The Scottish Executive Justice Department

CRIME AND CRIMINAL JUSTICE RESEARCH AGENDA

Scottish Executive Social Research
2003
FOREWORD

Building a Better Scotland: Spending Proposals 2003-2006: What the money buys and the Scottish Executive’s strategic vision for modernising government both place a strong emphasis upon the value of working in partnership to deliver social justice to the people of Scotland. One of the key objectives of the Executive’s 21st Century Government Action Plan is to ensure that it delivers its commitments and is able to demonstrate what has been achieved. The Scottish Executive is, therefore, committed to basing policy and developing practice on firm knowledge about what works best. Research is an integral part of that partnership working and plays a crucial role in providing the evidence on which to build policy and improve the delivery of services.

In the field of criminal justice, there is already a considerable body of knowledge about the factors which contribute to some people and not others becoming offenders; about the experiences and needs of victims and witnesses; about what works best for some offenders and not others; and about those aspects of our criminal justice system which are working well and those aspects which could be improved. There is, however, an abiding need to improve and refine that body of knowledge. This report sets out a broad Research Agenda for criminal justice in Scotland.

As part of the modernising agenda, Social Research is seeking to develop more effective ways of working with colleagues in the Executive and beyond to ensure that policy and practice are based on sound evidence. This is reflected in a changing emphasis in the way in which social research contributes to the evidence base. While there will always be a need for detailed evaluative research, an increasing focus is being placed on ensuring that best use is made of existing knowledge, including the expertise of practitioners, academics and researchers.

In taking the Research Agenda forward, active consideration is being given to the possibility of establishing a Criminal Justice Research Centre in Scotland funded by the Executive and the Scottish Higher Education Funding Council. The remit of such a Centre would be to reinforce and significantly add to the criminal justice research infrastructure in Scotland.

Research can contribute on a number of levels to the development and improvement of the criminal justice system. Some of the research required under this Research Agenda will involve detailed monitoring and assessment of the impact, costs and effectiveness of new policy initiatives. Other research will contribute to the formulation of new policies by, for example, reviewing and assessing practices and approaches in other areas of social policy and in other jurisdictions. We are keen to attract interest not only from those with a background in criminology but also from those who can bring allied skills, for example in relation to the effective management of services; modelling and forecasting; assessing the costs and benefits of particular policies; and an awareness of the cross-cutting nature of the problem of crime.

Experience suggests that it is not always possible to predict the specific details of the research which will be required; inevitably new priorities come on stream and some existing requirements slip from their priority status. This Research Agenda, therefore, presents a broad picture of those aspects of the Executive’s criminal justice policy which may require some input from research. It aims to provide a flexible framework for developing a research evidence base. It does not, therefore, cover a specific time period. Rather, it will be reviewed periodically to ensure it reflects, as well as possible, the Executive’s developing research requirements in criminal justice.

We want to strengthen our existing partnership with the research community and others so that we can work together to build up our knowledge of what is needed and what works so that we can improve social justice in Scotland.

Micheline Brannan, Head of Criminal Justice Group, Scottish Executive Justice Department, and Chair of the Criminology and Law Research Group
Crime and Criminal Justice Research Agenda

Contents

Summary of Research Requirements 5

The Research Agenda 9

1. To Make Scotland a Place Where People Are Safer, and Feel Safer 11
   1.1 Recording Crime and Measuring Crime Trends 11
   1.2 Reducing Alcohol Related Crime 11
   1.3 Reducing Drug Related Crime 12
   1.4 Tackling Youth Crime 13
   1.5 Reducing Violent Crime 14
   1.6 Responding to the Needs of Victims of Domestic Abuse 14
   1.7 Responding to the Needs of Victims of Racist Crime 15
   1.8 Responding to the Needs of Victims of Other Hate Crimes 16

2. To Have a Fair and More Efficient Justice System that Commands the Confidence of its Customers and the Public 17
   2.1 Relieving Pressure on Police Time/Resources and Improving Efficiency 17
   2.2 Improving Efficiency and Effectiveness within the Court Process 18
   2.3 Measuring the Impact and Effectiveness of Prosecution, Sentencing and Release Decisions 19
   2.4 Assessing the Impact of and Responding to Human Rights Legislation 19
   2.5 Understanding the Experiences, Needs and Expectations of Victims 19
   2.6 Improving Victim and Witness Support Services 20
   2.7 Supporting Access to Justice for Victims of Sex Offences 20
   2.8 Supporting Access to Justice for Vulnerable and Intimidated Witnesses 21

3. To Reduce Offending and Provide More and More Effective Non-Custodial Penalties 23
   3.1 Developing Effective Community Justice Services 23
   3.2 Developing Effective Crime Prevention Initiatives 24
   3.3 Restorative Justice Information for Researchers 25
   3.4 Meeting the Courts’ Demands for Effective Interventions 25
   3.5 Assessing and Managing the Risk of Re-offending among Serious Violent and Sexual Offenders 26

Information for Researchers 29

Output from the 1998 to 2001 Research Programme 33

Social Research Contact Points 35

Expressions of Interest Form 39
SUMMARY OF RESEARCH REQUIREMENTS

This summary of Research Requirements should be read in conjunction with the wider policy agenda outlined in this report and the section on Information for Researchers at the back of the report.

- Comparative research to improve understanding of recent trends in crime and how and why they differ from the situation in England and Wales (section 1.1)
- Research on the public’s reasons for reporting or not reporting crime to the police (section 1.1)
- Research into crime reporting and recording processes and management (section 1.1)
- Research may be required to monitor and assess the impact of any changes arising from the recommendations of the Nicholson Committee (section 1.2)
- Research on alcohol problems to shed light on Scotland’s homicide rates (section 1.2)
- Evaluation of the effectiveness and impact of supervision and of community and prison based programmes for offenders, focusing on alcohol problems (section 1.2)
- Research on arrest referral schemes (section 1.3)
- Research on the effectiveness of prison and community-based interventions (section 1.3)
- Research into the relationship between drug misuse and criminal behaviour building on the findings of earlier research and taking into account the particular circumstances and needs of young offenders in general and female offenders in particular (section 1.3)
- Research, including evaluative research or research reviews, building on existing knowledge about what works in tackling youth crime to contribute to the development and delivery of effective services and programmes in the context of the Youth Crime Strategy (section 1.4)
- Monitoring and evaluation of the development, implementation and operation of any youth crime pilot schemes and other initiatives resulting from the Strategy and the Ministerial Action Plan, subject to any approval required by the Scottish Parliament (section 1.4)
- Detailed study of the nature of violent crime in its many manifestations (section 1.5)
- Research to identify and assess effective police initiatives and other forms of criminal justice interventions, both in the community and within a custodial setting, which tackle violent crime including sexual, racial, religious and homophobic hatred and domestic abuse (section 1.5)
- Research to contribute to a better understanding of the experiences and needs of victims of domestic abuse in order to ensure more responsive and targeted services (section 1.6)
- Research to examine the pattern of referral to, and effectiveness of, offender programmes tackling domestic abuse (section 1.6)
- The Domestic Abuse Development Fund will be evaluated (section 1.6)
- Research to help increase and develop understanding of the experiences and needs of victims of racist crime in order to focus policy and practice in this area (section 1.7)
- Research on perpetrators of racist crime (section 1.7)
- A literature review of race relations and the police (section 1.7)
- Research to examine the extent and nature of crime linked to religious hatred and sectarian violence and the effectiveness of initiatives to tackle it (section 1.8)
- Research to identify aspects of police work where there is potential for savings in time and resources including police practice in executing warrants and in handling calls and enquiries from the public (section 2.1)
- Research into police management, performance and information handling processes and procedures (section 2.1)
- Local survey of public views and expectations in relation to the police (section 2.1)
- Research to contribute to the development and evaluation of initiatives to improve the efficiency and effectiveness of the criminal justice system, and aspects of criminal procedure at all levels, including appeals (section 2.2)
- Further research on how the Parole Board reaches its decisions and how those decisions might be improved (section 2.3)
- Research into the impact of human rights legislation on the operation of the criminal justice system (section 2.4)
- Research to strengthen our knowledge, both in a quantitative and qualitative sense, about the experiences, views and needs of victims and witnesses of crime, particularly in relation to less visible forms of victimisation, to help focus policy and practice in this key area (section 2.5)
- Research on the impact of victim's statements (section 2.6)
- A survey of court users (section 2.6)
- Assessment of the operation of new arrangements in sexual offence cases appearing in court to assess the impact of the Sexual Offences (Procedure and Evidence) Act 2002 (section 2.7)
- Evaluation of the ways in which vulnerable and intimidated witnesses are supported now and following any legislative change (section 2.8)
- Evaluation of approaches to the organisation of services and the development of a ‘quality culture’ as key elements of the Justice Department’s work in partnership with local authorities and other agencies to develop effective practice and delivery of services (section 3.1)
- Research to contribute to our understanding of the role, relevance and effectiveness of a range of community-based criminal justice interventions including deferred sentences, bail and bail supervision, community service orders, the use of electronic monitoring and evaluation of the Time Out Centre for women offenders in Glasgow (section 3.1)
- Evaluation of the impact and effectiveness of interventions which aim to reduce offending by tackling the causes of crime, including those which tackle the employability of offenders (section 3.1)
- Research on crime prevention themes and initiatives (section 3.2)
- An evaluation of the new financial arrangements for funding Community Safety Partnerships (section 3.2)
- Research on the effectiveness of community safety partnership arrangements (section 3.2)
- Research on public perceptions of community policing (section 3.2)
- Research to contribute to identifying effective means for targeting resources for restorative justice where they will have best effect for victims, offenders and the wider community (section 3.3)
- Further research to contribute to our understanding of the use and impact of a range of sentencing options including electronic monitoring and restriction of liberty orders, supervised attendance orders and hospital directions (section 3.4)
- Research on the quality of social work court services and their impact on the efficiency and effectiveness of the criminal justice system (section 3.4)
- Research on the relative use and value of other established community sentences (section 3.4)
- Research to evaluate the use being made of the Order for Lifelong Restriction (section 3.5)
- Research to support the development of risk assessment and management strategies (section 3.5)
- Research to contribute to our understanding of the impact of other proposals in the Criminal Justice (Scotland) Bill in addressing serious violent and sexual offending (section 3.5)
The research agenda highlights areas and issues where research may be required but is not intended to be completely specific or prescriptive. Some areas and issues may not, in the event, require research; others may subsequently arise. As particular requirements are clarified, expressions of interest may be invited. As a matter of principle and policy, whenever research is commissioned, consideration is given, where appropriate, to ensuring that it takes into account equality and diversity issues. Guidance notes are provided at the end of this document.

The Criminal Justice Research Agenda is structured around three general headings that represent key aims within the Executive’s criminal justice policy:

- To make Scotland a place where people are safer, and feel safer
- To have a fair and more efficient justice system that commands the confidence of its customers and the public
- To reduce offending and provide more and more effective non-custodial penalties

The Agenda sets out the Scottish Executive Justice Department’s key policy priorities and identifies areas where research evidence is or may be required to inform the development and implementation of policy and practice. The requirements for research noted in the text are not prioritised.
1. TO MAKE SCOTLAND A PLACE WHERE PEOPLE ARE SAFER, AND FEEL SAFER

One of the main points of focus for the Scottish Executive’s criminal justice policy is to provide a safer environment for the Scottish public. In particular, the Executive is committed to tackling violent crime in all its manifestations and substance misuse and its related offending behaviour.

Violence is not, of course, a homogeneous phenomenon. Some violence, often in public places, is clearly fuelled by inappropriate consumption of alcohol. Other forms of violence occur in the privacy of family living. Violence is also manifested within the wider framework of hatred towards specific groups, whether on grounds of sexual, religious or other forms of prejudice.

Tackling violence in its varied forms, and dealing with its consequences, requires an understanding of its motivation and its wider social contexts.

1.1 Recording crime and measuring crime trends

The Scottish Crime Survey is a central tool in measuring crime trends and assessing how well we are tackling the causes of crime. Currently the Scottish Crime Survey is run on a four yearly cycle with a target sample of 5000 respondents. Consideration is being given to how best to capitalise on the Survey and a review has been commissioned which is likely to consider alternative timescales, coverage, sample sizes and how best to survey the experiences of the ethnic minority populations and other under-represented groups.

Comparisons between the Scottish Crime Survey and the British Crime Survey (covering England and Wales) suggest some significant differences in the pattern of offending north and south of the border. For example, in 2000, rates of both household and personal victimisations in Scotland were roughly half of those in England and Wales. It would be valuable to understand why there are such differences, particularly in view of the fact that Scotland has a significantly higher homicide rate than England and Wales. It would also be valuable to learn whether and to what extent differences can be accounted for in terms of specific aspects of the legal framework and particular criminal justice policies.

As well as being a crucial source of information on crime trends, the Scottish Crime Survey also provides an important measure of the so-called ‘dark figure’ of crime by helping to estimate the proportion of crime which does not get reported to the police or which the police do not record. The 2000 Scottish Crime Survey suggests that for a comparable sub-set of crimes, only 33% of the total number of crimes estimated by the Survey were recorded by the police in 1999. These findings raise questions about the way crime is reported to and recorded by the police. While a close relationship is maintained between statisticians within the Scottish Executive Justice Statistics Unit and individual police forces, research may have a role to play in reviewing reporting and recording of crimes and offences.

Research which may be required:

- Comparative research to improve understanding of recent trends in crime and how and why they differ from the situation in England and Wales
- Research on the public’s reasons for reporting or not reporting crime to the police
- Research into crime reporting and recording processes and management

1.2 Reducing alcohol-related crime

Alcohol problems are recognised as having a detrimental effect on the quality of life of a significant number of people in Scotland. There are clear health implications of alcohol misuse but the problem
also impacts on employment and on public order. While the link between alcohol problems and crime is not straightforward, alcohol consumption is associated with public disorder, particularly at weekends, both in urban and rural environments. However, this association also appears to include offending as well as disorder given that in a recent study on drug testing of arrestees in Scotland, 37% of people arrested for a wide variety of offences said they believed there was a connection between their use of alcohol and their offending behaviour. In response to this, the Scottish Executive published its Plan for Action on Alcohol Problems in January 2002.

The appointment of an independent Committee to review liquor licensing (the Nicholson Committee) was announced in June 2001. The Committee's remit is to review all aspects of the liquor licensing law and practice in Scotland with particular reference to the implications for health and public order. The Committee is to recommend change in the public interest and is expected to report in late 2002 or early 2003. The Committee has already commissioned some supporting research to inform its deliberations and has accumulated a significant amount of statistical information. Any changes in legislation and practice brought about through the recommendations of the Nicholson Committee will be monitored where possible to assess their impact and consideration will be given to whether any further information is required by way of providing a sound base line against which to assess the impact of any changes.

Research has a broader role to play in extending our understanding of the part played by alcohol in criminal and generally disruptive behaviour which could contribute to addressing the Executive's key priorities to ensure a safer Scotland, in part by reducing offending; a more efficient criminal justice system; and to meet the needs of witnesses and victims. For example, it could shed light on any relationship between alcohol problems and Scotland's relatively high homicide rate. It would be helpful to examine the impact of alcohol problems on the effectiveness of the general supervision of offenders in the community and of prison and community based programmes addressing addictions including alcohol problems, to inform the development of good practice.

**Research which may be required:**

- Research may be required to monitor and assess the impact of any changes arising from the recommendations of the Nicholson Committee
- Research on alcohol problems to shed light on Scotland's homicide rates
- Evaluation of the effectiveness and impact of supervision and of community and prison based programmes for offenders, focusing on alcohol problems

### 1.3 Reducing drug-related crime

As with alcohol misuse and crime, the links between drug misuse and criminal behaviour are complex. Any illicit involvement with illegal drugs is, of course, a criminal offence. While that involves little ambiguity, there remain a number of issues which might benefit from a research input. An example is the question of the circumstances under which drug misuse causes crime.

The study of Drug Testing of Arrestees in Scotland found very high levels of drug use among the arrestees studied. Of those arrestees who were currently injecting drugs, 84% thought there was a connection between their drug use and their offending behaviour. Of those who were currently using illegal drugs but were not injecting, 21% believed their offending was linked to their drug use. These findings indicate the importance of targeting those offenders for whom drug misuse is a strong factor in their offending behaviour. Two examples of a targeted approach are the pilots of Drug Treatment and Testing Orders and of Drug Courts in Glasgow and Fife. The impact and effectiveness of these initiatives are currently being evaluated.

Of those arrestees interviewed for the study of drug testing of arrestees in Scotland, 23% said they had received treatment at some time for drug misuse. Only 13% were currently receiving treatment, however, while 30% said they would like some form of treatment for their drug misuse. The Scottish Executive Effective Interventions Unit organised a seminar in 2001 to explore possible options for the development of Arrest Referral Schemes and plans are being developed for the monitoring and evaluation of existing or new schemes.
Researchers in the Effective Interventions Unit (EIU) manage the Scottish Executive’s Drug Misuse Research Programme and a number of the research requirements identified have clear relevance in relation to the criminal justice system. One of the main pillars of the Government’s Drug Strategy is to tackle the problem of availability and the Scottish Drug Enforcement Agency (SDEA) was established to sharpen the focus when dealing with this problem. The EIU are working with the SDEA and the Association of Chief Police Officers in Scotland (ACPOS) to develop an evaluation of police action against local drug markets. Research on the drugs middle market is also planned. In addition, the programme includes evaluation of the effectiveness of the Scottish Prison Service’s Transitional Care Initiative. This work has been commissioned and will run until late 2004.

The problem of drug misuse is of particular concern in relation to young offenders and female offenders. A study of Young People in Custody in Scotland found that 95% of them had taken illegal drugs at some time. Forty-five percent of the young offenders in custody thought their drug use was a problem for them but only half of them had received help outside prison for this problem. A greater proportion (63%) of female young offenders in the study believed their drug use was a problem compared to young men (42%). Where research is called upon to provide intelligence and to assess the effectiveness of policies and initiatives to tackle the problem of drug misuse and crime, it will be essential to identify the particular difficulties associated with drug misuse among some young people and the particular difficulties experienced by young female offenders.

Research which may be required:

- Research on arrest referral schemes
- Research on the effectiveness of prison and community-based interventions
- Research into the relationship between drug misuse and criminal behaviour building on the findings of earlier research and taking into account the particular circumstances and needs of young offenders in general and female offenders in particular

1.4 Tackling Youth Crime

Youth crime is an issue of particular concern to the Scottish Executive in view of the number of young people who become involved in crime and the small but increasing number of very persistent young offenders who can cause a substantial problem in local communities. The Advisory Group on Youth Crime was established to consider ways of reducing youth crime by prevention, early intervention and effective services and programmes. The recommendations of the Group were accepted by the Scottish Executive and are now the subject of an action programme (Scotland’s Action Programme to Reduce Youth Crime, 2002).

Young offenders under the age of 16 are principally handled by the Children’s Hearings System which is sponsored by the Scottish Executive Education Department amongst its broad responsibilities in respect of children and young people. Recent research on the Children’s Hearings indicated a lack of resources in terms of effective programmes and services to which young people could be referred. The Executive is committed to increasing the range of interventions available to the Children’s Hearings and to early intervention in the lives of young people who get into trouble with the law in order to reduce offending and increase community safety.

The Advisory Group also recognised that the point of transition between the Children’s Hearings and the adult criminal justice system, which deals with most young offenders aged 16 and over, is difficult and abrupt as young offenders move away from a system focused largely on their welfare needs. The range of disposals available to the courts which are tailored to the particular needs of young offenders are also limited. Issues relating to young offenders of 16 and over who go through the adult criminal justice system are part of the remit of the Justice Department.

Research commissioned by the Scottish Executive has shown that the effectiveness of certain disposals and programmes with young people are critically affected by their lifestyles. For example, a pilot of the use of supervised attendance orders at first sentence with 16 and 17 year olds was abandoned because of the high breach rate and the limited options available on breach. Programmes
for young offenders based on evidence of what works can be effective in reducing the rate and seriousness of re-offending as shown in the evaluation of Barnardo’s Freagarrach programme for persistent juvenile offenders.

Ministers published in June this year a 10-point Action Plan which includes proposals for a Youth Court feasibility project; Fast Track Children’s Hearings; a review of the potential for using Restriction of Liberty Orders, Anti-Social Behaviour Orders and Community Service Orders for persistent offenders; consideration of a Scotland wide system of police warnings; and national standards for tackling youth crime which will operate between local authorities, the criminal justice system and the Children’s Hearings. Research required to inform implementation of the Youth Crime Strategy and the Ministerial Action Plan will be taken forward by the Criminal Justice Research Branch and the Education and Young People Research Unit in the Scottish Executive Education Department.

Research which may be required:

- Research, including evaluative research or research reviews, building on existing knowledge about what works in tackling youth crime to contribute to the development and delivery of effective services and programmes in the context of the Youth Crime Strategy
- Monitoring and evaluation of the development, implementation and operation of any youth crime pilot schemes and other initiatives resulting from the Strategy and the Ministerial Action Plan, subject to any approval required by the Scottish Parliament

1.5 Reducing violent crime

Violent crime manifests itself in a number of forms and is heterogenous in nature. Sometimes fuelled by alcohol misuse, violence can be a weekend phenomenon which places particular pressure on police and hospital resources and can create an atmosphere of general anxiety (c.f. Section 1.2). Certain types of violent crime disproportionately affect certain sections of the community. Violence can also manifest itself as hate crime, directed at minority groups or at family members in the context of domestic abuse.

International comparisons show Scotland in a particularly bad light in relation to assaults (International Crime Victims Survey, 2000; Homicide in Britain: A Comparative Study of Rates in Scotland and England and Wales, 2000). Research, therefore, has an important part to play in developing our understanding of the cultural and social factors which underpin a propensity towards different types of violence. In addition, research could assist in the identification of effective forms of intervention, whether in terms of policing initiatives, public education, or programmes within a prison or community context.

Research which may be required:

- Detailed study of the nature of violent crime in its many manifestations
- Research to identify and assess effective police initiatives and other forms of criminal justice interventions, both in the community and within a custodial setting, which tackle violent crime including sexual, racial, religious and homophobic hatred and domestic abuse

1.6 Responding to the needs of victims of domestic abuse

The Scottish Executive is firmly committed to tackling the problem of domestic abuse, in all its forms. The recently published Scottish Executive (2001) document - Preventing Violence against Women – action across the Scottish Executive - reinforces this commitment, highlighting the complex inter-relationship between different types of violence against women and children. Tackling violence against women and children encompasses many areas of Government policy making and, therefore, responding to the needs of victims of domestic abuse involves the participation of a range of agencies, for example health, justice, education, housing and voluntary organisations.
Under the Research Programme for 1998 to 2001, research focused on examining service provision to women experiencing domestic violence. Research into domestic violence against men was also published in 2002. The research into service provision found that improved provision was necessary for a number of groups, and also that there was a need to improve the availability of preventive educational programmes for young people who experience domestic abuse.

More recent research was commissioned by the Scottish Executive to evaluate the implementation of an educational package for school aged children designed by the charity Zero Tolerance. The research, published in 2002, found that the participants and users of the package on the whole thought that it was a positive intervention which helped young people to understand the phenomenon of domestic abuse and challenge it within their cultural and social lives.

Recognition is given to the fact that women who have experienced domestic abuse in the past are often repeatedly victimised by ex-partners with whom they no longer co-habit. Some victims of stalking and harassment know the perpetrators while some perpetrators are strangers to the victim. As part of the Government’s wider commitment to protect women and children from abuse as evidenced in the Protection from Abuse (Scotland) Act 2001, research was commissioned in 2001 to, inter alia, critically examine the existing criminal and civil law remedies available to deal with stalking and harassment and to assess the ways in which existing legal arrangements are working in practice. The findings from this research were published in November 2002.

Further research could enhance our understanding of the needs of victims of domestic abuse and how best to target resources to meet those needs. In addition, there may be a need for research to examine the pattern of referral to, and the effectiveness of, offender programmes tackling domestic abuse in response to observed variation in the number of referrals across the country.

The Domestic Abuse Development Fund, which was set up to promote improved services for victims of domestic abuse, will also be evaluated to assess the impact of certain projects on local provision.

<table>
<thead>
<tr>
<th>Research which may be required:</th>
</tr>
</thead>
<tbody>
<tr>
<td>❖ Research to contribute to a better understanding of the experiences and needs of victims of domestic abuse in order to ensure more responsive and targeted services</td>
</tr>
<tr>
<td>❖ Research to examine the pattern of referral to, and effectiveness of, offender programmes tackling domestic abuse</td>
</tr>
<tr>
<td>❖ The Domestic Abuse Development Fund will be evaluated</td>
</tr>
</tbody>
</table>

1.7 Responding to the needs of victims of racist crime

Research has recently been completed into the use being made of the new offences of racially aggravated behaviour and racially aggravated harassment. That research also looked at the perceptions and experiences of minority ethnic organisations in relation to the definition of racist crime and how it is reported, investigated and prosecuted. The most common type of racist incident reported to minority ethnic organisations involved verbal abuse and threats, and a quarter of respondents thought the number of incidents was higher in 2000 than in 1999. However, not all victims reported such incidents, for various reasons, including a fear of retaliation and a lack of trust in the police.

In addition, a report on the ethnic booster component of the Scottish Crime Survey has recently been published. Both reports, published in 2002, make it clear that there is a need to look in greater depth at the needs of victims of racist crime. Research on perpetrators of racist crime might also be required.

Her Majesty’s Inspectorate of Constabulary will revisit its earlier work which was published as Without Prejudice, and may wish to commission a review of relevant literature.
Research which may be required:

- Research to help increase and develop understanding of the experiences and needs of victims of racist crime in order to focus policy and practice in this area
- Research on perpetrators of racist crime
- A literature review of race relations and the police

1.8 Responding to the needs of victims of other hate crimes

A cross-party Working Group has considered and reported on the issue of religious hatred, including sectarian behaviour and harrassment. Research may be required to respond to recommendations emerging from the Working Group's deliberations and any legislative changes which may be approved by the Scottish Parliament.

Research which may be required:

- Research to examine the extent and nature of crime linked to religious hatred and sectarian violence and the effectiveness of initiatives to tackle it
2. TO HAVE A FAIR AND MORE EFFICIENT JUSTICE SYSTEM THAT COMMANDS THE CONFIDENCE OF ITS CUSTOMERS AND THE PUBLIC

An important aspect of Government policy in relation to criminal justice issues is improving the detection of crime and ensuring that offenders are brought to justice as swiftly and as cost-effectively as possible. While the Scottish Executive is strongly committed to tackling the causes of crime and to making the criminal justice system effective and efficient, it is also committed to delivering justice to those who offend.

Witnesses play a crucial role in the criminal justice system. The police are dependent upon witnesses reporting incidents and being willing to make statements to the police. Whether the prosecution service considers that a case can be successfully prosecuted may, crucially, turn on the quality of evidence from witnesses and their willingness and ability to give that evidence in court. Finally, the satisfactory conclusion of the case in court may hinge on witnesses appearing as requested and successfully giving their evidence.

Giving due care and attention to and meeting the needs of victims and witnesses are, therefore, important dimensions in the establishment of a coherent and effective criminal justice system.

The role and the needs of victims and of witnesses (many of whom are themselves victims) have been coming under increasing scrutiny and have been given increased attention in many jurisdictions across the world. Following a meeting in October 1999, the European Council concluded that, inter alia, minimum standards should be drawn up on the protection of the victims of crime and on access to justice. Subsequently, the European Union drew up a Framework Decision which was adopted by the Justice and Home Affairs Council of the European Union in March 2001 and applies throughout the European Union including Scotland. The Framework Decision is comprehensive in addressing the interests of victims and includes measures to assist victims to mitigate the effects of crime before, during and after criminal proceedings.

2.1 Relieving pressure on police time/resources and improving efficiency

Some of the routine tasks undertaken by the police were examined under the Research Programme for 1998 to 2001 with the aim of identifying ways of relieving the pressure on police time and resources, for example, research on the introduction of postal citations and countermands and on mandatory intermediate diets and first diets, and on adjournments. There are other aspects of police work which would merit research to examine whether potential savings could be made. One such routine task is the serving of warrants; for example for fine defaulters or for those who have breached a community disposal. Research could usefully assess the relative importance placed on these tasks by police forces and explore ways in which they might be pursued more efficiently and effectively.

Scottish police forces seek to provide a 24-hour service and call handling and response times are a key issue. Calls on police time and resources are not, however, limited to matters directly related to crime. About one quarter of respondents in the Scottish Crime Survey reported having telephoned the police at some time in the previous 12 months. Of those people who had contacted the police, a quarter said they had done so to report a noise or a disturbance. About 5% said they were reporting a non-crime emergency; around 10% were reporting lost or found property; and 10% were simply seeking advice or information. Call handling and response times are, of course, a matter of public interest and research could contribute to a greater understanding of pressures on police time and how these are handled. One possible starting point might be a review of international literature on the subject.

Some requirement for research in relation to police crime recording and management has already been noted (c.f. Section 1.1). Her Majesty’s Inspectorate of Constabulary (HMIC) is likely to conduct thematic inspections into crime management and liaison with the Procurator Fiscal Service and performance and information management and research may be required to provide a basis for these inspections.
Policing styles and methods vary according to police priorities and available resources, including the abilities and professionalism of police officers. Public perceptions of police-community relations are affected by the public’s contact with the police. How levels and types of police visibility variously affect public perceptions about what the police actually do and why has been the subject of recent research as part a thematic review by HMIC. Similar surveys of public perceptions at a force level could, however, provide a more detailed and comparative picture of public expectations both to support HMIC primary inspections of individual forces and to provide a measure of the impact of specific local initiatives.

Research which may be required:

- Research to identify aspects of police work where there is potential for savings in time and resources including police practice in executing warrants and in handling calls and enquiries from the public
- Research into police management, performance and information handling processes and procedures
- Local survey of public views and expectations in relation to the police

2.2 Improving efficiency and effectiveness within the court process

Efficiency and effectiveness within criminal proceedings has been given a particular focus in the work of the Criminal Justice Forum. This was reflected in research commissioned under the Research Programme for 1998 to 2001. One of the important findings of this work was that provisions to enhance the usefulness and effectiveness of intermediate diets, introduce mandatory first diets and encourage ‘agreement of evidence’ appear to have led to a decrease in the number of trial diets. A study of adjournments, prompted by concerns about the length of time taken to deal with summary cases in the Sheriff Courts, also helped to highlight the difficulties created by pressures on court time and delays resulting from difficulties in obtaining police witness statements and DVLA printouts. The research also suggested that sentencers might be more successful in preventing unnecessary adjournments by adopting a less passive attitude to requests for adjournments. Research may have a further role to play in contributing to the development of improvements in efficiency and effectiveness, for example, through the monitoring and assessment of new initiatives.

Research may be needed to evaluate any changes introduced to promote efficiency in the conduct of business in the Supreme Courts as a result of the review of the High Court under Lord Bonomy; as a result of any changes in appeals procedures introduced following a consultation exercise by the judiciary in spring 2002; and as a result of any changes introduced following a review by the Crown Agent of the aims and objectives of the Scottish criminal justice system.

Research may also be required to analyse results from a number of consultation exercises initiated by the McInnes Committee which has been convened to review summary criminal justice in Scotland. The Committee’s remit is to review the structures and procedures of the Sheriff and District Courts as they relate to summary business, the inter-relation between the two levels of court and to make recommendations about improving the efficient and effective delivery of summary justice. The Committee is expected to report in 2003.

Research which may be required:

- Research to contribute to the development and evaluation of initiatives to improve the efficiency and effectiveness of the criminal justice system, and aspects of criminal procedure at all levels, including appeals
2.3 Measuring the impact and effectiveness of prosecution, sentencing and release decisions

To help them to reach the right decisions about individual offenders, it is important that prosecutors, sentencers and the Parole Board are provided with information about the outcome of previous decisions. Relevant research already completed has focused on the use and impact of diversion from prosecution to social work and other agency services, the outcome of financial penalties imposed by the court, the police and procurators fiscal and reoffending among life sentenced prisoners released on life licence. In addition, research on sentencing for breach of bail is currently underway to explore the use which is being made of aggravated sentences for offending on bail and the impact which the new bail regime has had on reoffending (cf Section 3.4).

As a means of providing preliminary data on the effectiveness of Parole Board decision-making in the case of determinate prisoners, a comparison of recidivism among parolees and non-parolees has been conducted. This work is being followed up with further research on how the Board reaches its decisions and whether decision-making could be improved through the use of actuarial assessments of risk.

Research which may be required:

- Further research on how the Parole Board reaches its decisions and how those decisions might be improved

2.4 Assessing the impact of and responding to human rights legislation

Human rights legislation is having a significant impact throughout the Scottish criminal justice system. An example of the impact of human rights legislation is that all accused now have the right to be considered for release on bail regardless of the nature of their alleged crime or offence. The consequences of the legislation for particular sectors within the criminal justice system are, of course, being monitored but there may be a need for research to support such monitoring and to assess how far the system is complying with the terms of the legislation. The lead for such research across the civil and criminal justice systems will be taken by the Legal Studies Research Branch.

Research which may be required:

- Research into the impact of human rights legislation on the operation of the criminal justice system

2.5 Understanding the experiences, needs and expectations of victims

The Scottish Crime Survey is an important source of information about victims: what they have experienced; how they reacted; what their views and opinions are in relation to the criminal justice system. Increasingly, the Survey is being used to measure achievements in crucial social policy targets; for example, in relation to the fear of crime amongst older people.

Although the Scottish Crime Survey provides a great deal of information on the experiences and views of victims of crime, it is not able to provide an in-depth understanding of those experiences or of the needs and expectations of victims. For example, the experience of victimisation is likely to differ depending upon the nature and seriousness of the incident. It is known that women tend to be more anxious about crime than men but we do not fully understand the reasons for this difference or how it might best be ameliorated. The experience of a violent incident may differ depending upon whether the violence was motivated out of racial or homophobic hatred, or whether it was experienced in a domestic setting. Although the Scottish Crime Survey provides a reasonably accurate statistical
picture of certain prevalent crimes, it is limited in what it can say about less visible victimisations, for example, sexual assaults, domestic abuse and hate crime.

There would be considerable interest in following up the trends apparent from the Scottish Crime Survey with further research to provide greater depth to our understanding of the experience of victimisation and to inform implementation of the Victims Strategy. This would include the experiences of those who have and have not accessed support services and those whose cases did or did not get to court, so that services can be better targeted and the needs and expectations of victims can be taken into account across the full range of the criminal justice process. In addition, research could usefully explore viable options for studying less visible and less prevalent forms of victimisation.

### Research which may be required:

- Research to strengthen our knowledge, both in a quantitative and qualitative sense, about the experiences, views and needs of victims and witnesses of crime, particularly in relation to less visible forms of victimisation, to help focus policy and practice in this key area.

### 2.6 Improving victim and witness support services

A considerable investment is being made in the provision of support services for victims of crime. The [Scottish Executive Justice Department Victims’ Action Plan](#) sets out how the Justice Department intends to meet its commitments to supporting victims of crime within the overall framework of the [Scottish Strategy for Victims](#). Research to be commissioned to inform the development and implementation of the Action Plan will be funded by the Victims Unit within Community Justice Services Division of the Justice Department. Research will be required to evaluate pilot use of victim’s statements about the personal impact of the offence, subject to the approval of the Scottish Parliament of proposals in the Criminal justice (Scotland) Bill to introduce such statements. Following evaluation of three pilot Victim Witness Support schemes, similar services have been rolled out to all Sheriff courts and an evaluation of the national service is underway.

In addition to the investments made by the Justice Department, the Lord Advocate has also established a new [Victim Information and Advice Service (VIA)](#). Several VIA offices are currently in operation and the Lord Advocate has given an undertaking that there will be a VIA office in each of the 11 new Procurator Fiscal Service Areas by the end of 2003. The offices where VIA was piloted (Aberdeen and Hamilton) are currently being evaluated.

In conjunction with the Scottish Court Service, the Crown Office has also published a joint statement about the level of care and service which Crown witnesses can expect to receive when attending court. There is a commitment to assess whether these levels are being met and the Scottish Court Service is also considering establishing an annual survey of court users.

### Research which may be required:

- Research on the impact of victim’s statements
- A survey of court users

### 2.7 Supporting access to justice for victims of sex offences

There has long been concern that the fear of humiliation in giving evidence discourages victims of sexual offences from reporting this type of offence and from agreeing to give evidence in court. Research commissioned by the then Central Research Unit in the early 1990s suggested that, despite statutory rules restricting the use of evidence about sexual history and character, this type of evidence was being admitted in court without an application and that, even where it was preceded by an application, the evidence often carried a connotation which went beyond the relevance stated in the application. Concerns about the use of this type of evidence and its impact on the complainer...
prompted the Executive to issue a consultation document – Redressing the Balance. Responses to the consultation paper, together with the public debate surrounding two high profile sexual offence cases, led to a decision that the laws of evidence in sex offence trials should be reviewed.

The Sexual Offences (Procedure and Evidence) Act, which was passed by the Scottish Parliament in March 2002, seeks to prevent the accused from cross-examining the complainer in certain sexual offence cases and to strengthen restrictions on the use of evidence on the sexual character and history of the complainer. An evaluation of the effectiveness and impact of the legislation will be commissioned. In the first instance, research has been commissioned to examine the operation of the current laws of evidence in sex offence trials in order to provide a baseline for evaluation of the recent legislation.

Research which may be required:

- Assessment of the operation of new arrangements in sexual offence cases appearing in court to assess the impact of the Sexual Offences (Procedure and Evidence) Act 2002

2.8 Supporting access to justice for vulnerable and intimidated witnesses

A Witness Protection Programme was established by Strathclyde Police in 1996, providing specialist assistance for witnesses to serious crimes at risk from (normally life-threatening) intimidation. In 1997, a Working Group on Vulnerable and Intimidated Witnesses was established to consider, amongst other things, the way in which witnesses in need of special measures are supported, formally and informally, through the investigation of crimes and any subsequent prosecution. The Committee’s recommendations were published in Towards a Just Conclusion. In May 2002, the Scottish Executive published a more detailed consultation paper - Vital Voices – Helping Vulnerable Witnesses Give Evidence - on the law of evidence as it relates to vulnerable and intimidated witnesses and an analysis of responses has been published. Research on the operation and effectiveness of the current laws of evidence in relation to these witnesses will be commissioned thereafter. The aim of the research will be to examine the special provisions to assist these witnesses to give evidence and to provide baseline data which can be used to assess the impact of any future changes in the law of evidence.

The Millan Committee reported in 2001 on a comprehensive review of the Mental Health (Scotland) Act 1984. Amongst its recommendations were for research to be commissioned into the operation of ‘appropriate adult’ schemes in Scotland, as a basis for identifying and developing best practice. ‘Appropriate adults’ are people with expertise in dealing with mentally disordered people, and who may be asked to be present when people with mental disorders are being interviewed by the police (as a victim, witness, suspect or accused), precognosced by the Procurator Fiscal (as a victim or witness), or attending court (as a witness or accused person). Research is currently underway to study the use of appropriate adults.

Research which may be required:

- Evaluation of the ways in which vulnerable and intimidated witnesses are supported now and following any legislative change
3. TO REDUCE OFFENDING AND PROVIDE MORE AND MORE EFFECTIVE NON-CUSTODIAL PENSETIES

The Executive has made a commitment to reduce the use of custody by providing more effective community disposals; to promote the social inclusion of offenders through rehabilitation and throughcare focusing on substance misuse, training, education and employment, amongst others, thereby reducing the level of re-offending; and to improving the quality of prison buildings and regimes, including programmes to address offending and prevent recidivism. These measures should in turn promote community safety.

3.1 Developing effective community justice services

An important aim of Scottish Executive policy is to increase the use of community based disposals which can deal more effectively than custody with offending behaviour in certain circumstances. There is also a concern to increase the efficiency of the criminal justice system by, for example, diversion from prosecution where appropriate (c.f. Section 3.4). In order to do this, the infrastructure needs to be strengthened to ensure that appropriate and effective services and programmes are being delivered. The 100% funding of criminal justice social work services underpins this effort and was extended in 2000 to include formal diversion schemes which may provide an alternative to prosecution.

The initiative is likely to be extended further to include other community based disposals on the basis of evidence of what works to reduce offending. For example, the Justice Department intends to pilot and evaluate the use of structured deferred sentences as an alternative to custody for offenders (subject to the approval of the Scottish Parliament of an extension to 100% funding provided for in the Criminal Justice (Scotland) Bill). There are also proposals to use Supervised Attendance Orders at first sentence. These measures will require evaluation.

One of the key proposals in the report A Better Way on women offenders was the establishment of a Time Out Centre in Glasgow as a specialist facility to deal with the particular problems of women offenders. It will be set up in 2003 to provide a small number of residential places and work with women to link them back into community addiction services as well as addressing their offending behaviour. Its effectiveness in reducing the number of women sent to custody will need to be evaluated.

As part of the effort to take forward the Modernising Government agenda, the Getting Best Results Steering Group (GBR) was established in December 1998 to provide leadership, direction and co-ordination in the development of effective practice in all aspects of the community supervision of offenders. The Steering Group is overseeing the development of proposals for the accreditation of programmes for offenders leading to the appointment of an Accreditation Panel in 2002. Other GBR subgroups are examining revision of National Standards and Objectives for Criminal Justice Social Work, Monitoring and Evaluation, and the establishment of a Pathfinder Providers Initiative.

The Pathfinder Initiative is currently operating on a pilot basis with three providers based on local authority criminal justice social work services. The pilot is currently being evaluated with a view to the dissemination of good practice information and to inform the selection of a further tranche of Pathfinder Providers. The work of GBR on monitoring and evaluation will feed into the accreditation process and it is likely that research will have a contribution to make in assessing the impact of the accreditation process on provision of effective programmes. The impact of revision of National Standards and Objectives will need to be evaluated in due course.

In addition to research to examine the more effective delivery of services, there is a continuing interest in extending our understanding of what works in reducing offending through community-based programmes for offenders (c.f. Section 1.4) and diversion schemes. It will be important to examine the effectiveness and impact of supervision and programmes which tackle some of the factors associated with offending such as unemployment, poor educational attainment and substance misuse (c.f. Sections 1.2 and 1.3) and the Justice Department has a particular interest in services to improve the employability of offenders.

Some reference has already been made to the importance of throughcare in carrying forward work with offenders begun within a prison context (c.f. Section 1.2). The use of post-release supervision has been significantly extended over the last decade. Following the introduction of the Prisoners and Criminal Proceedings (Scotland) Act 1993, all prisoners sentenced to 4 years or more, and not just
those released on parole, will be supervised until the end of their sentence. Proposals are being
developed to strengthen arrangements both for prisoners sentenced to 4 years or more and priority
groups of prisoners serving under 4 years. The Justice Department is interested in reviewing the
available options for post-release supervision and identifying ‘what works’ for different groups of
offenders.

Research which may be required:

- Evaluation of approaches to the organisation of services and the development of a ‘quality
culture’ as key elements of the Justice Department’s work in partnership with local
authorities and other agencies to develop effective practice and delivery of services
- Research to contribute to our understanding of the role, relevance and effectiveness of a
range of community-based criminal justice interventions including deferred sentences, bail
and bail supervision, community service orders, the use of electronic monitoring and
evaluation of the Time Out Centre for women offenders in Glasgow
- Evaluation of the impact and effectiveness of interventions which aim to reduce offending
by tackling the causes of crime, including those which tackle the employability of
offenders

3.2 Developing effective crime prevention initiatives
The Executive recognises that effective crime prevention initiatives designed to tackle the social
problem of crime need to involve a wide range of agencies equipped with the knowledge of local
communities and expertise to identify the key causes of crime and disorder. Multi-agency
partnerships are considered to be key in devising and identifying comprehensive practicable solutions
to the complex local problems of crime and disorder and the relationship between different types of
crime.
Research can play an important role in evaluating existing and future initiatives and helping to identify
the contexts and mechanisms in which effective crime prevention programmes flourish. The Scottish
Executive is, for example, funding an evaluation of Communities that Care (Scotland), a
programme that brings together a range of criminal justice, health, education and social care agencies
to work together to tackle the priority risk factors and enhance the protective factors in specified
communities. Such evaluation is essential if resources and energies are to be focused on the areas
suffering most from crime and disorder and there may, therefore, be a need for further, targeted
research.

New financial arrangements were set in place by the Executive in April 2002 for Community Safety
Partnerships. Fixed grants have been available for 3 years covering a range of community safety
initiatives, including housebreaking and drugs. An evaluation of the new financial arrangements will be
commissioned.

It is likely that Her Majesty’s Inspectorate of Constabulary (HMIC) will wish to conduct a thematic
inspection of community policing and community safety partnerships and research would be able
to provide valuable general background knowledge in relation to how well partnerships are working
and, possibly, how community policing is perceived by the public.

Research which may be required:

- Research on crime prevention themes and initiatives
- An evaluation of the new financial arrangements for funding Community Safety
  Partnerships
- Research on the effectiveness of community safety partnership arrangements
- Research on public perceptions of community policing
3.3 Restorative Justice Information for Researchers

Wherever appropriate, the Executive wishes to promote the use of restorative approaches, for example when dealing with young offenders, in diversion from prosecution, etc. As a signatory to the European Union Framework Decision on the Standing of Victims of Crime in Criminal Proceedings, the Scottish Executive has made a commitment to promote mediation in criminal cases where this is considered appropriate.

The use of reparation and mediation is still in the relatively early stages of development within many jurisdictions across the world. An evaluation of a mediation scheme for young offenders in Fife (Evaluation of SACRO (Fife) Young Offender Mediation Project, 2000) identified strong support within relevant criminal justice agencies, amongst the young people themselves and their victims, despite some concerns that this might be seen as a ‘soft’ option. However, an exploratory evaluation by the Home Office of 7 restorative justice schemes in different parts of England identified only one where there was any measurable impact on subsequent re-offending (An Exploratory Evaluation of Restorative Justice Schemes, Home Office, 2001).

The Home Office review has noted that, in whatever form, restorative justice is labour intensive and time consuming. Future developments of restorative justice models will, therefore, require careful targeting of appropriate cases, particularly in relation to their benefits for offenders, victims and the wider community. Research clearly has a role to play in identifying which models work, with whom and at what cost.

Research which may be required:

- Research to contribute to identifying effective means for targeting resources for restorative justice where they will have best effect for victims, offenders and the wider community

3.4 Meeting the courts’ demands for effective interventions

During the lifetime of the last research programme, a number of new sentencing options were introduced in Scotland and were evaluated, including Hospital Directions (HDs), Supervised Attendance Orders (SAOs), Restriction of Liberty Orders (RLOs) and Drug Treatment and Testing Orders (DTTOs).

Research on these sentencing options has contributed to thinking about how their use could be developed. The Criminal Justice White Paper ‘Serious Violent and Sexual Offenders’ makes proposals to expand the use of HDs and to introduce a new Order for Lifelong Restriction and the use of these measures will require monitoring and evaluation, subject to the approval of the Scottish Parliament of proposals in the Criminal Justice Bill.

The impact of measures to extend the use of electronic monitoring following consultation in order to reduce the unnecessary use of custody, and possibly in the wider context of throughcare, will need to be evaluated. The Criminal Justice Forum has been considering extending the use of Supervised Attendance Orders as a first disposal in cases of fine default. The Justice Department plans to pilot and evaluate these measures, bearing in mind the cost-effectiveness of such an approach. Research is already underway to evaluate the Drugs Courts.

In addition to these new sentencing options, the aims and objectives of Social Work Court Services are being reviewed following inspection by the Social Work Services Inspectorate. Fundamental questions are being raised about how to further improve the quality of services being provided to the criminal justice system, for example in relation to the provision of information about accused persons and in relation to the quality of community based supervision for convicted offenders. There may therefore be a need for specific research into particular elements of those services and into the use made of them by the courts, for example, in relation to new standards for social enquiry reports and the use and value of deferred sentences. There may also be value in exploring changes in the patterns of use of community disposals, for example, why the use of community service orders has decreased while the use of probation orders has increased over recent years (c.f. Section 3.1).
New provisions for dealing with offending on bail were introduced by the Criminal Justice (Scotland) Act 1995 and subsequently consolidated in the Criminal Procedure (Scotland) Act 1995. These provisions, which came into effect on 1 April 1996, abolished the charge of offending while on bail and instead granted the courts the power to impose an aggravated sentence for any new offence committed while on bail. Research has therefore been commissioned into the use of bail, and the use of aggravated sentences for those who offend on bail (c.f. Section 2.3). There may also be a requirement for research into the effectiveness of bail supervision arrangements following evaluation of two bail supervision schemes some time ago.

In addition, given the recent increase in the use of remand and the impact on prison numbers, Ministers have decided to introduce provisions for electronic monitoring as a condition of bail in the Criminal Justice (Scotland) Bill, subject to the approval of the Scottish Parliament. Research into the reasons why the judiciary decide on remand instead of bail and the likely impact of adding electronic monitoring as a condition of bail, taking into consideration the needs of particular groups of offenders including women, is currently underway and will help inform the development of the proposal and effective targeting of the proposals.

Research which may be required:

- Further research to contribute to our understanding of the use and impact of a range of sentencing options including electronic monitoring and restriction of liberty orders, supervised attendance orders and hospital directions
- Research on the quality of social work court services and their impact on the efficiency and effectiveness of the criminal justice system
- Research on the relative use and value of other established community sentences

3.5 Assessing and managing the risk of re-offending among serious violent and sexual offenders

There is considerable public concern over the potential threat to public safety posed by serious violent and sexual offenders, in particular on release from custody. The public response to certain high profile cases led to the establishment of a number of expert committees, including the Maclean Committee on Serious Violent and Sexual Offenders which reported in June 2000; Lady Cosgrove’s Expert Panel on Sexual Offending reporting in June 2001; and to a lesser extent the Millan Committee reviewing the Mental Health (Scotland) Act 1984 which also reported in 2001.

The Maclean Committee was concerned about the continuing risk to public safety posed by serious violent and sexual offenders and both the Committee and Lady Cosgrove’s Panel recognised the importance of risk assessment in sentencing and managing these offenders both in custody and on release. The deliberations of the Maclean Committee are reflected in the Criminal Justice White Paper ‘Serious Violent and Sexual Offenders’ published in June 2001.

Amongst other measures, the Criminal Justice (Scotland) Bill currently before the Scottish Parliament sets out proposals for a Risk Management Authority which would oversee and accredit practice in this area. The Bill outlines a new Order for Lifelong Restriction which will require evaluation. It also presents proposals for research to inform the development of policy and practice on risk assessment and recidivism. Research reviews looking at the range and use made of risk assessment instruments with serious violent and sexual offenders in Scotland and at recidivism of this group of offenders was published in November 2002. The studies have identified a further role for research to support the development of risk assessment and management strategies for these offenders and such work would be taken forward by the proposed Risk Management Authority. It is likely that research will be required into related proposals including the monitoring and supervision of sex offenders in the community; the availability and effectiveness of programmes dealing with sex and other violent offenders; and the alignment of programmes within prisons and in the community.
<table>
<thead>
<tr>
<th>Research which may be required:</th>
</tr>
</thead>
<tbody>
<tr>
<td>✤ Research to evaluate the use being made of the Order for Lifelong Restriction</td>
</tr>
<tr>
<td>✤ Research to support the development of risk assessment and management strategies</td>
</tr>
<tr>
<td>✤ Research to contribute to our understanding of the impact of other proposals in the Criminal Justice (Scotland) Bill in addressing serious violent and sexual offending</td>
</tr>
</tbody>
</table>
INFORMATION FOR RESEARCHERS

Crime and Criminal Justice Research in The Scottish Executive

Government policy in relation to criminal justice in Scotland is the principal responsibility of the Scottish Executive Justice Department. Responsibility for particular aspects of the criminal justice system, however, resides with a range of Groups and Divisions within the Justice Department, (including Divisions dealing with criminal justice policy, the police, parole and life sentence reviews and community justice) and with allied Departments and Agencies such as the Crown Office, the Scottish Prison Service and the Scottish Court Service. Together with other professional colleagues, the Criminal Justice Research Branch provides research based information and advice to these and other Divisions and Departments in the Scottish Executive to inform the development of criminal justice policy and practice.

The Minister for Justice has responsibility for the research vote for crime and criminal justice. The research budget is administered by the Criminal Justice Research Branch within the framework of the Research Agenda and under the direction of the Criminology and Law Research Group (CLRG). This Group draws its members from the principal policy interests for criminal justice research.

The Criminal Justice Research Branch is already working to the Research Agenda set out in this document. It does this by directly providing research based advice to policy makers. Advice can, however, take the form of supporting the work of special groups and committees, for example: Criminal Justice Forum Sub-Groups on fine enforcement, short term sentences, and alternatives to custody; the Nicholson Committee on Liquor Licensing; the McInnes Committee on Summary Criminal Justice; the Crown Agent’s Review of aims and objectives in the Scottish criminal justice system; and the Victims Steering Group.

The Criminal Justice Research Branch also provides advice based on reviews of existing research and liaises with colleagues in other parts of the Scottish Executive, other Government Departments (in particular the Home Office) and other relevant agencies to ensure that it has the most up to date research information to inform policy development and the improvement of practice. Small scale pieces of research may be commissioned to provide focused information on particular aspects of a topic. In other cases, a strategic approach to research on specific issues is developed, for example the research proposals set out in ‘Serious Violent and Sexual Offenders’ (Criminal Justice White Paper, June 2001). Such research strategies provide a framework for identifying gaps in information and areas where more research is required.

The Criminal Justice Research Branch also commissions the Scottish Crime Survey, the most recent being in 2000. This survey underpins a great deal of the work of the Branch as it provides crucial information on crime trends and victimisation rates which informs the development of policy and practice. Increasingly, the Survey is being used to measure the achievement of critical social policy targets, for example, in relation to the fear of crime amongst older people.

Commissioning Research

The balance of the Criminal Justice Research Branch’s work is progressively shifting to provide an even greater emphasis on a proactive and responsive role in informing the development of policy and practice. The aim is to provide a flexible and timely service. It is likely that much of the research arising from the Research Agenda will continue to be commissioned by selective competitive tender but the Criminal Justice Research Branch is exploring other approaches to streamline the commissioning and the conduct of research. These include the possible establishment of a Scottish Criminal Justice Research Centre which would provide a centre of excellence in terms of the conduct and dissemination of social policy research across the field of crime and criminal justice in Scotland. The Centre would conduct criminal justice research on behalf of the Scottish Executive as well as
other funding bodies and would develop expertise in respect of a cross-cutting approach to criminal justice policy through the development of inter- and multi-disciplinary working within the Centre or through a collaborative network within and beyond the host establishment.

The Research Agenda highlights areas and issues where research is likely to be required but is not intended to be entirely specific or prescriptive. As particular individual requirements are clarified, expressions of interest may be invited, possibly by e-mail contact. Some areas and issues may not, in the event, require research; others may subsequently arise. There may also be circumstances where the expertise of researchers in the field would be drawn upon in developing particular requirements. The Research Branch wishes to strengthen its partnership with the wider research community by developing networks and the potential for collaboration.

For those pieces of research which will be commissioned by selective competitive tender, a short list of potential contractors will be drawn up and they will be invited to submit a tender in response to a specification. Researchers who are interested in carrying out criminal justice research under the current Research Agenda should, therefore, provide general details of their interests, skills and knowledge to the Criminal Justice Research Branch using the attached Expression of Interest Form on page 39.

Regardless of the mechanism used to commission research, the focus is always on getting best value for money. As a matter of principle and policy, whenever research is commissioned, consideration is given, where appropriate, to ensuring that it takes into account equality and diversity issues including those related to gender, age, race, disability and geographic location. Tenders and proposals are always scrutinised carefully to ensure that the outputs meet the required objectives and the methods chosen are the most cost effective, given the circumstances of time, resources and the subject matter.

The Research Agenda does not preclude researchers from submitting their own ideas for research based on the identified priorities. Given the resource implications of putting together a detailed and costed proposal and bearing in mind intellectual copyright, researchers are advised to discuss any ideas they might have for research with someone from the Criminal Justice Research Branch before working them up in more detail. Contact points are outlined at the end of this document.

Dissemination

A crucial part of the work of the Criminal Justice Research Branch is the dissemination of research findings. Much of this goes on ‘behind the scenes’ in making sure that policy makers are fully aware of the implications of research and how it can inform the development of policy and, ultimately, improve the quality and delivery of services. Researchers are encouraged to present the findings of their commissioned research to colleagues in the Scottish Executive and to relevant external agencies and discuss their implications. A series of research briefings is also organised for Ministers on criminal justice topics where experts outline the messages for policy from research in their fields.

The research the Criminal Justice Research Branch commissions is publicly funded and, in the interests of openness, it is ensured that results are presented in a clear and accessible style and are made available to organisations and individuals outwith the Scottish Executive for whom they may have important policy and practice lessons and more generally to inform debate on criminal justice issues. Most commissioned research is published in the Social Research Crime and Criminal Justice series of reports and as Research Findings (which provide brief summaries of research and outline key points). These publications are available in electronic format on the Scottish Executive Social Research website at http://www.scotland.gov.uk/srg/. Final decisions on publication remain with Ministers but there is a presumption that research commissioned by the Criminal Justice Research Branch will be published with due regard to ethical issues including confidentiality and data protection.

Although the copyright on these publications rests with the Crown, once studies are completed the Executive is keen to support the wider dissemination of its research and the development of debate on the findings or methodology in order to reinforce the evidence base on criminal justice and related issues. Dissemination would also be an important part of the remit of the proposed Scottish Criminal Justice Research Centre.
Copies of Criminal Justice Research Branch reports are available from:
The Stationery Office Bookshop
71 Lothian Road
Edinburgh EH3 9AZ
Telephone: 0870 606 5566
Fax: 0870 606 5588

Copies of this Research Agenda and Crime and Criminal Justice Research Findings may be obtained (free of charge) from the Scottish Executive Social Research, 3WR, St Andrew’s House, Regent Road, Edinburgh EH1 3DG (0131 244 2114).

This Research Agenda and other Scottish Executive Research Programmes and Research Findings are also available on the Scottish Executive web site as are other documents highlighted in the text.
http://www.scotland.gov.uk/SRG/
The Crime and Criminal Justice Research Programme 1998-2001 covered a wide range of topics under the following main headings:

- Crime trends and patterns
- Tackling the causes of crime and reducing offending
- Efficiency and effectiveness within the criminal justice system

The findings of the research commissioned under the previous research programme have been widely used in the development of policy and practice on criminal justice issues in the Scottish Executive Justice Department and more widely in respect of important cross-cutting issues. A few examples demonstrate the range of issues to which research has made a significant contribution.

- Research was commissioned to support the deliberations of the Maclean Committee on Serious Violent and Sexual Offenders and further work is underway on risk assessment and recidivism to inform the implementation of the Committee’s recommendations.
- In developing community safety and crime prevention strategies, the Scottish Executive and police forces in Scotland have drawn on research on repeat victimisation and the use of Closed Circuit Television (CCTV) and have built on the key findings in implementing these strategies.
- The Ministerial commitment to increase the range and effectiveness of community disposals for offenders has been supported by a number of evaluations of specific community-based disposals and programmes. The findings of research on Supervised Attendance Orders, fine enforcement more generally, electronic monitoring, bail supervision schemes and evaluations of programmes such as Barnardo’s Freagarrach programme for persistent young offenders have provided important evidence to support the deliberations of subgroups of the Criminal Justice Forum on alternatives to custody and fine default.
- Research from the programme has contributed to the development of the Scottish Executive’s cross-cutting strategies on drug misuse, victims and youth crime. These strategies are being developed and implemented in partnership with local government, the voluntary sector, other relevant agencies as well as other community interests.
- There has been a significant research contribution to a number of consultation documents which have formed the basis for the development of policy and practice, for example on accommodation for offenders and electronically monitored Restriction of Liberty Orders.

A list of publications can be found on the Scottish Executive Social Research website at www.scotland.gov.uk/srg.

All publications are published in the Social Research series unless otherwise stated and are available from The Stationery Office Bookshop, 71 Lothian Road, Edinburgh, EH3 9AZ.
SOCIAL RESEARCH CONTACT POINTS

Social Research provides research-based policy advice to clients within the Scottish Executive and allied agencies and Departments such as the Crown Office and Scottish Courts under the leadership of Mrs Barbara Doig, the Chief Researcher. The Chief Researcher sits alongside the Chief Statistician and Chief Economist within the Analytical Services Group located in the Scottish Executive Finance and Central Services Department. General enquiries about social research in the Scottish Executive can be addressed to her at:

Scottish Executive Social Research
Finance and Central Services Department,
Room GW-06
St Andrews House
Regent Road
Edinburgh
EH1 3DG
(0131 244 2848)

Enquiries about the Crime and Criminal Justice Research Programme can be addressed to the Head of the Criminal Justice Branch:

Dr Joe Curran
Scottish Executive Social Research
Criminal Justice Research Branch
1st Floor West
St Andrews House
Regent Road
Edinburgh
EH1 3DG
(0131 244 2118)

Enquiries specifically about prisons research should be addressed to the Research Manager of the Scottish Prison Service:

Dr Jim Carnie
Scottish Prison Service
Room 312
Calton House
5 Redheughs Rigg
Edinburgh
EH12 9HW
(0131 244 8771)

Expressions of interest in prisons topics should, however, be routed through the Criminal Justice Branch at the address given on the form.
CRIMINAL JUSTICE POLICY AREAS

Enquiries about individual criminal justice topic areas and projects should be addressed to the relevant Senior Research Officer shown below.

Policing; Crime Prevention and Community Safety; Violent Crime (including domestic abuse, sectarian, racist and sexual violence).

Kerry Morgan  
1st Floor West  
St Andrews House  
Regent Road  
Edinburgh  
EH13DG  
(0131 244 4253)

Scottish Crime Survey; Drugs, Alcohol and Crime.

Kate Skellington Orr  
1st Floor West  
St Andrews House  
Regent Road,  
Edinburgh  
EH1 3DG  
(0131 244 4046)

Risk Assessment and Management; Young Offenders; Mentally Disordered Offenders; Criminal Justice Social Work Services; Community Disposals; Throughcare; Victim/Witness Issues.

Dr Susan Wiltshire  
1st Floor West  
St Andrews House  
Regent Road  
Edinburgh  
EH1 3DG  
(0131 244 2219)

Prosecution; the Criminal Courts; Evidential Issues; Sentencing; Bail; Fines Enforcement; Parole.

Linda Hutton  
1st Floor West  
St Andrews House  
Regent Road  
Edinburgh  
EH1 3DG  
(0131 244 3990)
LEGAL STUDIES RESEARCH PROGRAMME: CIVIL LAW, CIVIL JUSTICE AND LEGAL AID

Enquiries should be addressed to:

Anita Morrison
Principal Research Officer Legal Studies Research Branch,
Scottish Executive Social Research
2nd Floor West Rear, St Andrews House
Regent Road
Edinburgh
EH1 3DG
(0131 244 5229)

EFFECTIVE INTERVENTIONS UNIT: DRUG MISUSE RESEARCH STRATEGY

Enquiries should be addressed to:

Mr Nick Bland
Principal Research Officer
Effective Interventions Unit
Scottish Executive Health Department
3rd Floor East Rear
St Andrews House
Regent Road
Edinburgh
EH1 3DG
(0131 244 2107)

EDUCATION DEPARTMENT: RESEARCH, ECONOMIC AND CORPORATE STRATEGY

Enquiries should be addressed to:

Dr Rod Harrison
Principal Research Officer
Research, Economic and Corporate Strategy Unit
Scottish Executive Education Department
1-B06
Victoria Quay
Leith
Edinburgh
EH6 6QQ
(0131 244 0741)
EXPRESSIONS OF INTEREST

Please use one form per project or topic (copy the form as required). You can also use the form to register an interest in projects or topics which are not on the Research Agenda. Any information you supply will be treated confidentially.

**Project or topic** (e.g. ‘Youth Crime’)

**Contact name, full address of organisation, phone/fax numbers and email**

**Relevant qualifications and experience in relation to this project or topic, including recent relevant research (continue overleaf if necessary)**