



**Criminal Justice Committee**  
**Wednesday, 17<sup>th</sup> June 2026**  
**1<sup>st</sup> Meeting, 2026 (Session 7)**

## **Criminal Justice Overview**

This paper provides a very brief overview of the criminal justice system, highlighting some of the main organisations, structures and issues.

We will be publishing a range of subject profiles over the coming weeks providing more detailed information on some of the following topics. Additional briefings will also be made available to reflect areas of work being undertaken by the Committee.

## **Community justice**

The [Community Justice \(Scotland\) Act 2016](#) (2016 Act) defines community justice as:

- giving effect to community disposals and post-release control requirements
- managing and supporting offenders in the community with a view to reducing offending by them
- arranging relevant general services in ways which facilitate offenders in the community accessing and using them
- preparing offenders for release from imprisonment or detention in a penal institution
- facilitating the provision of relevant general services which offenders released from imprisonment or detention in a penal institution are likely to need immediately following their release.

The 2016 Act placed a duty on community justice partners<sup>1</sup> to work together in the planning and monitoring of community justice services in their local area. It also created [Community Justice Scotland](#) to provide national and strategic leadership for community justice in Scotland.

There are a range of community-based sentences that can be given in criminal court cases. The vast majority of community sentences imposed are [Community Payback](#)

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<sup>1</sup> Local authorities, health boards, Police Scotland, the Scottish Fire and Rescue Service, Skills Development Scotland, Health and Social Care Integration joint boards, the Scottish Courts and Tribunals Service, and the Scottish Prison Service.

[Orders](#). Others include Restriction of Liberty Orders, and Drug Treatment and Testing Orders. Of the [15,870 community sentences issued in 2023-24](#):

- 76% were Community Payback Orders
- 22% were Restriction of Liberty Orders
- 2% were Drug Treatment and Testing Orders.

Throughcare services are an important element of community justice. These are services that are provided to prisoners both during and after their sentence to support them transitioning back to the community. [Upside](#), Scotland's national throughcare service was launched in April 2025 for all of those leaving prison after short-term sentences (less than four years) or a period of remand. The service is delivered by a partnership of third sector organisations with oversight from Community Justice Scotland.

## **Criminal courts**

Criminal prosecutions take place in the following trial courts:

- the High Court of Justiciary (the High Court)
- sheriff courts
- justice of the peace courts.

The most serious cases are prosecuted in the High Court and the least serious in justice of the peace courts. In addition, the Victims, Witnesses, and Justice Reform (Scotland) Act 2025 allows for the establishing of a specialist Sexual Offences Court to deal with serious sexual offences. At the time of writing, relevant provisions of the Act are not yet in force.

Appeals are heard in:

- the High Court (sitting as an appeal court)
- the Sheriff Appeal Court.

In addition, the [Scottish Criminal Cases Review Commission](#) can consider alleged miscarriages of justice and refer appropriate cases to the High Court for review.

The UK's Supreme Court can also become involved in appeals from criminal cases in some limited circumstances (e.g. on human rights grounds).

The [Scottish Courts and Tribunals Service](#) is responsible for providing the staff, buildings and technology to support Scotland's courts. It is governed by a corporate board chaired by the Lord President (the most senior judge in Scotland). The running of the criminal courts is also dependent on a wide range of other people and organisations. These include defence lawyers, prosecution lawyers, justice social workers, and professional witnesses such as police officers.

Criminal procedure (i.e. the procedure for the investigation and prosecution of crime) is mainly regulated by the Criminal Procedure (Scotland) Act 1995 and is divided into solemn and summary procedures.

Solemn procedure involves the most serious of criminal cases and may ultimately lead to a trial on indictment, either before a judge in the High Court or before a sheriff in one of the sheriff courts. Trials under solemn procedure are conducted with a jury.

Summary procedure is used for less serious offences (with the charges set out in a complaint) and may ultimately lead to a trial before a sheriff or, in justice of the peace courts, before a bench of one or more lay justices. Trials under summary procedure are conducted without a jury.

Much of the parliamentary scrutiny of the courts during last session was shaped by the impact of the COVID-19 pandemic. Restrictions imposed to limit the spread of the virus reduced the capacity of the courts to deal with cases. There has been progress in tackling the resulting backlog of cases, but this varies significantly depending on the seriousness of cases. In May 2026, Audit Scotland published a [follow-up report on the criminal courts backlog](#) noting that:

- the overall criminal courts backlog had reduced considerably to 13,268 outstanding scheduled trials at the end of 2025-26 (down from the peak of 43,606 in January 2022)
- outstanding scheduled trials in the two summary courts (justice of the peace and sheriff summary) are below pre-pandemic levels
- outstanding scheduled trials in courts dealing with the most serious cases remain high and continue to grow in the High Court.

The Audit Scotland report highlights the point that the High Court backlog is not simply a product of the disruption caused by the COVID-19 pandemic. There has also been a rise in serious and complex cases being dealt with by the courts.

Another important strand of debate during Session 6 concerned the treatment of victims and witness within the criminal justice system. In the context of the courts, relevant provisions of the Victims, Witnesses, and Justice Reform (Scotland) Act 2025 include ones relating to:

- a Sexual Offences Court (as mentioned above)
- independent legal representation for complainers in sexual offence cases – where there is an application to use evidence relating to their sexual history or character.

Provisions of the Act in the above areas have not yet been commenced. However, provisions which are in force include ones making the following important changes for trials commencing on or after 1 January 2026:

- the not proven verdict has been abolished, leaving verdicts of guilty or not guilty

- in jury trials, the majority required for a guilty verdict has been increased, effectively requiring a minimum of two-thirds support amongst the jurors for guilty.

## Fire and rescue service

The [Scottish Fire and Rescue Service](#) (SFRS) was established in 2013. This involved the merger of eight regional fire and rescue services. The Committee may wish to note that there is some uncertainty as to whether scrutiny of the SFRS will fall within its remit in Session 7.

In its [legacy report](#), the Session 6 Criminal Justice Committee noted an ongoing interest in the challenges facing the SFRS, including its planned reforms and the implications of its budget settlement. The Committee took evidence on both these issues at its [meeting on 4 February 2026](#). The legacy report goes on to say:

“Our successor committee may want to monitor the outcome of the Scottish Fire and Rescue Service’s service delivery review and what it means for how the SFRS will deliver its services throughout Scotland in the future. This will include important issues such as proposals to improve the quality of decontamination facilities across the SFRS’s estate.”

The SFRS website explains that it has been carrying out a [Service Delivery Review](#) (SDR) “to look at ways of reshaping and modernising the organisation” and that.

“The primary aim is to ensure that resources – staff, stations and appliances – are matched to operational risk and demand across Scotland.”

The website states that the SFRS Board will meet on 22 June 2026 to consider the outcome of the SDR and make final decisions on the proposed changes.

## Police

Since 2013, Scotland has had a single national police force – [Police Scotland](#) (also referred to as the Police Service of Scotland).

Police Scotland is comprised of [13 local policing divisions](#), each headed by a chief superintendent, and several national divisions (e.g. the [Specialist Crime Division](#)).

The term ‘constable’ describes the office held by all police officers. It also refers to the foundational rank of police officer. The other ranks are sergeant, inspector, chief inspector, superintendent, chief superintendent, assistant chief constable, deputy chief constable, and chief constable.

In addition to police officers, civilian police support staff are used in a wide range of roles not requiring a police officer’s power of arrest.

The Chief Constable’s responsibilities include:

- the direction and control of police officers and civilian police staff

- day-to-day administration of Police Scotland (including allocation and deployment of resources received from the Scottish Police Authority)
- preparation of annual police plans.

The [Scottish Police Authority](#) (SPA) is the primary governance body for policing in Scotland. It is responsible for

- promoting the [policing principles](#)
- improvement of policing
- preparation of a strategic policing plan (involving the Chief Constable)
- providing appropriate resources for Police Scotland
- holding the Chief Constable to account.

[HM Inspectorate of Constabulary in Scotland](#) provides independent scrutiny of both Police Scotland and the SPA.

One area of parliamentary scrutiny in Session 6 was the handling of police, complaints following the [Angiolini Review](#). A [preliminary report](#) of the review was published in 2019 and a [final report](#) in 2020. There were over 100 recommendations across both reports. All the non-legislative policing recommendations are now complete. The recommendations which required legislative change were addressed in the [Police \(Ethics, Conduct and Scrutiny\) \(Scotland\) Act 2025](#), most of which is now in force.

The Session 6 Criminal Justice Committee also undertook an [inquiry into policing and mental health](#) which covered two distinct issues:

- the policing of vulnerable people (including people in mental health crisis)
- support for the mental health and wellbeing of police officers and staff.

The Committee's [legacy report](#) (p 20) noted ongoing concerns in both areas.

Police resources (including numbers of police officers) were also the subject of parliamentary scrutiny during Session 6. At its [meeting on 4 March 2026](#), the Session 6 Criminal Justice Committee took evidence from Police Scotland on the funding provided for in the [Scottish Budget 2026-27](#) and the [Scottish Spending Review 2026](#) – both published in January 2026.

Also in January 2026, Audit Scotland and HM Inspectorate of Constabulary in Scotland published a [best value audit of policing in Scotland](#).

## **Prisons**

The [Scottish Prison Service](#) is an executive agency of the Scottish Government with responsibility for Scotland's prisons (including young offender institutions). It also operates a victim notification scheme, as well as managing the contract for the provision of secure transport for those in custody to and from the courts.

There are currently 17 prisons, including one (HMP Addiewell) which is operated under contract by a private company. The Scottish Prison Service website provides [information on individual prisons](#).

This prison estate caters for a diverse prison population. Separate provision is made for prisoners based on a range of factors. These include sex, age (under 21 or 21 and over), and whether a prisoner is serving a custodial sentence or is being held on remand. Children under the age of 18 are not held in the prison estate, but can be held in [secure accommodation](#).

Prisons can differ greatly in terms of the types and numbers of prisoners they hold. For example, the Bella and Liliac centres (housing low supervision female prisoners) have a combined capacity of 40, whilst the maximum number of prisoners held in HMP Barlinnie during 2024-25 was close to 1,500.

[HM Inspectorate of Prisons for Scotland](#) has responsibility for the inspection and monitoring of Scotland's prisons. Other responsibilities include the inspection of court custody units and prisoners under escort. The latest [annual report](#) of HM Chief Inspector of Prisons for Scotland was published in March 2026.

The operation of prisons and the use of custody have been the subject of considerable debate and scrutiny. Key issues in recent years have included the size of the prison population, reaching record levels, and the associated problem of prison overcrowding. In September 2025, the Chief Inspector of Prisons for Scotland, [wrote to the Scottish Government](#) stating that overcrowding "is an invidious and all-pervading evil that affects every aspect of prison life".

During the last session of Parliament, the Scottish Government took various steps in response to prison overcrowding. These included:

- making use of emergency early release powers for sentenced prisoners
- bringing forward legislation which reduced the length of time most short-term prisoners (those serving custodial sentences of less than four years) spend in custody before qualifying for automatic early release.

Other important areas of debate and scrutiny have included:

- substance misuse in prisons – the Session 6 Criminal Justice Committee carried out an [inquiry into the harm caused by substance misuse in prisons](#)
- deaths in custody – the Scottish Government has published [statistics on deaths in prisons](#) and the Scottish Centre for Crime & Justice Research has been [monitoring deaths in custody more generally](#) (e.g. also including mental health detention).

In February 2026, the [report of independent commission on sentencing and penal policy](#) was published by the Scottish Government. The report is broad in its scope, covering – the prevention of crime, alternatives to prosecution, bail and remand, community and custodial sentences, and release from custody.

## Prosecution

The [Crown Office and Procurator Fiscal Service](#) (COPFS) is Scotland's public prosecution service, with responsibilities including:

- the prosecution of crime (including decisions on whether criminal prosecution is appropriate in individual cases)
- the investigation of sudden, suspicious or unexplained deaths.

Key individuals within the COPFS include:

- the Lord Advocate – head of the COPFS and a member of the Scottish Government
- the Solicitor General for Scotland – assists the Lord Advocate and is also a member of the Scottish Government
- the Crown Agent – chief executive of the COPFS.

Collectively, the Lord Advocate and Solicitor General for Scotland are referred to as the Scottish Law Officers. The range of roles they perform requires that they are free from political interference and independent in taking decisions about criminal prosecutions, whilst also acting as legal advisers to the Scottish Government. In March 2026, the Scottish Government published a [Report on the Roles and Functions of the Scottish Law Officers](#).

Although it is possible for a private individual to bring a prosecution in some circumstances, instances of this happening are very rare. Thus, virtually all prosecutions in Scotland are brought by the COPFS in the public interest.

The COPFS receives reports about crime from the police and, in some cases, other specialist reporting agencies. A [list of these other agencies](#) on the COPFS website dates from 2014. A notable change since then is the removal of the Post Office from the list because of its role in the Post Office Horizon IT scandal.

Following receipt of a crime report, the COPFS decides what action to take. In addition to prosecution in the criminal courts, options include various alternatives to prosecution (e.g. warning letters, fiscal fines, road traffic offence fixed penalties, and diversion from prosecution).

When exercising their discretion in individual cases, including the decision to prosecute or not, prosecutors have regard to the criteria set out in the [Prosecution Code](#).

Since 2015, there has been a [Victims' Right to Review](#). This allows the victim of an offence (or alleged offence) to ask the COPFS to review a decision not to take action or to discontinue a prosecution.

Inspection of the COPFS is provided by [HM Inspectorate of Prosecution in Scotland](#).

## Violence against women and girls

The Scottish Government uses the term [violence against women and girls](#) (VAWG) to refer to:

“a range of actions that harm, or cause suffering and indignity to, women and children. These include but are not limited to:

- physical, sexual and psychological violence in the family, general community or institutions. This includes domestic abuse, rape, incest and child sexual abuse
- sexual harassment and intimidation at work and in public
- commercial sexual exploitation including prostitution, pornography and trafficking
- so called ‘honour based’ violence, including dowry-related violence, female genital mutilation, forced and child marriages and ‘honour’ crimes”.

The behaviour involved includes serious criminal offences as well as conduct which may not be covered by the criminal law. And, although the criminal justice system is an important element in responding to the problem, it is not the only relevant area for action (e.g. in terms of addressing attitudes and inequality).

As noted in its [legacy report](#), the Session 6 Criminal Justice Committee had an ongoing interest in various aspects of this topic. Whilst individual issues may not necessarily be problems faced by women and girls only (e.g. domestic abuse and areas of sexual offending), they may be identified as having a gendered aspect – both in terms of causes and prevalence.

Relevant issues considered during Session 6 included:

- misogyny and hate crime – the response of the Scottish Government to an [independent report on misogyny](#) and the decision to [add sex to the characteristics covered](#) by the Hate Crime and Public Order (Scotland) Act 2021 (with effect from April 2027)
- prostitution – a [member’s bill](#) seeking to reduce the demand for prostitution (fell at stage 1), which was followed by the Scottish Government establishing a [commission on criminalising the purchase of sex](#) (due to report within 12 months of commencing its work)
- experience of women and girls in the criminal justice system (e.g. in terms of how complainers and witnesses are treated in the courts).

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