

Executive Summary

A Critical Examination of The Conditions of Remand in Scotland

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In collaboration with the Scottish Violence Reduction Unit

This report provides a summary of a 2019 study conducted as a part of a Masters degree in Transnational Crime, Justice and Security at the University of Glasgow.

Introduction

This is a short summary of research conducted in 2021 in fulfilment of a Masters degree in Transnational Crime, Justice and Security at The University of Glasgow. It was a collaborative project with the Scottish Violence Reduction Unit (SVRU), an organisation which has contributed to a significant reduction in violence in Scotland by adopting a public health approach. The research presented in this summary was based on the SVRUs previous 10-year plan. Within this plan they set out of their goals in order to achieve their main aim of reducing violence in society, one of these goal is to reduce the prison population¹.

The latest figures show that the remand population accounts for 26% of the total prison population in Scotland and therefore in order to reduce the overall population, the remand population needs to be considered. Remand is a relatively under-researched topic and in order for the SVRU to tackle their increasing numbers, they have to understand remand in more depth. Therefore the aim of this research was to critically explore the conditions of remand in Scotland, and in order to do this two objectives were set:

1. To critically examine whether and, if so, how the conditions of remand in Scotland have changed during the period 2005-2019.
2. To interrogate whether the benchmark for treatment to prisoners, set out by the HMIPS, was met for people on remand in Scotland, between 2005 and 2019.

Methodology

This research took a qualitative approach and the methodology chosen was a case study design using documentary analysis of the annual inspectorate reports published by Her Majesty's Inspectorate of Prisons for Scotland (HMIPS) from 2006 to 2020. As well as a report published by the Scottish Justice Committee. The in-depth analysis of the documents was achieved through a thematic analysis, this allowed for different themes and patterns to be identified. Due to the non-intrusive nature of using publicly available documents as a research method, there were limited ethical considerations and for the research to take place there was no need for ethical approval.

One of the key ethical considerations was the fact that the findings were reliant upon only one researcher's interpretations, existing knowledge and the way in which the researcher

¹ Since the completion of this research project, the SVRU have published their current five-year plan "A Safer Scotland for All" which supersedes the 10-year plan that was utilised to guide to scope this work: <http://www.svru.co.uk/wp-content/uploads/2021/09/5-year-strategy.pdf>

This work addresses Action 2: Addressing the Vulnerabilities within the SVRUs 5-year strategy.

interpreted the data which may have influenced the research findings. That is a key disadvantage of qualitative data in that the research is based upon one's own interpretation of the data. Furthermore the philosophical stance of interpretivism aligns well with using this type of methodology.

Key findings

Several themes emerged from the data: inequality, stigma, isolation, temporality, re-entry and wellbeing. These different themes speak to a larger problem of the use of remand and the limited support that is offered to people who experience it.

- **Inequality:** Remand prisoners face inequality in their daily lives in custody, as they experience the harshest regime within the prison. They have limited access to physical activity and the opportunities to gain access to educational programmes and prison jobs is scarce.
- **Stigma:** Remand prisoners, although not convicted prisoners, the findings from this research highlights that they experience the same consequences of stigma. In relation to employment and housing, the experience difficulty due to the stigma of having spent time in custody.
- **Isolation:** Remand prisoners have less to do in their days as purposeful activities are limited. Combined with the international rule that remand prisoners should be kept separate from convicted prisoners, remand prisoners face extended periods of isolation in their cells due to the overcrowding Scottish prisons are facing.
- **Temporality:** The way time is understood is difficult for remand prisoners due to the inherent uncertainty they face. This research found that the carceral citizenship concept can be extended to include the remand population, as they experience the same barriers but because they are not fully convicted prisoners and thus do not experience all the same consequences, they become stuck in a limbo.
- **Re-entry:** Although difficult for all those who experience custody, re-entry is difficult for remand prisoners because they are not convicted prisoners they do not receive the same support from the government and other organisations. They are not prepared for their successful re-entry into the community thus falling short of the standard set out by the HMIPS.
- **Wellbeing:** The inherent uncertainty of remand has adverse social and health consequences. Although the wellbeing of people in custody is increasingly being addressed, the offering of health services to the remand population is not adequate as the short term nature makes it difficult for them to receive an appointment.

Conclusion

The conclusion from this research is that the conditions of remand have not improved during this 16 year timeframe. In fact, with the prison population increasing since 2017 (Scottish Prison Service, 2021) the conditions inside the prison have actually deteriorated further for those on remand. In particular, due to the rules preventing interaction between remandees and convicted prisoners, remandees often experience extended periods of social isolation with less access to activities and educational programmes compared to their

convicted counterparts. Therefore the conditions have changed for remandees over the 16 year timeframe of this research, but for the worse rather than the better. Additionally, the findings of this research suggest that the standards of treatment, that are set out by the HMIPS in order to inspect the prisons, are not always being met for the remand population. This is the case as they are frequently left out in the daily offerings of custody and are subjected to extended periods of isolation due to the consequences of overcrowding.

Future Research

With the introduction of The Management of Offenders bill (2019) it seems that the Scottish government is moving from remanding people to subjecting them to electronic monitoring (EM). One of the goals set out in the 10 year plan of the SVRU is to reduce the prison population, and although this bill will decrease the numbers of remandees in custody it does not account for the hugely damaging and degrading effects that EM can have on people. Furthermore, there needs to be further research to really understand the use of remand in Scotland and to understand the impact of the new Management of Offenders bill on the prison population. The bill is only two years old at the time of writing therefore any effects will not be felt to the full extent yet. It is clear from this research that the conditions of remand do not always meet the standard set out by the HMIPS and could be considered a cruel and usual punishment directly going against human rights.

The role of the Scottish Violence Reduction Unit within this research project

A collaborative dissertation is a piece of student research that is conducted in partnership with an external organisation. For this project the mentor and main point of contact was Dr Kirsten Russell (Analyst Researcher within the Scottish Violence Reduction Unit). Kirsten was involved in defining the scope and methodology of the research presented (alongside Amy and her supervisor within the Scottish Centre for Crime and Justice Research) and provided brief feedback on the draft of the dissertation. The views and conclusions expressed within the dissertation and executive summary are those of the student researcher and are independent of the Scottish Violence Reduction Unit.