingly, given the reported increase in assaults in Scotland, the proportion of people in Scotland fearing that they will be physically assaulted in the street has not really declined, going from 32 per cent in 2000 to 31 per cent in 2008/09 (MacLeod *et al* 2009).

Finally, perceptions of the criminal justice system in England and Wales have improved. In England and Wales the proportion of people saying that the local police do a good or excellent job has seen a slight increase from 50 per cent in 2005/6 to 53 per cent in 2008/9. Overall confidence in the police has improved, from 63 per cent in 2005/6 to 67 per cent in 2008/9. Interestingly, following the adoption of neighbourhood policing the proportion saying that the police 'are dealing with things that matter to the local community' rose from 49 to 54 per cent over the same period. As for the wider criminal justice system, although we do not have long-term trend data, we should note that only 38 per cent thought the criminal justice system as a whole was effective (Walker *et al* 2009).

We do not have data over time for Scotland, but it is worth noting that a relatively high proportion (53 per cent) thought that the criminal justice system was effective at bringing people to justice and 61 per cent felt the police in their area did a good or very good job – significantly higher than the 53 per cent saying so in England and Wales (MacLeod *et al* 2009).

What are we to make of all this? England, Wales and Northern Ireland appear to follow the international trend during the last decade of falling crime rates, especially in relation to the 'volume crimes' like burglary, minor violent offences and car crime. The standard explanation for this cross-national trend was that the global economy was expanding, eating away at the social drivers of crime. Scotland, by contrast, records increases in vandalism, some forms of household theft and assaults – and overall its crime rate as measured by victimisation surveys stayed fairly constant.

This divergence requires further research – and we can only speculate here. One explanation might be that Scotland's economy performed less well than the rest of

the UK during this period. It is true that Scotland's trend of growth as measured by GDP generally lagged behind the overall UK rate of growth, but the Scottish economy grew and unemployment fell continually from devolution until 2008, which should rule out this explanation (see Bell, this volume).

Another hypothesis would be that increases in crimes like vandalism and assault, both linked with alcohol misuse, were driven by Scotland's relatively greater problem with excessive alcohol consumption (discussed above). We know from the victimisation surveys that victims of violent crime in Scotland are much more likely to say that the perpetrator had been drinking when the crime took place than in England and Wales. If so this lends greater support to the Scottish Government's much more proactive strategy to reduce alcohol misuse.

Two final hypotheses relate to the criminal justice system itself. Might it be that Scotland's relatively lower rate of investment in the police service had an impact? Some would dispute that spending on the police has any significant impact on crime rates, but the divergence in spending is notable (Solomon *et al* 2007). Finally, might it be that Scotland was not 'tough' enough on crime? Many would contest this, given the large body of evidence that tougher penalties and greater use of custody are largely ineffective at reducing crime – for example, recidivism rates are generally lower from community penalties than from custodial sentences. It is not possible to resolve this question here, but clearly the divergence in crime patterns between Scotland and the rest of the union warrants further investigation.

## Conclusion

This chapter has set out where criminal justice policy diverged between the different parts of the union following devolution. It has also examined differences in crime rates across the different nations over this period. It found that there were notable differences in approach, some of which reflected long-standing philosophical approaches to questions of crime and punishment in different countries.

It is not clear if the overall approaches to criminal justice policy in the different countries had a differential impact on the crime rate in those countries. This is a question that demands further research.

What is clear, however, is that policymakers in different parts of the UK would do well to learn from the approaches taken by their near neighbours. For example, we have seen how restorative justice projects have had greater success than custodial sentences at reducing reoffending in Northern Ireland. In another example, lessons should be learnt from the rollout of neighbourhood policing in England and Wales, which appears to have improved satisfaction with the police service. Finally, Scotland's relatively radical policies to reduce the use of short-term prison sentences and to reduce excessive alcohol consumption will have clear lessons for the rest of the union. Devolution has opened the prospect for the cross-fertilisation of policy ideas and cross-national learning from different practices. Policymakers would do well to make the best use of that opportunity.

## References

- Alcohol Focus Scotland (2008) Web page at [www.alcohol-focus-scotland.org.uk/alcohol\\_information/facts\\_amp\\_statistics/](http://www.alcohol-focus-scotland.org.uk/alcohol_information/facts_amp_statistics/)
- Amelin K and O'Loan C (2005) 'Northern Ireland Prison Population Projections 2005 –2009', *Research and Statistical Bulletin 12/2005*. Belfast: Northern Ireland Office
- BBC News Online (2009) 'Victim meetings "cut" youth crime', 29 October. <http://news.bbc.co.uk/1/hi/uk/8328529.stm>.
- Centre for Social Justice (2009) *Locked Up Potential: A Strategy for Reforming Prisons and Rehabilitating Prisoners*. London: Centre for Social Justice
- Daily Telegraph (2008) 'Labour has created 3,600 new offences since 1997', 29 October. [www.telegraph.co.uk/news/uknews/2679148/Labour-has-created-3600-new-offences-since-1997.html](http://www.telegraph.co.uk/news/uknews/2679148/Labour-has-created-3600-new-offences-since-1997.html).
- Gash T (2008) *The New Bill. Modernising the Police Workforce*. London: ippr. [www.ippr.org.uk/publicationsandreports/publication.asp?id=586](http://www.ippr.org.uk/publicationsandreports/publication.asp?id=586)
- Guardian (2009) 'Catholics still joining Northern Ireland police force despite attacks, says minister', 31 March. [www.guardian.co.uk/uk/2009/mar/31/northern-ireland-police-force-recruiting-catholics](http://www.guardian.co.uk/uk/2009/mar/31/northern-ireland-police-force-recruiting-catholics)
- Hansard (2009) 'Number of Penalty Notices for Disorder issued to all persons aged 16 and over, by outcome, England and Wales 2004 – 07', 26 January. [www.publications.parliament.uk/pa/cm200809/cmhansrd/cm090126/text/90126w0042.htm](http://www.publications.parliament.uk/pa/cm200809/cmhansrd/cm090126/text/90126w0042.htm)
- Her Majesty's Inspectorate of Constabulary in Scotland (2004) *Local Connections – Policing within the community* Edinburgh: HMICS
- Home Office (2009a) *Protecting the Public. Supporting the police to succeed*. London: Home Office
- Home Office (2009b) 'Police Service Strength' *Police Service Statistical Bulletin 13/09* London: Home Office
- Ipsos Mori (2009) *Issues facing Britain: Long-term trends*. [www.ipsos-mori.com/Assets/Images/Polls/trend-issues-facing-britain-current-top-5.png](http://www.ipsos-mori.com/Assets/Images/Polls/trend-issues-facing-britain-current-top-5.png)
- Home Office (2009c) 'Persons proved in court to have breached their ASBO at least once between 1 June 2000 and 31 December 2007 by age group and CJS area'. [www.crimereduction.homeoffice.gov.uk/asbos/asbos2.htm](http://www.crimereduction.homeoffice.gov.uk/asbos/asbos2.htm)
- Home Office (2007) *Cutting Crime – a new partnership*. London: Home Office
- House of Commons Justice Committee (2008) *Towards Effective Sentencing. Fifth Report of Session 2007-2008*. London: The Stationery Office
- Independent (2008) 'Re-offending rates rise as the prison population expands', 20 July. [www.independent.co.uk/news/uk/crime/reoffending-rates-rise-as-the-prison-population-expands-872411.html](http://www.independent.co.uk/news/uk/crime/reoffending-rates-rise-as-the-prison-population-expands-872411.html)
- Independent Commission on Policing for Northern Ireland (1999) *A New Beginning: Policing in Northern Ireland*. Belfast: Independent Commission on Policing for Northern Ireland
- Jacobson J and P Gibbs (2009) *Out of Trouble. Making Amends: restorative youth justice in Northern Ireland*. London: Prison Reform Trust
- McLean I, Lodge G and Schmuecker K (2008) *Fair Shares? Barnett and the politics of public*

- expenditure*. London: ippr. [www.ippr.org.uk/publicationsandreports/publication.asp?id=619](http://www.ippr.org.uk/publicationsandreports/publication.asp?id=619)
- MacLeod P, Page L, Kinver A and Iliasov A (2009) *2008/09 Scottish Crime and Justice Survey: First Findings*. Edinburgh: Scottish Government Social Research
- Margo J and Dixon M with Pearce N and Reed H (2006) *Freedom's Orphans. Raising youth in a changing world*. London: ippr
- Mason M (2009) *Findings from the second year of the national Neighbourhood Policing Programme evaluation*. London: Home Office
- Midwinter A (2007) *Police Funding In Scotland: A Review Of Trends In The Post-Devolution Period*. Edinburgh: Scottish Police Federation
- Ministry of Justice (2009) 'Number of Penalty Notices for Disorder issued to offenders aged 16 and above by offence, 2004 – 2008'. [www.justice.gov.uk/publications/docs/criminal-stats-2008-chapter-2.xls](http://www.justice.gov.uk/publications/docs/criminal-stats-2008-chapter-2.xls).
- Pearce N (2007) 'Crime and Punishment. A New Home Office Agenda' in N Pearce and J Margo (eds) *Politics for a New Generation. The Progressive Moment* Basingstoke: Palgrave Macmillan
- Restorative Justice Consortium (2010) 'What is Restorative Justice?' [www.restorativejustice.org.uk/?What\\_is\\_Restorative\\_Justice%3F](http://www.restorativejustice.org.uk/?What_is_Restorative_Justice%3F)
- Scottish Government (2010) 'Statistical Release: Crime and Justice Series. Scottish prison population projections: 2009-10 to 2018-19'. [www.scotland.gov.uk/Publications/2010/01/21104150/0](http://www.scotland.gov.uk/Publications/2010/01/21104150/0)
- Scottish Government (2009a) *Statistical Bulletin Crime and Justice Series: Recorded Crime in Scotland, 2008-09*. [www.scotland.gov.uk/Publications/2009/09/28155153/26](http://www.scotland.gov.uk/Publications/2009/09/28155153/26)
- Scottish Government (2009b) 'Police officer numbers reach record high'. [www.scotland.gov.uk/News/Releases/2009/06/09095519](http://www.scotland.gov.uk/News/Releases/2009/06/09095519)
- Scottish Government (2009c) 'Changing Scotland's Drinking Culture'. [www.scotland.gov.uk/Topics/Health/health/Alcohol/culture](http://www.scotland.gov.uk/Topics/Health/health/Alcohol/culture)
- Scottish Parliament Justice Committee (2008) *Report on Inquiry into Community Policing*. Edinburgh: Scottish Parliament. [www.scottish.parliament.uk/s3/committees/justice/reports-08/jur08-18.htm#11](http://www.scottish.parliament.uk/s3/committees/justice/reports-08/jur08-18.htm#11)
- Solomon E, Eades C, Garside R, and Rutherford M (2007) *Ten Years of Criminal Justice Under Labour. An independent audit*. London: the Centre for Crime and Justice Studies
- Sunday Times (2006) 'Secret memo warns Blair of crime wave', 24 December. [www.timesonline.co.uk/tol/news/uk/article1264341.ece](http://www.timesonline.co.uk/tol/news/uk/article1264341.ece)
- Toner S and Freal R (2009) *Experience of Crime: Findings from the 2008/09 Northern Ireland Crime Survey. Research and Statistical Bulletin 7/2009*, November
- Tuffin R, Morris J, Kershaw C and Moon D (2006) *An Evaluation of the Impact of the National Reassurance Policing Programme* London: Home Office
- Walker A, Flatley J, Kershaw C and Moon D (2009) *Crime in England and Wales 2008/09: Volume 1, Findings from the British Crime Survey and police recorded crime* London: Home Office
- Youth Justice Scotland (2008) *Services for Young People Who Offend*. [www.youthjusticescotland.gov.uk/theme.asp?ID=13](http://www.youthjusticescotland.gov.uk/theme.asp?ID=13)