

Public Perceptions of Sentencing: 2025 survey report

**Ipsos Scotland for the Scottish Sentencing
Council
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Executive summary

The Scottish Sentencing Council commissioned Ipsos, an independent research company, to conduct a nationally representative survey of Scottish adults to explore public perceptions, understanding, and attitudes towards sentencing in Scotland, following on from an earlier survey conducted by Ipsos for the Council in 2019. The survey was designed to support the development of sentencing guidelines and to help inform the Council's activities in engaging with the public to improve understanding of sentencing policy and practice.

Research methodology



Method

17-minute telephone survey



Fieldwork dates

13 January - 3 February 2025



Sample

1,001 adults (18+) in Scotland



Weighting

by gender, age, education, working status and region

General perceptions of sentencing

In general, self-assessed knowledge of sentencing in Scotland was low and has also fallen since 2019. A clear majority (62%) said they knew 'a little' or 'nothing at all' about sentencing, compared with 53% in 2019. This low self-assessed knowledge is reflected in the finding that, on average, most overestimated the use of custodial sentences.

Based on what they think they do know or have heard, a clear majority of people thought sentences in Scotland tend to be too lenient. This echoes most other research on the subject, although compared with the 2019 survey people seem to have shifted further towards thinking sentences are too lenient. 60% thought sentencing is 'much too lenient' or 'a little too lenient', as opposed to 56% in 2019.

Community sentencing

People in Scotland were less likely to feel they knew much about community sentences than to say they knew anything about sentencing in general. However, most people when prompted correctly identified that various conditions can be attached to community sentences.

The public was fairly evenly split over whether prison or community sentences were more likely to be effective in reducing reoffending. However, more people felt community sentences were likely to be effective in rehabilitating offenders than said the same of prison sentences. The converse was true for the perceived effectiveness of the two principles: protecting the public and punishing crime.

Media coverage of sentencing

Respondents were presented with one of two news headlines relating to a court sentencing decision on an assault case and asked what they thought this might suggest about the outcome of the case and the court's sentence:

Headline 1: 'Man who committed assault walks free'

Headline 2: 'Man who committed assault avoids jail'

Both the headlines inclined people to conclude that the courts had been too lenient on the offender. Framing the outcome in terms of the offender 'walking free' suggests to people that someone has not been convicted at all, while stating that they 'avoided jail' was more likely to be interpreted as implying a non-custodial sentence.

Domestic abuse

Overall, there appeared to be high levels of public awareness that various examples of abuse involving coercive control are illegal. However, levels of awareness varied across both different behaviours and by age.

A majority felt a community or other non-custodial sentence was the most appropriate sentence for offences involving either a violent assault or a pattern of coercive control. In line with this, most people were supportive of requiring people convicted of these offences to attend an intensive course aimed at addressing their offending behaviour as an alternative to prison. However, more people felt a prison sentence was warranted for an offence involving a pattern of coercive control than said the same for a single incident of violent assault involving pushing a partner, leading to injury.

Sentencing people with mental health or developmental conditions

Overall, most people thought that rehabilitation should be the priority when sentencing someone with a moderate learning disability, schizophrenia, or a personality disorder of a non-violent vandalism and damage to property offence. However, where the offence is a violent assault, rehabilitation remains the top public priority only for those with a learning disability. Protecting the public was the public's highest priority with respect to sentencing violent assault committed by someone with a personality disorder or schizophrenia. Only a small minority (under one in ten in each case) thought that punishing crime should be the priority when sentencing either offence when committed by someone with any of these mental health or developmental conditions.

Ideally, it would be possible to compare directly public views about different scenarios with the reality of sentencing patterns for those same sorts of cases. This triangulation would reveal whether or not people's perceptions about sentencing (e.g. excessive leniency) is in fact accurate and would be invaluable in informing efforts to promote confidence in sentencing. However, limitations of official data mean that such direct comparison is not currently possible.

Glossary

This glossary includes definitions of key terms used in this report. Alongside various legal terms, it includes a number of terms relating to mental health or developmental conditions that were included in the survey this report is based on. The definitions of these terms are contested, including by some people who are diagnosed with these conditions. We recognise there are other ways of describing or defining terms relating to mental health or developmental conditions, and that there is no universal consensus on the language used when talking about them. However, to aid interpretation, we include recognised official definitions, alongside the explanations of particular conditions included in our survey, in the table below. In the report, we use the umbrella term 'mental health or developmental conditions' to capture those conditions referred to in the survey.

Term	Definition
Abusive behaviour	According to the Domestic Abuse (Scotland) Act 2018 (DASA), 'abusive behaviour' is defined as behaviour which is violent, threatening, or intimidating, or which has or is likely to have certain effects on the victim. These effects include making the victim dependent or subordinate, isolating them, controlling their activities, restricting their freedom, or frightening, humiliating, degrading, or punishing them. The behaviour can be directed at the partner or ex-partner, a child of the partner or ex-partner, or another person. ¹
Coercive control	Controlling or coercive behaviour is an intentional pattern of behaviour that occurs on two or more occasions, or which takes place over time, in order for one individual to exert power, control or coercion over another. ²
Community payback order (CPO)	This is an order that is community based. It is given as an alternative to a custodial (prison or detention) sentence. It can be made up of one or more parts.

¹ [Domestic Abuse \(Scotland\) Act 2018, Section 2.](#)

² UK Government (2023) [Controlling or coercive behaviour: statutory guidance framework](#), UK Government.

	There is a wide range of requirements which can be part of this order, including up to 300 hours unpaid work, supervision, paying compensation to the victim of the crime, attending programmes and receiving treatments.
Community sentence	‘Community sentence’ is a collective term for the different sentences given by courts that are served in the community, often as an alternative to a custodial sentence. ³
Custodial sentence	This is a sentence of imprisonment. Those over 21 are sent to prison and those aged 18 to 21 are sent to a young offender’s institution.
Drug treatment and testing orders	These orders are designed to assist offenders to reduce their drug use and related offending.
Moderate learning disability	<p>A learning disability is a reduced intellectual ability, usually identified soon after birth or in the early years and will last a person’s whole life. There are different types of learning disability, which can be mild, moderate, severe or profound.⁴</p> <p>The language abilities and capacities for acquisition of academic skills of persons affected by a moderate learning disability vary but are generally limited to basic skills. Some may master basic self-care, domestic, and practical activities. Most require considerable and consistent support in order to achieve independent living and employment as adults.⁵</p>
Life sentence	When someone is given a life sentence, they will be subject to that sentence for the rest of their life. A life

³ Scottish Government (2024) [Criminal Proceedings in Scotland, 2022-23](#). Scottish Government.

⁴ Mencap (2025) What is a learning disability? Available from <https://www.mencap.org.uk/learning-disability-explained/what-learning-disability>

⁵ World Health Organization (2025) ICD-11 for Mortality and Morbidity Statistics, 6A00.1 Moderate Disorder of Intellectual Development. Available from <https://icd.who.int/browse/2025-01/mms/en#605267007>

	<p>sentence is mandatory for a conviction of murder. It may also be passed at the discretion of the sentencing judge for other very serious convictions, such as rape. When a person is sentenced to life imprisonment, the judge must, by law, set a 'punishment part' of the sentence. This is the <i>minimum</i> time the person must spend in prison or detention before being considered for release into the community by the Parole Board for Scotland. The offender can only be considered by the Parole Board for Scotland for release after they have served this minimum term <i>and only if</i> the Parole Board for Scotland is satisfied that detaining the offender is no longer necessary for the protection of the public. A life sentence is an indeterminate sentence which means that some offenders can (and do) spend longer in prison than the initial punishment part set by the judge, and some may never be released. For those who are judged safe by the Parole Board for Scotland to be released into the community, certain requirements remain in place for the rest of their life. Those serving a life sentence will be on licence for the rest of their life. If they breach the conditions of their licence, or commit a further offence, they can be returned to prison.⁶</p>
<p>Personality disorder</p>	<p>Personality disorder is a diagnosis that can be given to people whose personality traits:</p> <ul style="list-style-type: none"> • make it extremely difficult for them to manage their emotions and feelings about themselves, others and the world around them • who have significant problems coping day to day, and in their relationships.⁷

⁶ Sentencing Council (2025) [Life sentences](#). Sentencing Council.

⁷ Royal College of Psychiatrists (2025) Personality Disorder. Available from <https://www.rcpsych.ac.uk/mental-health/mental-illnesses-and-mental-health-problems/personality-disorder>

Rehabilitation	This can be supporting people to change their offending behaviour and live productive lives in society. This could involve training in life skills within prison or in the community.
Reoffending	Reoffending is when a person who has committed an offence (or offences) already, commits another offence.
Schizophrenia	<p>Schizophrenia is a long-term mental health condition. It causes a range of different psychological symptoms.</p> <p>Doctors often describe schizophrenia as a type of psychosis. This means the person may not always be able to distinguish their own thoughts and ideas from reality.</p> <p>Symptoms of schizophrenia can include:</p> <ul style="list-style-type: none"> • hallucinations – hearing or seeing things that do not exist outside of the mind • delusions – unusual beliefs not based on reality • muddled thoughts and speech based on hallucinations or delusions • losing interest in everyday activities • not wanting to look after yourself and your needs, such as not caring about your personal hygiene • wanting to avoid people, including friends • feeling disconnected from your feelings or emotions.⁸
Scottish Sentencing Council	The Scottish Sentencing Council is an independent statutory advisory body with responsibility for

⁸ NHS (2023) Overview – Schizophrenia. Available from <https://www.nhs.uk/mental-health/conditions/schizophrenia/overview/>

	preparing sentencing guidelines for the Scottish courts.
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1 Background and methodology

The Scottish Sentencing Council, hereafter referred to as 'the Council,' commissioned Ipsos, an independent research company, to conduct a nationally representative survey of Scottish adults to explore public perceptions, understanding, and attitudes towards sentencing in Scotland. The survey was conducted in collaboration with expert academic advisors (Professor Cyrus Tata, Dr Rachel McPherson and Dr Ailbhe O'Loughlin) and in consultation with the Council. The findings presented in this report provide updated evidence on general public perceptions of sentencing by Scottish courts, following on from an earlier survey conducted by Ipsos for the Council in 2019,⁹ and explores a number of new topics. These new topics include: how the public interprets media headlines about sentences, sentencing offences involving domestic abuse, and the purposes of sentencing in cases where the offender has a mental health or developmental condition.

1.1 Background

The Council was established in 2015 following recommendations by the Sentencing Commission, which reported that a perceived lack of consistency in sentencing was damaging public confidence. Alongside developing sentencing guidelines, a key element of the Council's statutory remit relates to public engagement: "to promote greater awareness and understanding of sentencing policy and practice."

Research into public attitudes to sentencing in comparable countries has consistently shown five key features. First, there is an overwhelming sense of leniency, found across the demographic spectrum. Second, this perception of leniency may be a function of limited knowledge – people tend to think that sentencing is far more lenient than may actually be. Third, when asked to propose a sentence for specific case scenarios, people's preferences may be much closer to actual sentencing practices than they had expected. Fourth, in general, people tend to greatly overestimate the extent of crime (compared with actual levels of recorded crime and levels reported in victimisation surveys). Fifth, when given the responsibility of mock-sentencing an anonymised case, people's responses are far more nuanced, and less punitive, than their initial responses and top-of-the-head opinion poll surveys would suggest.¹⁰

The 2019 Public perceptions of sentencing in Scotland survey¹¹ for the Council supported these findings. While a majority felt sentences were too lenient, their preferred sentences for specific

⁹ Black, C, Warren, R, Ormston, R, Tata, C (2019) '[Public perceptions of sentencing by Scottish Courts](#)', Scottish Sentencing Council

¹⁰ See for example: Cuthbertson, S (2013) 'Analysis of complete "You be the Judge" website experiences', Ministry of Justice; Gelb, K (2008) 'Myths and misconceptions: public opinion versus public judgment about sentencing' in Freiberg, A and Gelb, K (eds) *Penal Populism, Sentencing Councils and Sentencing Policy*, Willan/Routledge; (Hough, M and Roberts, J (2023) 'Public Opinion, Crime and Criminal Justice' in A Liebling, S Maruna, L McAra *Oxford Handbook of Criminology*, Oxford University Press, pp223-242; Hough, M, Bradford, B, Jackson, J, Roberts, J (2013) 'Attitudes to Crime and Trust in Justice: findings from the Crime Survey for England and Wales', Ministry of Justice; Roberts, J, Bild, J, Pina-Sanches, J, Hough, M (2022) 'Public Knowledge and Public Opinion about Sentencing', Sentencing Academy.

¹¹ Black, C, Warren, R, Ormston, R, Tata, C (2019) '[Public perceptions of sentencing by Scottish Courts](#)', Scottish Sentencing Council.

scenarios (which in that survey focused on death by driving and sexual offences) generally aligned with, or were more lenient than, estimated likely sentences.¹² The survey also revealed gaps in public knowledge, such as overestimating the proportion of prison sentences, and divided opinions on the effectiveness of community sentencing in reducing reoffending.

Researchers have attributed the apparent disconnect between general views and case-specific views to a lack of knowledge, misunderstanding of current sentencing practices, and the influence of sensationalist media reporting. Some academics argue that the perception of leniency is not simply due to a relative lack of knowledge, but also reflects and channels the expression of broader social anxieties and insecurities.¹³ Various factors may influence attitudes to sentencing, including gender, country of birth, socio-economic class, education, newspaper readership, crime perceptions, and personal experience with crime or the criminal justice system.¹⁴ Mitigating and aggravating factors, such as repeat offending and lack of remorse, have also been shown to impact public views on sentencing in specific cases.

The current survey builds upon the 2019 study by following up on key issues and by exploring additional areas that may influence general attitudes towards sentencing, such as **interpretation of common media headlines** about sentencing and other topics of interest, specifically:

- **Community sentencing:** including public views on the effectiveness of community sentences compared with custodial sentences in addressing offending behaviour.
- **Domestic abuse:** including public understandings of the illegality of different types of domestic abuse (particularly examples of coercive control); views on the appropriate sentence for a scenario involving a single incident assault and a scenario involving a pattern of coercive control; the influence of specific factors on whether people think a more or less severe sentence is warranted; and attitudes to community intervention programmes as alternatives to prison for these scenarios.
- **Purposes of sentencing where offenders have mental health or developmental conditions:** offender populations are known to be disproportionately affected by mental health conditions, developmental conditions and neurological impairments. The survey examined public views on the purpose of sentencing offenders with specific types of mental health or developmental conditions.

¹² Regrettably, limitations of official data meant that it was not possible to compare preferred sentences proposed by members of the public with the reality of actual patterns of sentencing for those specific scenarios. Black et al instead had to resort to the intuited estimates of those involved in the research (Ibid: 7).

¹³ Bottoms, A. (1995), 'The Philosophy and Politics of Punishment and Sentencing'. In C. Clarkson and R. Morgan (eds.) The Politics of Sentencing Reform. Oxford: Clarendon Press: 17-49.

¹⁴ Hough, M, Bradford, B, Jackson, J and Roberts, J (2013) '[Attitudes to sentencing and trust in justice: exploring trends from the Crime Survey for England and Wales](#)', Ministry of Justice Analytical Series.

In exploring these topics, the survey was designed to contribute to the Council's statutory duty to promote greater awareness and understanding of sentencing policy and practice. It aims to inform the development of sentencing guidelines on specific areas, including domestic abuse guidelines and potential future guidelines on sentencing of people with mental or developmental conditions or neurological impairments. It also aims to help inform the Council's activities in engaging with the public to improve understanding of sentencing policy and practice.

1.2 Methodology

The findings in this report are based on a 17-minute telephone survey with 1,001 adult residents (aged 18+) in Scotland, conducted by Ipsos' specialist telephone interviewing centre based in Edinburgh, with quotas set on gender, age, working status and region. Fieldwork was conducted between 13 January and 3 February 2025.

Questionnaire development

The questionnaire was developed by Ipsos, in close consultation with Professor Cyrus Tata, Dr Rachel McPherson and Dr Ailbhe O'Loughlin, and the Council. It included repeat questions from the previous Public Perceptions of Sentencing survey, carried out by Ipsos on behalf of the Council in 2019, as well as new questions to address the Council's current interests.

To test an initial draft of the questionnaire, Ipsos conducted cognitive interviews¹⁵ with 14 members of the public. This process of 'cognitive testing' helped to identify areas for improvement such as rewording questions where there appeared to be scope for misunderstanding or misinterpretation, adding clarification instructions for interviewers, and shortening or condensing answer options where participants found it difficult to recall the answer options in full. Findings from the cognitive testing informed the revision of the draft questionnaire and are referenced where relevant in this report. The full cognitive testing report and the discussion guide used during the interviews can be found in Appendix C and D, respectively.

Sampling

To ensure robust, representative findings, the telephone survey sample was generated using a combination of methods. First, a targeted telephone sample was used, which draws on data from the electoral roll and national consumer surveys to identify individuals who had agreed to be re-contacted for marketing and research purposes. Data available on individuals in the targeted sample include landline and / or mobile phone telephone numbers and a range of demographic information, thus allowing for the effective targeting of different groups. In combination with the targeted sample, Random Digit Dialling (RDD) was used, which generates telephone numbers within

¹⁵ Cognitive testing involves using qualitative techniques and probes to assess how participants understand and answer survey questions, to help uncover any potential issues with question wording, format, or response options. See [Scottish Government Social Research Group social science methods series; Guide 7: Cognitive testing in survey questionnaire design](#).

a fixed area at random, thus ensuring the inclusion of numbers that are unlisted and ex-directory. This combination of approaches was taken to address the limitation of RDD – that it generates landline numbers only and thus excludes the increasing proportion of Scottish households that do not have a landline.

Sample profile

Quotas were set to ensure the achieved sample was broadly representative of the Scottish population on key demographic measures (gender, age, working status and region). The table below shows the breakdown of the sample (unweighted) by these measures, plus education (university graduate or non-graduate), indicating that the sample profile was very close to the overall population on these factors. Weighting was applied to correct for any remaining differences.

Table 1.1: Sample profile versus population

Demographic	Unweighted sample	Scottish population profile
Male	45%	48%
Female	54%	52%
18 – 34	23%	26%
35 – 64	52%	49%
65+	25%	25%
Working full-time	44%	41%
Not working full-time	56%	59%
Central	12%	12%
Glasgow	11%	13%
Highlands and Islands	9%	8%
Lothians	17%	15%
Mid Scotland and Fife	13%	12%
North-East Scotland	12%	14%
South	12%	13%
West	12%	13%
Graduate	35%	32%
Non-graduate	65%	68%

(The Scottish population profile data used National Records of Scotland (NRS) Mid-2023 Population Estimates of Scotland and the Scotland Census 2022 data.)

Limitations and design of the research

As with any research project there are a number of limitations and considerations to take into account when interpreting the findings from this study:

- First, while every methodological approach has its limitations, telephone (CATI) interviewing offered several key advantages for this study. This included cost-effectiveness given the available budget, a faster turnaround time than in-person interviewing, and the ability to replicate the methodology of the 2019 survey, allowing direct comparisons where possible.

However, it is important to acknowledge potential limitations of this approach. As with any voluntary survey, self-selection bias may occur, with respondents having strong views or relevant experiences being more inclined to participate. In addition, interviewer-administered surveys can introduce interviewer bias through influences like the interviewer's tone of voice or inaccurate recording of responses. To minimise these potential biases as much as possible, Ipsos interviewers are subject to a rigorous recruitment, training, and monitoring process, covering strategies for maximising participation, ensuring interview quality, and minimising bias. Furthermore, to address the increasing prevalence of mobile-only households and declining landline ownership, this survey employed a combination of targeted and Random Digit Dialling (RDD) samples, including both mobile and landline telephone numbers, to reach as broad a sample of the population as possible.

- Second, limitations of space and budget meant that the survey was focused on those aspects of public attitudes of most direct relevance to the overall aims determined by the Council, which commissioned the research. We recognise that there are many other aspects of public attitudes to sentencing likely to be of interest to stakeholders, some of which may be topics for future research (including qualitative as well as further survey research).
- In all criminal cases in Scotland, sentencing is a matter for the individual judge and will take into account the facts of the case and the circumstances of the offender. In practice, the sentencing for any particular offence is influenced by a myriad of factors, including aggravating and mitigating factors, whether the offender has a criminal record, and the seriousness of the offence. The limitations of a survey mean we were only able to include some of the factors that are relevant in the hypothetical scenarios we asked about. We are therefore only able to say what respondents thought the sentences should be for the scenarios read to them, rather than for an entire class of offences (e.g. all offences involving domestic abuse).
- The scenarios presented to respondents in the chapters on domestic abuse and mental health or developmental conditions all involve a 32-year-old male offender. Since a key aim of the scenarios was to compare views on sentencing for different offences, the characteristics of the offender were kept consistent to maximise comparability. It is possible that views may have been different had the age or gender of the offender in the scenarios been different.
- Three scenarios involving offenders with a specific mental health or developmental condition were presented to respondents – a moderate learning disability, schizophrenia and a personality disorder. These conditions were chosen because there was interest in understanding how a range of different types of mental or developmental conditions might impact on people's views on the purpose of sentencing. However, the range of conditions relating to mental or neurological functioning is very diverse, and the responses to these questions should not be taken as representing the full range of public opinion on this topic (or as implying that these conditions are similar).

- Ideally, it would be possible to directly compare public views about different scenarios with the reality of sentencing patterns for those same sorts of cases. Such a direct comparison would triangulate data about people's preferred sentences, their expectations of what is typically done by the courts, and the reality of actual sentencing patterns in those kinds of cases. This triangulation would reveal whether or not people's perceptions about sentencing (e.g. excessive leniency) is in fact accurate and would be invaluable in informing efforts to promote confidence in sentencing. Unfortunately, however, limitations of official data mean that such direct comparison is not currently possible.¹⁶ Direct comparisons could be conducted by research targeting specific samples of cases.

Interpretation of the data

Where survey results shown in charts do not sum to 100%, this may be due to computer rounding, multiple responses, or the exclusion of "don't know" categories.

Throughout the report, differences between sub-groups are commented upon only where these are statistically significant at the 95% confidence level. This means that the difference is unlikely to have occurred by chance.

¹⁶ Tata, C, Gormely, J. Hamilton, M., Pina-Sanches, J (2025) 'Exploring Unwarranted Disparities in Sentencing: report submitted to the Scottish Sentencing Council March 2025', Scottish Sentencing Council; see also Gormley, J, O'Malley, T, Roberts, J, Spohn, C, Tata, C (2022) 'Assessing Approaches to Sentencing Data Collection and Analysis', Judicial Council of Ireland', especially Chapter 3.

2 General perceptions of sentencing

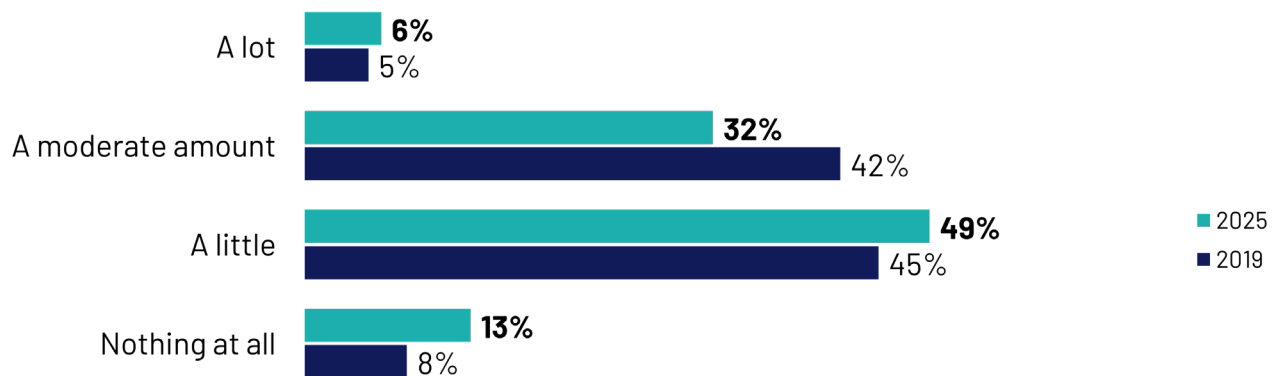
In this chapter, we explore overall perceptions and awareness of sentencing among the general public in Scotland.

2.1 Self-assessed knowledge of sentencing in Scotland

Overall, self-assessed knowledge of sentencing in Scotland among the general public was low, and was lower in 2025 compared with 2019. Just under two in five (38%) felt they knew at least a moderate amount about the sentences given to people convicted of crimes in Scotland (down from 47% in 2019) while 62% said they knew a little or nothing at all (up from 53% in 2019) (Figure 2.1).

Figure 2.1: Self-assessed knowledge of sentences given to people convicted of crimes in Scotland

Q: In general, how much, if anything, do you feel you know about the sentences given to people convicted of crimes in Scotland?



Base: All respondents – 2025 (1,001); 2019 (1,001)

Self-assessed knowledge varied by age, with young people aged 18–34 least likely to say they knew a lot or a moderate amount about sentencing (30%) compared with respondents aged 35–64 (38%) and older respondents aged 65 and over (47% – see Appendix B, Table B.1). There were no significant differences in self-assessed knowledge by gender (37% of women and 39% of men said they knew ‘a lot’ or ‘a moderate amount’ – see Appendix B, Table B.2) or by level of education (37% of graduates said they knew at least a moderate amount, as did 38% of non-graduates – see Appendix B, Table B.3).

2.2 General views on the sentences passed in Scotland’s courts

Previous research into public attitudes to sentencing has consistently shown that most people feel that sentencing is too lenient.¹⁷ Findings from this survey confirm this: six out of ten (60%) felt that

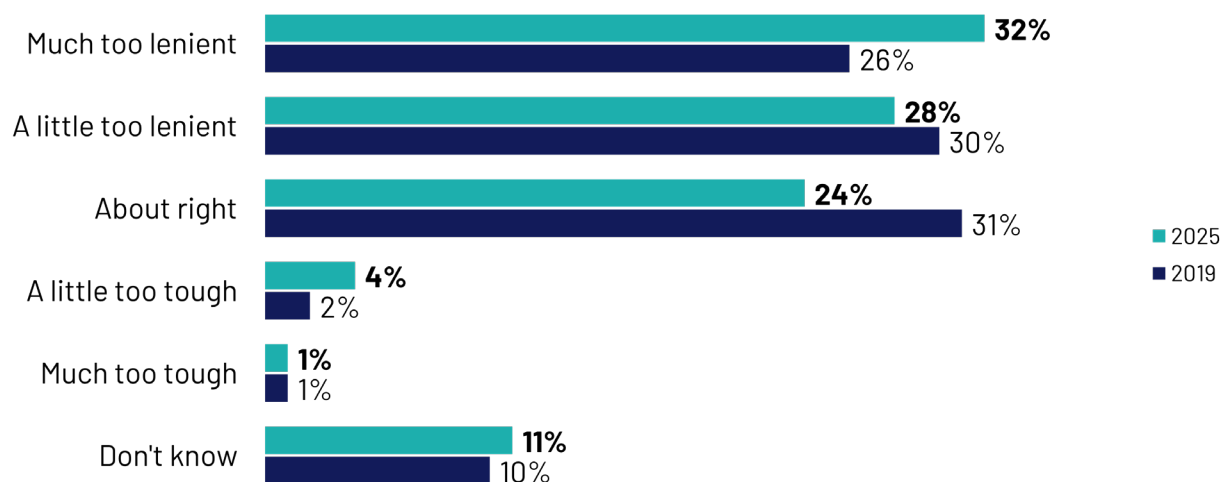
¹⁷ See for example: Bond, C. and Nash, C. (2023) ‘Sentencing Domestic and Family Offences: A Review of Research Evidence’, Griffith University; and Black, C, Warren, R, Ormston, R, Tata, C (2019) ‘Public perceptions of sentencing by Scottish Courts’, Scottish Sentencing Council.

the sentences given out by Scottish courts tend to be (much or a little) too lenient, including around a third (32%) who felt they were much too lenient (Figure 2.2). Around a quarter (24%) felt they were 'about right' and only 5% of respondents felt that they were (much too or a little) too tough on average.

Overall, views appear to have shifted a little further towards thinking sentences are too lenient since 2019. Compared with the 2019 survey, the proportion who thought that the sentences given by the courts in Scotland were about right decreased from 31% to 24%, while the proportion who felt sentences were 'much too lenient' increased from 26% to 32%. The 2025 figures are broadly in line with more recent public attitude surveys in England and Wales. For example, a survey conducted in 2021 by Roberts et al for the Sentencing Academy for England and Wales found that 65% felt sentencing was too lenient.¹⁸

Figure 2.2: General views on sentencing

Q: In general, would you say that sentences given by the courts in Scotland tend to be ...?



Base: All respondents – 2025 (1,001); 2019 (1,001)

Perceptions of current sentencing practice varied by gender, age and education (see Appendix B – Tables B.4 to B.6).

- Women were more likely than men to say sentences are too lenient (65% vs 54%). This difference was not apparent in 2019.

¹⁸ Roberts, J, Bild, J, Pina-Sanchez, J and Hough, M (2022) 'Public knowledge of sentencing practice and trends: Research Report', Sentencing Academy.

- Respondents aged 35 and over (63%) were more likely than young people aged 18–34 (49%) to think that sentences tend to be too lenient. Again, this age gap was not apparent in 2019.
- Non-graduates (66%) were more likely than graduates (46%) to believe sentencing was too lenient. However, compared to 2019, graduates have also become more likely to feel sentences are too lenient (39% in 2019; 46% in 2025). There was no equivalent change in the views of non-graduates.

In terms of the relationship between self-assessed knowledge and perceptions of sentencing practices, those who felt they knew a lot or a moderate amount about the sentences given in Scotland¹⁹ were more likely to say they felt sentencing was too lenient (66%, compared with 55% of those who said they knew only a little or nothing at all). Those who said they knew only a little or nothing at all about sentencing in Scotland²⁰ were more likely to say they did not know whether sentences were too lenient or too tough (Figure 2.3). A similar pattern was apparent in the 2019 data, with those who felt they knew a lot or a moderate amount about sentencing more likely than those with lower self-assessed knowledge to say sentencing was too lenient. It is important to keep in mind in interpreting these findings that self-assessed knowledge is not always an accurate measure of actual knowledge, so we cannot necessarily infer from this that those who actually know more about sentencing are more likely to think that it is more lenient. Rather, it may, for example, reflect that those who take a greater interest in sentencing (which may include media coverage), and so tend to rate their own knowledge more highly, are more likely to think it is too lenient.

Due to the limitations of available data about patterns of sentencing, we were unable to appraise whether or not (and in what ways) self-assessed knowledge was or was not accurate compared to the reality of the actual patterns of sentencing of Scottish courts in specific case types. If and when such data about the reality of sentencing patterns become available, whether through official data collections and/or dedicated research studies examining specific types of cases, it will become possible to observe whether or not and in what ways self-assessed public knowledge of sentencing (e.g. perceived leniency) is, in fact, borne out by the reality of actual sentencing patterns.²¹

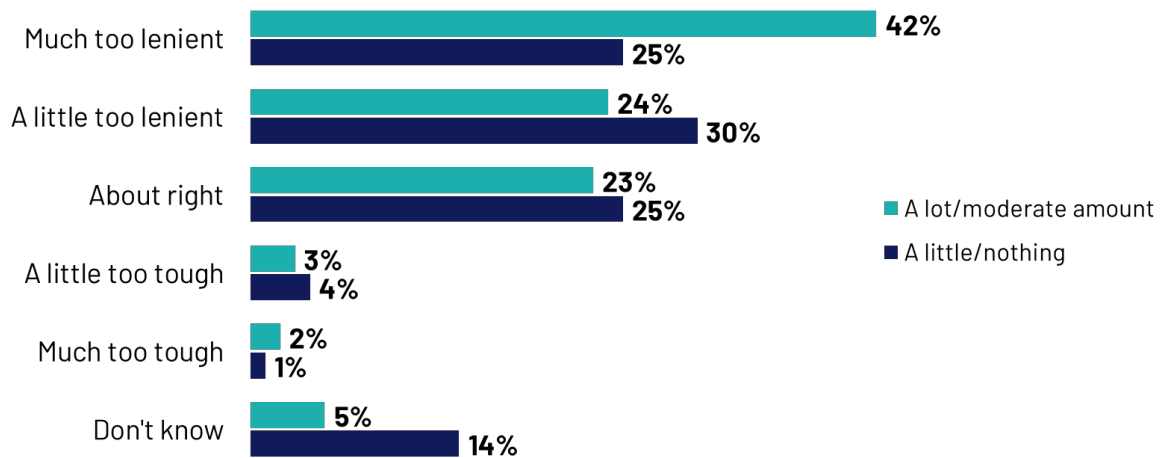
¹⁹ Who accounted for 38% of all respondents.

²⁰ Who accounted for 62% of all respondents.

²¹ Tata, C, Gormely, J, Hamilton, M., Pina-Sanches, J (2025) 'Exploring Unwarranted Disparities in Sentencing: report submitted to the Scottish Sentencing Council March 2025' Scottish Sentencing Council; see also Gormley, J, O'Malley, T, Roberts, J, Spohn, C, Tata, C (2022) 'Assessing approaches to sentencing data and analysis', Judicial Council of Ireland, especially Chapter 3.

Figure 2.3: General views on sentencing by self-assessed knowledge of sentencing

Q: In general, would you say that sentences given by the courts in Scotland tend to be ...?



Base: Know a lot / a moderate amount = 380; know a little / nothing at all = 619

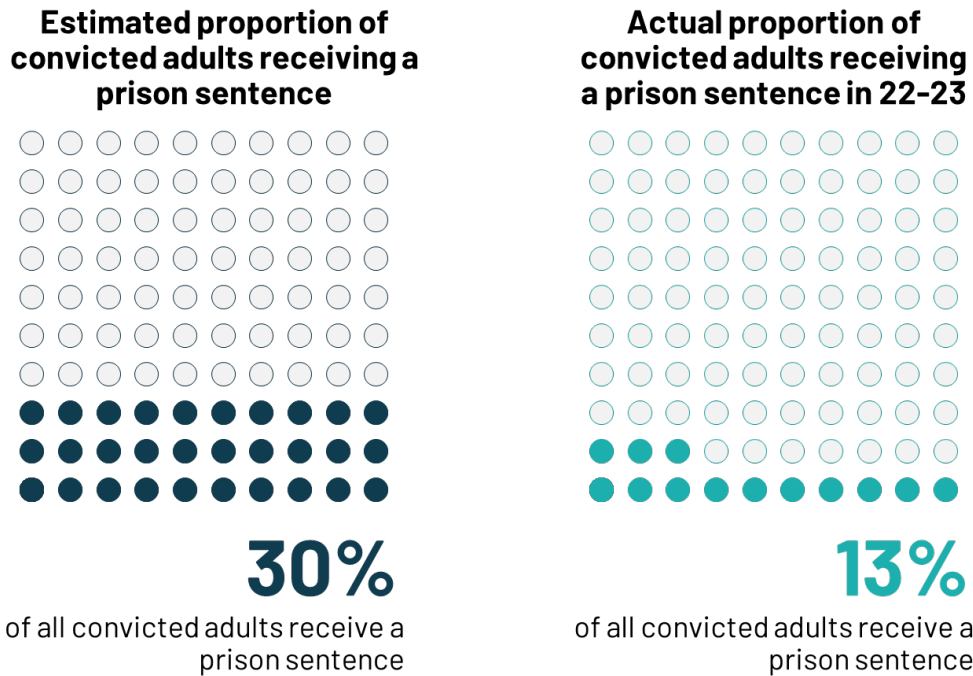
2.3 Custodial sentences

The latest data on criminal proceedings in Scotland²² shows that around 13 out of every 100 adults convicted in the Scottish courts receive a prison sentence. Overall, the general public tends to overestimate the incidence of prison sentences: the average (mean) estimate was that 30 out of 100 adults convicted receive a custodial sentence (Figure 2.4).

²² Criminal Proceedings in Scotland 2022-23 <https://www.gov.scot/publications/criminal-proceedings-scotland-2022-23/pages/10/>

Figure 2.4: Average estimated versus actual proportion of adults convicted in Scottish courts who receive custodial sentences

Q: For every 100 adult offenders that are convicted in the Scottish courts, how many do you think are issued a prison sentence?



Base for estimated prevalence: 1,001. Actual proportion taken from Criminal Proceedings in Scotland 2022-23.

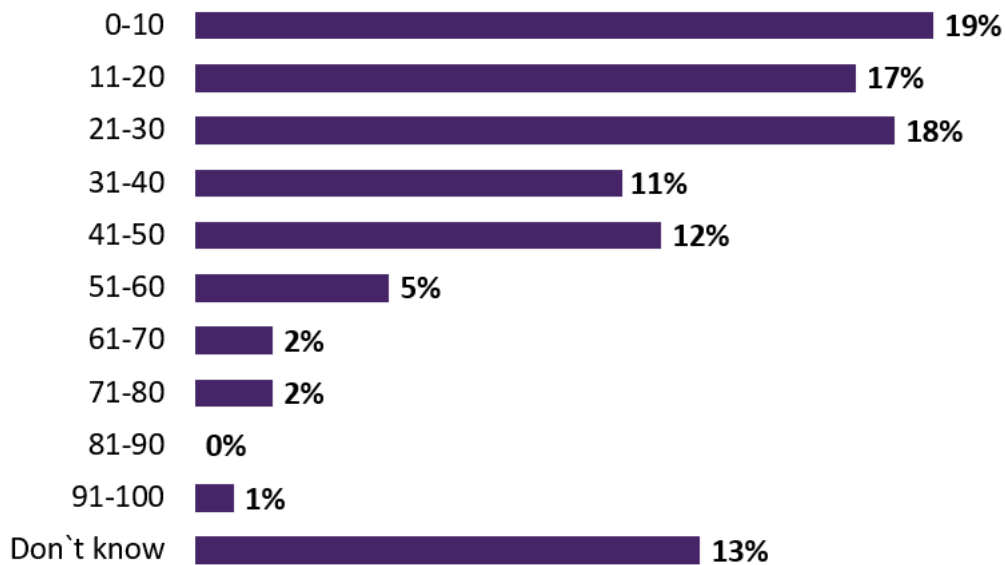
However, there was some notable variation within this overall average and interpreting what counts as a 'substantial' over- or under-estimate in this context is subjective. One view would be that the fact that over half (54%) gave an estimate between 0 and 30 (within + / - 17 of the actual figure) suggests the public were reasonably accurate in their responses to what may be a fairly difficult question for members of the public to estimate in the abstract.²³ On the other hand, overall there does appear to be a greater tendency to over- rather than under-estimate the use of prison sentences. Half (51%) gave an estimate that was clearly higher than the actual figure (estimating that 21 or more out of every 100 receive custodial sentences), with 29% putting the estimate at 21-40 out of every 100, 17% putting it at 41-60 and 5% estimating that 61 or more of every 100 adults convicted receive a prison sentence. In contrast, only around 1 in 5 (19%) gave a clear under-estimate of between 0 and 10 (Figure 2.5).

²³ Furthermore, as a measure of the central tendency (average), the mean score of 30% is skewed by a tiny number of extremely high estimates. This is because the actual figure of 13% is so much lower down the percentage scale.

These figures are consistent with the 2019 findings, suggesting that there has been little change in awareness of the prevalence of custodial sentences since then. According to official sources, there has been little change in the incidence of custodial sentences since 2019.²⁴

Figure 2.5: Estimated versus actual proportion of adults convicted in Scottish courts who receive custodial sentences

Q: For every 100 adult offenders that are convicted in the Scottish courts, how many do you think are issued a prison sentence?



Base: 1,001.

As might be expected, respondents who felt that sentences issued in Scottish courts tend to be too lenient were more likely than other respondents to underestimate the incidence of prison sentences; 23% of this group²⁵ thought 10% or fewer convictions resulted in a prison sentence, compared with 13% of those who felt sentences were too tough or about right²⁶.

People aged 35 and over were also more likely than young people aged 18-34 to underestimate the prevalence of custodial sentences (22% placed the estimate between 0% and 10%, compared to 13% of young people). Similarly, non-graduates were a little more likely than graduates to think that the proportion of prison sentences issued in Scotland was lower than it is in reality (22%, compared to 16% of graduates).

Conversely, those who thought prison sentences were about right or too tough were more likely to substantially overestimate how often people receive a custodial sentence, with 44% estimating

²⁴ Criminal Proceedings in Scotland 2022-23 <https://www.gov.scot/publications/criminal-proceedings-scotland-2022-23/pages/10/>

²⁵ Who accounted for 60% of all respondents.

²⁶ Who accounted for 29% of all respondents.

that 31 or more out of every 100 adults convicted receive a prison sentence, compared with 29% of those who thought sentences were too lenient who said the same. Similarly, those aged under 35 and graduates were more likely to overestimate the use of prison sentences (see Appendix B, Tables B.7 to B.9).

2.4 Views on the purpose of sentencing

The Council published a guideline in 2018 setting out the principles and purposes of sentencing. They identified the following five key purposes of sentencing, presented “in no particular order”, as they may have different weight depending on the context:

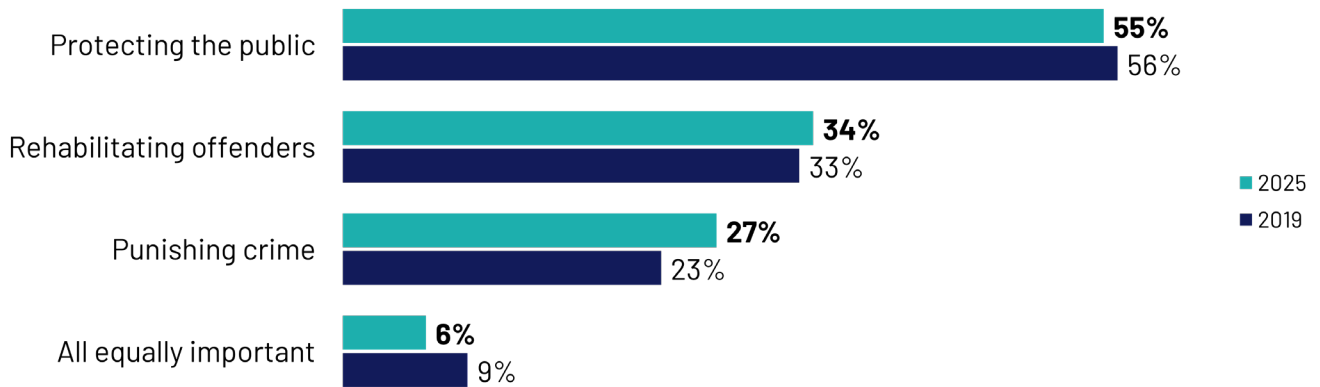
- Protection of the public through preventative measures and by deterring offending behaviour
- Punishment of offenders
- Rehabilitation of offenders
- Giving the offender the opportunity to make amends
- Expressing disapproval of criminal behaviour.

Cognitive testing of a question which asked people which, if any, of these five purposes people felt was most important indicated that people struggled with the length of the question. A number of participants also struggled to explain the meaning of the final two purposes listed above (a finding that may in itself be relevant to the Council in considering future engagement with the public on the purposes of sentencing). Given these issues, and a desire to be able to compare findings with 2019, it was agreed with the Council that the survey would focus on the first three of these key purposes. Respondents could give more than one answer, and the order of responses was varied to avoid bias from people being more likely to choose either the first or last option read out to them.

As in 2019, protecting the public was the purpose most people felt was important – 55% selected this as one of the most important things sentencing should try to achieve (Figure 2.6). Fewer people – just over a third of respondents (34%) – considered rehabilitating offenders as among the most important purposes of sentencing. At 27%, the proportion citing punishing crime as an important aim was lower still, indicating that punishment is seen as lower priority by the public compared with other aims of sentencing. These figures are very close to the 2019 findings, although slightly more people in 2025 said ‘punishing crime’ was important (27% vs 23% in 2019).

Figure 2.6: Views on the purpose of sentencing

Q: Which, if any, of the following do you think are the most important things Scottish courts should be trying to achieve when setting sentences?



Base: All respondents – 2025 (1,001); 2019 (1,001)

Protecting the public was the most commonly selected key purpose of sentencing across subgroups, although higher proportions of non-graduates (59%) compared with graduates (49%) felt this was one of the most important aims. There were greater differences between sub-groups in the importance attached to the other purposes.

- Consistent with the 2019 results, young people were more likely than older respondents to view rehabilitation of offenders as a key purpose of sentencing (42% of those aged 18–34 identified this as one of the most important aims, compared to 32% of those aged 35 and over). Conversely, older respondents were more likely than younger respondents to view punishing crime as a key purpose of sentencing (29% of those aged 35 and over, compared with 19% of 18–34-year-olds).
- Graduates (47%) were also more likely than non-graduates (27%) to think that rehabilitation should be among the most important things the courts should be trying to achieve when setting sentences. The proportion of graduates who favoured rehabilitation was also a little higher compared with 2019 (42%), while the proportion of non-graduates who felt rehabilitation was important was unchanged.

2.5 Understanding of ‘life sentence’

Life sentences in Scotland are mandatory for murder and can be imposed for other serious crimes, such as rape or death by dangerous driving. It is the highest penalty available to the Scottish courts. A life sentence is indeterminate and includes an initial ‘punishment part’ set by the judge which dictates the minimum period the person must spend in prison before being eligible to be considered for parole. For those who are subsequently released after serving this minimum prison term, certain requirements remain in place for the rest of their lives, as set by their ‘life licence’. If they breach these requirements, they can be returned to prison.

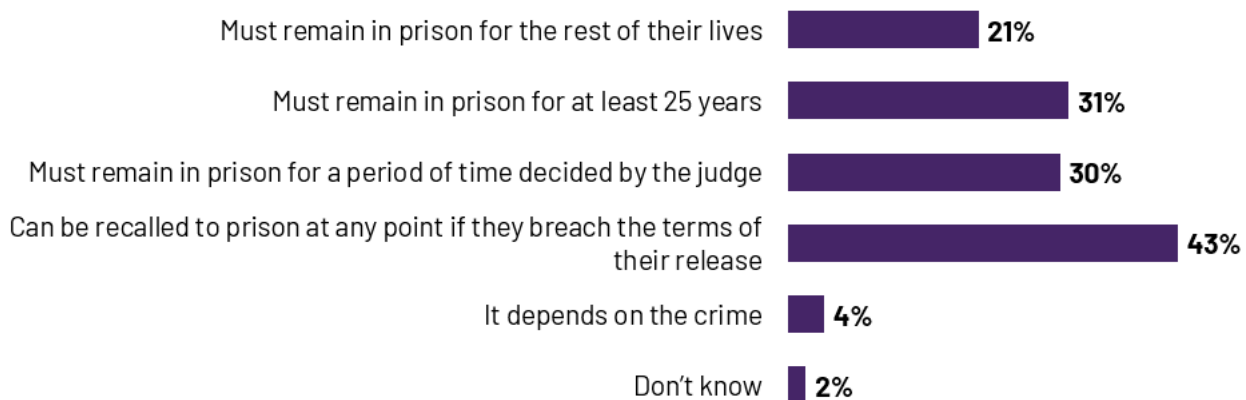
Together with the Council, we were interested in how the public interpret a ‘life sentence’. As shown in Figure 2.7, only 3 in 10 (30%) correctly identified that someone on a life sentence must remain in prison for a period of time set by the judge. A similar proportion (31%) thought a life sentence

implied a minimum term of 25 years, while 1 in 5 (21%) thought that a life sentence means someone must remain in prison for the rest of their life. Around 4 in 10 (43%) correctly identified that someone on a life sentence can be recalled to prison at any point if they breach the terms of their release.

Younger people (under 35) were less likely than older age groups to correctly identify both that the minimum term is set by the judge, and that offenders can be recalled at any point if they breach their life licence.

Figure 2.7: Understanding of 'life sentence'

Q: Finally, if you heard that someone aged 30 had been given a life sentence, which, if any, of the following would you think applied?



Base: 1,001. Note: Respondents were asked which, if any, of a range of possible requirements applied (they could choose more than one).

2.6 Summary

This chapter has shown that self-assessed understanding of sentencing in Scotland was low and has decreased since 2019. This low self-assessed knowledge is reflected in the finding that, on average, most overestimate the use of custodial sentences.

Based on what they do know or have heard, a clear majority of people thought sentences in Scotland tend to be too lenient. This echoes most other research on the subject. Compared with 2019 there appears to have been an increased perception that sentences are too lenient.

However, research in other jurisdictions²⁷ has also suggested that when asked about specific scenarios, people's views on sentencing are closer to actual sentencing practices. Participants

²⁷ See for example: Hough, M and Roberts, J (2023) 'Public Opinion, Crime and Criminal Justice', in A Liebling, S Maruna, L McAra *Oxford Handbook of Criminology*. Oxford University Press. pp223-242; Cuthbertson, S (2013) 'Analysis of complete "You be the Judge" website experiences', Ministry of Justice; Gelb, K (2008) 'Myths and misconceptions: public opinion versus public judgment about sentencing' in Freiberg, A and Gelb, K (eds) *Penal Populism, Sentencing Councils and Sentencing Policy*, Willan/Routledge.

interviewed during cognitive testing for this survey commented on finding it difficult to answer general questions about sentencing without additional context and detail about a specific crime provided. They suggested that their answers would vary depending on factors, such as the severity of the crime, whether violence was involved and the characteristics of the offender (such as their age, whether they are remorseful and if they are a first-time or repeat offender). Later sections of this report explore views on specific types of sentences and specific scenarios, providing some of the nuance that is inevitably missing from these general questions. First, however, we discuss public views on the use of community-based sentences.

3 Community sentencing

This chapter examines awareness and views of community sentencing among the general public, including views on the effectiveness of community sentences in comparison to prison sentences.

In 2022–23, 24% of all convictions in Scotland resulted in a community sentence.^{28 29} A wide range of potential community sentences are available to courts in Scotland. These are most commonly imposed via a community payback order (CPO), which can be used to impose offender supervision, compensation, unpaid work or other activity, mental health treatment, drug treatment and alcohol treatment, or mandatory participation in programmes aimed at rehabilitation. Every CPO must contain either an unpaid work or other activity requirement or an offender supervision requirement (or both). Drug Treatment and Testing Orders and Restriction of Liberty Orders (which can include electronic tagging) are other community-based sentence options.

Previous research has shown that public views on the effectiveness of community sentences are mixed: the 2019 SSC survey found that 48% thought they did not help reduce reoffending, while 40% said they were effective in this regard.³⁰

3.1 Knowledge of community sentencing in Scotland

Respondents were asked how much they would say they know about the different community sentences that can be used as alternatives to sending someone convicted of an offence to prison in Scotland. Overall, self-assessed knowledge on community sentencing among the Scottish public was low, with almost three quarters of respondents (72%) saying they knew only a little (45%) or nothing at all (27%) about them. This is even greater than the 62% who said they knew a little or nothing at all about sentencing in general in Scotland (see Chapter 2). One in five (21%) felt they knew a moderate amount about community sentencing and just 6% said they knew a lot.

Self-assessed knowledge of community sentencing was low across demographic groups. In contrast with self-assessed knowledge of sentencing in general, older people were no more likely than younger people to feel knowledgeable about community sentences: 71% of those aged under 35 and 73% of those aged 35 and over said they knew only a little or nothing at all about community sentences. Similarly, 73% of graduates and 72% of non-graduates said they know only a little or nothing at all. However, those who felt they knew a lot or a moderate amount about sentencing in general were also more likely to say they knew at least a moderate amount about community sentencing (51% of this group, compared with 12% of those who felt they knew only a little or nothing at all about sentencing in general).

²⁸ For more information on the different types of convictions see: [Criminal Proceedings in Scotland 2022–23 Statistical Bulletin tables](#), Table 7b.

²⁹ Scottish Government (2005) *'Safer Communities and Justice Statistics: monthly data report March 2025'*, Scottish Government.

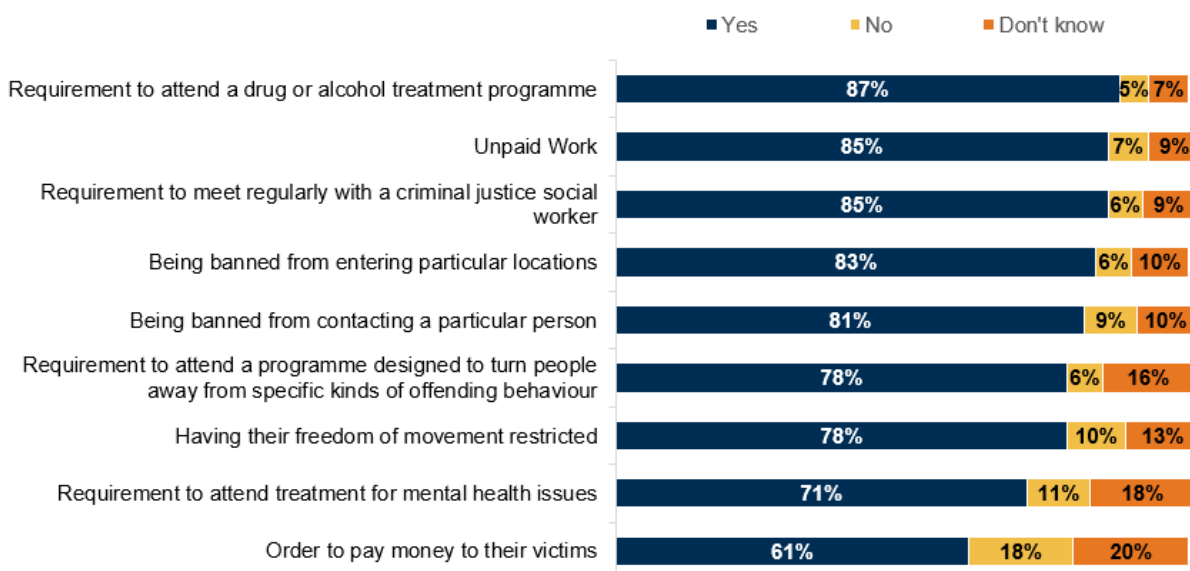
³⁰ Black, C, Ormston, R, Warren, R, Tata, C (2019) *'Public perceptions of sentencing: National survey report'*, Scottish Sentencing Council.

To gauge respondents' perceptions of what community sentences entail, they were read a number of requirements (presented in a random order, varied between respondents) and asked whether or not they thought each of these could be part of a community sentence.

As shown in Figure 3.1, respondents were most likely to recognise that a requirement to attend a drug or alcohol treatment programme could be part of a community sentence (87%), followed by unpaid work (85%) and the requirement to meet regularly with a criminal justice social worker (85%). They were least likely to be aware of orders to attend treatment for mental health issues (71%) or to pay money to victims (61%) as potential parts of a community sentence (11% and 18% respectively thought these could not be part of a community sentence).

Figure 3.1: Awareness of requirements of community sentencing

Q: Can you say whether you think [this] can be part of a community sentence or not, or if you are not sure?



Base: All respondents (1,001)

3.2 Perceived effectiveness of community sentences

The public was divided on whether community sentences or short-term prison sentences of 12 months or under were more likely to reduce reoffending. When asked which of the two they thought was more likely to reduce the chances of people reoffending, there was an almost even split between respondents who thought that community sentences were more likely to reduce reoffending (46%) and those who thought short-term prison sentences of 12 months or under were more likely to do so (44%), while one in ten (9%) said they did not know. In the 2019 survey³¹, a

³¹ Black et al, Ibid

differently worded question³² found that four in ten (40%) thought that community sentences help reduce reoffending and 48% thought they did not.

Groups who were more likely to feel short-term prison sentences were more effective than community sentences included:

- Non-graduates (51%, compared with 33% of graduates)
- Those who feel sentences are generally too lenient (53%, compared with 30% of those who feel they are too tough or about right)
- Younger respondents, aged 18 to 34 (52%, compared with 41% of those aged 35+).

The findings on young people are somewhat surprising given that in other respects, they appear more liberal in their attitudes to sentencing (for example, they are generally less likely to feel sentences are too lenient, as discussed in Chapter 2). Potential explanations for somewhat counter-intuitive or conflicting findings on young people's attitudes are discussed further below in the discussion about Table 3.1.

Views did not vary with self-assessed understanding of community sentences. However, knowledge about them was not associated with being any more or less likely to think they were effective, compared with short-term prison sentences.

Respondents were also asked how effective they thought community sentences and prison sentences were in achieving three of the five stated purposes of sentencing in Scotland: protecting the public, rehabilitating offenders, and punishing crime (Figure 3.2).

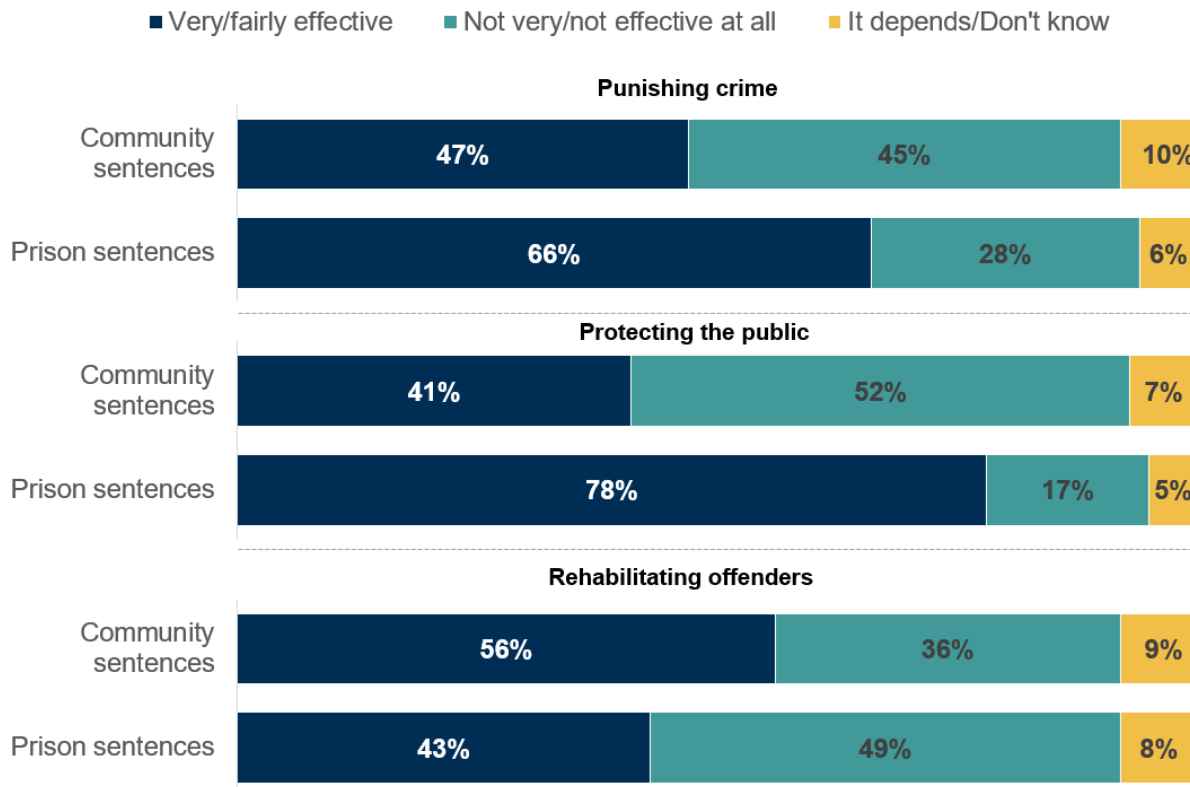
The public was quite evenly divided over whether community sentences are effective or ineffective at punishing crime: 47% said they were (very or fairly) effective and 45% thought they were not very or not at all effective. However, on balance fewer people felt community sentences were likely to be effective at protecting the public (41%) than felt they were not likely to be effective at doing so (52%). People were most positive, on balance, about the effectiveness of community sentences in rehabilitating offenders – 56% felt they were generally very or fairly effective in doing so.

People were also more likely to think community sentences, compared with prison sentences, were (very or fairly) effective at rehabilitating offenders (56%, compared to 43% for prison sentences). However, overall, respondents were more likely to say that prison sentences, compared to community sentences, were (very or fairly) effective at protecting the public (78%, compared to 41%) and at punishing crime (66%, compared to 47%).

³² Question from 2019 survey: *Thinking about community sentences, which of the following statements comes closest to your view: (1) Community sentences do help reduce reoffending; OR (2) Community sentences do not help reduce reoffending?*

Figure 3.2: Views on the effectiveness of community sentences and prison sentences in achieving purposes of sentencing

Q. In general, do you think [community / prison] sentences are very effective, fairly effective, not very effective or not effective at all as a way of ...?



Base: All respondents (1,001)

As shown in Table 3.1, views on the effectiveness of community sentences varied by respondents' age, education and their views on sentencing in general.

- Graduates and those who think sentences are generally too tough or about right were more likely than those who think they are too lenient to think community sentences were effective across all three purposes.
- Younger respondents (aged 18 to 34) were more likely to think community sentences were effective at protecting the public and rehabilitating offenders (but not significantly more likely to think they are effective at punishing crime).

Table 3.1: % who think community sentences are very or fairly effective at achieving each purpose, by education, age and views on sentencing

	% effective at punishing crime	% effective at protecting the public	% effective at rehabilitating offenders	Sample size
All	47%	41%	56%	1001
Education				
Graduates	55%	46%	65%	323
Non-graduates	43%	39%	52%	599
Age				
18-34	51%	53%	69%	227
35-64	46%	37%	53%	514
65+	45%	37%	48%	253
35+	46%	37%	52%	767
General views on sentencing in Scotland				
Too lenient	37%	32%	47%	605
About right / too tough	66%	59%	75%	280

Respondents aged 18 to 34 were also more likely than average to say prison sentences were effective at punishing crime (73%, compared to 63% of those aged over 35) and at rehabilitating offenders (52%, compared to 39%) - see Table 3.2. Taken together, one possible interpretation of these findings could be that younger people have more faith than older people in the effectiveness of **both** community **and** prison sentences to achieve the purposes of sentencing, although as described above, on balance they might see short prison sentences as more likely to reduce reoffending. However, it is not possible to test this explanation with the questions included in this study: it may be a topic for further research.

Table 3.2: % who think prison sentences are very or fairly effective at achieving each purpose, by education, age, and views on sentencing

	% effective at punishing crime	% effective at protecting the public	% effective at rehabilitating offenders	Sample size
All	66%	78%	43%	1001
Education				
Graduates	68%	82%	39%	323
Non-graduates	64%	77%	45%	599
Age				
18-34	73%	82%	52%	227
35-64	66%	77%	40%	514
65+	58%	76%	35%	253
35+	63%	76%	39%	767
General views on sentencing in Scotland				
Too lenient	63%	77%	44%	605
About right / too tough	74%	83%	41%	280

Respondents who thought sentences tended to be too lenient³³ were more likely than average to say that prison sentences were ineffective at punishing crime (31%) and protecting the public (21%). Speculatively, we might suggest that this reflects their belief that sentences (including prison sentences) are insufficiently tough.

3.3 Summary

People in Scotland were even less likely to say they know much about community sentences than to say they know anything about sentencing in general. However, most people when prompted could correctly identify that various conditions can be attached to community sentences.

The public was split over whether prison or community sentences were more likely to be effective in reducing reoffending. However, when asked about the two separately, more people felt community sentences were likely to be effective in rehabilitating offenders (56%) than said the same of prison sentences (42%). The public were less convinced of the efficacy of community sentences in punishing crime (47%) or protecting the public (41%). In contrast, a prison sentence

³³ Who accounted for 60% of all respondents.

was much more likely to be seen as effective in punishing crime (65%) and even more so in terms of protecting the public (78%).

4 Media coverage of sentencing

Media reporting of crime tends to focus on the most serious and distressing cases which can lead to the impression that serious crime is more prevalent than in reality. This may, in turn, lead to misperceptions, both of the level of sentences typically handed down by courts, and the nature of crime. In a paper from the Council in evidence to the UK parliament it has been suggested that a lack of public interest around sentencing information means that people may often only scan a news headline about a court outcome without reading the content of the article. Depending on the headline, this may leave the reader thinking that a sentence is too tough or too lenient, without understanding the full facts of a case.³⁴

This chapter looks at how people understand and interpret two fictional, but realistic, news headlines about sentencing, and their perceptions of what these may suggest about the type of sentence the offender received. Respondents were presented with one of two news headlines relating to a court sentencing decision on an assault case³⁵ and asked what they thought this might suggest about the outcome of the case and the court's sentence.

HEADLINE 1: 'Man who committed assault walks free'

HEADLINE 2: 'Man who committed assault avoids jail'

4.1 Perceptions of what headlines suggest about the outcome of a case

Respondents were asked which, if any, of a number of potential interpretations they felt each of these headlines suggested about the outcome of the case. For the first headline, which describes the offender as 'walking free', the most commonly selected interpretation was that he had been found not guilty (37% thought this was implied). The second most common interpretation was that it implied he had been given a non-prison sentence, such as a community sentence or fine (31%), while around a quarter (23%) thought it suggested the case had been dropped altogether.

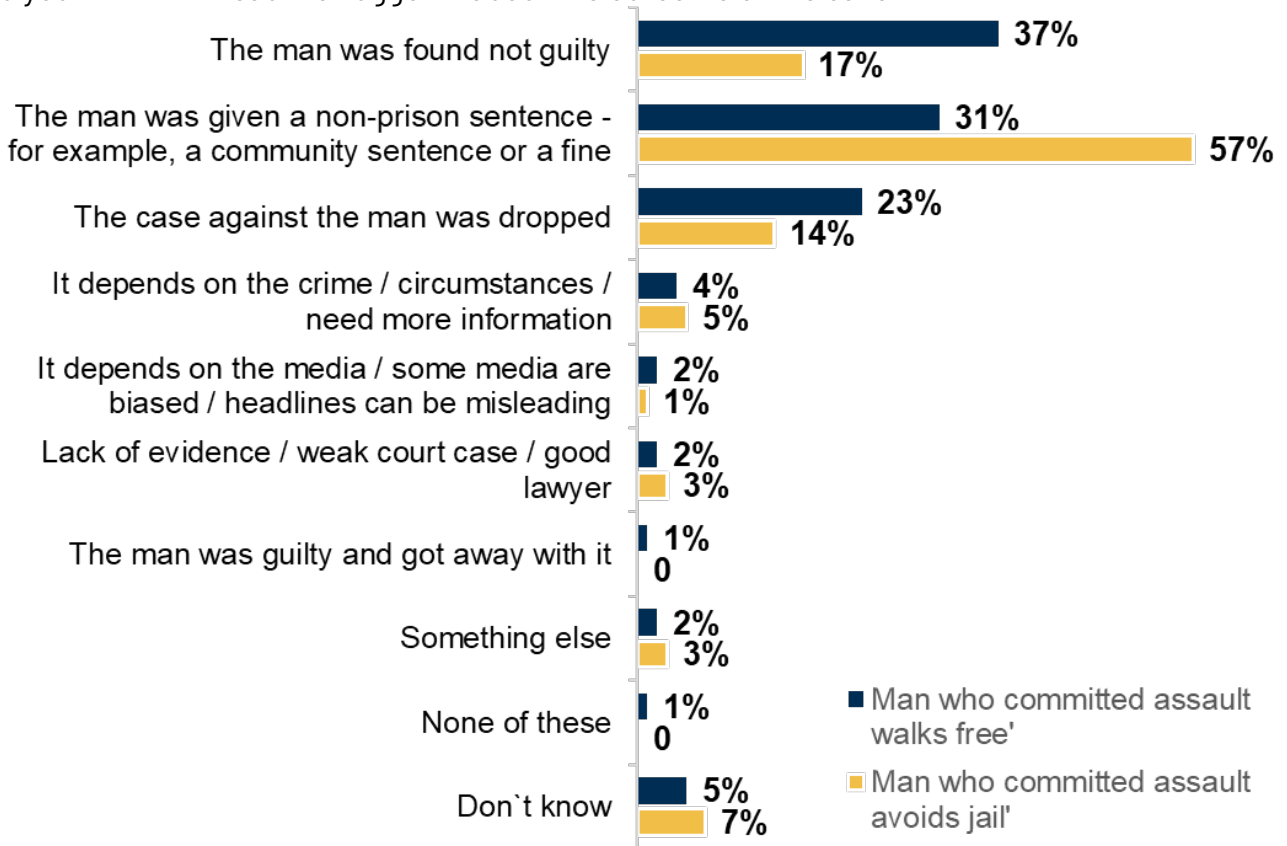
In contrast, the phrase 'avoids jail' in the second headline prompted a majority to think the offender had been given a non-prison sentence – 57% thought this (in comparison to 31% for the first headline), while only 17% thought the man was found not guilty in this case (compared with 37% for the first headline)(Figure 4.1).

³⁴ UK Government, [Written evidence submitted by the Scottish Sentencing Council \(OUS0010\)](#), UK Government, 2022.

³⁵ Approximately half of respondents were presented with either Headline 1 (494) or Headline 2 (507). Respondents were randomly allocated to either Headline 1 or 2 which meant that it was not possible to achieve an exact 50/50 allocation.

Figure 4.1: Perceptions of what headlines suggests about the outcome of a case

Q. Imagine you saw a news headline that said '[HEADLINE 1 OR 2]'. Which, if any, of the following would you think this headline suggests about the outcome of the case?



Base: 'Man who committed assault walks free' = 494; 'Man who committed assault avoids jail' = 507)

Those who tend to see sentences as too lenient³⁶ were more likely to associate 'walks free' with the use of non-custodial sentences: 38% of this group thought the headline suggested the man was given a non-prison sentence, compared to 20% of those who said sentences were too tough / about right³⁷. In contrast, those who thought sentences tended to be too tough / about right appear to be more likely to associate 'walks free' with the case being dropped altogether: 32% of this group said this, compared with 20% of those who said sentences are too lenient.

4.2 Perceptions of the court's decision based on news headlines

Respondents were also asked whether the headline would make them think the court was too harsh, too lenient, or something else. A majority, in each case, felt the headline implied the court had been too lenient, although 'Man who committed assault walks free' was slightly more likely to elicit this response (57%) than, 'Man who committed assault avoids jail' (52%). Almost no one (1% or under) thought either headline suggested the court had been too harsh. A significant minority (21%

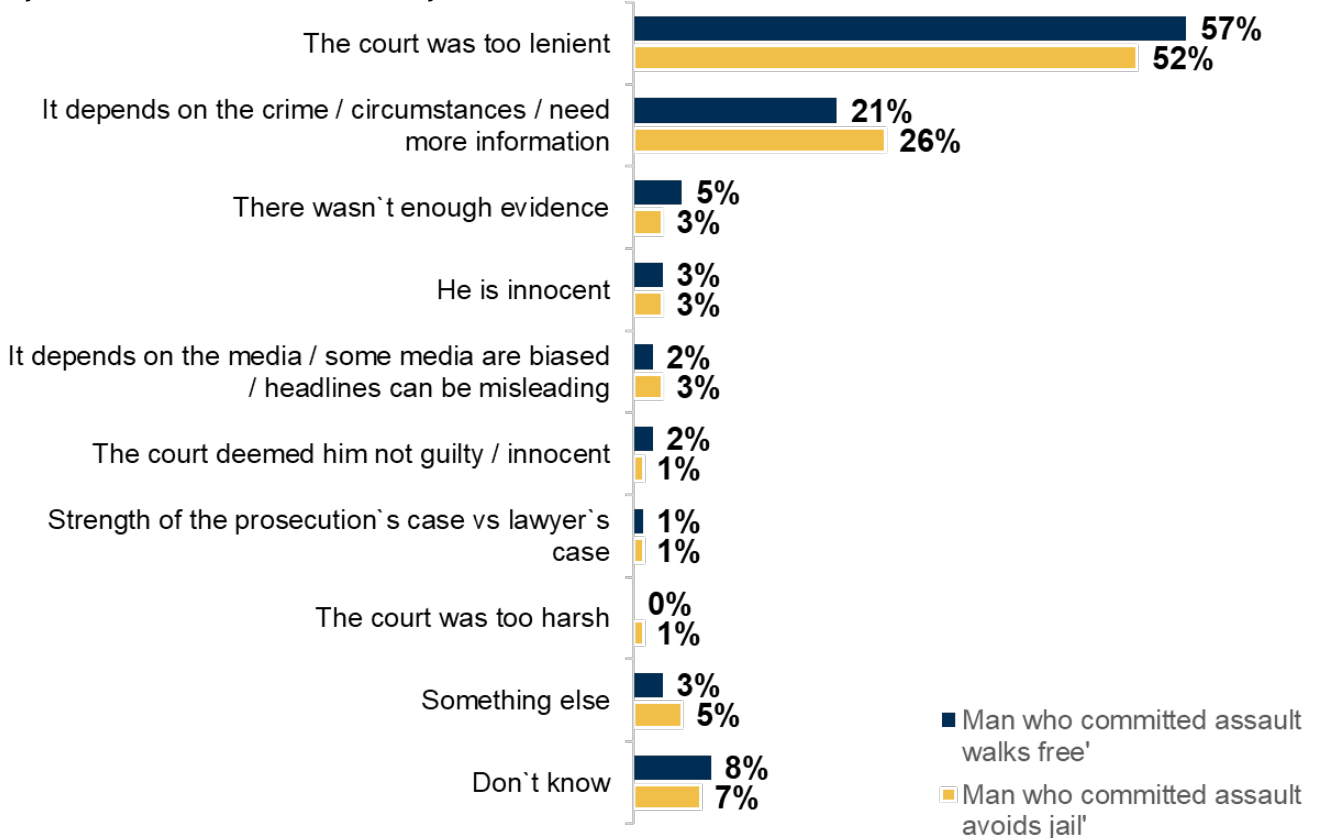
³⁶ Who accounted for 60% of all respondents.

³⁷ Who accounted for 28% of all respondents.

for the first statement, 26% for the second) said 'it depends' or that they would need more information to come to any conclusion (Figure 4.2).

Figure 4.2: Perceptions of what headlines suggest about the court sentence

Q. If you read this headline, would you think that ...?



Base: 'Man who committed assault walks free' = 494; 'Man who committed assault avoids jail' = 507)

Groups that were more likely, in each case, to conclude the court had been too lenient based on these headlines included:

- Young people aged 18-34 (67% / 59% for each statement vs. 54% / 50% of those aged 35 and over)
- Non-graduates (62% / 58% vs. 49% / 42% of graduates), and
- Unsurprisingly, those who think sentences in Scotland are too lenient in general.

Women were also more likely than men to conclude that the court had been too lenient based on 'Man who committed assault avoids jail' (58% vs. 48%), but gender differences in responses to the other headline were not statistically significant.

4.3 Summary

Both the headlines tested in this survey inclined people to conclude that the courts were too lenient on the offender. Framing the outcome in terms of the offender 'walking free' suggested to

people that someone had not been convicted at all, while stating that they 'avoided jail' was more likely to be interpreted as implying a non-custodial sentence.

5 Domestic abuse

Domestic abuse-related offences account for a significant number of cases in Scottish courts, especially at summary (non-jury triable) level. Domestic abuse cases accounted for 21.6% of total summary complaints registered in 2023 / 24 in the sheriff court.³⁸ Acts of domestic abuse can be prosecuted under different legislation, each of which has different statutory maximum penalties. A person who commits an offence under section 1 of the Domestic Abuse (Scotland) Act 2018 (2018 Act) is liable to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both) when convicted under summary procedure. When convicted under solemn (jury-triable) procedure, they are liable for a term not exceeding 14 years' imprisonment or a fine (or both).³⁹

These penalties are significantly higher than those provided by other statutory offences used to prosecute abusive behaviours, such as section 38 or 39 of the Criminal Justice and Licensing Act (Scotland) 2010, which allow for imprisonment for a term not exceeding five years or a fine (or both) for those convicted under solemn procedure, and a maximum prison term not exceeding 12 months or a fine (or both) for those convicted under summary procedure.

Where there is a conviction under section 1 of the 2018 Act, or aggravated by partner abuse under the Abusive Behaviour and Sexual Harm (Scotland) Act 2016, the court must make a non-harassment order if it is satisfied that it is appropriate to do so to protect the victim (or a child) from harassment or further harassment. Where such an order is not made, the court is required to make clear its reasons for that decision. The offence of 'abusive behaviour towards partner or ex-partner' is a 'course of conduct' offence, meaning that it must contain more than one incident. In this way, it seeks to capture a pattern of behaviour often described as 'coercive control'. The offence of coercive control is associated with the influential work of forensic sociologist, Evan Stark.⁴⁰ For Stark, coercive control:

[entails] a malevolent course of conduct that subordinates women to an alien will by violating their physical integrity (domestic violence), denying them respect and autonomy (intimidation), depriving them of social connectedness (isolation), and appropriating them access to the resources required for personhood and citizenship (control).⁴¹

³⁸ SCTS Criminal court cases activity from Quarter 1 2014/15 to Quarter 4 2023/24: <https://www.scotcourts.gov.uk/media/f5nf4sq2/courts-data-scotland-criminal-edition-24-annual-bulletin.pdf>

³⁹ Domestic Abuse (Scotland) Act 2018, s 9.

⁴⁰ Stark, E. (2009) *Coercive Control: How Men Entrap Women in Personal Life*, Oxford: Oxford University Press.

⁴¹ Stark *Ibid*, p 3

For some leading voices on violence against women, the Scottish offence serves as an example of how best to criminalise coercive control,⁴² with Stark's concept of coercive control being reflected in section 2 of the 2018 Act, which defines what constitutes abusive behaviour. On the other hand, others have suggested reasons to be more sceptical about the legislation and suggested changes.

Where there is a decision to prosecute, most domestic abuse charges are prosecuted at sheriff court summary level. In 2019 / 20, the most common penalty for those convicted under the 2018 Act was a community payback order (n = 106), with far fewer receiving a custodial sentence (n = 35)⁴³.

The Council is in the process of developing a guideline on sentencing domestic abuse cases, and commissioned a literature review,⁴⁴ as well as this survey, among other work⁴⁵, to inform its thinking on this. The questions included in this survey focused particularly on: public understanding of 'coercive control' as a relatively new offence (introduced in the 2018 Act); attitudes to sentencing an offence involving a pattern of coercive control and an individual incident of physical violence; and views on different potential mitigating or aggravating factors.

5.1 Awareness of illegality of examples of domestic abuse

To gauge public awareness of domestic abuse offences, respondents were presented with a list of behaviours that could be exhibited in a relationship and asked to identify each as legal or illegal. All except one of the behaviours listed ('Repeatedly talking over their partner in front of other people'), were behaviours which could either be prosecuted as single incidents, or could form part of a course of conduct for the purposes of an offence under section 1 of the 2018 Act. As shown in Figure 5.1, while a majority of respondents correctly identified potentially illegal behaviours, there was variation in awareness of illegality across behaviours.

An overwhelming majority (85%) of respondents thought that threatening a partner with physical violence was illegal. In terms of the examples of coercive control, three quarters (75%) correctly identified using technology to track where their partner goes without them knowing as a potentially illegal behaviour, while slightly fewer thought it would be illegal for someone to regularly limit their partner's access to money (71%) and regularly treat their partner in a humiliating way in public (69%).

⁴² M Scott (2018) 'The Making of the New 'Gold Standard': The Domestic Abuse (Scotland) Act 2018' in M McMahon and P McGorrey (eds), *Criminalising Coercive Control*, Springer Nature; V Bettinson (2020) 'A Comparative Evaluation of Offences: Criminalising Abusive Behaviour in England, Wales, Scotland, Ireland and Tasmania' in M McMahon and P McGorrey (eds), *Criminalising Coercive Control*, Springer; C Weiner (2023) *Coercive Control and the Criminal Law*, Routledge.

⁴³ Out of 206 convictions. See Figure 1: McPherson, R, Gormley, J and Wheate, R (2022) ['The sentencing of offences involving domestic abuse in Scotland'](#), Scottish Sentencing Council

⁴⁴ *ibid*

⁴⁵ For example see: Lombard, N and Rennie, E (2024) ['Exploring views on sentencing for domestic abuse in Scotland'](#), Scottish Sentencing Council; and Scottish Sentencing Council (2023) ['How guidelines are developed'](#), Scottish Sentencing Council.

People were less sure about whether someone trying to cut off their partner from family and friends could be illegal (60% thought it was illegal, 23% thought it was currently legal, while 16% were not sure). Respondents were also less informed that regularly making decisions for a partner (in the absence of a reason that might require it, such as dementia)⁴⁶ is illegal, with under half (47%) of respondents viewing it as such, and a third (34%) thinking that this is legal.

Men were more likely than women to erroneously believe that regularly making decisions for a partner is legal (37%, compared to 31% of women). Conversely, slightly higher proportions of men than women said that threats of violence were illegal (88%, compared to 83% of women).

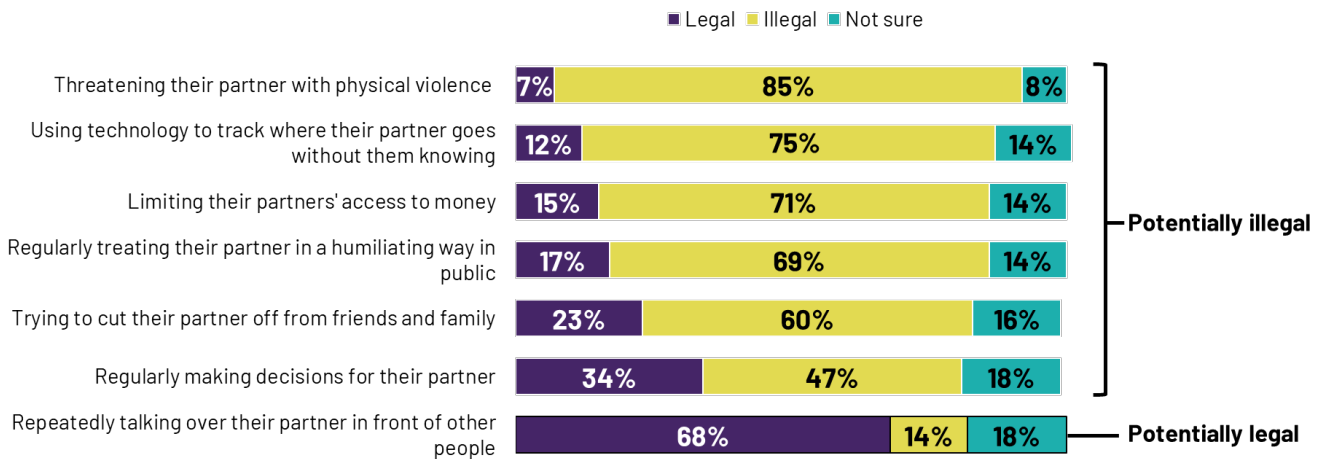
Most (68%) respondents correctly identified as legal the one behaviour on the list that is not in reality illegal (repeatedly talking over a partner in front of other people).

⁴⁶ If asked, interviewers were instructed to explain that, in the scenario, the person was not making decisions on behalf of their partner for health reasons (e.g. the partner had dementia or a learning difficulty).

Figure 5.1: Awareness of potential illegality of different coercive control behaviours

Q: For the following questions, I am going to describe various behaviours that may occur in a relationship. Some of these are quite sensitive. If you do not wish to answer a particular question, please just say “I’d prefer to skip that”. For each behaviour, please say whether you think it is currently legal or illegal, or if you’re not sure either way.

Q: For each behaviour, please say whether you think it is currently legal or illegal, or if you’re not sure either way



Base: All respondents (1,001)

Across a number of behaviours listed, young people were more likely than older respondents to mistakenly identify potentially illegal behaviours as legal. For example, 28% of those aged 18–34 thought it was legal to try and cut off a partner from friends and family, compared with 21% of those aged 35 or older. Similarly, half (49%) of those aged 18–34 thought that regularly making decisions for a partner is legal, compared to 29% of respondents over 35.

In addition to the generally high levels of awareness of illegal domestic abuse behaviours indicated by the survey, qualitative interviews conducted with participants during the cognitive testing of the questionnaire revealed some awareness of the term ‘coercive control’ as well as understanding of the types of behaviours it can entail, suggesting general public awareness that domestic abuse is not restricted to physical violence (and that the law reflects this).

5.2 Sentencing preferences for domestic abuse offences

Two hypothetical scenarios were used to explore respondents’ preferences for sentencing domestic abuse offences. Respondents were split into two random groups, with each group

presented with a different scenario describing a domestic abuse offence and then asked follow-up questions about that scenario⁴⁷.

Consistent with past research findings suggesting that public attitudes to sentencing are much more nuanced in response to anonymised or hypothetical cases, the cognitive testing interviews for this study found that some participants found these questions easier to answer than more general questions, precisely because they provided more contextual detail about the offence (although some would have liked even more detail than is possible within a survey).

Scenario A: Violent assault (single incident)

The first scenario described a violent assault offence, committed against his wife by a man with no prior convictions. Respondents were read the following description:

The offender is a 32-year-old man, with no previous criminal convictions. His relationship with his wife had been under strain. After an argument, he pushed his wife, causing her to fall and hit her head, resulting in concussion and bruising. He pled guilty to assault.

When asked what sentence they personally thought would be most appropriate for this offence, a clear majority (69%) said that a non-prison sentence would be the most appropriate, while a quarter (25%) thought a prison sentence was warranted⁴⁸. A community sentence, such as a programme to address the offender's behaviour, was the most commonly mentioned response (61%). Fifteen per cent thought that a prison sentence of under a year would be most appropriate, while 11% thought it should result in a longer sentence of a year or more (Figure 5.2).

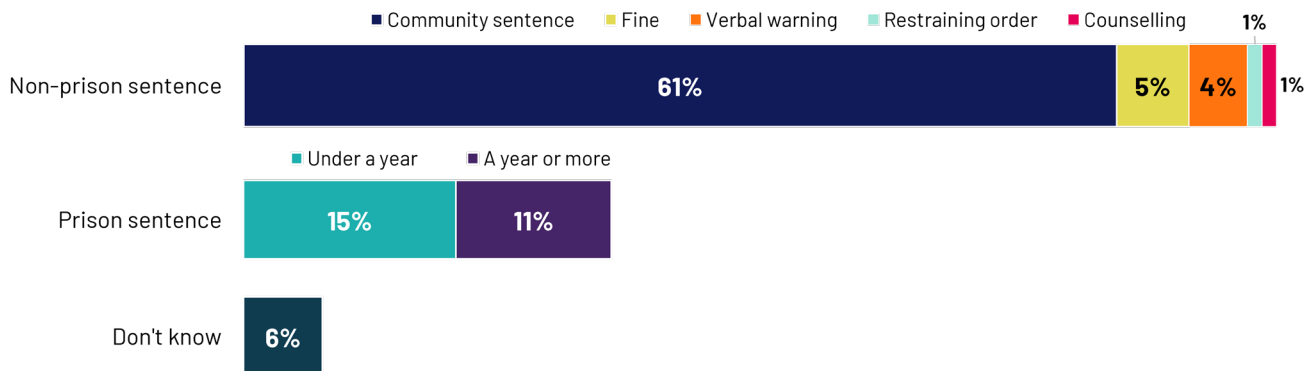
Views on the most appropriate sentence in this scenario varied widely by age: young people aged 18–34 were more than twice as likely as those aged 35 and over to say that a prison sentence would be appropriate (42%, compared to 19%). However, there was no significant difference in likelihood of suggesting a prison or non-prison sentence by gender.

⁴⁷ Approximately half of respondents were asked either Scenario A (480) or Scenario B (502). Eleven respondents opted out of answering the questions on sentencing preferences for domestic abuse offences altogether. Respondents were randomly allocated to either Scenario A or B, which meant that it was not possible to achieve an exact 50/50 allocation.

⁴⁸ For this multi-code question, participants who gave more than one sentencing option for a non-prison or prison sentence are included only once in the overall figures.

Figure 5.2: Views on the most appropriate sentence for a single incident violent assault (Scenario A)

Q: What kind of sentence do you personally think would be most appropriate for this offence?



Base: Sample A = 480. Note that respondents were not prompted, but if they said 'prison' they were asked how long a sentence they thought appropriate. More than one sentencing option could be coded if, for example, respondents mentioned a prison sentence and a fine, or another combination of elements.

Respondents were next asked if they thought the sentence should be any different (more lenient, tougher, or the same) if the offence was: a) witnessed by children in the household, or, b) if the victim of the offence had alcohol addiction issues (Figure 5.3). The former would generally be seen as an aggravating factor, given the damage that may be caused to the children from witnessing this behaviour. The link between domestic abuse and substance misuse has been recognised in literature⁴⁹ and speaks to the potentially increased vulnerability of the victim, although it is unlikely to be recognised as an aggravating factor in the offence. Despite this, there was interest in understanding whether the public view would recognise this as a vulnerability, or whether this might even be seen as a mitigating factor⁵⁰.

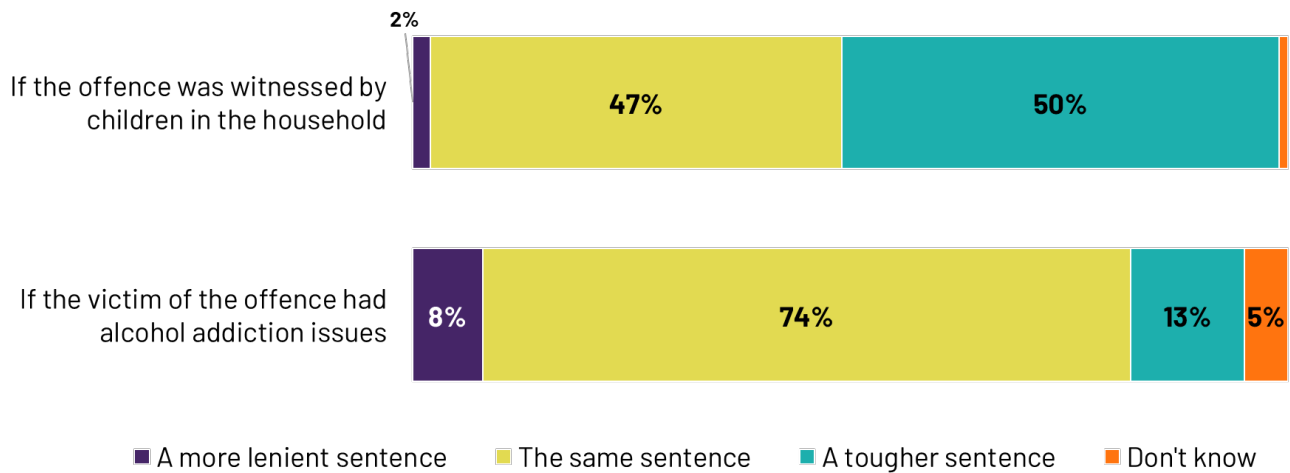
A majority did not think the victim having alcohol addiction issues should impact the outcome of the case one way or another: 74% said that the sentence should stay the same, while 13% felt it should result in a tougher sentence and 8% that it should result in greater leniency. Opinions were more divided with respect to children witnessing the offence. Half (50%) felt that this should result in a tougher sentence, while half (47%) thought that the sentence should stay the same.

Women (55%, vs. 44% of men) and young people aged 18-34 (57% vs. 46% of those 35 or older) were more likely to want a tougher sentence for this offence if children had witnessed it.

⁴⁹ Fox, S., Holly, J., & Allwright, L. (2024) 'I was easier for him to control when I was drunk: women's experiences of substance use and domestic abuse victimisation'. *Journal of Gender-Based Violence*, 8(2), 215-231

⁵⁰ For examples of previous research on this topic see: Dilevski, N., Cullen, H. J., van Golde, C., Flowe, H. D., Paterson, H. M., Takarangi, M. K. T., & Monds, L. A. (2024) 'Juror Perceptions of Bystander and Victim Intoxication by Different Substances', *Criminal Justice and Behavior*, 51(4), 569-587; Harrison, L.A., Esqueda, C.W. (2000) 'Effects of Race and Victim Drinking on Domestic Violence Attributions', *Sex Roles*, 42, 1043-1057; Stewart, A., Maddren, K. (1997). 'Police officers' judgements of blame in family violence: The impact of gender and alcohol', *Sex Roles* 37, 921-933.

Figure 5.3: Views on the sentence the offender should receive for a single incident violent assault in difference circumstances



Base: Sample A = 480

One sentencing option for offences involving domestic abuse is a community payback order with a requirement to attend a programme arranged by a social worker and aimed at addressing their offending behaviour. The Caledonian System programme is one example of this in Scotland. It is a structured programme that seeks to address men's abusive behaviour within intimate relationships as well as providing integrated support for women and children impacted by men's abuse.

Respondents were asked if they would support requiring the offender to meet regularly with a social worker and to attend a course aimed at preventing them from engaging in this type of behaviour in relationships in the future as an alternative to a prison sentence for the hypothetical assault incident above. Three quarters (76%) of respondents said they would support this, while 16% were opposed (8% were unsure or said they neither supported nor opposed it).

Again, levels of support for a requirement to attend a community programme as an alternative to prison varied by age, with respondents aged 35 and over more likely than younger people to express support (80%, compared to 67% of those aged 18-34).

Scenario B: Pattern of coercive control

The second scenario, read to the other half of the sample, described a pattern of coercive control:

The offender is a 32-year-old man, with no previous criminal convictions. Over the last two years, he has regularly shouted at his wife and taken her phone away from her to prevent her contacting family and friends. He has prevented her from leaving the house without him and monitored her emails and social media. He pled guilty to abusive behaviour.

As shown in Figure 5.4, views on the most appropriate sentence in this scenario were more mixed compared with views on the single incident of violent assault. While over half (58%) of respondents

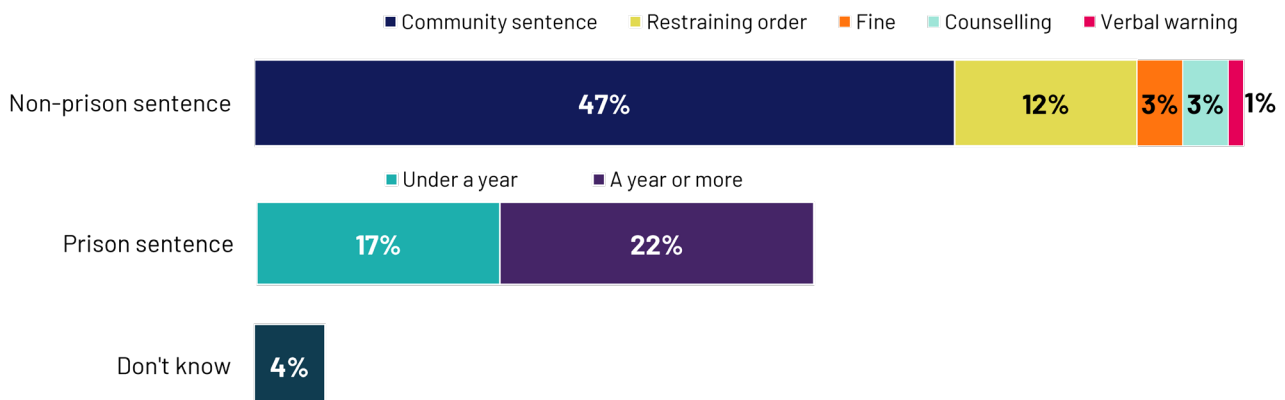
said that a non-prison sentence would be the most appropriate sentence, almost two in five (39%) thought it warranted a prison sentence. The most common answer was a community sentence (47%), while 12% said that a restraining order⁵¹ or limited contact with the victim would be an appropriate sentence.

The higher support for a prison sentence for Scenario B (39%, compared with 25% for Scenario A) indicates that a pattern of coercive control over time is seen as more serious than a single physical assault of the type described in Scenario A (which involved pushing their partner, leading to injury). Similar proportions felt that the pattern of coercive control described in Scenario B warranted a prison sentence of under a year (17%) as those who thought the sentence should be a year or longer (22%).

There was no significant variation between demographic subgroups in sentence preferences for this scenario.

Figure 5.4: Views on the most appropriate sentence for a pattern of coercive control (Scenario B)

Q: What kind of sentence do you personally think would be most appropriate for this offence?



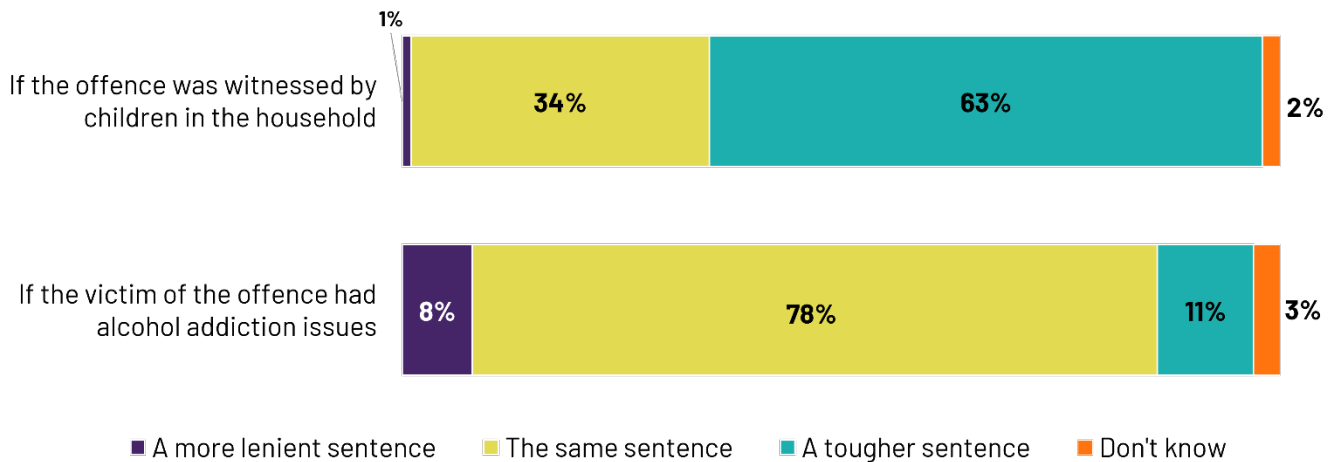
Base: Sample B = 510. Note that respondents were not prompted, but if they said 'prison' they were asked how long a sentence they thought appropriate. More than one sentencing option could be coded if, for example, respondents mentioned a prison sentence and a fine, or another combination of elements.

In line with responses to the violent assault scenario, most (78%) thought that the victim having alcohol addiction issues should not influence the sentence one way or another. However, almost two thirds (63%) thought that the sentence should be tougher if the pattern of coercive control was witnessed by children in the household, while a third (34%) said it should stay the same (Figure 5.5). Again, this is higher than for the violent assault scenario (63% compared with 50%), perhaps indicating that people view children witnessing a pattern of abusive behaviour as more damaging than a one-off incident of assault of the type described in Scenario A. Young people, aged 18-34,

⁵¹ A 'restraining order' is not a sentencing option in Scotland, but since it was possible to give unprompted answers to this question respondents were not confined to actual current sentencing options. Note that 'restraining order' was the term used by respondents, but in practice a non-harassment order would be the closest actual sentence.

were once again more likely than those aged 35 and over to prefer a tougher sentence where children had witnessed the crime (75%, compared to 59%).

Figure 5.5: Views on the sentence the offender should receive for a pattern of coercive control in different circumstances



Base: Sample B = 510

Two thirds (65%) said they would support requiring the offender to attend an intensive course aimed at addressing their behaviour, along with social work supervision in the community, as an alternative to a prison sentence for this offence – significantly lower than the 76% who said they would support this for the single incident of violent assault described in Scenario A. This is in line with the higher level of support for prison as the appropriate sentence for the pattern of coercive control described in Scenario B.

5.3 Summary

Overall, there appeared to be high levels of public awareness that various examples of abuse involving coercive control are illegal. However, levels of awareness varied across both different behaviours (with lower awareness of using social isolation and controlling a partner's movements as examples of illegal abuse) and by age (with younger people less likely to be aware that a number of abusive behaviours could be illegal).

A majority felt a community or other non-custodial sentence was the most appropriate sentence for both the hypothetical examples of abuse described in the survey. In line with this, most people were supportive of requiring people convicted of these offences to attend an intensive course aimed at addressing their offending behaviour as an alternative to prison. However, more people felt a prison sentence was warranted for an offence involving a pattern of coercive control than said the same for a single incident of violent assault involving pushing a partner leading to injury.

Most people do not view the victim having alcohol addiction issues as either a mitigating or an aggravating factor that should be taken into account in sentencing. Children witnessing offending

behaviour (particularly where this involves a pattern of coercive control), on the other hand, was seen as an aggravating factor that ought to lead to a tougher sentence.

Ideally, it would be possible to compare these public preferences with the reality of patterns of actual sentencing passed by the courts for these kinds of cases. However, the existing official data on sentencing patterns is not sufficient to permit such direct comparisons. Direct comparisons would have to be conducted by dedicated research.

6 Sentencing people with mental health or developmental conditions

The Council committed in its 2021-24 business plan to undertake research and engagement to raise awareness of the sentencing of people with mental health and welfare issues and to assist with consideration of a guideline in this area. A literature review on mental health and sentencing has been completed to inform this.⁵² A broad range of mental health or developmental conditions may be relevant at sentencing. As highlighted by the Sentencing Council for England and Wales,⁵³ this includes mental illnesses (e.g. schizophrenia, depression, bipolar disorder, delusional disorder, anxiety disorders, and post-traumatic stress disorder (PTSD)), substance use disorders, and developmental disorders (e.g. intellectual disability or learning disability, autism and autistic spectrum disorder, attentional deficit hyperactivity disorder (ADHD), conduct disorders, personality disorders). Neurological impairments, such as dementias and acquired brain injury, may also be relevant to sentencing. In this report, we focus on mental health or developmental conditions.

Research has found that offender populations are disproportionately affected by mental health or developmental conditions. It is estimated that 90% of prisoners in Scotland have at least one psychiatric disorder, including psychosis, anxiety or depression, personality disorder, alcohol misuse, or drug dependence.⁵⁴ The presence of such conditions may be taken into account at sentencing in a number of ways. For example, a reduced sentence or an alternative to custody may be considered appropriate where a mental health condition has impaired an individual's capacity to conform to the law. The requirements of rehabilitation or public protection may also mean that it is more appropriate for an offender to receive treatment for their condition in hospital or in the community than to go to prison.

This chapter explores perceptions of the purposes of sentencing in two example hypothetical scenarios involving an offender with one of three specific mental health or developmental conditions: schizophrenia, personality disorder, or a moderate learning disability. These are specific examples, and it is not appropriate to generalise from these to how the public might view the full range of conditions that might be relevant in sentencing. However, for brevity, we will

⁵² O'Loughlin, A, Gormley, J, Wilmott, L, Bild, J, Robert, J, Draper, A (2022) '[Mental Health and Sentencing: Literature Review](#)', Scottish Sentencing Council.

⁵³ Sentencing Council for England and Wales (2020) '[Sentencing offenders with mental disorders, developmental disorders, or neurological impairments](#)'. Sentencing Council for England and Wales.

⁵⁴ National Institute for Health and Care Excellence (2017) '[Mental health of adults in contact with the criminal justice system](#)'. NICE Guideline'. London: National Institute for Health and Care Excellence.

describe these as 'mental health or developmental conditions' or 'conditions' in the remainder of this chapter.

6.1 Offence scenarios and mental health or developmental conditions

Approximately half of respondents were read a scenario about a conviction relating to vandalism and damage to property, and the other half a scenario relating to a violent assault⁵⁵:

Scenario A: The offender is a 32-year-old man, with no previous convictions. He has been convicted of repeated vandalism and damage to property in his local area, including damaging a bus shelter and deliberately scratching cars.

Scenario B: The offender is 32-year-old man, with no previous convictions. He has been convicted of a violent assault, in which he attacked a stranger and knocked him unconscious after an argument in the street.

They were then asked to imagine that the offender in the scenario had a particular condition: a moderate learning disability, schizophrenia, or a personality disorder. They were asked about the three conditions in a random order. For each condition, they were asked what they thought the judge's main priorities should be when deciding the sentence for the offence: protecting the public; punishing crime; and / or rehabilitating the offender.

⁵⁵ Approximately half of respondents were asked either Scenario A (494) or Scenario B (507). Respondents were randomly allocated to either Scenario A or B, which meant that it was not possible to achieve an exact 50/50 allocation.

The three conditions were described to respondents as follows:

A moderate learning disability, which for the offender means that he struggles with everyday tasks and needs support to be able to live alone.

Schizophrenia, which causes the offender to experience episodes of illogical thinking and delusions when unwell.

A personality disorder, which for the offender is associated with difficulty controlling anger and a tendency to act rashly when upset.

Since these conditions can affect people differently, the descriptions included the wording 'which for the offender...' to clarify how the condition affected the offender in question. This additional text was added following cognitive testing, which highlighted awareness of the various ways these conditions could manifest for different individuals.

6.2 Sentencing priorities for someone with a mental health or developmental condition

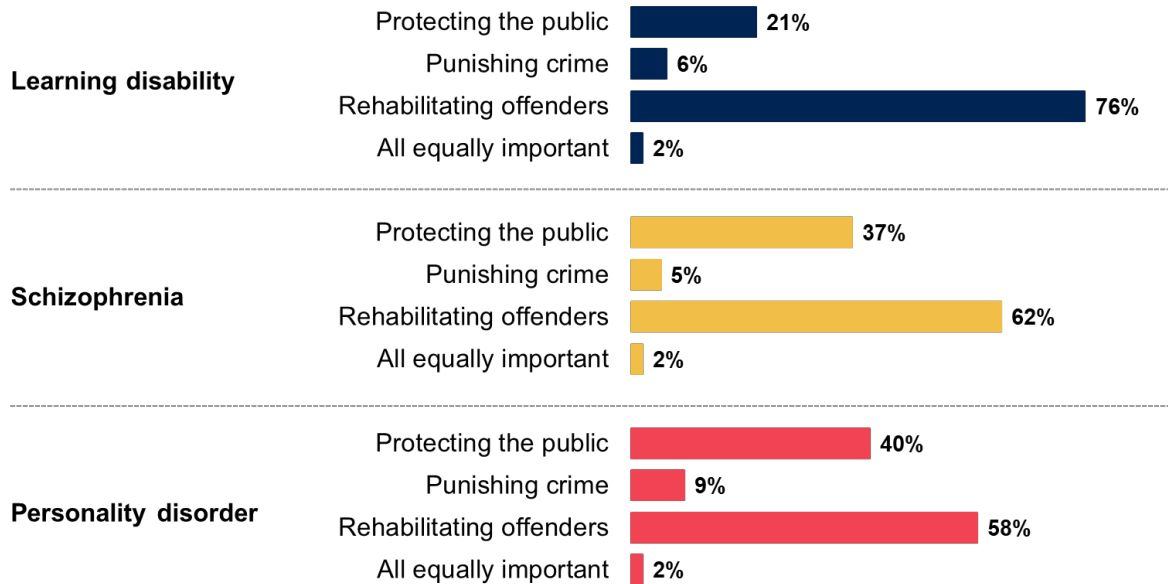
Scenario A: Vandalism and damage to property

The majority of respondents presented with the scenario describing vandalism and damage to property thought that rehabilitating the offender should be prioritised when issuing a sentence across all three of the conditions asked about. Punishing the crime was seen as a lower priority (Figure 6.1).

However, higher proportions of respondents said that rehabilitation should be the main priority when the offender had a moderate learning disability (76%), compared with when the offender had schizophrenia (62%) or a personality disorder (58%). Four in ten thought that protecting the public should be prioritised when they believed the offender had a personality disorder (40%) or schizophrenia (37%), compared to two in ten when the offender had a moderate learning disability (21%). For each condition, under one in ten thought that punishing the crime should be a priority when sentencing this crime.

Figure 6.1: Mental health or developmental conditions - views on priorities of sentencing for vandalism and damage to property (Scenario A)

Q: (Now) Imagine the offender has [DESCRIPTION OF CONDITION]. When the judge is deciding his sentence for repeated vandalism and damage to property, what should be their main priority? Should it be ...?

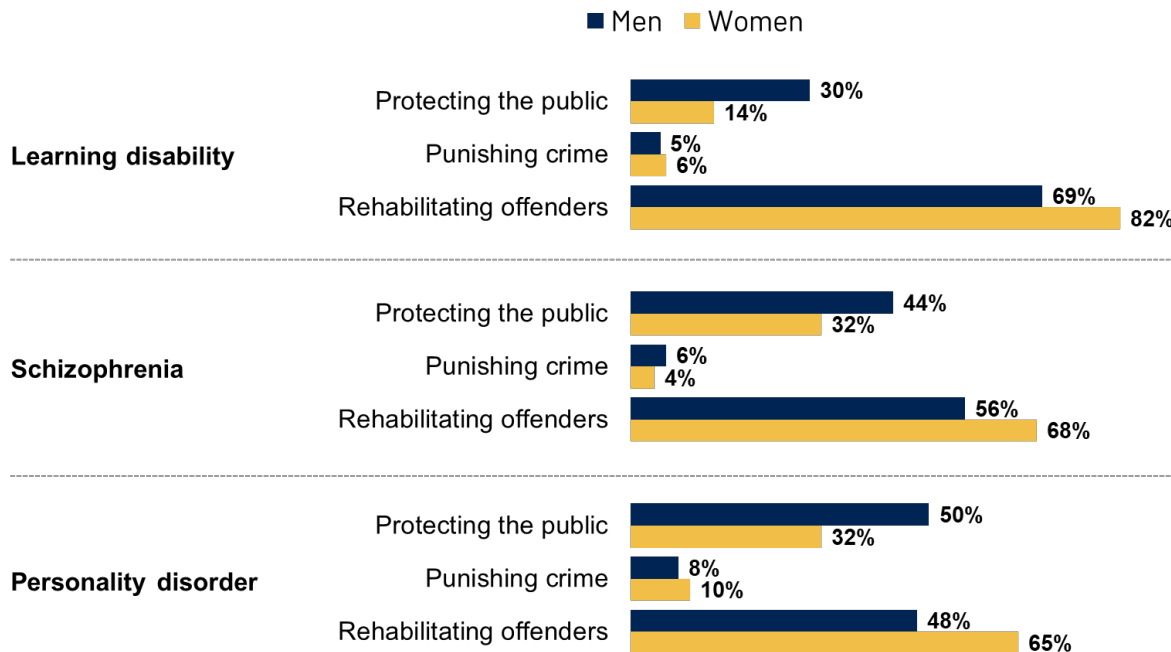


Base: Sample A = 494

For each of the three conditions, views on what should be the main priority in sentencing varied by gender. Men were more likely than women to say that protecting the public should be a main priority, while women were more likely to prioritise rehabilitation (Figure 6.2). This contrasts with the general question on what the Scottish courts should prioritise in sentencing, discussed in Chapter 2, which found no significant differences by gender in the proportions saying protecting the public, rehabilitating offenders or punishing crime were important aims.

Figure 6.2: Mental health or developmental conditions - views on priorities of sentencing for vandalism and damage to property (Scenario A) by gender

Q: (Now) Imagine the offender has [DESCRIPTION OF CONDITION]. When the judge is deciding his sentence for repeated vandalism and damage to property, what should be their main priority? Should it be ...?



Base: Sample A = 494

Views also varied by the type of sentence people thought was more likely to reduce reoffending. Respondents who thought that prison sentences were more likely to reduce reoffending were more likely to say punishing crime should be a priority, while those who thought community sentences were more likely to reduce reoffending said rehabilitation should be a priority with respect to offenders with all three conditions. Those who thought that prison sentences were too tough or about right were also more likely than those who thought they were too lenient to think that rehabilitation should be a priority for each condition.

Scenario B: Assault

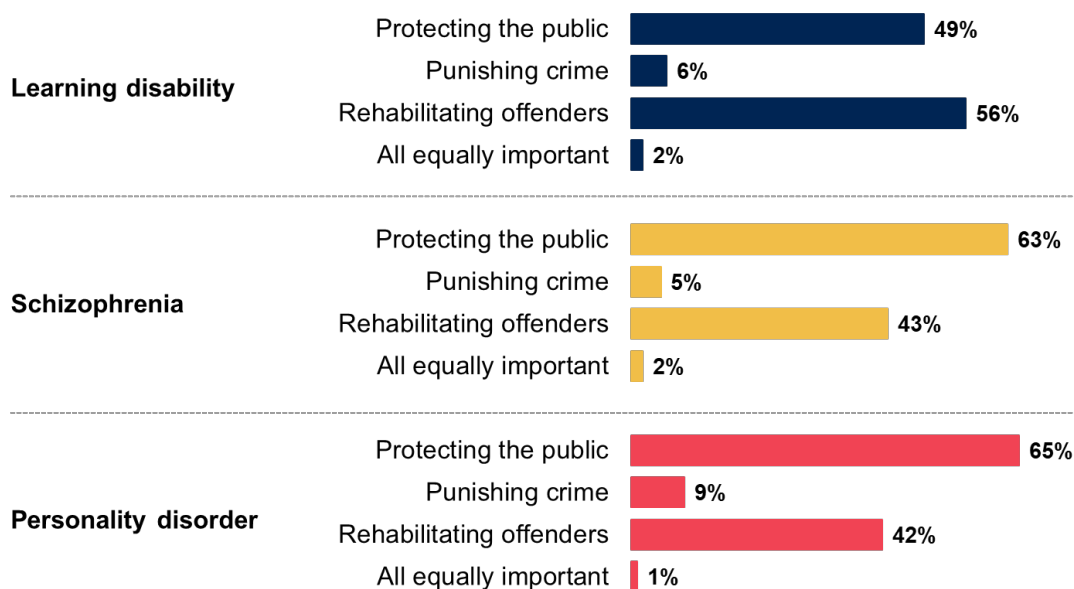
Protecting the public was viewed as a higher priority when issuing a sentence for the violent offence in comparison with the non-violent offence. However, rehabilitation was still perceived to be slightly more of a priority if the offender had a moderate learning disability. Similarly to the non-violent offence, punishing crime was seen as a lower priority. Notably, the violent nature of the offence in this scenario did not affect the proportion of respondents who thought that punishment should be the priority, which remained small.

As shown in Figure 6.3, around two thirds thought that protecting the public should be a priority when deciding the sentence for an offender with a personality disorder (65%) or schizophrenia (63%). Half (49%) thought this should be the priority for an offender with a moderate learning disability, and a higher proportion (56%) thought rehabilitation should be the priority. Under one in ten said that punishment should be a priority for sentencing someone with each condition for this

crime. This is an interesting finding given that, when asked about their views on the purposes of sentencing in general, punishing crime was the priority for 27% of respondents (compared to 55% for protecting the public and 34% for rehabilitation)(see Chapter 2). It suggests that, when faced with an offender with a mental health condition or developmental condition as described in the survey, respondents were even less likely to favour punishment than they were in general. This tends to counteract the notion, often promoted by the media, that the public holds punitive attitudes. Respondents were also more likely to favour rehabilitation in response to offenders with the conditions described than they were in general, even where the offence was violent.

Figure 6.3: Mental health or developmental conditions - views on priorities of sentencing for a violent assault (Scenario B)

Q: (Now) Imagine the offender has [DESCRIPTION OF CONDITION]. When the judge is deciding his sentence for violent assault, what should be their main priority? Should it be ...?



Base: Sample B = 507

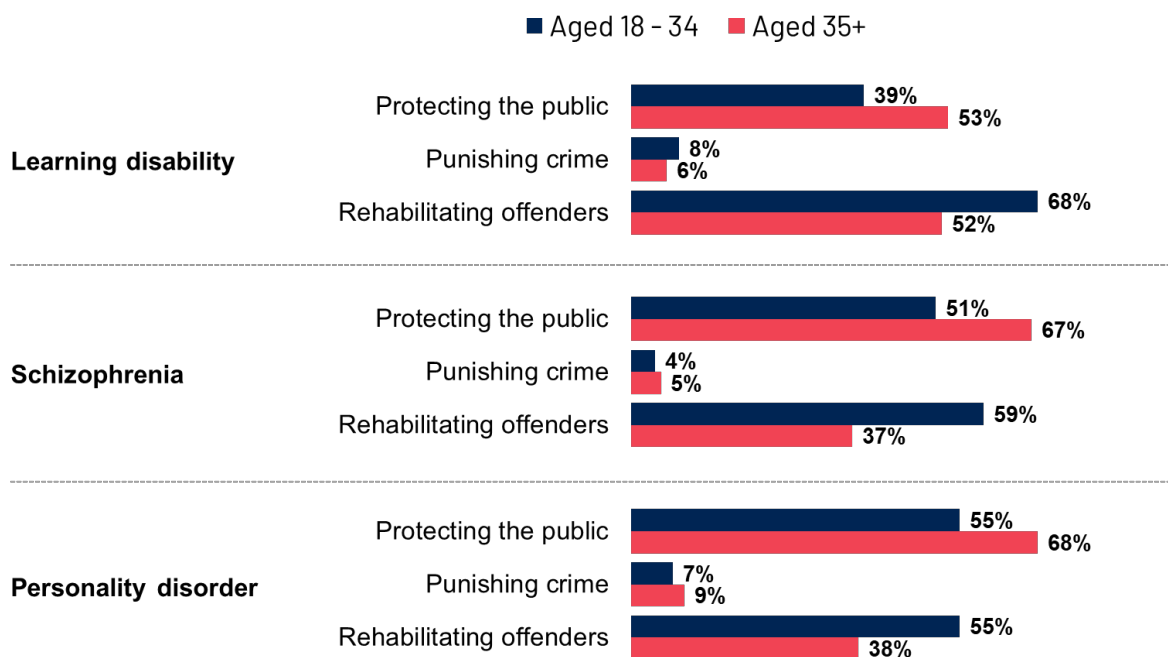
Views on the purposes of sentencing someone with these conditions for a violent crime again varied by gender and also, in this case, by age.

Similarly to the non-violent offence scenario, men were more likely than women to think protecting the public should be the priority for an offender with a learning disability (58% of men vs. 42% of women) or with schizophrenia (72% of men vs. 57% of women). Women were more likely to prioritise rehabilitating the offender for both these conditions (62% of women vs. 49% of men for an offender with a learning disability, and 50% vs. 34% for an offender with schizophrenia). However, there were no significant differences by gender on the sentencing priorities for an offender with a personality disorder.

Overall, respondents aged 35 and over were more likely than younger respondents to say that protecting the public should be a main priority across all three conditions. Younger respondents, aged under 35, were more likely than older respondents to say that rehabilitating the offender should be the priority (Figure 6.4).

Figure 6.4: Mental health or developmental conditions - views on priorities of sentencing for a violent assault (Scenario B) by age

Q: (Now) Imagine the offender has [DESCRIPTION OF CONDITION]. When the judge is deciding his sentence for violent assault, what should be their main priority? Should it be ...?



Base: Sample B = 507

6.3 Summary

Overall, most people thought that rehabilitation should be the priority when sentencing someone with a moderate learning disability, schizophrenia or a personality disorder in Scenario A (non-violent damage to property and vandalism). However, in Scenario B (where the offence is an assault), rehabilitation remained the public priority only for offenders with a learning disability. Protecting the public was the public's highest priority with respect to sentencing violent offences committed by someone with a personality disorder or schizophrenia. Nevertheless, when compared to general views about the purposes of sentencing, a larger proportion of respondents favoured rehabilitation in response to both the violent and non-violent offences for all three conditions. Only a small minority (under one in ten in each case) thought that punishing crime should be the priority when sentencing either scenario (violent or non-violent offence) committed by someone with any of these conditions. Interestingly, the violent nature of the offence did not make respondents more likely to favour punishment. This suggests that, when it comes to offenders with mental health conditions or developmental conditions, punishment is less of a priority for the public than protection or rehabilitation. Rehabilitation seems to be given greater

priority than public protection where the offence is non-violent, but there was also strong support for rehabilitation where the offence was violent. Further research is needed, however, to draw a firm conclusion on public attitudes towards offenders with conditions other than those described in the scenarios presented.

7 Conclusions

This final chapter provides some concluding reflections on the findings in this report, and some suggestions for potential further research.

Overall, the report highlights low levels of self-reported understanding of sentencing in Scotland. While it is perhaps not surprising that relatively few members of the public felt they have a detailed knowledge of sentencing, the fact that a higher proportion of people in 2025 than in 2019 said they knew little or nothing at all about sentencing highlights the challenge organisations like the Council face in raising levels of public understanding. The report also highlights that a majority of the public believed sentencing is too lenient. Again, while this is a common finding across jurisdictions, the fact that people are more likely to say this in 2025 than they were in 2019 is striking. Later in this chapter we discuss ways in which future research can explain the reasons for such perceptions.

It is now well established that initial ‘top-of-the-head’ public views become less punitive and more nuanced as they are provided with further information.⁵⁶ This report confirms that people’s views on sentencing are impacted by specific features of the offence and the offender. For example, punishment as an aim of sentencing seems to be a much lower public priority when the offender has a mental health or developmental condition, regardless of whether the offence is violent or non-violent. Rehabilitation seems to be given greater priority than public protection where the offence is non-violent, but there also seems to be strong support for rehabilitation where the offence is violent. However, the finding that, *on average*, the public generally tends slightly to overestimate the proportion of adults convicted of crimes in Scotland who receive a prison sentence may imply a possible counterpoint to the view that ‘general perceptions’ overstate leniency. That said, there was some notable variation within this overall average. The fact that over half (54%) gave an estimate between 0 and 30 (within + / - 17 of the actual figure) suggests the public were reasonably accurate in their responses to what may be a fairly difficult question for members of the public to estimate in the abstract.

Interpreting how well informed the public is on sentencing practice in Scotland is also made difficult by the absence of detailed official data on sentencing patterns. Ideally, it would be possible to compare directly public views about different scenarios (such as those presented in this report on domestic abuse offences) with the reality of sentencing patterns for those same sorts of cases. Such a direct comparison would triangulate data about people’s preferred sentences, their

⁵⁶ See for example: Gelb, K (2008) ‘Myths and Misconceptions: Public Opinion versus Public Judgment about Sentencing’ in Freiberg, A and Gelb, K (eds) *Penal Populism, Sentencing Councils and Sentencing Policy*, Willan/Routledge; Hough, M and Roberts, J (2023) ‘Public Opinion, Crime and Criminal Justice’ in A Liebling, S Maruna, L McAra *Oxford Handbook of Criminology*, Oxford University Press, pp223-242; Reid, S, Biggs, H, Attygalle, K, Vosnaki, K, McPherson, R, Tata, C (2021) ‘Public perceptions of sentencing in Scotland: Qualitative research exploring causing death by driving offences’, Scottish Sentencing Council.

expectations of what is typically done by the courts, and the reality of actual sentencing patterns in those kinds of cases. This triangulation would reveal whether or not people's perceptions about sentencing (e.g. excessive leniency) are accurate and would be invaluable in informing efforts to promote confidence in sentencing. However, limitations of official data mean that such direct comparison is not currently possible and would need to be carried out through original research.⁵⁷

This report also highlights some significant differences in attitudes to sentencing between people of different ages, men and women, and graduates and those with lower levels of educational qualification.

Young people (under 35) stand out as feeling less well informed about sentencing in general. This self-assessed lack of knowledge is also reflected in young people being less likely to correctly identify features of life sentences, and their greater tendency to identify behaviours that constitute potentially illegal domestic abuse as legal. Young people were also more likely to conclude that the court had been more lenient from media headlines that state an offender 'walked free' or 'avoided jail', which could indicate they are more open to media influence on their views on sentencing.

Disentangling whether young people hold views on sentencing that could be characterised as 'liberal' or 'punitive' is complicated. While those under 35 are less likely to feel sentencing is too lenient, this may, in part, be because they are more likely to overestimate the use of prison sentences (i.e. to believe that more people receive prison sentences than do so in reality). In general, young people were more likely than older respondents to see rehabilitation as a key purpose of sentencing, and less likely to say punishing crime is an important aim. This view carries through to their views on sentencing people with specific mental health or developmental conditions for a violent assault – they were more likely than older people to say that rehabilitation should be the main aim of sentencing these offenders in this scenario. However, young people were also more likely than older people to feel that short term prison sentences are more effective than community sentences at reducing reoffending. They were more likely than older people to favour a custodial sentence for domestic abuse involving a single incident of violent assault, and less likely to support community treatment programmes as an alternative to prison in this scenario. Young people hold views that sit in potential tension with each other (though as discussed, speculative explanations can be given as to why they might consistently hold both views).

There was no difference in self-assessed knowledge of sentencing in general between men and women. However, in contrast with the 2019 survey, women were more likely than men to say that sentences in Scotland tend to be too lenient. This was not necessarily reflected in gender differences in views on more specific questions, however. In particular, overall women were no

⁵⁷ Tata, C, Gormely, J. Hamilton, M., Pina-Sanches, J (2025) 'Exploring Unwarranted Disparities in Sentencing: report submitted to the Scottish Sentencing Council March 2025', Scottish Sentencing Council.

more likely than men to suggest prison as the most appropriate sentence for the two domestic abuse scenarios (although they were more likely to say that sentencing should be tougher where children had witnessed an assault). When it comes to sentencing someone with a mental health or developmental condition, women were more likely than men to say rehabilitation should be prioritised for all three of the conditions they were asked about.

Finally, graduates and non-graduates held different views on a number of areas. Overall, graduates were more likely to hold views on sentencing that might be characterised as 'liberal', including being: less likely to believe sentencing in Scotland was too lenient; more likely to view rehabilitation as an important aim; less likely to feel short-term prison sentences are more effective than community sentences in reducing reoffending; and more likely to think community sentences are effective at punishing crime, protecting the public, and rehabilitating offenders. These findings are largely in line with previous research. However, the finding that, while still less likely than non-graduates to see sentencing as too lenient, graduates have become a little more inclined to say this since 2019 may merit further reflection.

7.1 Further research

The findings in this report illuminate key features of public attitudes to sentencing. However, there are inevitable limitations to the detail in which a 17-minute survey can explore people's views across a broad range of topics. Most of the topics in this report could be explored in more depth, either in qualitative research or in more detailed survey research. Four areas the Council may specifically wish to consider include:

- The value of integrating future survey research with qualitative research
- Further research on young people's views
- Work to examine broader public attitudes towards sentencing offenders with mental health or developmental conditions
- Research to enable direct comparison of patterns of actual sentencing with public preferences and perceptions of reality.

We will briefly discuss each of these in turn.

Integrating survey and qualitative research.

The survey research reported here enables a baseline to study changes in public perceptions. However, inevitably a survey of this kind is limited in being able to understand the reasons for people's answers. For example, we reported on the apparently increased sense of leniency when our survey took place in early 2025 compared to 2019. How can this, and other perceptions, be explained?

One distinct possibility is that people may (or may not) be misinformed about the reality of the typical patterns of sentencing for certain kinds of cases. This has been shown to be the case in other countries.⁵⁸ We have noted the difficulty in directly comparing perceptions and reality about specific case scenarios – a point which we discuss below.

However, it is also important to be able to understand the reasons behind people's perceptions. While we have been able to describe differences between groups (e.g. age, education, sex etc), the survey cannot reveal how people interpret sentencing and criminal justice more generally.

This is where the use of qualitative research would enable exploration of people's reasoning. In other focus group research commissioned by the Council and broadly contemporaneous with the research reported in this report, wider perceptions and discontent about sentence reduction after guilty pleas⁵⁹ and the apparent mismatch between the pronounced custodial sentence and the actual sentence served (e.g. release provisions and especially life sentences) were raised spontaneously even when the question being asked was not specifically about these issues. Likewise, the widely reported emergency release of prisoners (north and south of the border) during 2024 and 2025 seemed to colour people's thinking.⁶⁰ Whether or not this sort of recent development may have contributed to the greater sense of leniency reported in our survey in 2025 than in 2019 is ultimately a matter of speculation. However, qualitative research would enable a fuller exploration of the reasons behind this increased sense of leniency compared with 2019. This may be a fruitful avenue for future research.

Young people's views

Given that, as described above, younger people feel (and on the evidence here, may actually be) less well informed about sentencing, there may be merit in further research to explore younger people's views of sentencing, and what drives these, in more depth. This research has identified an intriguing picture in which, as a group, young people hold positions which, when taken together, appear to be puzzling. Unravelling and understanding these views can be done through a qualitative approach, with a small number of groups of young people and with older people as a point of comparison.

⁵⁸ See for example: Gelb, K (2008) 'Myths and Misconceptions: Public Opinion versus Public Judgment about Sentencing' in Freiberg, A and Gelb, K (eds) *Penal Populism, Sentencing Councils and Sentencing Policy*, Willan/Routledge; (Hough, M and Roberts, J (2023) 'Public Opinion, Crime and Criminal Justice' in A Liebling, S Maruna, L McAra *Oxford Handbook of Criminology*, Oxford University Press, pp223-242; Hough, M, Bradford, B, Jackson, J, Roberts, J (2013) 'Attitudes to Crime and Trust in Justice: Findings from the Crime Survey for England and Wales' Ministry of Justice; Roberts, J, Bild, J, Pina-Sanches, J, Hough, M (2022) 'Public Knowledge and Public Opinion about Sentencing', Sentencing Academy.

⁵⁹ See for example, Gormley, J, Roberts, J and Tata, C (2025) 'Public Attitudes to Sentences following a Guilty Plea: Findings from a Mixed Methods research project', Scottish Sentencing Council.

⁶⁰ Gormley, J and Tata, C (2025) 'Public Attitudes to Sentences for Environmental and Wildlife Offences: Findings from a Mixed Method Project', Scottish Sentencing Council; Reid, S, Biggs, H, Attygalle, K, Vosnaki, K, McPherson, R, Tata, C (2021) 'Public perceptions of sentencing in Scotland Qualitative research exploring causing death by driving offences', Scottish Sentencing Council.

Public attitudes towards sentencing those with mental health or developmental disorders

Further research should examine broader public attitudes towards sentencing offenders with mental health conditions or developmental disorders. This survey was limited to three conditions described in particular ways. Further exploration of the reasons behind the seemingly different attitudes held by respondents towards the scenario involving a person with a moderate learning disability compared to those involving a person with schizophrenia or a personality disorder would also be worthwhile. Work comparing actual sentences to public attitudes in this area would also be valuable. Given the relatively strong support expressed for rehabilitation and the lower priority given to punishment for people with a mental health or developmental condition, it would be worth exploring public attitudes towards prison sentences or community sentences for this group in greater depth.

Direct comparison of patterns of actual sentencing with public preferences and perceptions of reality

Currently, official data describing patterns of sentencing tends to be relatively high level. It is derived from the operational work of different administrative agencies, meaning that information which is highly relevant to sentencing (e.g. the seriousness of offending, the seriousness of previous convictions, the offender's circumstances etc) is not routinely collected.⁶¹ This is a long-standing obstacle to informed policy development, as well as ways of engaging with and improving public awareness and confidence in sentencing. Such a direct comparison between even relatively straightforward scenarios of the kinds set out in this report and the actual patterns of sentencing in such cases would need to be carried out by dedicated research. Such research will be invaluable in pinpointing areas of convergence and divergence between public preferences and the actual reality of sentencing patterns. It would enable bodies like the Council to better engage with existing public knowledge to improve public understanding. It would also better inform the drafting of guidance to sentencers, as well as the monitoring of any impact of such guidance.

⁶¹ Tata, C, Gormely, J, Hamilton, M., Pina-Sanches, J (2025) 'Exploring Unwarranted Disparities in Sentencing: report submitted to the Scottish Sentencing Council March 2025', Scottish Sentencing Council; see also Gormley, J, O'Malley, T, Roberts, J, Spohn, C, Tata, C (2022) 'Assessing Approaches to Sentencing Data and Analysis', Judicial Council of Ireland, especially Chapter 3.

Appendix A – Questionnaire and topline

Topline questionnaire

- This document comprises topline results from the Public Perceptions of Sentencing Survey 2025, carried out by Ipsos Scotland on behalf of the Scottish Sentencing Council
- Results are based on a survey of 1,001 respondents (adults aged 18+) conducted by telephone (CATI) interviewing
- Fieldwork dates: 13 January – 9 February 2025
- Data are weighted by: age, sex, working status, qualifications and Scottish Parliamentary Region
- A dash (-) denotes zero and an asterisk (*) denotes <0.5%
- Where results do not sum to 100%, this may be due to computer rounding, multiple responses, or the exclusion of “don’t know” categories
- Results are based on all respondents (1,001) unless otherwise stated.

GENQ2

In general, how much, if anything, do you feel you know about the sentences given to people convicted of crimes in Scotland? Would you say you know ...?

	%
1. A lot	6
2. A moderate amount	32
3. A little	49
4. Nothing at all	13
5. Don't know	*
<i>Base: All respondents</i>	<i>1,001</i>

GENQ3

In general, would you say that sentences given by the courts in Scotland tend to be too lenient, too tough or about right?

	%
1. Much too tough	1
2. A little too tough	4
3. About right	24

4. A little too lenient	28
5. Much too lenient	32
6. Don't know	11
7. Prefer not to say	*
<i>Base: All respondents</i>	<i>1,001</i>

GENQ12

For every 100 adult offenders that are convicted in the Scottish courts, how many do you think are issued a prison sentence?

	%
0 – 10	19
11 – 20	17
21 – 30	18
31 – 40	11
41 – 50	12
51 – 60	5
61 – 70	2
71 – 80	2
81 – 90	*
91 – 100	1
Don't know	13
<i>Base: All respondents</i>	<i>1,001</i>

GENQ14

Which, if any, of the following do you think are the most important things Scottish courts should be trying to achieve when setting sentences?

	%
1. Protecting the public	55
2. Punishing crime	27
3. Rehabilitating offenders	34

4. All equally important	6
5. Something else	1
6. Don't know	*
<i>Base: All respondents</i>	<i>1,001</i>

Community sentencing

CS_NEW2

In addition to prison sentences, the Scottish courts can also impose a range of community sentences. How much would you say you know about the different community sentences that can be used as alternatives to sending someone convicted of an offence to prison in Scotland? Would you say you know ...?

	%
1. A lot	6
2. A moderate amount	21
3. A little	45
4. Nothing at all	27
5. Don't know	1
6. Refused	-
<i>Base: All respondents</i>	<i>1,001</i>

CS_NEW4

I am going to read out various things which may or may not be part of community sentences. Can you say whether you think they can be part of a community sentence or not, or if you are not sure?

	Yes, can be part of a community sentence	No, not part of community sentence	Unsure
1. Unpaid Work	85	7	9
2. Requirement to meet regularly with a criminal justice social worker	85	6	9
3. Order to pay money to their victims	61	18	20

4. Requirement to attend a drug or alcohol treatment programme	87	5	7
5. Requirement to attend treatment for mental health issues	71	11	18
6. Requirement to attend a programme designed to turn people away from specific kinds of offending behaviour	78	6	16
7. Being banned from entering particular locations	83	6	10
8. Having their freedom of movement restricted – for example, having to stay at home for up to 12 hours a day for a year	78	10	13
9. Being banned from contacting a particular person	81	9	10
<i>Base: All respondents</i>	1,001		

CS_NEW1

Thinking about community sentences compared with short-term prison sentences of 12 months or under, which of the two do you think are more likely to reduce the chances of people reoffending – community sentences, or short-term prison sentences?

	%
1. Community sentences are more likely to reduce reoffending	46
2. Short-term prison sentences of 12 months or under are more likely to reduce reoffending	44
3. Don't know	9
4. Prefer not to say	1
<i>Base: All respondents</i>	1,001

CS_NEW5

In general, do you think community sentences are very effective, fairly effective, not very effective, not effective at all as a way of ...?

	Very effective	Fairly effective	Not very effective	Not effective at all	It depends	Don't know / prefer not to say
Punishing crime?	5	42	35	10	4	5

Protecting the public?	4	37	36	16	3	4
Rehabilitating offenders?	7	49	28	8	3	5
Base: All respondents	1,001					

PS_NEW1

In general, do you think prison sentences are very effective, fairly effective, not very effective, not effective at all as a way of ...?

	Very effective	Fairly effective	Not very effective	Not effective at all	It depends	Don't know / prefer not to say
Punishing crime?	15	50	22	5	4	2
Protecting the public?	35	43	15	2	3	2
Rehabilitating offenders?	6	36	36	13	4	4
Base: All respondents	1,001					

Media

MED_NEW1

[MULTI-CODE]

Imagine you saw a news headline that said, 'Man who committed assault walks free'. Which, if any, of the following would you think this headline suggests about the outcome of the case?

	%
1. The case against the man was dropped	23
2. The man was found not guilty	37
3. The man was given a non-prison sentence - for example, a community sentence or a fine	31
4. Something else – coded responses:	
• <i>It depends on the crime / circumstances / I would need more information</i>	4
• <i>It depends on the media / some media are biased / headlines can be misleading</i>	2
• <i>Lack of evidence / weak court case / good lawyer</i>	2
• <i>The man was guilty and got away with it</i>	1
5. Something else (uncoded)	2
6. None of these	1
7. Don't know	5
8. Prefer not to say	*
Base: All respondents in sample stream A	494

MED_NEW2

And again, imagine you saw a news headline that said, 'Man who committed assault walks free'. If you read this headline, would you think that ...?

	%
1. The court was too harsh	*
2. The court was too lenient	57
3. Something else – coded responses:	
• <i>It depends on the crime / circumstances / I would need more information</i>	21
• <i>He is innocent</i>	3

• <i>There wasn't enough evidence</i>	5
• <i>It depends on the media / some media are biased / headlines can be misleading</i>	2
• <i>The court deemed him not guilty / innocent</i>	2
• <i>Strength of the prosecution's case vs lawyer's case</i>	1
4. Something else (uncoded)	3
5. Don't know	8
6. Prefer not to say	-
<i>Base: All respondents in sample stream A</i>	494

MED_NEW3

[MULTI-CODE]

Imagine you saw a news headline that said, 'Man who committed assault avoids jail'. Which, if any, of the following would you think this headline suggests about the outcome of the case?

	%
1. The case against the man was dropped	14
2. The man was found not guilty	17
3. The man was given a non-prison sentence - for example, a community sentence or a fine	57
4. Something else - coded responses:	
• <i>It depends on the crime / circumstances / I would need more information</i>	5
• <i>It depends on the media / some media are biased / headlines can be misleading</i>	1
• <i>Lack of evidence / weak court case / good lawyer</i>	3
5. Something else (uncoded)	3
6. None of these	*
7. Don't know	7
8. Prefer not to say	*
<i>Base: All respondents in sample stream B</i>	507

MED_NEW4

And again, imagine you saw a news headline that said 'Man who committed assault avoids jail'. If you read this headline, would you think that ...?

	%
1. The court was too harsh	1
2. The court was too lenient	52
3. Something else – coded responses:	
• <i>It depends on the crime / circumstances / I would need more information</i>	26
• <i>It depends on the media / some media are biased / headlines can be misleading</i>	3
• <i>There wasn't enough evidence</i>	3
• <i>It sounds right / fair / I would trust the court</i>	3
• <i>Strength of the prosecution's case vs lawyer's case</i>	1
4. Something else (uncoded)	5
5. Don't know	7
6. Prefer not to say	-
<i>Base: All respondents in sample stream B</i>	<i>507</i>

Domestic abuse

DA_NEW1

I'm going to read out a list of behaviours that a person may display towards someone they are in a relationship with. For each behaviour, I'd like you to tell me whether you think it is currently legal or illegal, or if you're not sure either way.

	Legal	Illegal	Not sure	Prefer not to say
1. Regularly making decisions for their partner, such as deciding how they dress and where they go	34	47	18	*
2. Using technology to track where their partner goes without them knowing, for example by installing a tracking app on their phone	12	75	14	*
3. Regularly treating their partner in a humiliating way in public, such as calling them horrible names, shouting and swearing at them	17	69	14	*
4. Threatening their partner with physical violence (but without acting on this threat)	7	85	8	*
5. Repeatedly talking over their partner in front of other people	68	14	18	*
6. Trying to cut their partner off from friends and family, for example by not allowing them to visit other people	23	60	16	*
7. Limiting their partners access to money, for example by not allowing them to have bank accounts or cards	15	71	14	*
<i>Base: All respondents who answered the domestic abuse section</i>	991			

Scenario A – Assault ('single incident')

DA_NEW2

[MULTICODE OK]

The offender is a 32 year-old man, with no previous criminal convictions. His relationship with his wife had been under strain. After an argument, he pushed his wife, causing her to fall and hit her head, resulting in concussion and bruising. He pled guilty to assault.

What kind of sentence do you personally think would be most appropriate for this offence?

	%
1. A prison sentence of under a year	15
2. A prison sentence of a year or more	11
3. A community sentence, including a programme to address their behaviour	61
4. A verbal warning	4
5. A fine	5
6. Something else – coded responses:	
• <i>It depends on the circumstances</i>	2
• <i>A restraining order / limited contact</i>	1
• <i>Counselling</i>	1
• <i>A suspended sentence</i>	*
• <i>Probation</i>	*
7. Something else (uncoded)	4
8. Don't know	6
9. Prefer not to say	*
10. NET: Prison sentence	24
11. NET Non-prison sentence	67
<i>Base: All respondents in sample stream A who answered the domestic abuse scenarios</i>	480

DA_NEW3_a

Thinking about the scenario I described, if the offence was witnessed by children in the household, do you think the offender should receive ...?

	%
1. A more lenient sentence	2
2. A tougher sentence	50
3. The same sentence?	47
4. Don't know	1
5. Prefer not to say	*
<i>Base: All respondents in sample stream A who answered the domestic abuse scenarios</i>	480

DA_NEW3_b

Going back to the original scenario I described, if the victim of the offence had alcohol addiction issues, do you think the offender should receive ...?

	%
1. A more lenient sentence	8
2. A tougher sentence	13
3. The same sentence?	74
4. Don't know	5
5. Prefer not to say	*
<i>Base: All respondents in sample stream A who answered the domestic abuse scenarios</i>	480

Scenario B – Pattern of coercive control

DA_NEW4

[MULTI-CODE OK]

The offender is a 32 year-old man, with no previous criminal convictions. Over the last two years, he has regularly shouted at his wife and taken her phone away from her to prevent her contacting family and friends. He has prevented her from leaving the house without him and monitored her emails and social media. He pled guilty to abusive behaviour.

What kind of sentence do you personally think would be most appropriate for this offence?

	%
1. A prison sentence of under a year	17
2. A prison sentence of a year or more	22
3. A community sentence, including a programme to address their behaviour	47
4. A verbal warning	1
5. A fine	3
6. Something else – coded responses:	
• A restraining order / limited contact	12
• Counselling	3
• A custodial sentence (not specified further)	1
• Probation	1
• A non-custodial sentence	*
• A suspended sentence	*
• It depends on the circumstances	*
7. Something else (uncoded)	4
8. Don't know	4
9. Prefer not to say	1
10. NET: Prison sentence	38
11. NET: Non-prison sentence	57
Base: All respondents in sample stream B who answered the domestic abuse scenarios	502

DA_NEW5_a

Thinking about the scenario I described, if the offence was witnessed by children in the household, do you think the offender should receive ...?

	%
1. A more lenient sentence	1
2. A tougher sentence	63
3. The same sentence?	34
4. Don't know	2
5. Prefer not to say	*
<i>Base: All respondents in sample stream A who answered the domestic abuse scenarios</i>	502

DA_NEW5_b

Going back to the original scenario I described, if the victim of the offence had alcohol addiction issues, do you think the offender should receive ...?

	%
1. A more lenient sentence	8
2. A tougher sentence	11
3. The same sentence?	78
4. Don't know	3
5. Prefer not to say	-
<i>Base: All respondents in sample stream A who answered the domestic abuse scenarios</i>	502

DA_NEW6

Thinking again about the original scenario I described, one possible alternative to a prison sentence for this type of crime is to require the offender to meet regularly with a social worker in the community and to attend an intensive course that aims to prevent them from engaging in this kind of behaviour in relationships in the future.

How much would you support or oppose this sentence for this type of crime, as an alternative to a prison sentence?

	Sample stream A %	Sample stream B %
1. Strongly support	43	32
2. Tend to support	34	33
3. Neither support nor oppose	5	6
4. Tend to oppose	7	11
5. Strongly oppose	9	16
6. Don't know	3	3
7. Prefer not to say	-	*
<i>Base: All respondents who answered the domestic abuse scenarios</i>	480	502

Mental health or developmental conditions

Scenario A – non-violent offence

MH_NEW1

READ OUT: I'm now going to read another scenario. In this case the offender is a 32-year-old man, with no previous convictions. He has been convicted of repeated vandalism and damage to property in his local area, including damaging a bus shelter and deliberately scratching cars.

Scenario B – violent offence

MH_NEW2

READ OUT: I'm now going to read another scenario. In this case, the offender is 32-year-old man, with no previous convictions. He has been convicted of a violent assault, in which he attacked a stranger and knocked him unconscious after an argument in the street.

MH_NEW3A

[MULTICODE]

Imagine the offender has a moderate learning disability, which for him means that he struggles with everyday tasks and needs support to be able to live alone. He also has difficulties understanding complex information. When the judge is deciding his sentence <for repeated vandalism and damage to property / for violent assault>, what should be their main priority? Should it be ...?

	Scenario A – non-violent offence %	Scenario B – violent offence %
1. Protecting the public	21	49
2. Punishing crime	6	6
3. Rehabilitating the offender	76	56
4. All equally important	2	2
5. Something else	2	2
6. Don't know	1	1
<i>Base: All respondents</i>	<i>494</i>	<i>507</i>

MH_NEW3B

[MULTICODE]

Now imagine the offender has schizophrenia, which causes him to experience episodes of illogical thinking and delusions when unwell. When the judge is deciding his sentence <TEXTFILL DEPENDING ON WHETHER A OR B: for repeated vandalism and damage to property / for violent assault>, what should be their main priority? Should it be ...?

	Scenario A – non-violent offence %	Scenario B – violent offence %
1. Protecting the public	37	63
2. Punishing crime	5	5
3. Rehabilitating the offender	62	43
4. All equally important	2	2
5. Something else	2	2

6. Don't know	2	1
<i>Base: All respondents</i>	494	507

MH_NEW3C

[MULTICODE]

Now imagine the offender has a personality disorder, which for him is associated with difficulty controlling anger and a tendency to act rashly when upset. When the judge is deciding his sentence < TEXTFILL DEPENDING ON WHETHER A OR B: for repeated vandalism and damage to property / for violent assault>, what should be their main priority? Should it be ...?

	Scenario A – non-violent offence %	Scenario B – violent offence %
1. Protecting the public	40	65
2. Punishing crime	9	9
3. Rehabilitating the offender	58	42
4. All equally important	2	1
5. Something else	1	2
6. Don't know	1	1
<i>Base: All respondents</i>	494	507

Other general attitudes to sentencing questions

LS_NEW1

[MULTICODE]

Finally, if you heard that someone aged 30 had been given a life sentence, which, if any, of the following would you think applied? You can select more than one option here.

	%
1. That they must remain in prison for the rest of their life	21
2. That they must remain in prison for at least 25 years	31
3. That they must remain in prison for a period of time decided by the judge	30

4. That after they are released, they can be recalled to prison at any point if they breach the terms of their release	43
5. Something else – coded responses:	
• <i>It depends on the crime</i>	4
• <i>Dependent on successful rehabilitation in prison</i>	1
6. Something else (uncoded)	3
7. Don't know	2
8. Prefer not to say	*
<i>Base: All respondents</i>	<i>1001</i>

Appendix B – Additional tables

Table B.1: Self-assessed knowledge of sentences given to people convicted of crimes in Scotland, by age

	18-34	35-64	65+	35+
A lot	6%	5%	8%	6%
A moderate amount	24%	33%	39%	35%
A little	55%	50%	41%	47%
Nothing at all	15%	12%	12%	12%
Sample size ⁶²	227	514	253	767

Table B.2: Self-assessed knowledge of sentences given to people convicted of crimes in Scotland, by gender

	Women	Men
A lot	6%	6%
A moderate amount	31%	33%
A little	50%	48%
Nothing at all	14%	13%
Sample size ⁶³	537	454

Table B.3: Self-assessed knowledge of sentences given to people convicted of crimes in Scotland, by education

	Graduates	Non-graduates
A lot	7%	5%
A moderate amount	30%	33%
A little	51%	49%
Nothing at all	12%	13%
Sample size	323	599

Table B.4: General views on sentencing by gender

	Women	Men
A little/much too lenient	65%	54%

⁶² Tables B.1, B.5 and B.8: Sample sizes exclude respondents who answered 'Prefer not to say' when asked their age.

⁶³ Tables B.2 and B.4: Sample sizes exclude respondents who answered 'Non-binary', 'My gender is not listed' or 'Prefer not to say' when asked their gender.

	Women	Men
About right	21%	28%
A little/much too tough	4%	5%
Don't know	10%	12%
Sample size	537	454

Table B.5: General views on sentencing, by age

	18-34	35-64	65+	35+
A little / much too lenient	49%	62%	66%	63%
About right	31%	21%	25%	22%
A little / much too tough	9%	4%	2%	3%
Don't know	12%	13%	6%	10%
Sample size	227	514	253	767

Table B.6: General views on sentencing by education

	Graduates	Non-graduates
A little / much too lenient	46%	66%
About right	36%	20%
A little / much too tough	4%	5%
Don't know	13%	9%
Sample size ⁶⁴	323	599

Table B.7: Estimates of the number of adult offenders (out of every 100 convicted) that are issued prison sentences, by views on sentencing

	Too lenient	Too tough or about right
0-10 (underestimate)	23%	13%
11-20 (broadly correct)	18%	14%
21-30 (overestimate)	20%	17%
31-40 (overestimate)	11%	13%
41-50 (overestimate)	11%	14%
51-60 (overestimate)	4%	7%
61-70 (overestimate)	1%	6%
71-80 (overestimate)	2%	3%
81-90 (overestimate)	0%	0%
91-100 (overestimate)	0%	1%
Don't know	10%	13%
Sample size ⁶⁵	605	280

⁶⁴ Tables B.6 and B.9: Sample sizes exclude respondents who answered 'Don't know' or 'Prefer not to say' when asked about their highest level of qualification.

⁶⁵ Table B.7: Sample sizes exclude respondents who answered 'Don't know' or 'Prefer not to say' when asked their views on sentencing.

Table B.8: Estimates of the number of adult offenders (out of every 100 convicted) that are issued prison sentences, by age

	Under 35	35 and over
0-10 (underestimate)	13%	22%
11-20 (broadly correct)	17%	17%
21-30 (overestimate)	18%	18%
31-40 (overestimate)	12%	11%
41-50 (overestimate)	13%	11%
51-60 (overestimate)	7%	4%
61-70 (overestimate)	5%	1%
71-80 (overestimate)	2%	2%
81-90 (overestimate)	0%	0%
91-100 (overestimate)	1%	0%
Don't know	11%	13%
Sample size	227	767

Table B.9: Estimates of the number of adult offenders (out of every 100 convicted) that are issued prison sentences, by education

	Graduates	Non-graduates
0-10 (underestimate)	16%	22%
11-20 (broadly correct)	18%	16%
21-30 (overestimate)	18%	19%
31-40 (overestimate)	16%	9%
41-50 (overestimate)	11%	12%
51-60 (overestimate)	5%	5%
61-70 (overestimate)	2%	2%
71-80 (overestimate)	3%	2%
81-90 (overestimate)	0%	0%
91-100 (overestimate)	0%	1%
Don't know	11%	11%
Sample size	323	599

Appendix C – Cognitive Testing Report

National survey on perceptions of sentencing

**Cognitive testing report
October 2024**

Rachel Ormston, Colin Hockaday and Yulia Lemesheva

Background and methods

Background

The Perceptions of Sentencing Survey questionnaire was designed by Ipsos and the Scottish Sentencing Court together with academic experts between July and September 2024. The questionnaire aims to capture people's views on and understanding of sentencing of different crimes and contains sections on:

- General perceptions of sentencing
- Community sentencing
- Media framing of sentencing
- Domestic abuse
- Sentencing of offenders with mental health conditions

The survey will be launched in January 2024. In advance of this, Ipsos carried out cognitive testing of the draft questionnaire, on the Scottish Sentencing Court's behalf, to assess the acceptability and understanding of the questions.

Approach

Cognitive testing is based on a model of five cognitive processes that participants go through when they answer a survey question:

- **encoding in memory** (participants must have some knowledge or memory of what is being asked about)
- **comprehension** (what do participants think is being asked? how do they interpret specific words and phrases? are there any words or phrases that are ambiguous or not understood at all?)
- **retrieval** (participants retrieve the information from memory)
- **judgement** (participants assess the completeness and relevance of what they remember)
- **communication/response** (does the participant's answer fit the answer categories provided? does the participant want to provide a truthful answer or provide one that might be socially acceptable / avoid disclosing something sensitive? what other objectives do participants have in mind when answering?)

The testing was designed to explore how these processes work in relation to the draft survey questions.

Cognitive interviews were conducted with 14 participants between the 14th and 29th of October 2024. Interviews were conducted by video call (on Microsoft Teams) or by phone, depending on participants' preferences. Throughout the interview, the researcher asked detailed follow-up questions at various points in the questionnaire about how participants had found answering certain questions using a cognitive interviewing guide developed by the research team.

Sample

In total, 14 participants took part in the cognitive testing. They were recruited from Ipsos' database of participants who had taken part in a Scottish Political Monitor telephone survey and had provided their consent to be recontacted.

Table 1.1. Profile of participants

Criteria	Number
Gender	
Female	7
Male	6
In another way	1
Age	
18 – 24	2
25 – 34	2
35 – 54	4
55+	6
Highest qualification	
No formal qualification / 'O' Grade, Standard Grade, GCSE, Intermediate 1, Intermediate 2 / Vocational qualification (SVQ1-2 or equivalent)	7
Higher grade, A-levels, SVQ level 3 or equivalent / HND, HNC, RSA Higher Diploma/ SVQ Level 4-5 or equivalent	2
First degree, higher degree or equivalent professional qualification	5

This report summarises the key findings from the cognitive interviews, and the research team's recommendations for improving the question wording. This is presented in table format, for ease of reference.

Findings and recommendations

Question	Feedback from interviews	Suggested amends
General /overarching feedback	<p>Feedback on the questionnaire was generally positive. Overall, participants found the questions easy to understand and usually were able to answer them as they would like.</p> <p>There were some issues raised around understanding of certain terms, how applicable answer options were to certain circumstances and question length. These issues are highlighted below together with suggested amendments to resolve them.</p>	
General questions about sentencing		
<p>GENQ1 – How confident are you that Scotland’s criminal justice system as a whole is fair to all?</p> <p>GENQ2 – In general, how much, if anything, do you feel you know about the sentences given to people convicted of crimes in Scotland?</p> <p>GENQ3 – In general, would you say that sentences given by the courts in Scotland tend to be too lenient, too tough or about right?</p> <p>GENQ12 – For every 100 adult offenders that</p>	<p>These questions were well-understood and answered with no issues by all of the participants.</p>	<p>No changes required.</p>

<p>are convicted in the Scottish Courts, how many do you think are issued a prison sentence?</p>		
<p>GENQ14 - Which, if any, of the following do you think are the most important things Scottish Courts should be trying to achieve when setting sentences?</p>	<p>While most participants were able to answer the question, some of them (older respondents, in particular) struggled with the length of the question and retaining all the answer options as they were read out. From the interviewer perspective, the list of answer options takes a long time to read out making it burdensome and increasing the overall length of the interview.</p> <p>When probed directly on their understanding of the individual answer options, participants broadly understood most of them correctly and consistently, however, a number of participants were not sure of or struggled to explain the meaning of answer options 4 and 5.</p> <p>Code 3 "Rehabilitating offenders" was generally understood to be about the offender's reintroduction into society, providing them with the necessary support and purpose to turn them away from reoffending and putting them back on the right track in life.</p> <p>Code 4 "Giving the offender the opportunity to make amends" was broadly understood to have to do with the offender's relation to the victim and addressing their personal feelings of guilt and remorse. Although when directly asked, respondents said that they understood the difference between options 3 and 4, one participant mixed up the wording</p>	<p>Consider dropping answer options 4 and 5 to reduce question length which would make it easier for interviewers to read through and for participants to retain the information in the question. These answer options also caused some confusion and issues with understanding among participants. Further, these were not popular responses with either of the options only chosen once by 1 out of 14 participants.</p> <p>GENQ14</p> <p>Different people have different views about the purpose of sentences for people convicted of crimes.</p> <p>Which, if any, of the following do you think are the most important things Scottish Courts should be trying to achieve when setting sentences?</p> <p>READ OUT ALL THE ANSWER OPTIONS 1-5, THEN CODE ALL MENTIONS.</p> <ul style="list-style-type: none"> 1 Protecting the public 2 Punishing crime 3 Rehabilitating offenders 4 Giving the offender the opportunity to make amends 5 Expressing society's disapproval of offending behaviour 6 DO NOT READ OUT (SPONTANEOUS CODE ONLY) All equally important (SINGLE CODE)

	<p>between the two multiple times when answering this and further questions with these answer options.</p> <p>While no participant voiced any issues with understanding option 5 “Expressing society’s disapproval of offending behaviour”, few could coherently explain what they thought it meant when explicitly probed and one participant admitted that they didn’t fully understand it. Some respondents also felt that options 2 and 5 carry a similar meaning and did not see a substantive difference between the two.</p>	<p>7 DO NOT READ OUT (SPONTANEOUS CODE ONLY) Something else. Please say what [code]</p> <p>8 DO NOT READ OUT (SPONTANEOUS CODE ONLY) Don’t know (SINGLE CODE)</p>
Community sentencing		
CS_NEW2 – How much would you say you know about the different community sentences that can be used as alternatives to sending someone convicted of an offence to prison in Scotland?	There were no issues with understanding or answering this question.	No changes required.
CS_NEW4 – I am going to read out various things which may or may not be part of community sentences. Can you say whether you think they can be part of a community sentence or not, or if you are not sure?	Participants were generally able to answer and understand this question. However, a couple of participants who had strong opinions about the criminal justice system would, at times, get off track when answering the question and instead of offering their thoughts on whether the items on the list were part of a community sentence, expressed opinions on the effectiveness of the items. Another participant got the impression that the question is asking about what they thought should be part of a community sentence rather than what already is.	<p>No changes to the question phrasing required but consider adding instructions to the interviewer to emphasise that the question is interested in what people think already is part of a community sentence and redirect participants to the correct meaning of the question if needed.</p> <p>CS_NEW4</p> <p>I am going to read out various things which may or may not be part of community sentences. Can you say whether you think they can be part of</p>

		<p>a community sentence or not, or if you are not sure?</p> <p>(READ OUT EACH AND CODE YES/NO/UNSURE)</p> <p>INTERVIEWER: IF NECESSARY, EXPLAIN WE WANT TO KNOW IF THEY THINK THESE ARE CURRENTLY PART OF A COMMUNITY SENTENCE, RATHER THAN IF THEY THINK THEY SHOULD BE.</p> <ul style="list-style-type: none"> A. Unpaid Work B. Requirement to meet regularly with a criminal justice social worker C. Order to pay money to their victims D. Requirement to attend a drug or alcohol treatment programme E. Requirement to attend treatment for mental health issues F. Requirement to attend a programme designed to turn people away from specific kinds of offending behaviour G. Being banned from entering particular locations H. Having their freedom of movement restricted – for example, having to stay at home for up to 12 hours a day for a year I. Being banned from contacting a particular person <ul style="list-style-type: none"> 1. Yes, can be part of a community sentence 2. No, not part of community sentence 3. Unsure
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<p>CS_NEW1 – Thinking about community sentences compared with short-term prison sentences of 12 months or under, which of the two do you think are more likely to reduce the chances of people reoffending – community sentences, or short-term prison sentences?</p>	<p>This question was generally well-understood and no difficulties with selecting an answer were voiced.</p> <p>When probed, most respondents defined ‘community sentencing’ as unpaid work or, more generally, as a way of punishing offenders without putting them through the prison system.</p> <p>When asked about the meaning of the word ‘reoffending’, most people understood it as committing a crime (not necessarily the same one) more than once. One participant suggested it meant being convicted of another crime and another respondent associated reoffending with habitual offending. However, these slight inconsistencies in understanding had no impact on participants’ ability to answer the question or the answers themselves.</p>	<p>No changes required.</p>
<p>CS_NEW5 & PS_NEW1 –</p> <p>In general, do you think community sentences/ prison sentences are very effective, fairly effective, not very effective, or not effective at all in ...</p>	<p>Some participants found these questions difficult to answer without additional context and detail about a specific crime provided. Respondents suggested that their answers would vary depending on factors, such as the severity of the crime, whether violence was involved and the nature of the offender (e.g. their age, if they’re remorseful and if they’re a first-time or repeat offender).</p> <p>One respondent found it more challenging to answer the question about community sentences because that can imply many different sentences which people might feel differently about, whereas a prison sentence is more straightforward for understanding. Others found the</p>	<p>Although participants’ retention of the answer options was not an issue here since they were read out one at a time, consider dropping options D and E for consistency with the previous questions and to reduce the length of the overall questionnaire.</p> <p>Discuss splitting these questions into more than two by making them more specific to the type of offence (e.g. ask each about a violent and a non-violent offence). However, lengthwise, this might not be feasible without cutting out questions somewhere else in the survey.</p> <p>CS_NEW5</p>

	<p>question about prison sentences more difficult because they associated a wider range of crimes (some significantly more serious than others) with a prison sentence and, therefore, it was hard for them to give a general answer. Participants were probed on which crimes they were thinking about when answering these questions and responses varied greatly in both the severity and nature of the crimes.</p> <p>While most participants felt that they needed more context to provide more informed answers, all were able to select an option based on their general views on the criminal justice system.</p>	<p>In general, do you think [<u>community sentences/ prison sentences</u>] are very effective, fairly effective, not very effective, or not effective at all in</p> <p>READ OUT EACH AND CODE</p> <ul style="list-style-type: none"> a. Punishing crime? b. Protecting the public? c. Rehabilitating offenders? d. Giving the offender the opportunity to make amends? e. Expressing society's disapproval of offending behaviour? <ul style="list-style-type: none"> 1. Very effective 2. Fairly effective 3. Not very effective 4. Not effective at all 5. (Don't know) 6. (Prefer not to say)
Media		
<p>MED_NEW1 & MED_NEW3 –</p> <p>Imagine you saw a news headline that said 'Man who committed assault walks free'/'Man who committed assault avoids jail'. Which, if any, of the following would you think this headline suggests about the outcome of the case?</p>	<p>While participants were generally able to answer this question and found the headline to be clear and straightforward, some experienced issues with retention of the answer options and asked to repeat the question. One older participant had to note down the options to be able to recall them all. From the interviewer perspective, the list of answer options also felt quite long and burdensome to get through.</p> <p>One alternative response was suggested for this question – “there is not enough space in prisons” – by a participant who was thinking about the recently introduced early prison release scheme. A number of other participants brought up the early release scheme as something that they thought about/were influenced by</p>	<p>Consider reducing the number of answer options by dropping option 5 which was not selected by any of the respondents. To further reduce length, ask the interviewer to not read out option 6 and only code this answer spontaneously, if mentioned by participant.</p> <p>MED_NEW1</p> <p>Imagine you saw a news headline that said 'Man who committed assault walks free'/'Man who committed assault avoids jail'. Which, if any, of the following would you think this headline suggests about the outcome of the case?</p> <p>READ OUT ALL THE ANSWER OPTIONS 1-4 THEN CODE ALL MENTIONS</p>

	when considering their responses throughout the questionnaire.	<ol style="list-style-type: none"> 1. The case against the man was dropped 2. The man was found not guilty 3. The man was not being sent to prison 4. The man was given a community sentence 5. The man was given a fine 6. DO NOT READ OUT (SPONTANEOUS CODE ONLY) Or something else (specify) 7. None of these [FIX POSITION. EXCLUSIVE CODE] 8. (Don't know) 9. (Prefer not to say)
<p>MED_NEW2 & MED_NEW4 –</p> <p>And again, imagine you saw a news headline that said 'Man who committed assault walks free'/'Man who committed assault avoids jail'. If you read this headline, would you think it suggested that ...?</p>	<p>The question was broadly well-understood by participants.</p> <p>One participant found it difficult to select an answer because, although they felt the headline was <i>trying</i> to suggest the court was too lenient, they were not confident that this answer would be true of what had actually happened due to their distrust of the media, so chose answer option 3 in the end.</p>	<p>Consider changing the wording slightly to make it clear that we want to know if participants think the headline is insinuating something about the outcome of the case.</p> <p>Suggested amended wording:</p> <p>MED_NEW2</p> <p>And again, imagine you saw a news headline that said 'Man who committed assault walks free'. If you read this headline, would you think it suggested was trying to suggest that ...?</p> <p>READ OUT. SINGLE CODE.</p> <ol style="list-style-type: none"> 1. The court was too harsh 2. The court was too lenient, or 3. Would you not think it suggested anything either way about whether the court was too harsh or lenient? 4. (Don't know) 5. (Prefer not to say)
Domestic abuse section		

<p>Introduction and general feedback on the section</p>	<p>Participants did not experience any discomfort answering the questions and did not find them too sensitive. They thought that the introduction provided sufficient warning about the content of the section. None of the respondents chose to skip any of the questions but said they would have felt comfortable to speak up if they wanted to.</p> <p>One of the people interviewed had personally experienced domestic abuse and did not find the questions discomforting in any way.</p>	<p>No changes required.</p>
<p>DA_NEW1 – I’m going to read out a list of behaviours that a person may display towards someone they are in a relationship with. For each behaviour, I’d like you to tell me whether you think it is legal or illegal, or if you’re not sure either way.</p>	<p>The question was broadly understood as intended. A few participants correctly identified the question to be about coercive control/controlling behaviour.</p> <p>Some participants found it challenging to differentiate between what they thought should be illegal as opposed to what already is and would, at times, get slightly muddled in their answers.</p>	<p>Add a note for the interviewer to remind participants (if needed) that the question is focused on what in reality is or is not legal rather than their opinions on what should be the case. Might consider adding ‘currently’ to question wording to emphasise the same point.</p> <p>DA_NEW1</p> <p>I’m going to read out a list of behaviours that a person may display towards someone they are in a relationship with. For each behaviour, I’d like you to tell me whether you think it is currently legal or illegal, or if you’re not sure either way.</p> <p>READ OUT STATEMENTS AND CODE RESPONSE (LEGAL/ILLEGAL/NOT SURE) FOR EACH.</p> <p>INTERVIEWER: IF NECESSARY, EXPLAIN WE WANT TO KNOW IF THEY THINK THESE BEHAVIOURS ARE</p>

CURRENTLY LEGAL OR ILLEGAL, NOT IF THEY THINK THEY SHOULD BE.

- a. **Regularly making decisions for their partner, such as deciding how they dress and where they go** (IF ASKED – THERE IS NO REASON, SUCH AS DEMENTIA, THAT THEY MIGHT NEED TO MAKE THESE DECISIONS FOR THEM.)
- b. **Using technology to track where their partner goes without them knowing, for example by installing a tracking app on their phone**
- c. **Regularly treating their partner in a humiliating way in public, such as calling them horrible names, shouting and swearing at them**
- d. **Threatening their partner with physical violence (but without acting on this threat)**
- e. **Repeatedly talking over their partner in front of other people**
- f. **Trying to cut their partner off from friends and family, for example by not allowing them to visit other people**
- g. **Limiting their partners access to money, for example by not allowing them to have bank accounts or cards** (IF ASKED – THERE IS NO REASON, SUCH AS DEMENTIA, THAT THEY MIGHT NEED TO BE INVOLVED IN CONTROLLING THEIR PARTNERS FINANCES.)

- 1. Legal
- 2. Illegal
- 3. Not sure
- 4. (Prefer not to say)

<p>DA_NEW2 – Scenario A (Assault – single incident)</p> <p>DA_NEW3 – Scenario B (Pattern of coercive control)</p>	<p>Both scenarios were clear and not deemed too sensitive or uncomfortable by participants, including the person who had personally experienced domestic abuse.</p> <p>Some participants found these questions easier to answer because they provided more contextual detail about the offence compared to the more general questions (although, some felt that even more detail would have been helpful, for example, if the offender exhibited abusive behaviour prior to the incident).</p> <p>Interviewers noted that it was easy to accidentally ignore the 'Do not read out' instruction for the answer codes as most previous questions included answer options they had to read out.</p>	<p>No changes required to the question itself, but it would be useful to emphasise the 'DO NOT READ OUT' instruction at the interviewer briefing and in the instruction materials.</p>
<p>DA_NEW4a – Thinking again about the scenario I've just described, if the offence was witnessed by children in the household, do you think he should receive...</p>	<p>This question was broadly well-understood, and no particular issues were raised here.</p> <p>However, there was a general issue across the follow-up questions (DA_NEW4a to DA_NEW4d) where some participants would add on the information revealed in the follow-up questions to the original scenario when answering the follow up questions. For example, after hearing DA_NEW4a and then moving on to the next question, some participants still thought of a situation where children had witnessed the abuse and answered the next question with that context in mind.</p>	<p>Discuss how best to address the issue of participants building on the scenario with the follow-up questions. One way of mitigating this is changing the wording of the question to emphasise that we would like participants to think back to the original scenario that was described at the start of the section.</p> <p>Suggested amended wording:</p> <p>DA_NEW4a</p> <p>Thinking again about the <u>original</u> scenario I described previously I've just described – if the offence was witnessed by children in the household, do you think he should receive... READ OUT ANSWER OPTIONS</p>

		<p>1 A more lenient sentence</p> <p>2 A tougher sentence</p> <p>3 The same sentence?</p> <p>4 (Don't know – DNRO)</p> <p>5 (Prefer not to say – DNRO)</p>
<p>DA_NEW4b – Thinking again about the scenario I've just described, if the offender had been convicted of a similar offence in a previous relationship, do you think he should receive ...</p>	<p>All respondents consistently selected 'a tougher sentence' in response to this question. There were no issues understanding what it meant for the offender to have been convicted of a similar offence in the past.</p>	<p>In light of the issue described above, it might be worth considering reducing the number of the follow-up questions to avoid confusing participants' understanding of the original scenario with additional information.</p> <p>Discuss if the question is worth asking or could be dropped. Since respondents consistently provided the same answer here, is the question still useful or would it be more valuable to reallocate this space to something else?</p> <p>DA_NEW4b – suggest removing</p> <p>Thinking again about the scenario I've just described, if the offender had been convicted of a similar offence in a previous relationship, do you think he should receive ... READ OUT ANSWER OPTIONS</p> <p>1 A more lenient sentence</p> <p>2 A tougher sentence</p> <p>3 The same sentence?</p> <p>4 (Don't know – DNRO)</p> <p>5 (Prefer not to say – DNRO)</p>
<p>DA_NEW4c – Thinking again about the scenario I've just described, if the offender had already agreed to attend a programme designed to help him address his behaviour, do you think he should receive ...</p>	<p>There were some issues with the understanding of this question. A number of participants thought that the offender had attended the programme before committing the crime. This influenced their answer – they believed the man deserved a tougher sentence because the fact that he has already been through the programme would imply that he'd exhibited abusive behaviour in the past and that the programme did not work on him. Among respondents who understood the question as intended, responses aligned with their beliefs</p>	<p>Consider rewording the question to make it clearer that the offender agreed to attend the programme after committing the offense.</p> <p>Suggested amended wording:</p> <p>DA_NEW4c</p> <p>Thinking again about the <u>original</u> scenario I described previously I've just described, if <u>since being charged with the offence</u>, the offender has already agreed to attend a</p>

	<p>about the effectiveness of community sentences more generally.</p> <p>Participants generally understood that a treatment programme is a type of community sentence and suggested examples, such as an anger management programme, mental health treatment and the Freedom Programme designed for both domestic abuse survivors and offenders.</p>	<p>programme designed to help him address his behaviour, do you think he should receive ...READ OUT ANSWER OPTIONS</p> <ol style="list-style-type: none"> 1 A more lenient sentence 2 A tougher sentence 3 The same sentence? 4 (Don't know – DNRO) 5 (Prefer not to say – DNRO)
<p>DA_NEW4d – Thinking again about the scenario I've just described, if the victim of the offence had alcohol addiction issues, do you think the offender should receive ...</p>	<p>Some respondents were confused by the fact that the question suddenly shifted focus from offender to the victim and assumed that the alcohol addiction issues related to the offender. Vocally emphasising the word 'victim' helped mitigate this issue in later interviews.</p>	<p>Add an instruction for the interviewer to emphasise the word 'victim' when reading the question out.</p> <p>Suggested amended wording:</p> <p>DA_NEW4d</p> <p>Thinking again about the original scenario I described previously I've just described, if the victim of the offence had alcohol addiction issues, do you think the offender should receive ... READ OUT ANSWER OPTIONS</p> <p>INTERVIEWER: IF NECESSARY, CLARIFY THAT IT IS THE VICTIM (NOT THE OFFENDER) WHO HAS ALCOHOL ADDICTION ISSUES.</p> <ol style="list-style-type: none"> 1 A more lenient sentence 2 A tougher sentence 3 The same sentence? 4 (Don't know – DNRO) 5 (Prefer not to say – DNRO)
<p>DA_NEW5 – One possible sentence for this type of crime is to require the offender to</p>	<p>While there were no issues raised with the understanding of this question, some participants who said they strongly believed that prison time</p>	<p>Consider adding a sentence referring to the original scenario and an instruction for the interviewer to</p>

<p>meet regularly with a social worker in the community and to attend an intensive course that aims to prevent them from engaging in this kind of behaviour in relationships in the future.</p> <p>How much would you support or oppose this sentence for this type of crime?</p>	<p>would be the most appropriate sentence for the offence at DA_NEW2, then answered 'Strongly support' here. This could suggest that some participants understood this question as proposing additional measures to the sentence rather than an alternative sentence.</p> <p>As discussed above, there was an issue with the follow-up questions confusing participant's recall of the original scenario here. Some participants were answering this question thinking that the point about the victim having alcohol addiction issues from DA_NEW4d still applied.</p>	<p>check with the respondent if they need to hear the scenario again.</p> <p>Discuss and clarify whether the question is intended to measure support for the measures described as an alternative or an addition to a prison sentence. If it is meant as an alternative sentence, we might consider rewording the question to make this clearer (suggested example below).</p> <p>DA_NEW5</p> <p>Thinking again about the original scenario I described. One possible alternative to a prison sentence for this type of crime is to require the offender to meet regularly with a social worker in the community and to attend an intensive course that aims to prevent them from engaging in this kind of behaviour in relationships in the future.</p> <p>How much would you support or oppose this sentence for this type of crime?</p> <p>INTERVIEWER IF NECESSARY: To remind you [INSERT SCENARIO A OR B].</p> <p>IF SUPPORT/OPPOSE – would you say you strongly support/oppose it, or tend to support/oppose it?</p> <p>[ROTATE ORDER OF 1-5]</p> <ol style="list-style-type: none"> 1. Strongly support 2. Tend to support 3. Neither support nor oppose 4. Tend to oppose 5. Strongly oppose 6. (Don't know) 7. (Prefer not to say)
Mental health		

<p>MH_NEW1 – Scenario A (non-violent offence)</p> <p>MH_NEW2 – Scenario B (violent offence)</p>	<p>There were no issues with understanding the scenarios – both were felt to be clear and straightforward.</p>	<p>No changes required.</p>
<p>MH_NEW3B – (Now) Imagine the offender has ADHD, which can sometimes lead him to behave impulsively in a way that he finds hard to control. When the judge is deciding his sentence <for repeated vandalism and damage to property / for violent assault>, what should be their main focus? Should it be ...</p>	<p>As discussed above, the number and length of answer options were again a challenge, particularly for the interviewer since the same options need to be repeated for multiple questions. There was confusion between answer options 3 and 4 – one participant kept mixing up the wording of the two (saying “giving the offender the opportunity to rehabilitate”), although when explicitly probed, said they understood the distinction between them.</p> <p>There was mixed understanding of ADHD. Some (particularly, older) participants were entirely unaware of what the condition entailed and assumed it was a more serious mental illness that required treatment. Others did not consider it a serious or valid condition. However, how people understand the different conditions may not matter for the purposes of this section since this is not something we are measuring.</p> <p>Some participants who selected multiple responses to questions in this section, felt it important to clarify that one of the options was more of a priority than the other. This varied across questions depending on the mental condition/illness discussed.</p>	<p>Consider dropping answer options 4 and 5 for consistency with the suggestions above, to avoid confusion among participants and reduce length.</p> <p>Potentially consider changing ‘main focus’ to ‘main priority’ (for all mental health questions) as it better reflects what the question is asking about.</p> <p>MH_NEW3B (Now) Imagine the offender has ADHD, which can sometimes lead him to behave impulsively in a way that he finds hard to control. When the judge is deciding his sentence <for repeated vandalism and damage to property / for violent assault>, what should be their main focus priority? Should it be ... READ OUT</p> <p>CODE ALL MENTIONS BUT DO NOT PROMPT [ALLOW MULTI-CODE]</p> <ol style="list-style-type: none"> 1 Protecting the public 2 Punishing crime 3 Rehabilitating or treating offenders 4 Giving the offender the opportunity to make amends 5 Expressing society's disapproval of offending behaviour 6 DO NOT READ OUT (SPONTANEOUS CODE ONLY) All equally important (SINGLE CODE) 7 DO NOT READ OUT (SPONTANEOUS CODE ONLY)

		<p>Something else. Please say what [code]</p> <p>8 DO NOT READ OUT (SPONTANEOUS CODE ONLY) Don't know (SINGLE CODE)</p>
<p>MH_NEW3C – (Now) Imagine the offender has schizophrenia, which causes him to experience episodes of illogical thinking and delusions when unwell. When the judge is deciding his sentence <for repeated vandalism and damage to property / for violent assault>, what should be their main focus? Should it be ...</p>	<p>Schizophrenia was broadly recognised as a more serious illness than the other ones mentioned. Only one participant was not entirely sure what it was.</p> <p>There were some participants who associated the illness with instability and unpredictability and therefore felt that 'protecting the public' should be more important here. While this is technically fine, we might want to think about whether asking this is inviting a correlation between schizophrenia and violence, particularly with respect to the scenario about violent assault.</p>	<p>Discuss the ethical implications of linking schizophrenia to violence in this question.</p>
<p>MH_NEW3A – (Now) Imagine the offender has a moderate learning disability that means he struggles with everyday tasks and needs support to be able to live alone. He has difficulties understanding complex information. When the judge is deciding his sentence <for repeated vandalism and damage to property / for violent assault>, what should be their main focus? Should it be ...</p>	<p>One participant who had severe dyslexia, dyspraxia, dyscalculia and autism wanted to know if we could give examples of specific conditions that could be defined as a moderate learning disability - they were unsure if any of the conditions they had fell within that category.</p> <p>Another participant asked whether the disability in question is the kind that can be treated, the answer to which would have affected their answer.</p>	<p>The issues raised here are difficult to address considering the range of conditions and syndromes that can be part of a learning disability - to discuss how to approach this.</p> <p>Discuss if it is appropriate to have 'treating' (answer code 3) as an option here since learning disabilities are not 'treatable' in the same way as other conditions we ask about. (Same can be suggested about ADHD).</p> <p>MH_NEW3A</p> <p>(Now) Imagine the offender has a moderate learning disability that means he struggles with everyday tasks and needs support to be able to live alone. He has difficulties understanding complex information. When the judge is deciding his sentence <for repeated vandalism and damage to property / for violent assault>, what should be their main</p>

		<p>focus priority? Should it be ... READ OUT</p> <p>[ANSWER OPTIONS TO BE READ OUT FOR FIRST QUESTION IN SERIES, THEN AS NEEDED]</p> <p>CODE ALL MENTIONS BUT DO NOT PROMPT</p> <p>[ALLOW MULTI-CODE]</p> <ol style="list-style-type: none"> 1 Protecting the public 2 Punishing crime 3 Rehabilitating or treating offenders 4 Giving the offender the opportunity to make amends 5 Expressing society's disapproval of offending behaviour 6 DO NOT READ OUT (SPONTANEOUS CODE ONLY) All equally important (SINGLE CODE) 7 DO NOT READ OUT (SPONTANEOUS CODE ONLY) Something else. Please say what [code] 8 DO NOT READ OUT (SPONTANEOUS CODE ONLY) Don't know (SINGLE CODE)
<p>MH_NEW3D – (Now) imagine the offender has a personality disorder, which is associated with difficulty controlling anger and a tendency to act rashly when upset. When the judge is deciding his sentence <for repeated vandalism and damage to property / for violent assault>, what should</p>	<p>Participants were less certain about what this condition might be but felt that the explanation made sense. When probed, some people mentioned bipolar disorder and a tendency of people with personality disorders “to fly off the handle”. This was associated by some with a greater incidence of reoffending.</p> <p>One participant who had a personality disorder did not voice any issues or disagreement with the description in the question. However, if interviewing someone with a personality disorder</p>	<p>Consider adding ‘for them’ after ‘which’ to emphasise that the description provided here is not universal to all people with a personality disorder.</p> <p>Discuss reviewing the accuracy of descriptions for the mental health conditions/illnesses for all questions with an expert.</p> <p>MH_NEW3D</p> <p>(Now) imagine the offender has a personality disorder, which for them</p>

<p>be their main focus? Should it be ...</p>	<p>that did not manifest in this way, there might be a risk of offending them.</p>	<p>is associated with difficulty controlling anger and a tendency to act rashly when upset. When the judge is deciding his sentence <for repeated vandalism and damage to property / for violent assault>, what should be their main focus priority? Should it be ... READ OUT</p> <p>CODE ALL MENTIONS BUT DO NOT PROMPT</p> <p>[ALLOW MULTI-CODE]</p> <ol style="list-style-type: none"> 1 Protecting the public 2 Punishing crime 3 Rehabilitating or treating offenders 4 Giving the offender the opportunity to make amends 5 Expressing society's disapproval of offending behaviour 6 DO NOT READ OUT (SPONTANEOUS CODE ONLY) All equally important (SINGLE CODE) 7 DO NOT READ OUT (SPONTANEOUS CODE ONLY) Something else. Please say what [code] 8 DO NOT READ OUT (SPONTANEOUS CODE ONLY) Don't know (SINGLE CODE)
<p>Other general attitudes to sentencing questions</p>		
<p>LS_NEW1 – If you heard that someone aged 30 had been given a life sentence, which, if any, of the following would you think applied?</p>	<p>Some participants were not clear that they could choose more than one answer option here because the first 3 options seem mutually exclusive.</p> <p>Most people understood 'breach the terms of release' as committing another crime.</p>	<p>Add a note for the interviewer to clarify that more than one response is allowed but specify that only one of codes 1-3 can be chosen.</p> <p>LS_NEW1</p> <p>If you heard that someone aged 30 had been given a life sentence, which, if any, of the following would you think applied? You can select more than one option here.</p> <p>READ OUT 1-5. CODE ALL MENTIONS BUT 1-3 ARE EXCLUSIVE.</p>

		<p>[MULTICODE. RANDOMISE ORDER OF 1-4]</p> <ol style="list-style-type: none">1 That they must remain in prison for the rest of their life2 That they must remain in prison for at least 25 years3 That they must remain in prison for a period of time decided by the judge4 That after they are released, they can be recalled to prison at any point if they breach the terms of their release5 Something else (PLEASE SAY WHAT)6 (Don't know)7 (Prefer not to say)
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Appendix D: Cognitive Testing Discussion guide

Introduce self and thank respondent for agreeing to participate.

Briefly talk through the aims and background of the project: Ipsos has been commissioned by the Scottish Sentencing Council to conduct research into public perceptions of sentencing for different crimes. The Scottish Sentencing Council is an independent advisory body. They prepare guidelines on sentencing for Scottish Courts and information about sentences for the public and others, which is why they're conducting this research – so they can better understand what the public knows and thinks about sentencing.

Explain the process: We are testing the questions for the survey at the moment. We want to improve the questions to make sure that they are easily understood and work as intended. This is where you come in. We are interested in your experience of answering the questions and any issues you might encounter along the way, rather than your exact answers. We will use what you, and other people we are testing the questions with, tell us to improve the questions.

The survey will be over the phone, so I'll ask you the questions as though I was a survey interviewer. However, I'll also pause the interview at various points and ask you how you found the questions, what you thought they were trying to get at, or whether you found particular terms easy or difficult to understand. I won't follow-up after every single question, but if there is anything you do find confusing as we go through, it would also be really helpful if you can mention it.

There are no right or wrong answers – if something doesn't make sense, that's probably because we're asking it wrong and we're keen to get that feedback. We may also ask you some questions that seem silly – this is because we are testing the questions, not you.

A few of the questions ask about some quite sensitive topics, including questions about violent offences and offences committed within an abusive relationship. Taking part is completely voluntary – you are free to stop the interview at any time and to skip any questions you do not wish to answer.

Inform: Ipsos abides by the Market Research Society code of conduct and is covered by the Data Protection Act and GDPR – this means no information that would identify you will be kept with your answers, and everything you say will be kept confidential, unless you say something to make me think you or someone else is at serious risk of harm. Your participation is voluntary, and you can change your mind at any point. If you don't want to answer a question, you want to take a break, or you want to stop the interview, just let me know.

Remind: The interview will take between 45 minutes and an hour. You will receive £35 as a thank you for taking part. [REMEMBER TO CONFIRM WHAT TYPE OF INCENTIVE THEY WANT AND DETAILS FOR SENDING AT THE END]

Ask permission: Before we begin, can I get your permission to record the interview? This will only be for analysis and notetaking purposes; the recording will not be shared with anyone outside of Ipsos.

NOTES FOR INTERVIEWER:

- 1) Check whether you're asking 'A' or 'B' versions of scenarios before each interview.
- 2) Make notes on the questionnaire as you are interviewing, either on a hard or electronic copy. (If electronic, save to CES drive with participant reference number)
- 3) Type up your notes to a 'Master' copy of this with all your interviews in it asap after each interview, ready for the debrief (it's easier to have everything in once place for this). Use participant reference numbers to identify answers/comments from different participants. Note whether you asked 'A' or 'B' scenarios.
- 4) Make sure you record people's actual answers to the questions, as well as what they say about how they understood it – this is really important for context.

Question	Probe
<p>READ OUT: I'd like to start by asking you some general questions about sentences for people convicted of crimes in Scotland.</p> <p>[ASK ALL]</p> <p>GENQ1</p> <p>[SINGLE CODE]</p> <p>How confident are you that Scotland's criminal justice system as a whole is fair to all?</p> <p>READ OUT</p> <p>1 Very confident</p> <p>2 Fairly confident</p> <p>3 Not very confident</p> <p>4 Not at all confident</p> <p>5 Don't know</p>	<p>NO PROBES - REPEAT QUESTION - BUT INCLUDING HERE AS ODD TO GO STRAIGHT IN WITH NEW QUESTIONS. IF YOU FIND INTERVIEWS ARE OVER-RUNNING, YOU COULD START AT FIRST QUESTION WITH PROBES INSTEAD.</p> <p>DO RECORD THEIR ANSWERS TO THESE QUESTIONS THOUGH.</p>

<p>[ASK ALL]</p> <p>GENQ2</p> <p>[SINGLE CODE]</p> <p>In general, how much, if anything, do you feel you know about the sentences given to people convicted of crimes in Scotland?</p> <p>Would you say you know...?</p> <p>1 A lot</p> <p>2 A moderate amount</p> <p>3 A little</p> <p>4 Nothing at all</p> <p>5 Don't know</p>	<p>(NO PROBES – REPEAT QUESTION).</p>
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[ASK ALL]

GENQ3

SINGLE CODE

In general, would you say that sentences given by the courts in Scotland tend to be too lenient, too tough or about right?

[If too tough, ask:] Would you say they were much too tough or a little too tough]

[If too lenient, ask:] Would you say they were much too lenient or a little too lenient]

1 Much too tough

2 A little too tough

3 About right

4 A little too lenient

5 Much too lenient

6 Don't know

7 Refused

PROBE:

This question asks about whether sentences are 'too lenient, too tough, or about right'. Can you tell me in your own words what you think 'too lenient' means here?

What about 'too tough'?

<p>[ASK ALL]</p> <p>GENQ12</p> <p>[SINGLE CODE]</p> <p>For every 100 adult offenders that are convicted in the Scottish Courts, how many do you think are issued a prison sentence?</p> <p>[range 0-100]</p>	<p>(NO PROBES – REPEAT QUESTION).</p>
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[ASK ALL]

GENQ14

Different people have different views about the purpose of sentences for people convicted of crimes.

Which, if any, of the following do you think are the most important things Scottish Courts should be trying to achieve when setting sentences?

READ OUT ALL THE ANSWER OPTIONS 1-5, THEN CODE ALL MENTIONS.

- 1 Protecting the public
- 2 Punishing crime
- 3 Rehabilitating offenders
- 4 Giving the offender the opportunity to make amends
- 5 Expressing society's disapproval of offending behaviour
- 6 DO NOT READ OUT (SPONTANEOUS CODE ONLY) All equally important (SINGLE CODE)
- 7 DO NOT READ OUT (SPONTANEOUS CODE ONLY) Something else. Please say what [code]
- 8 DO NOT READ OUT (SPONTANEOUS CODE ONLY) Don't know (SINGLE CODE)

PROBE:

What did you think about the different answer options I read out at this question?

How easy or difficult was it to choose your answers from these options? IF DIFFICULT – what answer did you want to give, if you had been able to give it in your own words?

In your own words, can you explain what you think 'Giving the offender the opportunity to make amends' means?

What about 'Expressing society's disapproval of offending behaviour'?

And 'rehabilitating offenders'?

COMMUNITY SENTENCING SECTION

[ASK ALL]

CS_NEW2

[SINGLE CODE]

In addition to prison sentences, the Scottish Courts can also impose a range of community sentences.

How much would you say you know about the different community sentences that can be used as alternatives to sending someone convicted of an offence to prison in Scotland? Would you say you know ... **READ OUT**

1. A great deal
2. A fair amount
3. Some
4. Not very much
5. Nothing at all
6. (Don't know)
7. (Refused)

[ASK ALL]

CS_NEW4

[SINGLE CODE PER STATEMENT]

I am going to read out various things which may or may not be part of community sentences. Can you say whether you think they can be part of a community sentence or not, or if you are not sure?

(READ OUT EACH AND CODE YES/NO/UNSURE)

- A. Unpaid Work
- B. Requirement to meet regularly with a criminal justice social worker
- C. Order to pay money to their victims
- D. Requirement to attend a drug or alcohol treatment programme
- E. Requirement to attend treatment for mental health issues
- F. Requirement to attend a programme designed to turn people away from specific kinds of offending behaviour
- G. Being banned from entering particular locations
- H. Having their freedom of movement restricted – for example, having to stay at home for up to 12 hours a day for a year
- I. Being banned from contacting a particular person

- 1. Yes, can be part of a community sentence
- 2. No, not part of community sentence
- 3. Unsure

PROBES:

How easy or difficult did you find answering this question?

IF DIFFICULT: what about it would you say made it difficult?

How clear or unclear were the various things I read out that might be part of a community sentence? Were any less clear than others?

[ASK ALL]

CS_NEW1

Community sentences may include having to carry out unpaid work and having to report regularly to a social worker.

Thinking about community sentences compared with short-term prison sentences of 12 months or under, which of the two do you think are more likely to reduce the chances of people reoffending – community sentences, or short-term prison sentences?

1. Community sentences are more likely to reduce reoffending
2. Short-term prison sentences of 12 months or under are more likely to reduce reoffending
3. (Don't know)
4. (Prefer not to say)

PROBES:

How easy or difficult was it to understand this question?

How did you arrive at your answer?

In your own words, can you explain what you understand by "community sentences"? How useful were the examples given in this question?

Is the word "reoffending" clear to you? Can you describe what it means in your own words?

[ASK ALL]

CS_NEW5

[SINGLE CODE PER STATEMENT]

In general, do you think community sentences are very effective, fairly effective, not very effective, or not effective at all in **READ OUT EACH AND CODE**

- a. Punishing crime?
- b. Protecting the public?
- c. Rehabilitating offenders?
- d. Giving the offender the opportunity to make amends?
- e. Expressing society's disapproval of offending behaviour?

- 1. Very effective
- 2. Fairly effective
- 3. Not very effective
- 4. Not effective at all
- 5. (Don't know)
- 6. (Prefer not to say)

PROBES:

What was going through your mind when answering this question? Were you thinking of any particular offences or cases you have heard of before? Or any particular types of community sentence?

How easy or difficult was it to decide your answers?

[ASK ALL]

PS_NEW1

In general, do you think prison sentences are very effective, fairly effective, not very effective, or not effective at all in

READ OUT EACH AND CODE

- a. Punishing crime?
- b. Protecting the public?
- c. Rehabilitating offenders?
- d. Giving the offender the opportunity to make amends?
- e. Expressing society's disapproval of offending behaviour?

ROTATE ORDER OF 1-5 (MATCHED TO QUESTION WORDING)

- 1. Very effective
- 2. Fairly effective
- 3. Not very effective
- 4. Not effective at all
- 5. (Don't know)
- 6. (Prefer not to say)

PROBES:

Was this easier or more difficult than the question on community sentences? What made it easier/more difficult?

MEDIA SECTION

INTERVIEWER: ASK HALF THE PEOPLE YOU SPEAK TO MED_NEW1 AND MED_NEW2, AND THE OTHER HALF MED_NEW3 AND MED_NEW4.

A - MED_NEW1

Imagine you saw a news headline that said 'Man who committed assault walks free'. Which, if any, of the following would you think this headline suggests about the outcome of the case?

READ OUT ALL THE ANSWER OPTIONS 1-6, THEN CODE ALL MENTIONS.

1. The case against the man was dropped
2. The man was found not guilty
3. The man was not being sent to prison
4. The man was given a community sentence
5. The man was given a fine
6. Or something else (PLEASE SAY WHAT)
7. None of these [FIX POSITION. EXCLUSIVE CODE]
8. (Don't know)
9. (Prefer not to say)

A - MED_NEW2

[SINGLE CODE]

And again, imagine you saw a news headline that said 'Man who committed assault walks free'. If you read this headline, would you think it suggested that ...?

READ OUT. SINGLE CODE.

1. The court was too harsh
2. The court was too lenient, or
3. Would you not think it suggested anything either way about whether the court was too harsh or lenient?
4. (Don't know)
5. (Prefer not to say)

PROBES: Thinking about these two questions:

How easy/difficult did you find answering them? IF DIFFICULT – what specifically made them difficult?

How did you arrive at your answers? (IF NECESSARY: were you thinking about any real news story or headline you'd seen before/ something you'd seen on TV (movie/show) or anything else?)

Did all the options for what the headline might be suggesting (at the first question) make sense to you?

Is there anything that you thought was missing?

**INTERVIEWER: ASK HALF THE PEOPLE YOU SPEAK TO
MED_NEW1 AND MED_NEW2, AND THE OTHER HALF MED_NEW3
AND MED_NEW4**

B - MED_NEW3

**Imagine you saw a news headline that said 'Man who committed
assault avoids jail'. Which, if any, of the following would you
think this headline suggests about the outcome of the case?**

**READ OUT ALL THE ANSWER OPTIONS 1-6, THEN CODE ALL
MENTIONS.**

1. The case against the man was dropped
2. The man was found not guilty
3. The man was not being sent to prison
4. The man was given a community sentence
5. The man was given a fine
6. Or something else (PLEASE SAY WHAT)
7. None of these [FIX POSITION. EXCLUSIVE CODE]
8. (Don't know)
9. (Prefer not to say)

ASK ALL]

B - MED_NEW4

[SINGLE CODE]

And again, imagine you saw a news headline that said 'Man who committed assault avoids jail'. If you read this headline, would you think it suggested that ...?

READ OUT. SINGLE CODE.

1. The court was too harsh
2. The court was too lenient, or
3. Would you not think it suggested anything either way about whether the court was too harsh or lenient?
4. (Don't know)
5. (Prefer not to say)

PROBES: Thinking about these two questions:

How easy/difficult did you find answering them? IF DIFFICULT – what specifically made them difficult?

How did you arrive at your answers? (IF NECESSARY: were you thinking about any real news story or headline you'd seen before/ something you'd seen on TV (movie/show) or anything else?)

Did all the options (at the first question) for what the headline might be suggesting make sense to you?

Is there anything that you thought was missing?

DOMESTIC ABUSE SECTION

For the following questions, I am going to describe various behaviours that may occur in a relationship. Some of these are quite sensitive. If you do not wish to answer a particular question, please just say "I'd prefer to skip that".

Please remember that all your answers are strictly confidential and no one else will see them.

- 1 Continue
- 2 Respondents requested to skip – SKIP TO SECTION ON MENTAL DISORDER

[ASK ALL]

DA_NEW1

I'm going to read out a list of behaviours that a person may display towards someone they are in a relationship with. For each behaviour, I'd like you to tell me whether you think it is legal or illegal, or if you're not sure either way.

**READ OUT STATEMENTS AND CODE RESPONSE
(LEGAL/ILLEGAL/NOT SURE) FOR EACH.**

- a. **Regularly making decisions for their partner, such as deciding how they dress and where they go** (IF ASKED – THERE IS NO REASON, SUCH AS DEMENTIA, THAT THEY MIGHT NEED TO MAKE THESE DECISIONS FOR THEM.)
- b. **Using technology to track where their partner goes without them knowing, for example by installing a tracking app on their phone**
- c. **Regularly treating their partner in a humiliating way in public, such as calling them horrible names, shouting and swearing at them**
- d. **Threatening their partner with physical violence (but without acting on this threat)**
- e. **Repeatedly talking over their partner in front of other people**
- f. **Trying to cut their partner off from friends and family, for example by not allowing them to visit other people**

PROBE AFTER ASKED ALL OF A-G:

Can you describe to me, in your own words, what this question was asking about?

How easy or difficult did you find answering this question?
(probe on length and whether the respondent found it too burdensome to answer)

How comfortable or uncomfortable did you feel answering it? Were there any elements you were more or less comfortable with? Is there anything you think would make these more comfortable for someone to answer?

Were any of the behaviours described unclear to you or not easy to understand?

Did you find the examples give helpful? IF NOT – were there other examples you think might have been more helpful?

<p>g. Limiting their partners access to money, for example by not allowing them to have bank accounts or cards (IF ASKED – THERE IS NO REASON, SUCH AS DEMENTIA, THAT THEY MIGHT NEED TO BE INVOLVED IN CONTROLLING THEIR PARTNERS FINANCES.)</p> <ol style="list-style-type: none"> 1. Legal 2. Illegal 3. Not sure 4. (Prefer not to say) 	
<p>[ASK ALL]</p> <p>DA_SCENINTRO</p> <p>I am now going to describe a number of different offences.</p> <p>The first few offences I'm going to describe relate to offences committed against someone the offender is in a relationship with. If you would prefer not to answer any of these questions, please just say "I'd prefer to skip that".</p> <ol style="list-style-type: none"> 1 Continue 2 Respondents requested to skip – SKIP TO SECTION ON MENTAL DISORDER 	<p>[Note down reactions to the introduction – if the respondent is hesitant or is asking more questions about what the following questions will be about.]</p>

ASK HALF PARTICIPANTS SCENARIO A, HALF SCENARIO B. IF TIME AT END OF THE SECTION, GO BACK AND READ THE OTHER QUESTION OUT TO THEM AND ASK WHETHER IT MAKES SENSE / IS CLEAR.

Scenario A - Assault ('single incident')

DA_NEW2

READ OUT: The offender is a 32 year-old man, with no previous criminal convictions. His relationship with his wife had been under strain. After an argument, he pushed his wife, causing her to fall and hit her head, resulting in concussion and bruising. He pled guilty to assault.

What kind of sentence do you personally think would be most appropriate for this offence?

DO NOT READ OUT. IF PRISON, PROBE ON WHAT LENGTH OF SENTENCE. IF THEY MENTION MORE THAN ONE OPTION, CODE ALL THAT APPLY.

1. A prison sentence of under a year
2. A prison sentence of a year or more
3. A community sentence including a programme to address their behaviour
4. A verbal warning
5. A fine
6. Something else – PLEASE WRITE IN
7. Don't know
8. Prefer not to say

Note down how easy/difficult it was for the respondent to come up with the answer themselves; if it took them a long time to think.

PROBES:

How easy or difficult was it to answer this question?

Did you feel that the scenario was clear enough to understand what had happened?

How comfortable or uncomfortable did you feel answering it? Is there anything you think we could change that would make this more comfortable to answer?

Scenario B – Pattern of coercive control

DA_NEW3

READ OUT: The offender is a 32 year-old man, with no previous criminal convictions. Over the last two years, he has regularly shouted at his wife and taken her phone away from her to prevent her contacting family and friends. He has prevented her from leaving the house without him and monitored her emails and social media. He pled guilty to abusive behaviour.

What kind of sentence do you personally think would be most appropriate for this offence?

DO NOT READ OUT. IF PRISON, PROBE ON WHAT LENGTH OF SENTENCE. IF THEY MENTION MORE THAN ONE OPTION, CODE ALL THAT APPLY.

1. A prison sentence of under a year
2. A prison sentence of a year or more
3. A community sentence including a programme to address their behaviour
4. A verbal warning
5. A fine
6. Something else – PLEASE WRITE IN
7. Don't know
8. Prefer not to say

Note down how easy/difficult it was for the respondent to come up with the answer themselves; if it took them a long time to think.

PROBES:

How easy or difficult was it to answer this question?

Did you feel that the scenario was clear enough to understand what had happened?

How comfortable or uncomfortable did you feel answering it? Is there anything you think we could change that would make this more comfortable to answer?

Follow-up questions (ask after whichever scenario you read out)

DA_NEW4a

Thinking again about the scenario I've just described, if **the offence was witnessed by children in the household**, do you think he should receive... **READ OUT ANSWER OPTIONS**

- 1 A more lenient sentence
- 2 A tougher sentence
- 3 The same sentence?
- 4 (Don't know – DNRO)
- 5 (Prefer not to say – DNRO)

PROBES:

How did you arrive at this answer? / What did you think about when deciding how to answer this question?

What do you understand by 'a more lenient sentence' in this question? Can you describe in your own words what you think that means?

And 'a tougher sentence'?

<p>DA_NEW4b</p> <p>Thinking again about the scenario I've just described, if the offender had been convicted of a similar offence in a previous relationship, do you think he should receive ... READ OUT ANSWER OPTIONS</p> <ul style="list-style-type: none"> 1 A more lenient sentence 2 A tougher sentence 3 The same sentence? 4 (Don't know - DNRO) 5 (Prefer not to say - DNRO) 	<p>PROBES:</p> <p>When I said, "convicted of a similar offence in a previous relationship" what did you think this meant?</p>
<p>DA_NEW4c</p> <p>Thinking again about the scenario I've just described, if the offender had already agreed to attend a programme designed to help him address his behaviour, do you think he should receive ...READ OUT ANSWER OPTIONS</p> <ul style="list-style-type: none"> 1 A more lenient sentence 2 A tougher sentence 3 The same sentence? 4 (Don't know - DNRO) 5 (Prefer not to say - DNRO) 	<p>Could you describe in your own words what you think "a programme designed to help him address his behaviour" was referring to?</p> <p>Check - does the participant think the offender attended the programme before or after the incident took place?</p>

DA_NEW4d

Thinking again about the scenario I've just described, if the **victim of the offence had alcohol addiction issues**, do you think the offender should receive ... **READ OUT ANSWER OPTIONS**

- 1 A more lenient sentence
- 2 A tougher sentence
- 3 The same sentence?
- 4 (Don't know - DNRO)
- 5 (Prefer not to say - DNRO)

How did you arrive at this answer? / What did you think about when deciding how to answer this question?

[ASK ALL]

DA_NEW5

One possible sentence for this type of crime is to require the offender to meet regularly with a social worker in the community and to attend an intensive course that aims to prevent them from engaging in this kind of behaviour in relationships in the future.

How much would you support or oppose this sentence for this type of crime?

IF SUPPORT/OPPOSE – would you say you strongly support/oppose it, or tend to support/oppose it?

[ROTATE ORDER OF 1-5]

1. Strongly support
2. Tend to support
3. Neither support nor oppose
4. Tend to oppose
5. Strongly oppose
6. (Don't know)
7. (Prefer not to say)

How easy or difficult did you find this question?

What do you understand by “an intensive course that aims to prevent them from engaging in this kind of behaviour”?

PROBES AFTER DOMESTIC ABUSE SECTION:

- Were there any questions in this section that you found more sensitive or uncomfortable to answer? IF YES – which questions did you find particularly sensitive/uncomfortable? What was it about them that was uncomfortable? Is there anything you think could be done to make them feel more comfortable to answer?
- Did you find that the introduction at the start of the section gave you enough warning that the section will include sensitive questions? Did you think it should include more detail about what the section is about or was it about right?
- Would you have felt comfortable to speak up if you wanted to skip a question?

Mental disorder, developmental disorder, neurological impairments and neurodiversity

ASK HALF PARTICIPANTS SCENARIO A, HALF SCENARIO B. IF TIME AT END OF THE SECTION, GO BACK AND READ THE OTHER SCENARIO OUT TO THEM AND ASK WHETHER IT MAKES SENSE / IS CLEAR.

Scenario A – non-violent offence

MH_NEW1

READ OUT: I'm now going to read another scenario. In this case, the offender is a 32 year-old man, with no previous convictions. He has been convicted of repeated vandalism and damage to property in his local area, including damaging a bus shelter and deliberately scratching cars.

Scenario B – violent offence

MH_NEW2

READ OUT: I'm now going to read another scenario. In this case, the offender is 32 year-old man, with no previous convictions. He has been convicted of a violent assault, in which he attacked a stranger and knocked him unconscious after an argument in the street.

MH_NEW3B

(Now) Imagine the offender has ADHD, which can sometimes lead him to behave impulsively in a way that he finds hard to control. When the judge is deciding his sentence <for repeated vandalism and damage to property / for violent assault>, what should be their main focus? Should it be ... READ OUT

CODE ALL MENTIONS BUT DO NOT PROMPT

[ALLOW MULTI-CODE]

- 1 Protecting the public
- 2 Punishing crime
- 3 Rehabilitating or treating offenders
- 4 Giving the offender the opportunity to make amends
- 5 Expressing society's disapproval of offending behaviour
- 6 DO NOT READ OUT (SPONTANEOUS CODE ONLY) All equally important (SINGLE CODE)
- 7 DO NOT READ OUT (SPONTANEOUS CODE ONLY) Something else. Please say what [code]
- 8 DO NOT READ OUT (SPONTANEOUS CODE ONLY) Don't know (SINGLE CODE)

PROBES ARE AT END OF THESE QUESTIONS, BUT USE YOUR JUDGEMENT – IF YOU FEEL IT WOULD WORK BETTER TO PROBE AFTER INDIVIDUAL QUESTIONS, THEN DO THAT.

NB IN THE MAIN QUESTIONNAIRE, THE ORDER IN WHICH THESE ARE ASKED WILL BE RANDOMISED, SO SOME WILL GET LEARNING DISABILITY FIRST, OTHERS SCHIZOPHRENIA, ETC. WE'VE SWITCHED THE ORDER FOR COG TESTING AS THERE WAS A FEELING IT MIGHT SEEM IT WAS BECOMING PROGRESSIVELY MORE 'SEVERE' AS ORDERED.

MH_NEW3C

(Now) Imagine the offender has schizophrenia, which causes him to experience episodes of illogical thinking and delusions when unwell. When the judge is deciding his sentence <for repeated vandalism and damage to property / for violent assault>, what should be their main focus? Should it be ... READ OUT

CODE ALL MENTIONS BUT DO NOT PROMPT

[ALLOW MULTI-CODE]

- 1 Protecting the public
- 2 Punishing crime
- 3 Rehabilitating or treating offenders
- 4 Giving the offender the opportunity to make amends
- 5 Expressing society's disapproval of offending behaviour
- 6 DO NOT READ OUT (SPONTANEOUS CODE ONLY) All equally important (SINGLE CODE)
- 7 DO NOT READ OUT (SPONTANEOUS CODE ONLY) Something else. Please say what [code]
- 8 DO NOT READ OUT (SPONTANEOUS CODE ONLY) Don't know (SINGLE CODE)

PROBES ARE AT END OF THE SECTION

[ASK ALL]

[SINGLE CODE PER STATEMENT]

MH_NEW3A

(Now) Imagine the offender has a moderate learning disability that means he struggles with everyday tasks and needs support to be able to live alone. He has difficulties understanding complex information. When the judge is deciding his sentence <for repeated vandalism and damage to property / for violent assault>, what should be their main focus? Should it be ... READ OUT

[ANSWER OPTIONS TO BE READ OUT FOR FIRST QUESTION IN SERIES, THEN AS NEEDED]

CODE ALL MENTIONS BUT DO NOT PROMPT

[ALLOW MULTI-CODE]

- 1 Protecting the public
- 2 Punishing crime
- 3 Rehabilitating or treating offenders
- 4 Giving the offender the opportunity to make amends
- 5 Expressing society's disapproval of offending behaviour
- 6 DO NOT READ OUT (SPONTANEOUS CODE ONLY) All equally important (SINGLE CODE)
- 7 DO NOT READ OUT (SPONTANEOUS CODE ONLY) Something else. Please say what [code]
- 8** DO NOT READ OUT (SPONTANEOUS CODE ONLY) Don't know (SINGLE CODE)

PROBES ARE AT END OF THE SECTION

MH_NEW3D

(Now) imagine the offender has a personality disorder, which is associated with difficulty controlling anger and a tendency to act rashly when upset. When the judge is deciding his sentence <for repeated vandalism and damage to property / for violent assault>, what should be their main focus? Should it be ... READ OUT

CODE ALL MENTIONS BUT DO NOT PROMPT

[ALLOW MULTI-CODE]

- 1 Protecting the public
- 2 Punishing crime
- 3 Rehabilitating or treating offenders
- 4 Giving the offender the opportunity to make amends
- 5 Expressing society's disapproval of offending behaviour
- 6 DO NOT READ OUT (SPONTANEOUS CODE ONLY) All equally important (SINGLE CODE)
- 7 DO NOT READ OUT (SPONTANEOUS CODE ONLY) Something else. Please say what [code]
- 8 DO NOT READ OUT (SPONTANEOUS CODE ONLY) Don't know (SINGLE CODE)

PROBES ARE AT END OF THE SECTION

PROBES FOR MENTAL DISORDER SECTION:

- How easy or difficult did you find answering questions in this section?
- Were there any questions in this section that you found more difficult to answer than others? Why is that?
- [PROBE ON UNDERSTANDING THAT THE QUESTION IS ABOUT PURPOSES OF SENTENCING]. In your own words, could you explain what these questions were asking you?
- What were you thinking about when you decided on your answers to these questions? What kinds of things were you taking into account?
- How comfortable or uncomfortable did you feel answering these questions?
 - Any that were more uncomfortable to answer? What about them made them uncomfortable?
- How clear or unclear were the explanations of different cognitive conditions the offender might have? Were any less clear than the others? In what way? Did the explanations give you enough information to be able to answer the questions?
 - (IF NECESSARY – REMIND THEM: the questions asked about someone with moderate learning disability, someone with ADHD, someone with schizophrenia, and someone with a personality disorder.
- The question on schizophrenia mentioned “episodes of illogical thinking and delusions”. Could you explain what you understand by/what comes to mind when you hear that phrase?
- The question on ADHD mentioned that this could “lead him to behave impulsively”. Could you explain what you understand by this?
- One of the questions asked about ‘personality disorder’. Can you describe what kind of condition you were thinking about when you answered this?

Other general attitudes to sentencing questions

[ASK ALL]

LS_NEW1

If you heard that someone aged 30 had been given a life sentence, which, if any, of the following would you think applied?

READ OUT 1-5. CODE ALL MENTIONS.

[MULTICODE. RANDOMISE ORDER OF 1-4]

- 1 That they must remain in prison for the rest of their life
- 2 That they must remain in prison for at least 25 years
- 3 That they must remain in prison for a period of time decided by the judge
- 4 That after they are released, they can be recalled to prison at any point if they breach the terms of their release
- 5 Something else (PLEASE SAY WHAT)
- 6 (Don't know)
- 7 (Prefer not to say)

PROBES

How did you decide how to answer that question?

Were any of the answer options unclear?

What do you think 'be recalled to prison' means? What about 'breach the terms of their release'?

That's the end of the survey questions. Thank you very much for taking the time to answer these questions. Just to remind you that all your answers will be kept in strictest confidence, in accordance with GDPR.

If you've been a victim of crime you can get support from Victim Support Scotland – an independent charity which supports people who've been affected by crime or traumatic events. Their free and confidential support line is 0800 160 1985

Would you like contact details of support organisations for people who've been affected by domestic abuse, or for organisations that can support people around mental health issues? IF YES, SHARE RELEVANT CONTACTS BELOW.

- Scottish Women's Aid – for support around domestic abuse 0800 027 1234 womensaid.scot
- Scottish Association for Mental Health Information service – for support around mental health issues 0344 800 0550 samh.org.uk
- Samaritans – for someone to listen to you, whatever you're going through – 116123 samaritans.org

FINAL QUESTIONS AND MOP UP:

That's the end of all the questions. Looking back then:

- Which did you find most difficult to answer? What was it that made them more difficult?
- Which were easiest to answer? What made them easier?
- Which did you find most sensitive or uncomfortable to answer? What could be done to make them more comfortable?
- Were the explanations of what the questionnaire would cover sufficient? Were there any questions you feel we should have given more information about before asking them?
- Any other suggestions for improvement?

For more information

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