

Crime and Law

Relevant up-to-date facts, figures, video content and other resources aimed at learners studying all levels of Modern Studies.

Scotland has its own legal system, which differs from the rest of the UK. Explore how it works with this resource aimed at learners studying at all levels of Modern Studies.

Find resources aimed at developing understanding of crime and law in Scotland.

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About the resource

This material is aimed at learners studying the Crime and Law option within the Social Issues unit of National Qualifications Modern Studies.

It will also be useful for learners exploring the Social Studies curricular area in the broad general education, and for those pursuing further studies in Higher and Advanced Higher Modern Studies.

The resource has five content areas. Each area is supported by text and relevant, up-to-date facts and figures which you can draw upon to help develop your understanding in Modern Studies. The areas are:

- Types of crime
- Causes of crime
- The role of the police
- The criminal justice system
- Added Value in Modern Studies

Each section contains links to resources which will be helpful to teachers of Modern Studies.

The Added Value section provides an overview of how Added Value works in Modern Studies and uses Crime and Law to exemplify how some learners have used social research to gather their own evidence.

Throughout the resource, there are reflective questions and links to relevant videos designed to develop understanding of Crime and Law in Scotland.

Note: Changes since this resource was originally published

This resource was originally published in 2014. Data and statistics contained in the resource were correct at time of publication.

In instances where individuals mentioned in the resource have changed roles since the original resource was published, we have added a footnote.

1. Types of crime

What do we mean by crime?

'Crime – an act or omission which constitutes an offence and is punishable by law'

Categories of Crime

Crimes can be divided into three main categories: crimes against the person; crimes against property; and other crimes. Within these sections, there are lots of types of crime.

Recorded crime in Scotland is currently decreasing. Figures published by the Scottish Government in June 2013 showed that the total number of crimes recorded by police decreased from 314,188 in 2011 - 12 to 273,053 in 2012-13, a drop of 13%.

All types of crime reported a decrease in this period, apart from sexual offences, which experienced a 5% increase. Theft or damage to property was the most widely-reported crime, making up 71% of the figures.

Reflective questions for learners

- What do you think is meant by 'crime'?
- Who decides if something is criminal?

Crimes against the person

Violent crimes and sexual offences cover a range of offence types. Violence can cover minor assaults, such as pushing and shoving, that result in no real physical harm, through to serious assault and murder.

Sexual assault can cover offences from indecent exposure to rape. The most serious crimes like murder and rape make up only 5% of all criminal offences in Scotland.

The PDF file Violent crime in Scotland provides statistical information:

<https://education.gov.scot/improvement/Documents/soc11-crimeandlaw/soc11-HomicideViolentCrime2012-13.pdf>

Murder



Murder is the most extreme form of violent crime.

In Scotland, there is a distinction between murder and manslaughter – the latter is when somebody dies as a result of another person’s actions, but killing them was not the motive for the action, for example dangerous driving may result in manslaughter.

Murder is the planned action of killing a person, sometimes referred to as premeditated homicide. The number of murders (homicides) recorded in Scotland fell from 121 in 2011-2012 to 91 in 2012-2013.

Reflective questions

- Why do you think there is a difference between 'manslaughter' and 'murder'?
- Do you think people convicted of manslaughter should receive shorter prison sentences than those convicted of murder?
- Are you surprised that murder is decreasing in Scotland?

Assault

Assault is a crime against a person which involves violence not resulting in murder. The victim may still suffer significant injuries and may have long-term consequences.

‘Serious assault (is) an assault or attack in which the victim sustains injury resulting in detention in hospital as an inpatient, for the treatment of that injury, or any of the following injuries whether or not detained in hospital:

- *Fractures (the breaking or cracking of a bone. Note - nose is cartilage not bone, so a 'broken nose' should not be classified unless it meets one of the other criteria)*
- *Internal injuries*
- *Severe concussion*
- *Loss of consciousness*
- *Lacerations requiring sutures which may lead to impairment or disfigurement*
- *Any other injury which may lead to impairment or disfigurement.*’ [Scottish Government]

Hate crimes

If an assault is found to be racist, homophobic or religiously motivated, the sentence given, once the person has been charged, will be more severe. You can find the latest hate crime statistics for Scotland on the website of the Crown Office and Procurator Fiscal Service: <http://www.copfs.gov.uk/> .

Medics Against Violence

Medics Against Violence (MAV) is an organisation that aims to help young people stay safe by giving them an understanding of the consequences of violence and how to avoid it.

Reflective questions

- Why was MAV founded?
- How does facial scarring affect victims of crime?

Rape and sexual assault

Rape and sexual assault are offences against a person that involve sexual contact that is unwanted. Most rape victims are women, but men can be the victims of rape too.

Rape is not always committed by a stranger to the victim; it is often committed by a person they know. Sometimes rape victims have had their drink 'spiked' with a date rape drug that can make them less aware of what has happened.

The number of crimes in the sexual offences group increased by 5% between 2011-12 and 2012-13, from 7361 cases to 7693.

Medics Against Violence

Medics Against Violence provides training for healthcare professionals and others to help them use their expertise to support victims of domestic abuse.

Reflective questions

- What do Medics Against Violence (MAV) do to help victims of domestic abuse?
- Why do some people end up trapped in abusive relationships?
- Why are MAV providing training to GPs?
- How do MAV work with vets?

Crimes against property

Property crime is a category that includes burglary, theft, car theft, fire-raising, shoplifting, and vandalism amongst other crimes.

Property crime only involves the taking of money or property, and does not involve force or threat of force against a victim. Crimes against property decreased by 21% in the year 2012-2013.

Theft

Theft can include anything from theft from an individual in the street or on public transport to shoplifting. Theft does not include any act that involves violence or the threat of violence to an individual. Anyone who commits theft faces various consequences depending on value of the goods stolen and whether the individual is a repeat offender or not.

Crimes related to theft (often called crimes of dishonesty) decreased by 12% in 2012-13.

Damage to property and public order offences

Damage to property such as vandalism and fire raising decreased by 21% in 2012-13. Vandalism and other crimes that cause damage to property often go hand in hand with anti-social behaviour. Crimes that make people feel uncomfortable and unsafe in their own area or home are public order offences. This is often referred to as anti-social behaviour.

Vandalism accounted for a third of all reported crime in 2012-13 making it a very common crime.

Other crimes

Crimes that fall under the 'other crimes' category often have no obvious 'victim'. This means that whilst these crimes might not have been carried out deliberately against any one individual, they may have had several unintended victims.

Around 75% of crimes have been linked in one way or another to alcohol or drug use. White collar crime is very uncommon accounting for only around 3% of total recorded crimes in 2012.

White-collar crime

White-collar criminals work in places like offices and banks, out of the sight of the general public.

White-collar crime has been described as:

... a crime committed by a person of respectability and high social status in the course of (their) occupation.

Sutherland, E., 1949, White Collar Crime

White-collar criminals often work in places like offices and banks. Their crimes might take place out of the sight of the general public and as a result they don't come in to contact with the police as often.

Reflective question

- What types of crime do you think might be classed as 'white-collar'?

Fraud

In 2013, fraud crimes committed in Scotland increased by over 60% in just one year – rising from £1.1m in 2012 to £1.8m in 2013. In Scotland, the vast majority of fraud cases relate to people in work taking a chance, as opposed to organised criminals carrying out mass fraud against big companies.

Ken Milliken, from KPMG, commented: 'Con artists remain the order of the day, with several high profile cases highlighting that employees are still quite happy to risk all to increase their bank balances.'

Blue-collar crime

Blue-collar workers traditionally have manual jobs and work in places such as factories or as tradesmen. Most importantly, they come from a lower social class than their white-collar counterparts.

People who commit blue-collar crime, such as vandalism or armed robbery, tend to be on the fringes of society. They might be unemployed or in a poorly paid job and feel they have no choice but to engage in criminal activity to help them get by.

Blue-collar crime tends to be very visible. This means that it is easy to identify a victim, unlike white-collar crime such as fraud. Because of this, blue-collar crime attracts more police attention, media coverage and is often punished more severely than white-collar crime.

Reflective questions

- What do you think the expression 'social class' means?
- Do you think social class exists in Scotland?
- Why would the kind of background a person comes from affect the type of crime they commit?

Research task 1 - White-collar crime

Using the internet, research three recent cases of fraud in Scotland. Note down:

- the date of the offences;
- how much money was embezzled;
- the name of the company the person/people worked for;
- what punishment was issued;
- any other relevant statistics.

Research task 2 - Blue-collar crime

Using the internet, research three recent cases of vandalism in Scotland. Note down:

- the date of the offences;
- how much criminal damage was caused;
- the name of the people/person responsible;
- what punishment was issued;
- any other relevant statistics.

Traffic crime

Some people might think traffic crimes such as driving without insurance or a licence are not serious. However, they can lead to more serious offences like death by dangerous driving.

Driving while under the influence of alcohol or drugs is related to both traffic crime and drug and alcohol crime. It is estimated that one in seven road deaths are linked to alcohol.

In 2012, there were 2% fewer road casualties reported in Scotland than in 2011, which had been the lowest figure on record.

Reflective question

- How does Police Scotland help keep people safe on the roads?

Traffic offences and penalties

In 2012, 12,575 road casualties were reported in Scotland. In the same year, 1,959 people were seriously injured in road accidents, an increase of 4% on 2011. Motorcycle and pedal cycle casualties also increased, by 7% and 9% respectively.

The UK-wide Highway Code applies to Scotland, England and Wales. The UK Parliament sets the maximum penalties for road traffic offences. If a road traffic crime is committed in Scotland, it is for the

Scottish courts to decide what sentence to impose, according to circumstances. The Road Traffic Act contains a wide list of offences with the most common and/or serious explained below.

Speeding

This is the most common traffic offence. Penalty points range from three to six and in some cases, for example speeding in a residential or 20mph zone, the driver can be disqualified outright. If you get 12 or more points on your licence within three years, you must be disqualified from driving for a minimum period of six months.

Driving while using a mobile phone

This offence merits three penalty points and a £60 fine. It is possible that using your phone can be the basis for a more serious careless or dangerous driving charge.

Driving without insurance

This crime will result in at least six penalty points and the offender can also be disqualified.

Careless or dangerous driving

For dangerous driving there is a minimum period of disqualification of one year and an order to re-sit your driving test. The court can impose large fines and in the most serious cases a prison sentence.

Failing to stop after an accident or failing to report an accident

If a car is involved in an accident which causes damage to another car, animal or property, the driver must stop, provide his/her name and address and that of the owner of the car, to anyone affected by the incident. If the driver fails to do this, he/she must report the accident to the police within 24 hours. Failure to do so can lead to a fine of up to £5000 and/or imprisonment for six months, with 5-10 point penalty and possible disqualification.

Causing death by careless/dangerous driving

This is the most serious charge that a motorist can face. Cases of this type are prosecuted in the High Court and in most cases result in a lengthy prison sentence.

Drink driving

On average, around 7000 people are killed each year across the UK by drink-driving collisions. Drink driving occurs in all age groups, but young men aged 17-19 are frequent offenders. The Scottish Government lowered the limit from 80mg of alcohol per 100ml of blood to 50mg; the equivalent of around one pint of beer or a small glass of wine.

Drug and alcohol

Alcohol and drugs can lower inhibitions and encourage people to do things they wouldn't normal do. Drunkenness, breach of the peace, or drinking underage can all be punished by police.

Watch Sophie's Story, a Choices for Life drama on YouTube, to explore some of the issues around alcohol facing young people. <https://www.youtube.com/watch?v=KzwJyxd7pWk>

Scotland has a historical relationship with alcohol. Some people in Scotland consider alcohol to be part of our tradition and culture – others would consider it as a blight on Scotland's communities.

Alcohol is a legal drug but it can also lead to health problems and criminal offences. There are currently many laws relating to the sale and consumption of alcohol, some of which apply to the whole of the UK and others which are specific to Scotland.

The Scottish Government also plans to make more changes to the current laws, specifically introducing minimum pricing for alcohol, to try and improve the health of Scotland.

Reflective question

- What does Police Scotland do to combat alcohol crime in Scotland?

Scottish Government initiatives

The Alcohol Framework for Action, published March 2009, sets out a strategic approach to tackling alcohol misuse in Scotland. It contains a range of measures including enhancing education and diversionary activity, and developing partnership work with the alcohol industry. The overall aim is to reduce alcohol consumption and harm across the country.

Minimum pricing for alcohol

The Scottish Government introduced the Alcohol (Minimum Pricing) (Scotland) Act 2012 which plans to implement a price of 50p per unit of alcohol.

Arguments for minimum pricing	Arguments against minimum pricing
A higher minimum price can help NHS pay the bills that arise as a result of alcohol abuse i.e. for liver disease.	The minimum price will affect those on low incomes the most. There's already a tax on alcohol.
Can discourage young drinkers from drinking too much.	A higher minimum price could encourage people to switch to dangerous, illegal 'home brews' and replacement alcohols.
People may go out and drink in a pub instead of drinking cheap alcohol at home so businesses will profit.	It will be an easy way for supermarkets to increase their profits, with not all of it going to taxes.

Why do alcohol laws matter?

The Scottish Government's Scottish Health Survey 2012 reported that:

- 40% of 15 year olds drink on a weekly basis;
- Approximately 25% of 16-24 year olds drink more than the recommended safe limit of 2-3 units per day for women or 3-4 units per day for men. One unit is roughly equal to one third of a pint of beer;
- Liver disease in 20-30 year olds has increased with more deaths;
- Drink-driving: It is estimated that 5% of accidents and 15% of deaths are related to alcohol (2010);
- Drunk and Disorderly: 36,000 notices of drunk and disorderly behaviour in 2011;
- Other Offences: 938,000 offenders estimated to be under the influence when they committed a crime. The National Probation Service advises that 'alcohol is a factor related to a lot of crimes including many assaults, murder and rape cases (between 50% and 80%)' (2009).

Drug offences

The Scottish Government estimates that 40-60,000 children may be affected by parental drug misuse. Growing up in a household where parents are using drugs can seriously affect the life chances of the child. The immediate effects can include children being at risk of neglect, emotional and physical abuse. Long-term risks can include poor physical and mental health.

Drugs and young people

Many young people experiment with and take drugs - including tobacco, alcohol and illegal drugs - for a variety of reasons. These young people come from all social backgrounds and all parts of the country. The Scottish Government attempts to educate young people about the risk and harms of drug misuse in a way that is relevant and meaningful to them, using cinema adverts, online support and outdoor media.

Reflective questions

- How does Police Scotland deal with drug offences?
- How does Police Scotland deal with drug suppliers?
- How does Police Scotland deal with drug users?

The Misuse of Drugs Act

This states that it is an offence to:

- Possess a controlled substance unlawfully with or without intent to supply it
- Supply, or offer to supply, a controlled drug
- Allow premises you occupy or manage to be used for the purposes of drug taking

Drug classification

In the following table, Class A, B and C are controlled substances.

Class A is considered to be the most harmful and serious.

Classes	Drugs	Penalties for dealing in drugs	Penalties for possession of drugs
Class A	Ecstasy, LSD, heroin, cocaine, crack, magic mushrooms, amphetamines (if prepared for injection)	Up to life in prison or an unlimited fine or both	Up to seven years in prison or an unlimited fine or both
Class B	Amphetamines, methylphenidate (Ritalin), pholcodine, cannabis, ketamine	Up to 14 years in prison or an unlimited fine or both	Up to five years in prison or an unlimited fine or both
Class C	Tranquilisers, some painkillers, gammahydroxybutrate (GHB)	Up to life in prison or an unlimited fine or both	Up to two years in prison or an unlimited fine or both

The police have special powers to stop, detain, and search people under the “reasonable suspicion” that they are in possession of a controlled drug. One of the consequences of a drug conviction is that you may find it difficult to travel to other countries.

Legal highs

You may have heard of drugs called legal highs. Some are now illegal and are class B drugs within the law, but others are not covered by the law. What is known about legal highs suggests that they may be very harmful to take. There is no way of knowing exactly how these substances will affect you if you take them. It's important to think carefully about all the risks. Just because something says it is legal does not mean it is safe.

Drug courts

Drug courts are targeted at those with serious, long-term drug problems to help them recover from addiction and rebuild their lives. There is a drug court in Glasgow.

The impact of crime

Crime impacts on victims, criminals, communities and business. Victims of crime may suffer the instant impact such as physical harm or damage to property. They may also experience stress, upset and emotional damage after the event.

Having a criminal record may impact on perpetrators of crime for many years or even the rest of their lives. The families of criminals may be emotionally or financially impacted by a member of their family being in prison.

Businesses may experience a loss in profit or may even be unable to continue trading due to high levels of crime in certain areas. All criminal activity represents a cost to the Scottish Government through policing, the courts, prevention teams and victim support.

Supporting victims of crime

In this video clip, Kate Caskie of Victim Support Scotland talks about the charity's work in supporting people affected by crime.

<https://www.youtube.com/watch?v=WXMDIMM8uIM&feature=youtu.be>

2. Causes of crime

There is no one 'cause' of crime which can explain every crime that exists.

Most people accept that poverty, family background, low self-esteem, alcohol and drug abuse are factors which can explain why some people commit crimes – but they don't tell the full story.

Some people are at greater risk of becoming offenders simply because of the circumstances into which they are born.

Reflective question

- What causes of crime does Dr Christine Goodall, Director of the charity Medics Against Violence, discuss?
- What do you think the main causes of crime are?

Collectivists and individualists

What do 'collectivists' think	Individualists
What do 'collectivists' think? Collectivists believe that if people commit crime because of wider issues – such as where they live, their family background and their occupation, for example. Collectivists think that if people are in work and are content with life, they will be less inclined to break the law. Collectivists would say that the government must tackle the social conditions which lead to crime – for example, better housing, employment opportunities and a more equal society to make crime less of an attraction.	What do 'individualists' think? Individualists believe that if a person has chosen to commit a crime – it is exactly that – their choice. They think that if someone chooses to commit a crime, it is their responsibility and if caught, the individual should pay the consequences. Individualists think that society needs clear rules and strict punishments to reduce criminal behaviour. Overall they believe that if punishments were stronger and the police and the courts had more powers, there would be less crime.

Social exclusion

Social exclusion has been defined as what 'happens when people or places suffer from a series of problems such as unemployment, discrimination, poor skills, low incomes, poor housing, high crime, ill health and family breakdown'.

People who feel excluded may then turn to crime as a way of dealing with their situation or as a way of being able to take part in society.

In 2012, a report on social exclusion in Scotland identified that since devolution in 1999, social exclusion had decreased in comparison to the rest of the UK. However, there are key areas where gaps remain.

Education is one way of measuring social exclusion – the less formal qualifications a person has, the less able they will be to find a well-paid job and the more likely they will be to suffer from the effects of social exclusion.

Reflective questions

- Look at pages 26-28 of the Scotland Institute's report on social exclusion¹. What do the figures from the graph tell you about people from working class backgrounds in Scotland?
- Do you think there is an equality of access to which university or college a person might go to in Scotland?
- Why do you think universities like St Andrews might find it difficult to attract people from working class backgrounds?

Poverty

Poverty remains higher in Scotland than in other parts of the UK. A study in 2013 found that 29% of Scots lack three or more of the necessities for basic living.

However, being poor does not make a person become a criminal - most people in poverty do not break the law but some are driven to it out of necessity.

- How many /What proportion of Scottish children are living in severe poverty?
- How is severe poverty defined?
- What do you think these children are missing out on?
- How does the stress caused by poverty contribute to violence?
- Some people say 'poverty doesn't cause crime but it does create circumstances where people are heading in that direction'. Do you agree? Why?

Gang culture

Young people can be drawn into gangs as a method of protecting themselves and as a way of carving out an identity.

Peer pressure is also a factor. The people a person socialises with can have a direct impact on the way they behave – and therefore on whether or not they will become involved in crime.

'Socialisation' can be described as 'how young people learn what is acceptable and normal behaviour'. If this process breaks down, youngsters may turn to criminal behaviour.

This BBC news report discusses the problems of gangs in Glasgow: Easterhouse Gangs - Reporting Scotland. https://www.youtube.com/watch?v=1WDic_E22PM

Reflective questions

- Why did James become involved in a gang?
- What do you think James means when he says that his needs were met in a 'distorted way' by the gang?
- Why does James think role models are so important?
- How did being on the bad square at school affect James?

¹ <http://www.scotlandinstitute.com/publications>

Boredom

Whilst being 'bored' doesn't mean a person will become a criminal, it can create conditions in which people think committing a crime might be a good idea.

Many young people, for example, find themselves living in communities where there is little to do in the evenings. If they are hanging around the streets with no real purpose, the opportunity to get involved in crime - such as under-age drinking, vandalism, or joyriding - can become irresistible.

- In 2007, the charity 4Children found 80% of the 16,000 youngsters they surveyed said they had 'nothing to do outside of school'
- 70% said young people became involved in anti-social behaviour and petty crime because they were bored.
- More than 70% of 11 to 16-year-olds had witnessed anti-social behaviour in the last year, while 12% belonged to a gang.

This BBC article, Youths 'bored in school holidays', discusses these issues further:
<http://news.bbc.co.uk/1/hi/education/6288962.stm>

Alcohol and drugs

Alcohol consumption remains very high in Scotland as detailed in Alcohol Statistics Scotland 2011 [45]. 27% of men and 10% women report drinking above the recommended weekly limits. Young people continue to drink most and are particularly prone to binge drinking. Alcohol, therefore, remains Scotland's favourite drug.

The Scottish Consortium for Crime and Criminal Justice

Crimes such as assault, violence, petty crime and breach of the peace are frequently fuelled by alcohol and drugs. Alcohol and drugs can impair judgement and encourage people to make decisions they wouldn't usually.

Those who are addicted to Class A drugs, such as heroin or cocaine, can find that their habit becomes very expensive – sometimes running into hundreds of pounds a week. Many addicts are, therefore, forced to turn to crime such as robbery or prostitution in order to get money to pay for their drugs.

Biological Issues

It was once believed that some people were 'born evil'. In the 19th century, criminologists such as Cesare Lombroso (right) thought that you could study a person's physical appearance and determine if they were likely to commit a crime.

'Born criminals' were thought to be a sub-species of human beings, who had not evolved completely and retained many of the characteristics of primitive man.

Modern-day criminology

Lombroso's theories have been widely discredited and modern-day criminology rarely considers biology as a determinant in explaining criminal behaviour. Rather, criminologists now prefer to research the impact of social factors (such as poverty, unemployment, drugs, and family breakdown) as key factors in determining criminality.

3. The role of the police

The police in Scotland have a responsibility for maintaining law and order, detecting criminals, preventing crime and for public protection.



On 1 April 2013, Scotland's eight police forces, the Scottish Crime and Drug Enforcement Agency (SCDEA) and the Association of Chief Police Officers in Scotland (ACPOS), merged to form Police Scotland.

Prior to this, Scotland had eight individual forces. They were: Central Scotland Police, Dumfries and Galloway Constabulary, Fife Constabulary, Grampian Police, Lothian and Borders Police, Northern Constabulary, Strathclyde Police and Tayside Police.

Police Scotland is led by Chief Constable Stephen House² and has 17,436 police officers, 5637 police staff and 1404 special constables.

Reflective question

- How is Police Scotland organised?

What is the Scottish Police Authority?

The Scottish Police Authority (SPA) is tasked with holding Police Scotland and the Chief Constable to account. Watch the video below then consider the following questions:

Reflective questions

- What is the role of the SPA?
- How many police staff are there in Scotland?

Reserved powers of the police

Alongside Police Scotland, there are a number of other UK-wide police bodies who operate in Scotland to help keep the public safe, including:

- British Transport Police – police force for the railways providing a service for rail operators, their staff and passengers across Britain
- Ministry of Defence Police – provides security within Ministry of Defence property across Britain (e.g. the nuclear submarine base at Faslane)
- Civil Nuclear Constabulary – provides protection for nuclear materials on designated UK nuclear licensed sites and in transit

² Since this resource was originally published, Stephen House has been replaced as Chief Constable of Police Scotland by Phil Gormley.

- The National Crime Agency – NCA tackles serious organised crime across the UK including Class A drugs, people smuggling and human trafficking, fraud, computer crime and money laundering
- United Kingdom Border Agency – an agency of the Home Office tasked to protect the UK's border

Reflective question

- Why do you think the UK-wide agencies above are needed?

4. The Criminal Justice System in Scotland

The courts system in Scotland is known as the judiciary. This section considers:

- the different types of courts in Scotland and the sentences they can impose,
- the types of punishment used in Scotland,
- and the way in which children and young people are dealt with by the criminal justice system.

Courts and sentencing

The judiciary in Scotland is independent of the government, sometimes known as the executive.

This separation of power means that any judgements passed by courts have to be carried out in an impartial manner – the ruling government of the day cannot exercise power over decisions made.

How is the courts system organised?

Scottish courts are organised according to the severity of the crime committed. The more serious the crime, the more serious the court it will be sent to and the more severe a sentence the judge and/or jury can pass. The types of court in Scotland are:

- The High Court
- The Appeal Court
- The Sheriff Court
- The Justice of the Peace Court
- The Court of Session

Solemn and summary procedure

There are two types of criminal justice procedure in Scotland - Solemn procedure and Summary procedure:

Solemn procedure

Solemn procedure covers the most serious cases. It involves trial before a judge or sheriff sitting with a jury. A Scottish jury is made up of 15 people and a simple majority (8-7) is enough to establish guilt or innocence. Three verdicts are available to the jury: guilty, not guilty, or not proven.

Summary procedure

Summary procedure covers less serious cases involving a trial where there is no jury - either a sheriff, magistrate, or justice of the peace sitting alone, or a bench of three justices of the peace sitting together. The vast majority of criminal court cases are dealt with under summary procedure – 96% of criminal court disposals during 2010-11 were in the summary courts.

What is the prosecution service?

The choice of whether to prosecute a case under solemn or summary procedure is made by the prosecution service, known as the Crown Office and Procurator Fiscal Service (COPFS). This affects the sentences available to the court on conviction.

Procurators Fiscal are legally qualified prosecutors who work in specialist units and offices around Scotland. Where necessary, they direct the police in investigating crime. They investigate all sudden and suspicious deaths in Scotland, conduct Fatal Accident Inquiries and handle criminal complaints against the police.

A fatal accident inquiry is currently being conducted into the Clutha helicopter disaster in November 2013. Information on the process can be found on the COPFS website:

<http://www.copfs.gov.uk/media-site-news-from-copfs/579-clutha-helicopter-crash-investigation-process-explained>

How the does the prosecution system work?

The police carry out an initial crime investigation and submit a report to the local procurator fiscal. The fiscal considers the evidence and decides what action to take in the public interest, which could involve:

- Offering a direct measure
- A prosecution
- Taking no action in the case

In coming to a decision, the fiscal will take into account factors such as the:

- Seriousness of the offence
- Length of time since the offence took place
- Interests of the victim and other witnesses
- Age of the offender, any previous convictions and other relevant factors
- Local community interests or general public concern

Verdicts

Scottish courts can deliver one of three possible verdicts: guilty, not guilty, and not proven.

The not proven verdict is unique to Scotland and has been controversial in the past. Essentially, it means that the jury believes the accused may have committed the crime but does not have sufficient evidence to award a guilty verdict. On the other hand, it is not sufficiently convinced that the accused is not guilty.

Note that there is not a verdict of innocence. An accused is innocent until proven guilty.

Appeals in Scotland

If someone is convicted of a crime and they wish to appeal their sentence or conviction, this means that a higher court must re-hear the case. A re-hearing means that evidence is re-considered.

Types of punishment

Punishment in Scotland focuses on custodial and non-custodial sentencing. This means that individuals can either be sent to prison or can serve their sentence in the community – by means of an electronic tag, for example. Non-custodial sentences also involve fines.

Reflective question

- Justice Secretary Kenny MacAskill³ says prison is about 'the deprivation of liberty'. How do prisons achieve this?

Custodial sentencing

Prison is perhaps the most recognisable form of punishment used today. A custodial sentence may also be imposed where the court believes it is necessary to protect the public.

The length of sentence depends on the seriousness of the offence and the maximum penalty for the crime allowed by law. Essentially, the punishment is a loss of liberty, but it is important basic rights are protected for people in custody.

The purpose of prison



Image of HMP Barlinnie by ChrisUpson on Wikimedia Commons

The purpose of prison varies significantly in the eyes of different people who place different emphases on factors including rehabilitation, deterrence (discouraging someone from doing something), incapacitation (preventing someone from doing something) and retribution (punishment for wrong doing).

Some might argue that the Scottish Government has taken an approach that supports the integration of prisoners back into the community. There are many partnerships that support this 'prison to payroll' approach.

However, prison remains a very expensive way for the government to deal with offenders. The average cost per prisoner place in 2011-12 was £32,371 in Scotland.

- As of May 2013, there were 8154 prisoners housed in Scotland's 16 prisons.
- HMP Barlinnie in Glasgow houses over 1000 prisoners compared to HMP Inverness with only 108.
- Many Scottish prisons are over 100 years old.
- The newest prison is HMP Low Moss, opened in 2012.

³ Kenny MacAskill was Cabinet Secretary for Justice from 2007-2014

Women in prison

HM Prison Cornton Vale provides custodial facilities for female prisoners in all sentence ranges and supervision levels. It has a design capacity of 309 places. This figure includes 24 spaces within independent living units (ILUs), and seven mother and baby spaces. In total, the prison has six accommodation blocks.

Whilst Cornton Vale is Scotland's only all-female prison, women are held in other facilities. There are currently around 110 women in HMP Edinburgh, and 53 women in Greenock Prison's Darroch Hall. In addition, there is a small, community integration unit for women at HMP Inverness. There are currently between 32 and 40 women on Home Detention Curfew (HDC).

Commission on women offenders

A major programme of reform is currently being undertaken in relation to women in custody following a commission which was established by the Scottish Government in June 2011 to look at ways to improve outcomes for women in the criminal justice system. The Angiolini Commission, chaired by The Right Hon Dame Elish Angiolini DBE QC, operated independently of the Scottish Government.

The commission made a series of radical proposals to improve the way female offenders are dealt with under the criminal justice system. It highlighted the fact that the vast majority of female offenders have drug, alcohol or mental health problems, making prison an unsuitable place for them. Its key recommendation was the replacement of the over-crowded Cornton Vale prison.

What is the role of prisons in Scotland?

In this video clip, Colin McConnell, Chief Executive of the Scottish Prison Service, talks about the role of prisons in Scotland: <https://www.youtube.com/watch?v=jeyzbCPvCRA&feature=youtu.be>

Reflective questions

- What is the role of prisons?
- Why would prison be the 'last resort'?
- How does Colin McConnell, Chief Executive of the Scottish Prison Service, think de-personalising a criminal will make them not want to return to prison?
- How does the Scottish Prison Service help to rehabilitate individuals?

Non-custodial sentencing

Non-custodial sentences are sometimes referred to as alternatives to prison. These sentences are often used to deal with less serious crimes and might involve community work, whereby offenders are able to 'pay back' society.

Non-custodial sentences in Scotland include:

- Community Service Orders
- Probation Orders
- Supervised Attendance Orders
- Electronic Tagging
- Drug misusing offenders

- Diversion from prosecution
- Bail
- Community Payback Orders
- Drug Treatment and Testing Orders (DTTOs)

Youth justice

Youth justice is a term sometimes used to describe how young people are dealt with by the justice system in Scotland. This section focuses on how the government tackles issues surrounding youth justice through:

- Youth Crime Prevention
- Children's Hearing System
- Young Offenders Institutions

“Historically, youth justice has been about young people between the ages of 8 and 16, and although there is still a focus on this age range it is recognised that there is a need to start preventative work much earlier, and provide sustained support all the way through to the transition to adulthood.”

The Scottish Government

Young offenders in Scotland

In Scotland, the age of criminal responsibility is eight years old and the age at which a child can be prosecuted is 12 years.

If a child under 12 is behaving in such a way that they may be at risk or vulnerable, for example assaulting others or stealing, they may be referred to a social worker and ultimately a children's hearing which can make a decision about how to help them and their family. A decision by a children's hearing can become part of a criminal record.

If a person aged between 12 and 16 commits a criminal offence, they are most likely to be referred to the Children's Reporter who will decide whether there are grounds for concern. A young person of 12 or over can be prosecuted for a criminal offence and dealt with in court if the offence is serious.

Young people aged between 16 and 18 who commit criminal offences will be dealt with by the children's hearing system or the courts.

Custodial sentencing

Courts cannot impose a custodial sentence on anyone under the age of 12. Young offenders aged between 12 and 15 whose behaviour is causing concern either for themselves or for the safety of the public will usually be detained in secure accommodation.

Offenders who are aged between 16 and 21 can be sentenced to detention in a young offenders institution. A young person may be temporarily detained in an adult prison if suitable secure accommodation or a place in a young offenders institution is not available.

4. Added Value in Modern Studies

'Added value is what makes the course more than the sum of its parts. Added value assessment combines different elements of a course into overall assessment which learners are required to pass in order to achieve a course at National 4 to Advanced Higher.'

Scottish Qualifications Authority

Added Value is a feature of the new qualifications. In every subject you study at NQ level, there will be an element of 'added value'. There are three units in the National 4 and National 5 Modern Studies course:

- Democracy in Scotland and the United Kingdom
- Social Issues in the United Kingdom
- International Issues

In National 4 Modern Studies, there is an additional unit with Outcome and Assessment Standards. This is the Added Value unit. At National 5 level, Added Value is not assessed as a separate unit of work. Instead, it is called as 'assignment' and is used to make up 25% of the final mark.

So, if you are studying at National 5 level, you will be expected to produce a write up of your research findings which is carried out in your establishment or school under exam conditions. The write up is sent to the SQA for external marking. The differences between National 4 requirements and National 5 are shown below.

National 4 - Added Value Unit	National 5 - Assignment
1.1 Choosing, with support, an appropriate Modern Studies topic or issue for study	A. Choosing, with minimum support, an appropriate Modern Studies topic or issue. B. Evaluating the effectiveness of two research methods used, commenting on their strengths and weaknesses where appropriate. C. Drawing on knowledge and understanding to explain and analyse key features of the topic or issue. D. Reaching a well-supported conclusion, supported by evidence, about the topic
1.2 Collecting relevant evidence from at least two sources of different types	
1.3 Organising and using the information collected to address the topic or issue	
1.4 Drawing on a factual knowledge and understanding to describe and briefly explain some key features of the topic or issue	
1.5 Apply the skills of either detecting bias and exaggeration or making decisions or drawing conclusions	
1.6 Presenting their findings about the topic or issue	

What does Added Value look like in Modern Studies?



Added Value in Modern Studies focuses on research. Because Modern Studies is a social subject, we call research 'social research'.

Social research is carried out by social scientists and is used to inform us of different trends in society.

Much like a scientist conducts scientific enquiry, so too must a social scientist carry out investigations in order to prove or disprove theories they may have.

Many, the molecule of society, is the subject of Social Science.

Henry Charles Carey

Who uses social research?

Social research is used by a range of different organisations. The government, for example, regularly use social research to investigate government policies, to find out about issues in certain areas and to inform them on how best to legislate in the future. The media can also use social research to create stories or to inform us about developments.

Businesses across Scotland use social research to best serve the people they are trying to attract in order to turn a profit. Marketing agencies and people employed in public relations will often carry out questionnaires and surveys to find out about the clientele they are trying to cater their business to.

How do I choose what to research?

At National Qualifications level in Modern Studies, you will be given the choice of any issue which interests you from each of the three respective units. You may choose to focus on an issue which you have a particular knowledge of, something which has affected your community or something which has been in the media recently for example.

Whichever area you choose, make sure it is something which interests you. You need to be motivated to carry out social research, so make sure you enjoy learning about your topic and check with your teacher if it is an appropriate area for you to conduct research in. For example, carrying out social research with young children may be difficult for you to achieve given the ethical issues that could be involved.

Reflective questions

- Think about what interests you in Modern Studies.
- Are you motivated to carry out your own research in this area?
- Will the information be easily accessible?

Types of social research

When you have chosen the issue which interests you and have agreed upon a research question, you will need to select the most appropriate evidence and research methods to support you in your research.

There are many different types of social research which you may wish to use, or you may choose to carry out your own research. Research can be primary or secondary in nature.

Primary research in Modern Studies is information which you intend to carry out – such as a survey or an interview. Secondary research is information you have gathered from other sources – such as the internet or newspapers.

Researching your topic

In this video clip, pupils talk about the research methods they used when investigating their Added Value topic in NQ Modern Studies:

<https://www.youtube.com/watch?v=Y6FT1bQud7w&feature=youtu.be>

Reflective questions

- What methods could you use to research your chosen topic?
- What questioning techniques could you use?

Research task

Using an appropriate internet search engine, try to locate the following:

- An example of a recent survey conducted in Scotland
- A recent news article from a national newspaper

Consider which type of information might help you the most with your research question or hypothesis.

Qualitative v quantitative

Any social research you decide to carry out, or use to support your research, will be quantitative or qualitative in nature. It is important that you understand the differences between the two.

Quantitative research

Quantitative research considers numbers – the quantity – of evidence gathered. This might be 100 surveys, for example. From quantitative research Social Scientists can draw conclusions which can help them in answering any research question or hypothesis they have posed. For example, you may choose to research the effects of crime in your community upon individuals. From carrying out quantitative research, through a survey of 50 people, you might find out that the level of crime in your community is directly linked to the fear of crime.

Qualitative research

Qualitative research considers quality information. This might be in the form of detailed written responses to open-ended questions. Qualitative research could be gathered from more in-depth observation, analysis of text, or structured interviews, for example. The evidence generated by qualitative research is often anecdotal – for example, quotes you may have gathered from participant observation.

Sample size and variables

You should also be aware of how many people you are conducting research with. This will not apply to an in-depth interview, for example, but with larger surveys or questionnaires you might want to think about how you will be able to gather data from a large number of respondents in the easiest way. For example, you may wish to use an online survey tool.

You should also think about some of the variables involved in carrying out your research. If you're only asking the girls in your year what they think about prisons that might generate an entirely different set of responses in comparison with the male teachers in your school for example. It also means that you have narrowed your results as you have only considered two variables (i.e. gender and age). Other variables include: religion, sexuality and ethnic origin, for example.

This section will now consider the different types of social research methods you might want to use or consider when deciding upon the type of research you will use / carry out to help support your research.

Research method	Advantage	Disadvantages
Internet research	Produces fast results which can be targeted with search engine	Information can be bias e.g. wikipedia
Email	Can provide a quick response from an expert in the field you're interested in	The person may not respond
Interview	Might give you in-depth information on the topic you are studying	Time consuming to transcribe the interview and more difficult to draw conclusions than numerical data
Questionnaire	Produces a lot of data from which conclusions can easily be drawn	Respondents may not answer truthfully or may not understand the questions
Library	Access to lots of information from journals and relevant textbooks etc. in one place	Information may be outdated and not relevant to your research
Online survey	Quick response rate which people can respond to on the go e.g. on their phones, for example	People may ignore your request as 'junk' mail
Participant observation	Able to gather evidence of what more than one person thinks	People may not give honest views if they know they are being observed

Conducting your research

Now that you have selected the most appropriate research method (s) to use in gathering your research, you need to consider exactly how you will conduct your research.

Ethical considerations

Ethical considerations may involve working with people under the age of 16, those from the older generation, or those who suffer from a disability, for example. These are vulnerable groups and it may require you to speak to your teacher if you think ethical issues may affect the group or individual you will be gathering information from.

Advantage and disadvantages of different research methods

Reflective questions

- What are the advantages/disadvantages of primary research?
- What are the advantages/disadvantages of secondary research?

Recording your evidence

How you record the information you gather is extremely important.

If you are carrying out quantitative research, you might choose to record your results numerically – in a bar graph, or a table for example.

If you have carried out qualitative research, you may have gathered oral evidence – such as a recording of an in-depth interview. This information could be transcribed, which would involve you typing up the recorded interview.

You need to document the research process throughout. So it's important that you have evidence of reading relevant journals / conducting internet research / emailing experts in the field for example. You can record the evidence you have gathered in a log-sheet, by logging the dates of your research and the activity you carried out. You can then file the information gathered accordingly.

Types of Questions

The type of questions you ask will direct people in a certain way. You need to be careful not to ask leading questions, for example:

- Do you agree that young people are responsible for the majority of anti-social behaviour?

These types of questions imply a response.

The type of questions you ask in your research will provide you with different types of data. A closed question might ask a person a 'yes / no' query. For example:

- Have you seen any police officers patrolling in your community this year?

However, a closed question can also provide respondents with a number of options. For example:

How many times have you seen the police patrolling in your community this year?

- Not at all
- 1-2 times
- 3-4 times
- 5 or more

Open ended questions do not imply a response. Open ended questions allow respondents to answer individually, based on their experiences. For example:

- Do you feel the police protect your community from crime?

Reflective questions

- What are open and closed questions?
- What is a leading question?
- Why might you need different types of questions?

Task: watch the following clip on questioning techniques:

YouTube video: Questioning Techniques Asking Questions Effectively:

<https://www.youtube.com/watch?v=cvSMOw6D1M0>

- Explain what you understand by 'open' and 'closed' questions
- Outline what is meant by 'funnelling'
- Outline what is meant by 'probing questions'
- Outline what is meant by 'rhetorical questions'
- Outline what is meant by a 'leading question'

Piloting your work

A pilot study is a test of your research intentions. So, before you carry out your survey, or interview or questionnaire, you need to find out if the information you've asked for is providing you with the necessary results.

You might design your interview questions and pilot these with someone in your class. Equally, you could design an online survey and send it to 3 of your friends. Based on the results of your pilot and your own reflections, this could lead you to change the questions you've asked.

Writing up your findings

The flexible nature of the new qualifications means that you no longer need to give written responses when completing internal Unit assessments. Indeed, you could produce a podcast discussing your approach to Added Value; you could choose to present your findings in a poster format, or in a group context.

***Remember National 5 candidates will be required to provide a formal write-up of their research, which will be conducted under exam conditions.**

Recording your findings

How you record the information you gather is extremely important.

If you are carrying out quantitative research, you might choose to record your results numerically – in a bar graph, or a table for example.

If you have carried out qualitative research, you may have gathered oral evidence – such as a recording of an in-depth interview. This information could be transcribed, which would involve you typing up the recorded interview.

You need to document the research process throughout. So it's important that you have evidence of reading relevant journals / conducting internet research / emailing experts in the field for example. You can record the evidence you have gathered in a log-sheet, by logging the dates of your research and the activity you carried out. You can then file the information gathered accordingly.

Which skills have you used?

At National 4 level you will be expected to choose from one of the skills which is considered in the course:

- detecting bias and exaggeration
- making decisions
- drawing conclusions

At National 5 level, however, the skill that is assessed by the final write-up is that of drawing conclusions.

Detecting bias and exaggeration

'Bias' and 'exaggeration' are terms which you will be familiar with in Modern Studies.

You might have experienced bias yourself – if one of your friends supports a certain football team, for example, they may be biased in that team's favour. Bias and exaggeration is often presented in the media. Newspapers can have their own political stance and this means the way in which they report certain issues might be skewed.

So bias and exaggeration may come from a source of information – such as a newspaper or a web page – or, you may find it in individuals who have their own entrenched views on an issue. For example, if you were to ask a Prison Officer about how effective prisons are in deterring crime, he or she would have a biased opinion because they work in a prison.

Making decisions

Making decisions in Modern Studies means that you need to justify the option you have chosen. For example, if you chose to use the internet to provide you with a source of information, you need to be able to explain why you did so.

Drawing conclusions

Drawing conclusions applies to both the Added Value Unit (N4) and to the Assignment (N5). This skill requires you to look at the evidence you have gathered and tease out the relevant information to form your findings.

Consider your findings:

- Are they numerical?
- If so, are there any common trends?
- Do responses to certain questions suggest a pattern? What is this pattern telling you?
- Are your findings qualitative?
- What information can you draw from the opinion provided or the text?
- Why is this the case?
- What conclusion might this lead you to?

If you are providing a written account of your findings, remember to quote any relevant facts / figures and opinions to back up the conclusion you have made. Try this method:

P – point – e.g. One conclusion which can be drawn from the research is that the fear of crime is higher than the actual crime rate in Scotland

E – evidence

L – link – Therefore the evidence supports the conclusion

Reflecting on your findings

Consider your research and the findings you have made. Think about what you might have done differently – if anything – and how this could have improved / changed the outcome of your research. Think about the research methods you used – consider what the strengths and weaknesses were of these methods. Evaluate how effective your method (s) were in providing you with the information required for your hypothesis or research question posed.

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