

Vera Institute of Justice

Criminal Justice Issues and Prisoners' Rights

<https://www.vera.org/blog/san-franciscos-family-focused-probation-a-response-from-scotland>

Public Facing Advocacy Writing

As the chief executive of [Families Outside](#), a national Scottish charity that works on behalf of children and families affected by imprisonment, I found the [recent article on the San Francisco Adult Probation Departments family-focused approach to probation](#) a breath of fresh air. San Franciscos recognition of the benefits of a more holistic, family-focused approach and the use of Family Impact Statements to inform sentencing offers a positive model for jurisdictions elsewhere. The approach acknowledges the fact that judges will make more informed and balanced decisions when they have the information they need to do so. A family-focused approach takes into account the rights and needs of all parties concerned something that shows much wider benefits than a traditional offender-focused view. Offending and the responses to it extend well beyond the person who commits the offense and beyond the criminal justice process. Similar efforts are underway in Scotland.

In 2008, [Scotlands Commissioner for Children and Young People](#) (SCCYP) recommended the use of a similar tool Child Impact Assessments for sentencing decisions in Scottish courts. This followed a [landmark ruling in the South African Constitutional Courts](#) in the case of *S v M* (2007), in which Justice Albie Sachs ruled that judges must take into account the needs of an offenders dependent children in their sentencing decisions. In practice, the South African ruling was only applied for single mothers and allocated no specific post to conduct such assessments. Even so, the information is now used in the courts, commensurate with Article 3.1 of the [UN Convention on the Rights of the Child](#).

We will continue to build on the San Francisco example and others internationally to promote a more family-focused approach in Scotland.

Dr. Nancy Loucks is the chief executive of Families Outside, a national Scottish charity that works on behalf of children and families affected by imprisonment.

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