

## THIS REPORT IS ABOUT CHILDREN'S EXPERIENCE OF REMAND AND BAIL

- A **child** is a person under the age of 18.

From April 2017 to April 2018 (that's the latest year we have numbers for) a total of 4,836 children were in conflict with the law and so they were involved with the justice system.

Of these children around two-in-three (63%) were referred to the Children's Hearing System but more than one-in-three children (37%) - that is a total of 1,776 children aged 13 to 18 years old - were prosecuted in an adult court.

You might be asking: **Why would you send someone under the age of 18 to an adult court anyway?**

This is because of something called the **age of criminal responsibility**. This is the age at which a person is considered old enough to understand the crime they have committed and able to take full responsibility for their actions. **In Scotland the age of criminal responsibility is 12!**

This is just one of the things we think is wrong about what happens to children in conflict with the law. In this report you will read about other things that are wrong and need to change.

If you do go to a Court there might be a gap between the time you first appear and get charged, and the time your court case takes place. Before you go to court you may sometimes be placed on bail or remand:

- **Remand** is when the Court decides that you will go to a secure care centre or Young Offenders Institution until your court case takes place.
- **Bail** is when the Court decides that you can stay at home or in a place that is agreed until your court case takes place. There will be things you have to agree to if you get bail – these are called conditions and they are like the rules you have to follow. If you don't agree or you break the conditions of your bail then you can be put on remand.

On average, there were 14 children per day held on remand in a YOI in 2020.

The numbers of children being prosecuted in an adult court is falling every year. But if you do go to an adult court it is becoming more likely that you will be held on remand.

