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Criminal Justice: What's Next?

Close the Implementation Gap

The last parliamentary term began with a clear plan for reforming Scotland's justice system. The Vision for Justice in Scotland and the updated National Strategy for Community Justice (both published in 2022) committed to what we see as the right way forward: a person-centred approach to justice that addresses the underlying causes of crime and uses custody 'only where there is no alternative'.

We have not made this shift, nor have we seen any great progress towards this kind of fundamental change. Instead, we continue to over-use prisons, and remain stuck managing a growing crisis:

- The average daily prison population in 2024-25 was 8,216, the highest recorded and up 4.5% on 2023-24
- Despite the Bail & Release from Custody Act in 2023, 23% of prisoners are on remand awaiting trial or sentencing, and time on remand has also increased
- Prison sentences imposed by the courts appear to be getting longer – rising 31% between 2013-14 and 2022-23
- Despite having a Presumption Against Short Term Prison Sentences (PASS) since 2019, 73% of custodial sentences received by people in 2022-23 were for one year or less.

We are unable (unwilling?) to invest in the approaches and interventions that we have repeatedly identified as necessary in order to address the very crisis we are stuck in.

We are looking for our next Government to:

- Recommit to the vision we already have, and further commit to removing the barriers that have restricted delivery
- Accept the recommendations of the Sentencing and Penal Policy Commission
- Set a clear and targeted action plan for how those recommendations will be delivered



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Prioritise Prevention

Much like other areas of public policy, spending in the justice sector prioritises reaction – not prevention, and especially not the approaches to early intervention and rehabilitation that are based in evidence of what works.

The Sentencing and Penal Policy Commission calls for prevention at multiple levels. At its broadest, prevention must address the deep rooted social and economic conditions that shape offending. Poverty, trauma, inequality, poor mental health, homelessness, and alcohol and other drug use must be responded to early and effectively and not treated as problems to be managed after contact with the justice system has already been made.

Even once an offence has been committed, we can prevent further harm and future offending by acting more proportionately and more effectively. Diversion from prosecution, community sentences, alternatives to custody, and bail support and supervision need to be used more consistently across Scotland. These responses reduce the number of people in prison, and more importantly, they improve outcomes for the individual, who is less likely to reoffend, can address the underlying drivers of their offending, and can avoid the social impacts of prison like stigma, the loss of employment and housing, and family breakdown.

But these interventions cannot deliver if we don't invest in them. The 2026 Scottish Budget has committed £1bn to Scottish prisons. In comparison, just £102.3m has been committed to community-based sentences. It is this disparity in funding that limits the scale, consistency, and effectiveness of the very alternatives needed to reduce reliance on prisons.

We are looking for our next Government to:

- Invest in alternatives to custody through adequate and sustained funding, ensuring consistent standards and that they are accessible across the country
- Promote community-based alternatives to custody that are credible and can be considered by the courts as a viable disposal

Strengthen Integration

Of course, prevention should not be the sole responsibility of the justice system, which is just one part of a network of public services tasked with delivering the outcomes set out in the National Performance Framework. The Hard Edges report made it clear that severe disadvantage overlaps – a person experiencing problematic drug use and homelessness is more likely to be involved in the justice system, for example. Strategies on alcohol and other drugs, ending homelessness, improving mental health, and tackling loneliness and social isolation are therefore central to prevention, early intervention, and reducing offending, yet our delivery remains siloed.

Coordinate Support: We call for joined up support that wraps housing, health, social care and justice services around people (Housing Justice Manifesto)

The health and social care integration programme began in 2014, and has delivered some positive progress, but it took a limited view of the kind of integrated approach that is so clearly needed now. The redesign of the Community Justice System in 2016 was another missed opportunity to create clearer connections, and our justice system continues to operate alongside, rather than within, the wider systems that are essential to prevention and rehabilitation.

We are looking for our next Government to:

- Review our health and social care integration programme and commit to the next phase. This should prioritise improved integration with housing and justice services, as well as consideration of how integration structures can best support and promote community-based, ground-up integration practices.