

CRIME AND JUSTICE

Criminal proceedings in Scotland, 2020-21

This bulletin forms part of the Scottish Government series of statistical bulletins on the criminal justice system. Statistics are presented on criminal proceedings concluded in Scottish courts and on a range of measures available as alternatives to prosecution, which are issued by the police and by the Crown Office and Procurator Fiscal Service. Detailed figures for 2020-21 are presented, along with selected trends for the last ten years.

These figures cover the first full year of the COVID-19 pandemic and the impact of this across the justice system. Whilst it is not yet possible to isolate the impact of the pandemic on the data, it is reasonable to conclude that the latest data is predominantly a reflection of the impact of the pandemic across the justice system, and should not be interpreted as indicative of longer-term trends.

Whilst this publication focuses predominantly on court and out-of-court measures for dealing with offending, the pandemic affected all parts of the justice system. These figures reflect, to varying degrees, the impact of the pandemic across all parts of the system. These include but are not limited to; changes in offending behaviour and the types of crime reported to and [recorded by the police](#); case processing and prioritisation by [COPFS](#) and [SCTS](#); and reductions in court capacity and the types of court available for cases to be heard. Whilst all court types experienced some reduction in capacity over the course of the pandemic, not all court types were affected equally. This is likely to have had a significant impact on the mix of cases concluded in court and associated sentencing outcomes, presented in the figures here.

Further information on how the COVID-19 pandemic affected the Justice System in Scotland, including information from Police Scotland, Crown Office and Procurator Fiscal Service, courts and prisons is provided in the [Justice Analytical Services monthly data report](#). Please note that offences introduced by [Coronavirus legislation](#) are included in this bulletin for the first time and more information can be found in [Annex E1](#).

Contents

Criminal proceedings in Scotland, 2020-21	1
Key points	6
Court proceedings and convictions.....	6
Court sentences.....	6
Characteristics of offenders	7
Aggravations.....	8
Bail.....	8
Police disposals	8
Crown Office and Procurator Fiscal Service disposals.....	9
Introduction.....	10
Changes made to this year's report.....	10
Routes through the criminal justice system	10
Recorded crime	11
Police disposals and referrals.....	13
COPFS disposals and referrals	14
Court disposals	14
Comparability with other statistics.....	14
Commentary.....	16
Impact of COVID restrictions on the Justice System.....	16
1. Trends in people proceeded against and convicted.....	18
2. Trends in conviction rates	20
3. Acquittals by crime type	21
4. People convicted in court.....	22
5. People convicted by crime or offence.....	24
6. People convicted by crime group	25
Non-sexual crimes of violence.....	25
Sexual crimes	25
Crimes of dishonesty	27
Coronavirus restrictions	28
7. People convicted by offence group.....	29
Miscellaneous offences	29
Motor vehicle offences.....	29
8. Headline in court sentencing.....	30
9. Custodial sentences.....	31

Extended sentences and supervised release orders	31
Length of custodial sentences	32
Average custodial sentence	33
Categories of custodial sentence length	33
10. Custodial sentences by type of crime	36
Custodial sentences for non-sexual crimes of violence	36
Custodial sentences for sexual crimes	36
Custodial sentences for crimes of dishonesty	38
Custodial sentences for handling offensive weapons	39
11. Community sentences	41
12. Financial penalties and other sentences	44
Other sentences	44
13. Aggravations	46
Domestic abuse	46
Domestic abuse in relation to a child	48
Other aggravations	49
14. Age and sex	50
Convictions by sex, age and crime type	51
Sentencing by sex and age	52
15. Police disposals	54
Recorded Police Warnings	55
Anti-Social Behaviour Fixed Penalty Notices	55
Police disposals for children and young people involved in offending	56
Trends in police disposals for young people	57
16. Crown Office and Procurator Fiscal Service disposals	59
Procurator fiscal warnings	60
Fiscal work orders	60
Fiscal fines	60
Fiscal fixed penalties	61
17. Bail and undertakings	63
Bail orders made, and by main crime type	63
Bail-related offences	63
Undertakings	64
Background notes	65
Annex A - Data sources and data standards	65
Court proceedings, police disposals and COPFS disposals	65

Bail and undertakings	65
Other data sources	65
Data standards for justice partners	66
Annex B - Data quality, data processing and data confidentiality	67
Data quality: data processing system	67
Data quality: data processing system update	67
Data quality: validation of CHS data	68
Data quality: data validation during production of the statistical bulletin.....	68
Data quality: double counting	69
Data confidentiality	70
Revisions	71
Annex C – Understanding the statistics in this bulletin and counting rules ..	72
Comparisons with other sources.....	75
Comparisons with statistics from other countries.....	77
Annex D - Definitions, classifications and notation	78
Person's sex	78
Custodial sentences	79
Community sentences	80
Financial penalties	81
Other sentences	81
Classification of crimes and offences	83
New grouping structure for the presentation of crime statistics	89
Annex E – Legislative and policy changes	92
Coronavirus legislation	92
Domestic Abuse Scotland Act	92
Other changes to legislation during the period covered by this bulletin.....	92
Annex F: User engagement	94
A National Statistics Publication for Scotland.....	95
Correspondence and enquiries.....	95
How to access background or source data.....	95
Complaints and suggestions.....	95
Crown Copyright	96

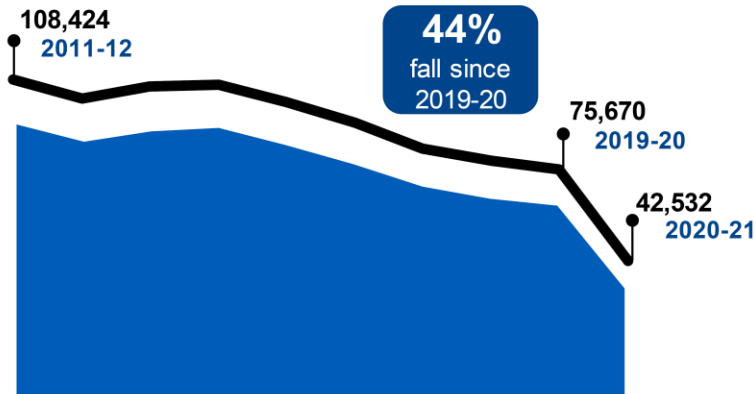
Criminal Proceedings in Scotland, 2020-21

Justice Analytical Services



► Court activity decreased in 2020-21

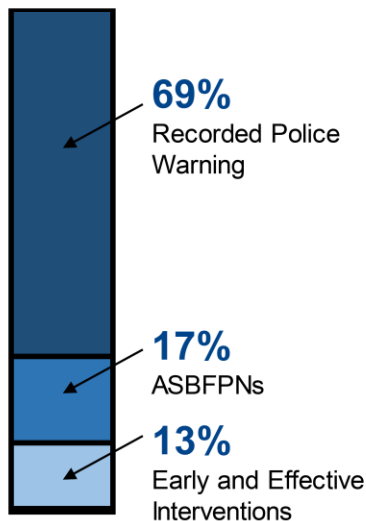
Convictions in Scotland



The data for 2020-21 is predominantly a reflection of the impact of the coronavirus pandemic across the justice system, and should not be interpreted as indicative of longer-term trends.

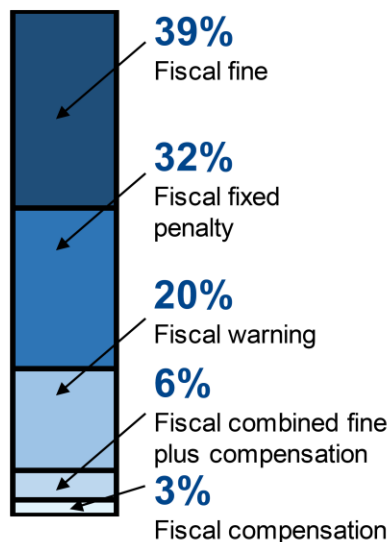
► Non-court disposals in 2020-21

The majority of police disposals issued in 2020-21 were Recorded Police Warnings



Restorative Justice Warnings and Formal Adult Warnings comprise the remaining 1% of police disposals in 2020-21

Nearly two-fifths of all COPFS disposals in 2020-21 were Fiscal fines

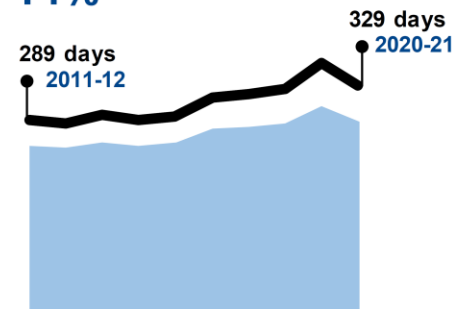


Fiscal fixed penalties make up less than 1% of COPFS disposals in 2020-21

► Custodial sentences

Since 2011-12 the average length of custodial sentences has increased by:

14%



► Corresponds with

A smaller proportion of shorter sentences

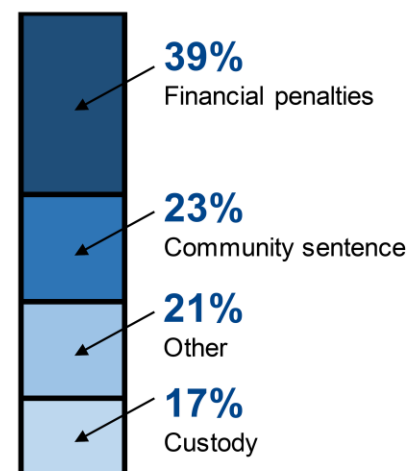
Proportion 12 months or less

82% → 75%

Proportion longer 12 months

18% → 25%

Nearly two-fifths of all sentences in 2020-21 were financial penalties



Key points

Court proceedings and convictions

(Tables 1, 2, 3, and 4a-c)

- A total of 46,497 people were *proceeded against* in court in 2020-21, a fall of 46% on 2019-20 (86,143 proceedings). The number of convictions fell at a similar rate, down 44% to 42,532 from 75,670 in 2019-20.
- The overall conviction rate increased to 91% in 2020-21, up from 88% in 2019-20. This follows a period of stability between 2011-12 and 2018-19, ranging from 86% to 88%.
- Convictions for non-sexual crimes of violence decreased by 30% in the past year, from 2,159 in 2019-20 to 1,504 in 2020-21. The number of people convicted for homicide etc. fell by 41% from 81 in 2019-20 to 48 in 2020-21, and attempted murder and serious assault fell by 48% from 1,305 in 2019-20 to 679 in 2020-21; and robbery, which decreased by 32% from 415 to 283.
- The only increase for non-sexual crimes of violence over the past year was for crimes under the Domestic Abuse (Scotland) Act 2018, which came into effect for crimes committed on or after 1st April 2019. In 2020-21, 383 were convicted of these crimes, up by 81% from 212 in 2019-20.
- There was a decrease of 33% in the number of convictions for sexual crimes, from 1,217 in 2019-20 to 817 in 2020-21.
- The number of convictions for rape and attempted rape decreased by 40% from 130 in 2019-20 to 78 in 2020-21. The number of proceedings for these crimes decreased by 49% from 299 in 2019-20 to 152 in 2020-21. The conviction rate for rape and attempted rape has fluctuated year to year and was 51% in 2020-21.
- Convictions for crimes of dishonesty fell by 44% from 9,146 convictions in 2019-20 to 5,092 in 2020-21.
- A total of 39 people were proceeded against in court for offences relating to coronavirus restrictions in 2020-21, with 36 of these resulting in a conviction.

Court sentences

(Tables 7 to 10)

- The total number of convictions fell by 44% to 42,532 in 2020-21 (from 75,670 in 2019-20). Those resulting in a custodial sentence decreased by 35% (from 11,122 in 2019-20 to 7,224 in 2020-21). Custodial sentences represented 17% of sentences imposed for all convictions in 2020-21, higher than the proportion over the past decade, which has ranged between 13% and 16%.

- The average length of custodial sentence for all crimes, excluding life sentences and Orders for Lifelong Restrictions, in 2020-21 was 329 days, which is 8% shorter than in 2019-20 (356 days).
- The crime type with the longest average sentences (excluding life sentences) in 2020-21 was rape and attempted rape, which decreased slightly from 2,445 days in 2019-20 to 2,435 in 2020-21, which is the lowest since 2014-15.
- Sentences of 3 to 6 months have been the most common sentence length since 2011-12, accounting for 33% of all custodial sentences in 2020-21.
- The numbers of custodial sentences in all sentence length grouping categories decreased in the past year, reflecting the overall substantial drop in the total number of custodial sentences issued due to reduced court activity in the year 2020-21 as a result of COVID-19 lockdowns.
- In 2020-21, 23% (9,741) of all convictions resulted in a main penalty of a community sentence. This is a 42% decrease in the number from 16,661 in 2019-20, and the highest proportion of convictions where community sentences were imposed in the past ten years (up from 16% in 2011-12).
- The numbers of all types of community sentences decreased in the past year, reflecting the overall substantial drop in the total number of community sentences issued due to reduced court activity in the year 2020-21 as a result of COVID-19 lockdowns.
- Of the 36 people convicted for offences relating to coronavirus restrictions in 2020-21, five received a custodial sentence all of which were between 3 and 6 months in length. Seven received a community payback order, two received a restriction of liberty order, thirteen received a fine, and nine were admonished.

Characteristics of offenders

(Tables 5, 6, 8c, 10b, and 11)

- The number of convictions per 1,000 population decreased from 15 in 2019-20 to 8 in 2020-21.
- The number of convictions per 1,000 population for males decreased from 26 in 2019-20 to 15 in 2020-21, and for females decreased from five in 2019-20 to three in 2020-21.
- The number of convictions per 1,000 population for all age-sex groups decreased in 2020-21, reflecting the overall substantial drop in the number of convictions due to the impact of the coronavirus pandemic on the justice system.

Aggravations

(Tables 12 and 13)

- The statutory domestic abuse aggravation was introduced in 2017-18, and was proven in 6,513 convictions in 2020-21, which is a 20% decrease from 8,176 in 2019-20.
- There were 90 convictions with a statutory aggravation for domestic abuse in relation to a child in 2020-21, compared to 39 in 2019-20. This aggravation was created under the Domestic Abuse (Scotland) Act 2018 and applies where a child was involved in the offending. The aggravation came into effect for crimes committed on or after 1st April 2019.
- In respect of hate crime legislation, crimes may be aggravated if the crime is motivated against a particular characteristic. The number of convictions with a sexual orientation aggravation decreased by 40% in the past year. There was also a decrease in the past year for convictions with a religious aggravation by 47%. Convictions with a racial aggravation were 42% lower than last year.

Bail

(Tables 14, 15 and 16)

- The number of bail orders issued decreased by 34% from 37,516 in 2019-20 to 24,545 in 2020-21. Whilst the latest change is likely to be predominantly a reflection of the impact of COVID on the justice system, the longer term reducing trend is consistent with the longer term decline in volumes of cases coming to court.
- There were 6,315 bail-related offences in 2020-21 (e.g. breach of bail conditions, such as failure to appear in court after being granted bail), an 8% decrease compared to 2019-20 (6,835 bail related offences). The proportion of bail-related offences as a percentage of all bail orders granted in 2020-21 was 26%, which is the highest percentage in the last ten years, up from 18% in 2019-20.
- In 2020-21, there were 25,073 undertakings to appear in court, a rise of 61% from 2019-20 (15,558 undertakings). This can likely be attributed to the introduction of emergency Lord Advocate's Guidelines on Liberation during the pandemic to minimise the number of people held in custody for court.

Police disposals

(Table 17 and 18)

- The total number of police disposals decreased by 12% in the past year, from 34,700 in 2019-20 to 30,555 in 2020-21.
- There were 21,004 Recorded Police Warnings issued during 2020-21, which is a fall of 6% from 22,401 in 2019-20.

- In 2020-21, 5,167 people received an Anti-Social Behaviour Fixed Penalty Notice as a main penalty, a decrease of 27% from 7,043 in 2019-20.
- In 2020-21, 316 people were given an RPW for offences related to coronavirus restrictions, the majority of which (85% or 269 people) were aged under 21 years old

Crown Office and Procurator Fiscal Service disposals

(Tables 20 to 22)

- In 2020-21 there were 13,245 people issued with a fiscal fine as a main penalty, a decrease of 28% from 18,366 in 2019-20.
- In 2020-21, 10,789 Fiscal Fixed Penalties were issued to people as a main penalty, an increase of 36% from 7,959 in 2019-20.
- In 2020-21, 154 people were given a Fiscal Fine for offences related to coronavirus restrictions.

Introduction

This bulletin presents statistics on the number of people dealt with by the Scottish Criminal Justice System. The statistics are derived from data held on the Criminal History System (CHS), a central hub used for the electronic recording of information on people accused or convicted of perpetrating a criminal act. The CHS is used and maintained by Police Scotland.

All tables referred to below are available in the 'Supporting Documents' Excel workbook for this bulletin. The workbook includes an 'Introduction' sheet, with information on how to navigate the tables, alongside a 'Notes' sheet, with relevant details to assist users when reading and interpreting results.

Changes made to this year's report

Changes have been made to this year's report as follows:

- Criminal proceedings and convictions under Coronavirus legislation, that came into force on 6 April 2020, have been included in this bulletin for the first time.
- As part of this legislation the maximum available Fiscal Fine that may be offered by COPFS increased from £300 to £500.

Routes through the criminal justice system

[Chart 1](#) depicts the various possible routes through the criminal justice system. People accused of a crime can be dealt with in a variety of ways: they can be dealt with directly by the police, by measures such as a warning or fixed penalty notice (More information on these measures can be found in the [Police Disposals section](#)); or the police can send a report to the Crown Office and Procurator Fiscal Service (COPFS) for review. COPFS can decide to:

- take no action
- to issue a direct measure (see [COPFS Disposals section](#)), or
- to proceed against the individual in Court.

The number of people passing through the Criminal Justice System at a particular point in time depends in part on levels of crime made known to the police, as well as the measures that are available for use by criminal justice organisations at that time, as these can influence the point at which action is taken.

At each of the stages presented in [Chart 1](#) information is logged on the CHS regarding the status of the accused. COPFS and the Scottish Courts and Tribunals Service (SCTS) provide updates on their own systems which are fed back electronically to Police Scotland's CHS. When an accused's case is given a final conclusion it is considered completed and the case is "disposed" of from the criminal justice system. The option used to complete the case is referred to as the method of "disposal", whether it is a court disposal used by SCTS or non-court disposal employed by COPFS or the Police.

Recorded crime

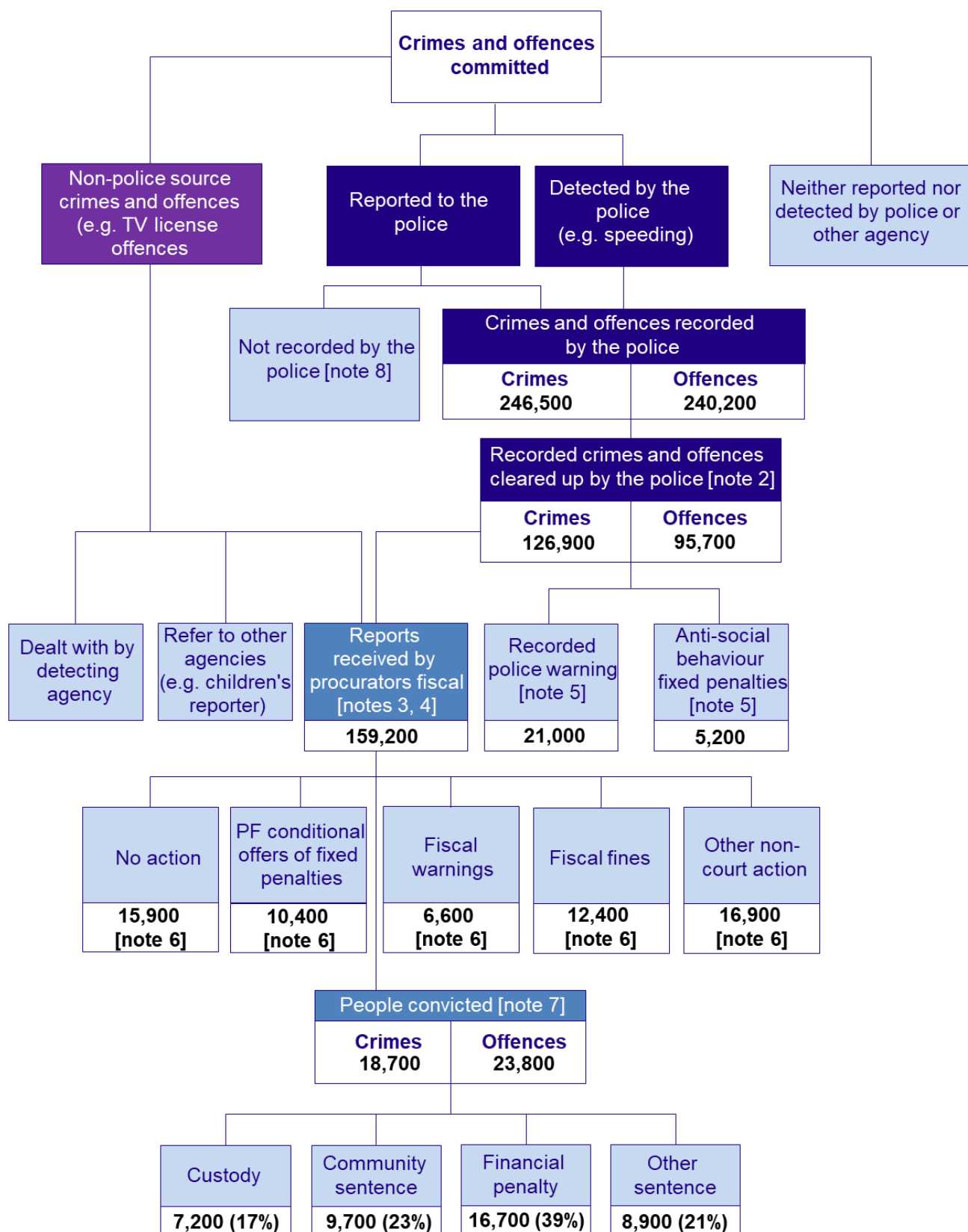
The statistical publication, [Recorded Crime in Scotland 2020-21](#), was published on 28th September 2021. The Recorded Crime publication and this Criminal Proceedings publication divide violations of criminal law into (a) crimes and (b) offences (see [Annex D](#) for further detail). This distinction is made only for statistical reporting purposes.

As shown in [Chart 1](#), the total number of crimes recorded by the police in Scotland in 2020-21 was 246,511, relatively unchanged (decreasing by just five crimes) than in 2019-20 (246,516). The proportion of recorded crimes 'cleared up' by the Police increased by 4.8 percentage points from 51.5% in 2019-20 to 56.3% in 2020-21. A crime is regarded as 'cleared-up' where there is sufficient evidence under Scots criminal law to justify consideration of criminal proceedings.

The total number of offences recorded by the police decreased by 4% from 250,662 in 2019-20 to 240,174 in 2020-21. It should be noted that the number of offences recorded by the police generally tends to be affected more by Police activity and operational decisions than the number of crimes.

Whilst differences in counting methods (see [Annex C](#)) mean the figures in the Recorded Crime publication and those in this bulletin are not directly comparable, a crime or offence only comes to the attention of COPFS for consideration for prosecution once it has been recorded as such by the police, so recorded crime figures will have some influence on the number of prosecutions and convictions in Court.

Chart 1: Overview of action within the criminal justice system 2020-21 [note 1]



Notes for Chart 1

Note 1. Figures rounded to the nearest 100, and based on activity during 2020-21.

Note 2. Crimes recorded in 2020-21 may not be cleared up or dealt with until 2021-22 or later.

Note 3. A report to the procurator fiscal may involve more than one crime or offence and more than one alleged offender.

Note 4. Reports to the fiscal on non-criminal matters such as sudden deaths, are not included in this total.

Note 5. Number of people from CHS, Recorded Police Warning also includes 18 Formal Adult Warnings.

Note 6. Number of cases; Data taken from [Crown Office Case Processing statistics 2016 to 2021](#).

Note 7. Figures for people with a charge proved count the number of different proceedings in which a person is convicted. People may be convicted of multiple charges in one proceeding, but this is counted as one person convicted per proceeding.

Note 8. It may be deemed that an incident does not warrant recording e.g. if there is a lack of evidence that a crime was committed.

A number of outcomes may result in subsequent prosecutions or referrals to other agencies, for example if a condition such as payment of a fixed penalty is not complied with. For simplicity, these pathways are not shown [Chart 1](#).

Police disposals and referrals

[Chart 1](#) also shows that following a crime being cleared up, Police Scotland will either send a report to COPFS to decide what action should be taken or will deal with the case directly. [Section 15](#) of this report contains statistics on the following non-court disposals available to the police when dealing with a case directly:

- **Recorded Police Warnings** (RPW) were introduced on 11th January 2016 to deal with a wider range of low level offences. A warning can be issued on the spot, or a notice issued retrospectively. This scheme replaced and extended Formal Adult Warnings.
- **Anti-Social Behaviour Fixed Penalty Notices** (ASBFPNs) as provided for in the [Antisocial Behaviour etc \(Scotland\) Act 2004](#) for a range of offences including drunken-related behaviours and playing loud music; and
- actions which are used specifically for juveniles (aged 8 to 17) such as **Restorative Justice Warnings** and **Early and Effective Interventions** (EEI).

There are further options available to the police that we are not able to provide data on such as conditional offers of a fixed penalty notice for moving motor vehicle offences. A full listing of the range of disposals available can be seen in [Annex D](#).

COPFS disposals and referrals

In 2020-21, COPFS received 159,200 criminal reports (from the police and other specialist reporting agencies), a decrease of 6% compared to 2019-20 (169,900) – more information is available in the [COPFS Performance Statistics 2016-21](#). Where there is sufficient evidence and it is in the public interest to take action, prosecution in court is only one of a range of possible options the Procurator Fiscal has for dealing with people they have received a report for and, where appropriate, they may issue a direct measure. Statistics for the following non-court disposals are included in this publication:

- **Fiscal fines** of between £50 and £500
- **Compensation orders** of up to £5,000
- **Fiscal warnings**, and
- **Fixed penalties** of between £50 and £300, generally issued for motor vehicle offences.

There are further actions that the Procurator Fiscal can take that are not included in this report such as diverting cases to social work and other agencies and referrals to the Scottish Children's Reporter Administration (SCRA).

A full listing of the range of disposals available can be seen in [Annex D](#).

Court disposals

The majority of statistics in this publication provide information on criminal cases brought to court and are contained in [Sections 1](#) to [14](#). The outcomes possible for the person proceeded against are:

- the person is **convicted**, either after pleading guilty or being found guilty after evidence has been heard in Court
- the person is **acquitted** following a **not guilty verdict**
- the person is **acquitted** following a **not proven verdict**, or
- the person has their **plea of not guilty accepted** by the prosecutor or the case against them is **deserted** i.e. the Crown decides no longer to proceed with a prosecution at that time (though they may in some cases decide to prosecute at a future date).

Comparability with other statistics

Please note that the statistics presented in [Chart 1](#) are taken from multiple data sources which are not strictly comparable, and there is no direct relationship between the number of crimes and offences recorded by the police and the number of follow-up actions taken by other agencies within the criminal justice system. For example, in the recorded crime statistics a single crime or offence recorded by the Police may have more than one perpetrator, each of whom would be counted separately in the criminal proceedings statistics. There are also some offences included in this bulletin, such as failure to pay a television licence, which are

reported directly to the procurator fiscal by specialist reporting agencies such as TV Licensing and therefore are not included in the police recorded crime statistics.

There are other comparability issues in that crimes or offences recorded and cleared up by the Police may not be processed by the Procurator Fiscal or the Courts in the same year as they were recorded. There is also the possibility that the crime or offence recorded by the police is altered by the Procurator Fiscal during the marking process.

For full details of comparability issues please see the relevant sections in [Annex C](#).

► WHAT IS COVERED BY THESE STATISTICS?

People who are dealt with at the different stages of the Scottish Criminal Justice System:



What is NOT covered by these statistics

- Police fixed penalty notices for motor vehicle offences
- Fiscal work orders
- Appeals
- Children's hearing system activity and most diversions for young people

Commentary

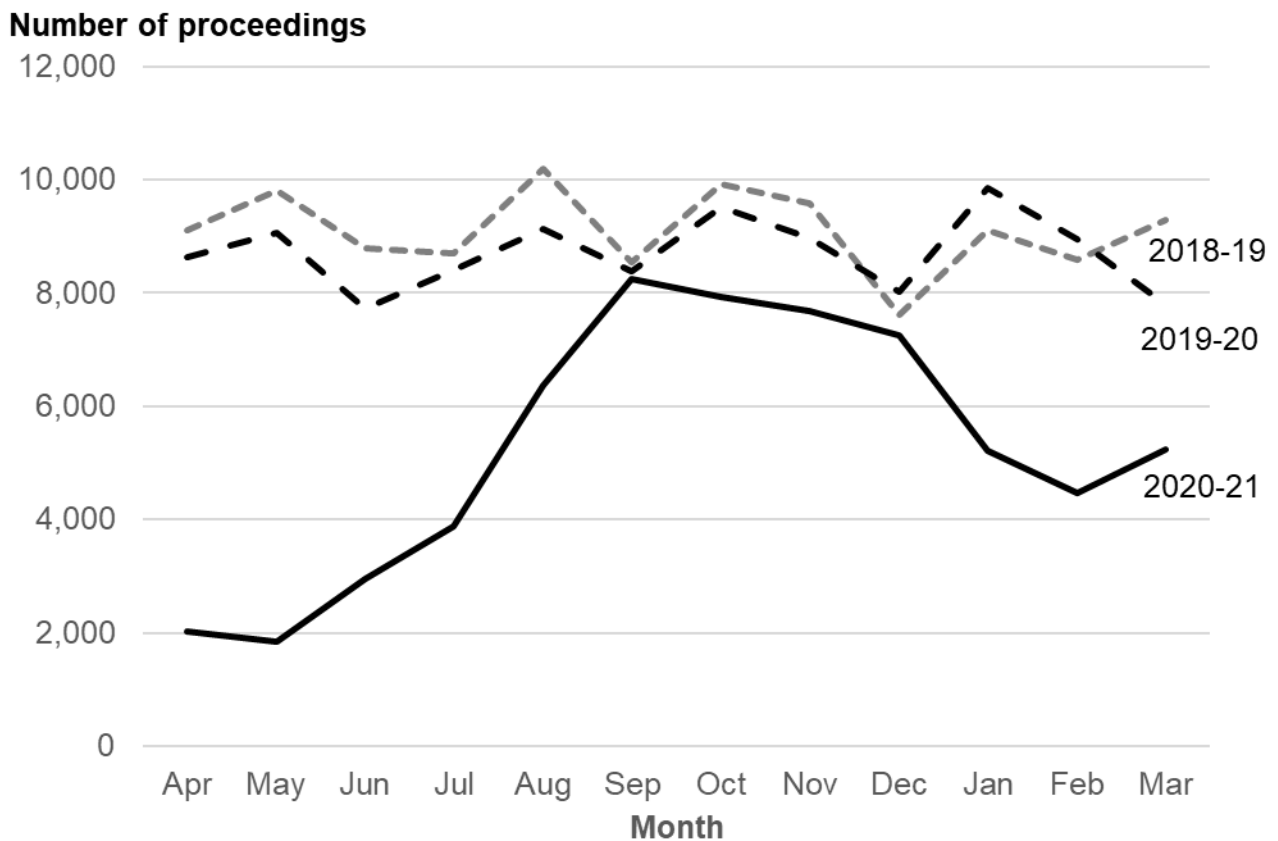
Impact of COVID restrictions on the Justice System

These figures cover the first full year of the COVID-19 pandemic and the impact of this across the justice system. Whilst it is not yet possible to isolate the impact of the pandemic on the data, it is reasonable to conclude that the latest data is predominantly a reflection of the impact of the pandemic across the justice system, and should not be interpreted as indicative of longer-term trends. This message applies to all of the statistics presented in this publication, even if not explicitly stated in every instance to avoid repetition.

Whilst this publication focuses predominantly on court and out-of-court measures for dealing with offending, the pandemic affected all parts of the justice system. These figures reflect, to varying degrees, the impact of the pandemic across all parts of the system. These include but are not limited to; changes in offending behaviour and the types of crime reported to and recorded by the police; case processing and prioritisation by COPFS and SCTS; and reductions in court capacity and the types of court available for cases to be heard. Whilst all court types experienced some reduction in capacity over the course of the pandemic, not all court types were affected equally. This is likely to have had a significant impact on the mix of cases concluded in court and associated sentencing outcomes, presented in the figures here.

[Chart 2](#) below shows the number of court proceedings concluded each month for 2020-21, compared with 2019-20 and 2018-19 to illustrate the reduction in activity over the year. Court proceedings were at their highest throughout the late Summer/early Autumn of 2020 and appeared to reach around average levels in August and December, but were substantially below average levels in all other months of the year

Chart 2. Number of proceedings in Scotland by month of disposal 2018-19 to 2020-21



Further information on how the COVID-19 pandemic affected the Justice System in Scotland, including information from Police Scotland, Crown Office and Procurator Fiscal Service, courts and prisons is provided in the [Justice Analytical Services monthly data report](#).

1. Trends in people proceeded against and convicted

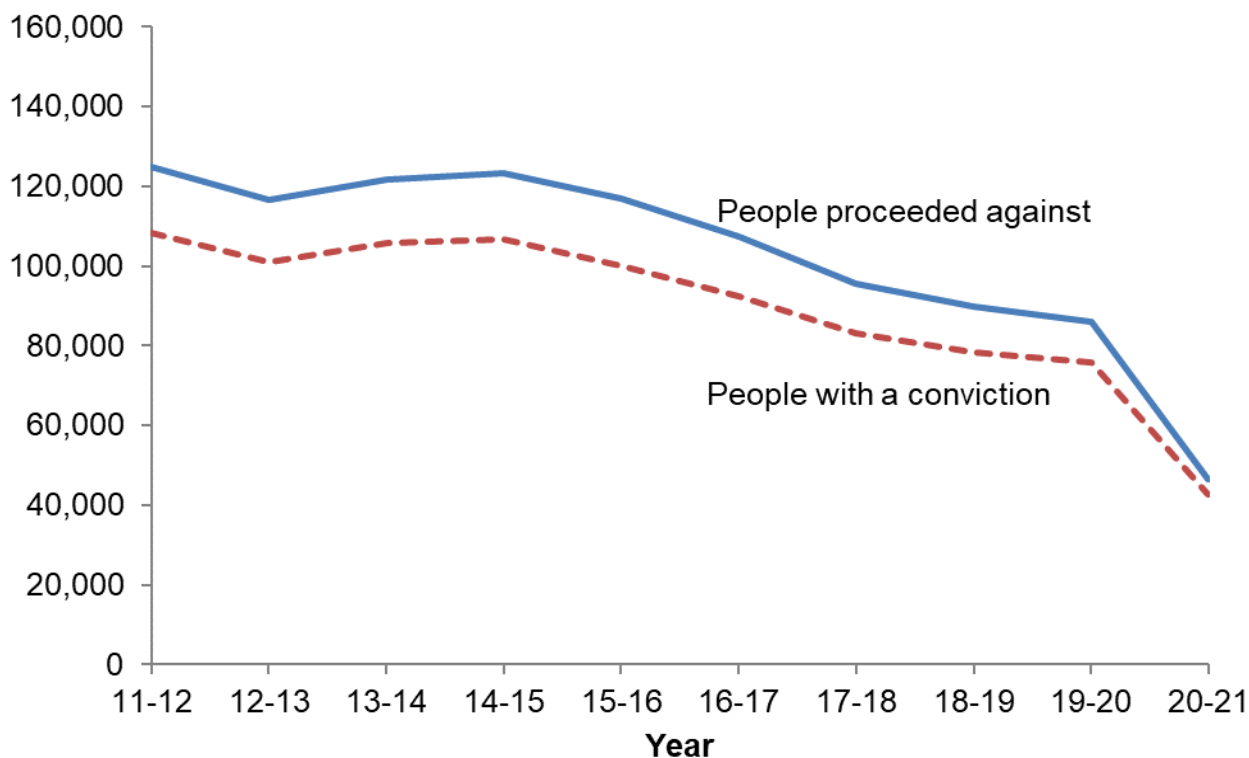
(Tables 1 and 2a and 2b, 4a and 4b)

Unless otherwise stated, references in this bulletin to the crime or offence group for which a person is proceeded against or convicted relate to the main charge involved. If there are multiple charges libelled on a Complaint or Indictment, and thereafter proven against an accused in a single proceeding, the main charge is the crime or offence receiving the most severe penalty (as defined in [Annex C](#)). The final column of Table 4b provides counts of individual crimes or offences with a charge proven regardless of whether or not it was the main crime or offence involved. Please note that where an accused is subject to multiple separate proceedings, that accused is counted multiple times in the figures presented in this bulletin.

A total of 46,497 people were proceeded against in Court in 2020-21, a fall of 46% on 2019-20 (86,143 proceedings). The number of convictions fell at a similar rate, down 44% to 42,532 from 2019-20 (75,670). This is a very steep drop after a steady downward trend over the last ten years, with the impact of reduced court activity in the year 2020-21 due to COVID-19 lockdowns clearly illustrated ([Chart 3](#)).

Chart 3. Number of people proceeded against and those convicted

Number of people



The fall in the number of convictions in the last year has been led by a fall in absolute numbers of convictions for: Breach of the peace etc. down 38% to 7,107 convictions in 2020-21; crimes against public justice down 12% to 6,767; and common assault down 42% to 4,876. Together these three crimes and offence types represented a large number of convictions, making up 36% of convictions in 2019-20 and 44% in 2020-21. The conviction rates for these crime groups have all increased over the past year.

2. Trends in conviction rates

(Tables 4a-c)

Conviction rates are calculated by dividing the number of people convicted by the number of people proceeded against. Care should be taken when interpreting data on conviction rates. Conviction rates are dependent on a number of factors, including the strength of evidence available; and the complexity of the case. However, all convictions are wholly dependent upon the decision of the court. A high conviction rate could indicate that cases brought to court are evidentially strong or straightforward (for example road traffic offences), but it could also indicate that cases which are evidentially weak, for instance, lacking sufficient admissible evidence are not reaching court. Conversely, a low conviction rate could indicate that the highly complex or evidentially difficult cases are brought to Court, but, the judge or jury is unwilling to accept the evidence provided by the prosecutor and thereafter unable to convict the accused.

Ninety-one per cent of people proceeded against in court in 2020-21 were convicted after being found guilty of at least one charge (46,497 people). This is four percentage points higher than 2019-20. The conviction rate for all crimes and offences has remained relatively stable over the last decade, fluctuating between 86% and 91% in each year.

Conviction rates are highest for motor vehicle offences, with 95% of people proceeded against being convicted in 2020-21. In particular, speeding offences had a conviction rate of 99%. Apart from motor vehicle offences, the highest conviction rates for crimes was 96% for 'other crime' and 94% for shoplifting, whilst the lowest rate was for rape and attempted rape (51%). The conviction rate for rape and attempted rape has been the lowest of all crimes in each of the last ten years. Further detail of acquittals with respect to rape and attempted rape can be seen in [Section 3](#).

Over the last ten years, the most notable declines in conviction rates have been for:

- **Sexual assault**, down from 69% in 2011-12 to 66% in 2020-21, although the rate was 2 percentage points higher in 2020-21 compared to the previous year;
- **Rape and attempted rape**, down from 53% in 2011-12 to 51% in 2020-21, although the rate was 8 percentage points higher in 2020-21 compared to the previous year;
- **Crimes associated with prostitution**, down from 92% in 2011-12 to 91% in 2020-21, with an increase of 30 percentage points in the past year. Caution is advised when interpreting this figure though as it relates to small numbers. 45 people were convicted for this crime in 2019-20, out of 74 proceeded, compared to 10 people convicted out of 11 proceeded in 2020-21.

3. Acquittals by crime type

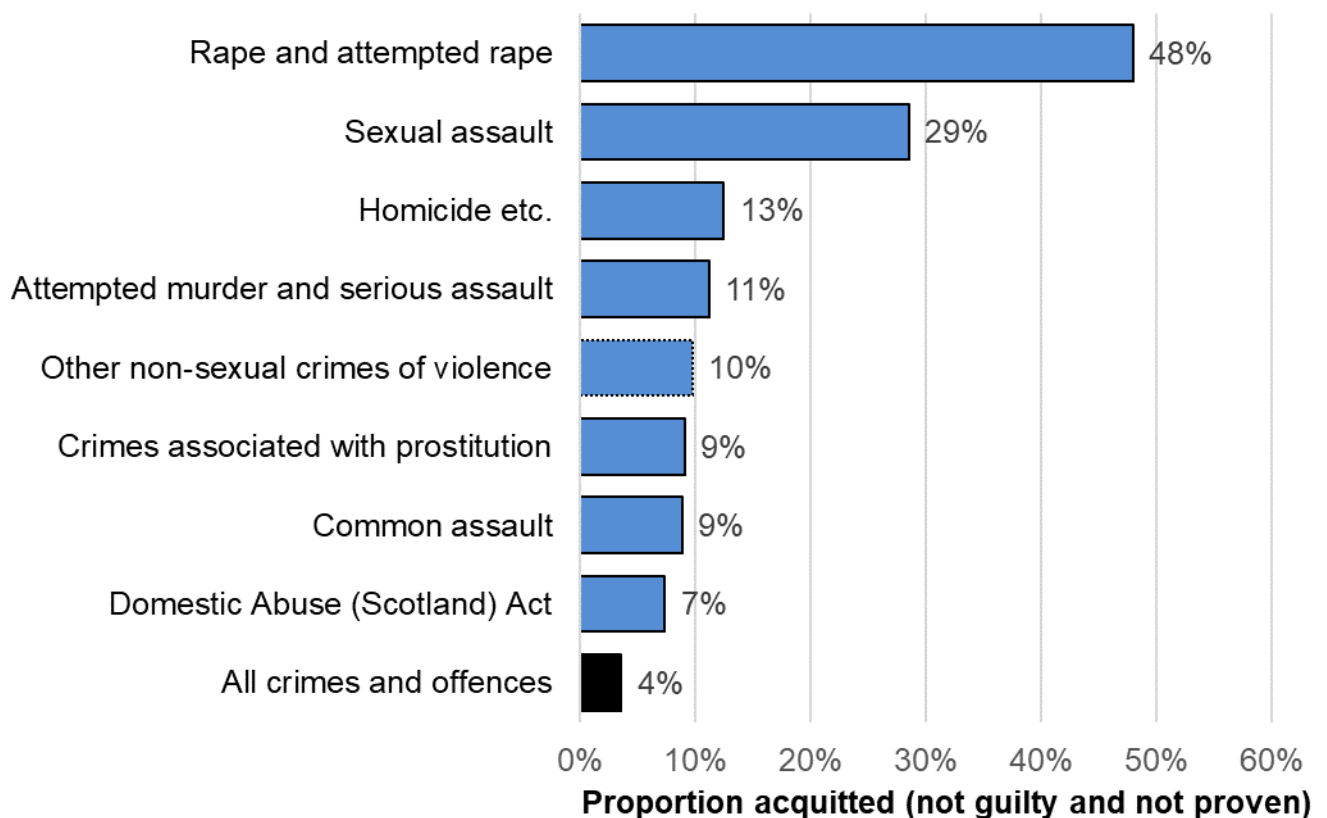
(Table 2)

When an accused person is found not guilty of a charge, or the charge is not proven, this is called an 'acquittal'. In 2020-21, 3% of people were acquitted on a 'not guilty' verdict, and 1% were acquitted on a 'not proven' verdict. A further 5% either had a plea of 'not guilty' accepted or their case was deserted by the prosecution or the Court. These proportions are broadly unchanged over the last five years.

[Chart 4](#) shows the crime types with the highest acquittal rates in comparison with the overall rate of 4% in 2020-21:

- as in previous years, the highest rate was seen for rape and attempted rape, where 48% or 73 people of the 152 proceeded against were acquitted,
- there were also high acquittal rates for sexual assault (29% had their case acquitted), and
- The highest rate of acquittals for non-sexual crimes was for 13% of cases of homicide etc.

Chart 4. Crime types with the highest acquittal rates (not guilty and not proven)



4. People convicted in court

(Table 3)

There are four main court types that deal with criminal cases in Scotland.

- The High Court, which deals with the most serious crimes such as murder, rape and armed robbery. The maximum penalty that may be imposed is up to life imprisonment and/or an unlimited fine. The exact maximum in a given case will be determined by any limit provided for in the statute creating the offence being prosecuted. A single judge hears cases with a jury of 15 people.
- Sheriff Courts, which deal with the majority of cases in Scotland. These can either be solemn, where the Sheriff sits with a jury of 15 people or summary, where the Sheriff sits alone [note 1]. For solemn cases the maximum penalty is 5 years' imprisonment and/or an unlimited fine and for summary cases, the maximum penalty that may be imposed (in most circumstances [note 2]) is 1 year's imprisonment and/or a £10,000 fine.
- The Justice of the Peace courts. These deal with the less serious crimes, such as speeding, shoplifting and breach of the peace. They are chaired by a Justice of the Peace or "lay magistrate" who has been appointed from the local community and trained in criminal law and procedure. They can impose custodial sentences of up to 60 days and fines up to £2,500.

[Chart 5](#) shows the changes in the proportion of convictions seen in each court type relative to 2011-12. Sheriff Solemn courts have risen from 4% of all convictions in 2011-12 to 7% in 2020-21. This increase in the proportion of more serious convictions is likely to be partly responsible for the increase in sentence lengths since 2011-12. The proportion of convictions in the sheriff summary increased most of any court type (by 14 percentage points), but the absolute number of convictions fell. The increase in the proportion of convictions in the sheriff summary courts is mostly due to decreases in the numbers seen in the JP courts. The proportion of cases seen in High Court has been broadly steady over the last decade.

The proportion seen in Sheriff Summary courts has increased by 12 percentage points over the past year, from 61% in 2019-20 to 73% in 2020-21.

Justice of the Peace courts accounted for 20% of convictions in 2020-21 compared to 32% in 2019-20.

- The number of convictions in Justice of the Peace courts has fallen by 65% from 24,200 in 2019-20 to 8,354 in 2020-21. The long-term fall in numbers of convictions in the JP courts, reflect decreases in the number of proceedings for motor offences, which the JP courts tend to deal with.
- Convictions in Sheriff Summary courts fell by 33% from 46,256 in 2019-20 to 31,014 in 2020-21. This follows a general downward trend in sheriff summary

convictions since 2011-12, but this decrease is larger than it has been in the previous three years.

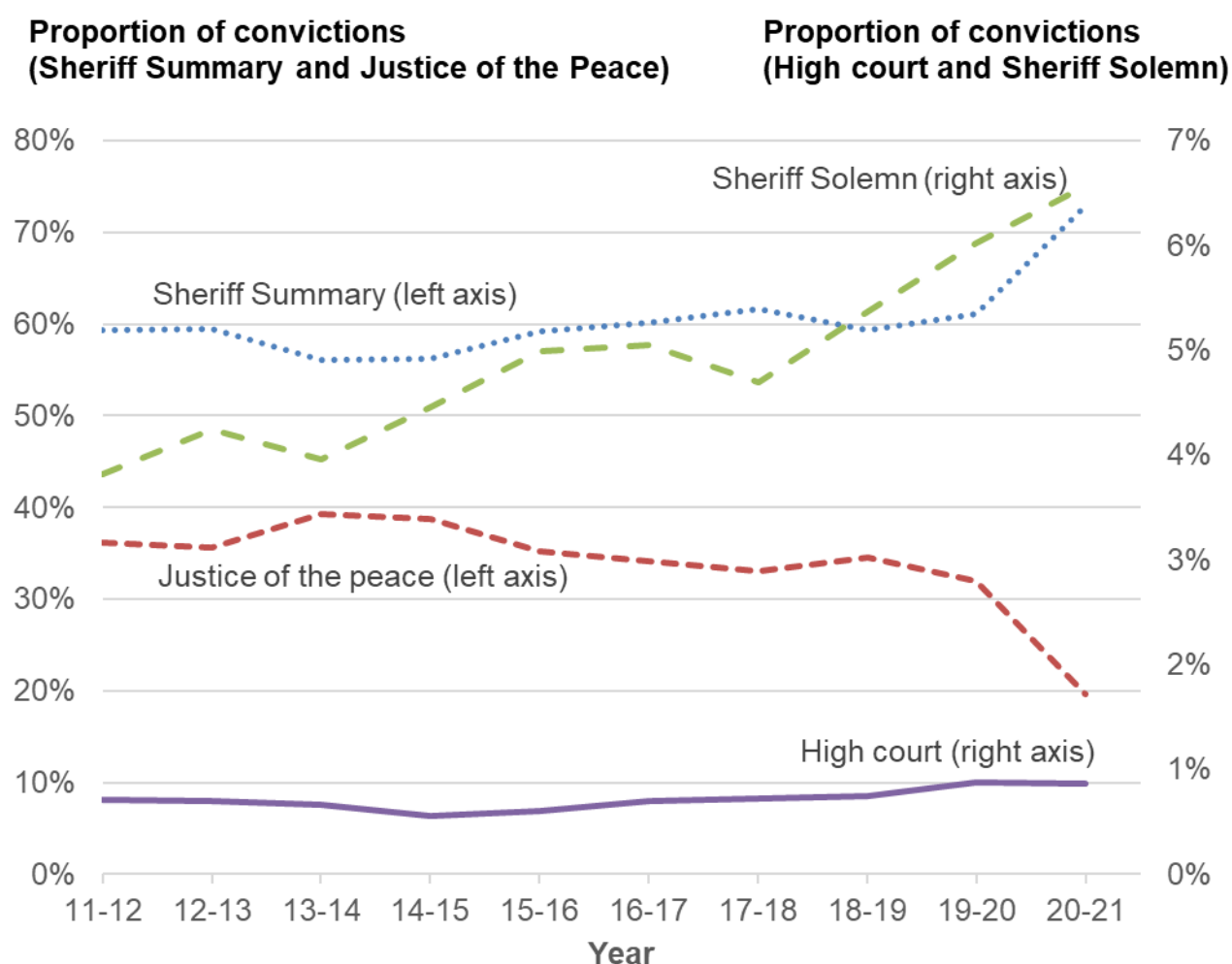
- The number of convictions in Sheriff Solemn courts decreased by 39% from 4,555 in 2019-20 to 2,795 convictions in 2020-21.
- The number of High Court convictions decreased by 44% in 2020-21 to 366 convictions (from 659 in 2019-20). Please note that recording delays are typical for high court activity due to the complex nature of cases held there. As a result, the total number of high court convictions for the most recent year may be slightly underestimated, and will likely be revised upwards next year. More information is available in the [Annex revisions section](#).

Notes for Section 4. People convicted in court

Note 1. In a sheriff solemn court, the jury determines whether an accused is guilty or not and the sheriff determines sentence. In a sheriff summary court, the sheriff determines both whether an accused is guilty or not and, if guilty, the sentence.

Note 2. The court can sentence up to an additional six months where there is a bail aggravation on the charge, and Sheriff Court fines can be higher than £10,000 where there is legislative provision for this in relation to a specific offence.

Chart 5. Proportion of convictions by court type, 2011-12 to 2020-21



5. People convicted by crime or offence

(Tables 4a and 4b)

This publication divides breaches of criminal law into (a) crimes and (b) offences. This distinction is made only for statistical reporting purposes. Although the breaches allocated under “crimes” can generally be considered to be more serious, there are some “offences” that have more severe punishments associated with them than “crimes”. The Scottish Government has recently consulted about changing the classification of some of these in response to the needs of users, and future publications may reflect the change. The [full paper](#) provides users with more information on background to the consultation and the [new grouping structure for the presentation of crime statistics section](#) provides a full breakdown of the new classification structure.

In 2020-21 “crimes” made up 18,747 of the total number of convictions (44%) while “offences” stood at 23,785 (56%). The decrease from 2019-20 to 2020-21 was higher for offences (down 50%) than for crimes (down 34%). Falls in convictions for crimes have been driven by reductions in the number of crimes of dishonesty (down 44% or 4,054 convictions). The largest contributors to this decrease were convictions for shoplifting.

Most of the decrease in convictions for offences is due to falls in the number of convictions for speeding (down 6,978), Breach of the peace etc. (down 4,388), and common assault (down 3,512).

6. People convicted by crime group

(Tables 4a and 4b)

Non-sexual crimes of violence

Non-sexual crimes of violence include the crimes of homicide, attempted murder & serious assault, Domestic Abuse (Scotland) Act, robbery and other violent crime. Convictions for these types of crimes decreased by 30% in the past year, from 2,159 in 2019-20 to 1,504 in 2020-21.

The [Domestic Abuse \(Scotland\) Act 2018](#) (DASA) came into effect on 1st April 2019 for crimes committed on or after this date, and were included in the [2019-20 bulletin](#) for the first time, however as the full course of conduct has to have taken place on or after 1 April 2019 the time lag before such crimes could be reported meant the 2019-20 bulletin did not effectively cover a full year under the act. The current 2020-21 bulletin therefore includes the first full year under the act, but the numbers will have been impacted by reduced court activity due to COVID-19 lockdowns. Note that in the past, these crimes will often have been convicted under individual charges in other crimes or offences categories, including breach of the peace etc. (which covers stalking, and threatening and abusive behaviour) and common assault in the miscellaneous offences category. See also Table 13 that shows the number of crimes and offences that had an aggravation of domestic abuse recorded against them.

There were 383 convictions under this act in 2020-21. This is an increase of 81% over the year, although caution is advised for the reasons explained above, the number convicted in 2019-20 was not effectively a full year under the act. Convictions under DASA were the only category within the non-sexual crimes of violence group to have increased; all other crimes in this group decreased.

The number of people convicted for attempted murder and serious assault decreased by 48% from 1,305 in 2019-20 to 679 in 2020-21 ; and the number convicted for robbery, decreased by 32% from 415 to 283.

The number of homicide convictions was 48 in 2020-21, a decrease of 41% from 81 in 2019-20. The number of convictions for other non-sexual crimes of violence (see [Annex D13](#) for type of crimes this includes) declined by 24%, from 146 convictions in 2019-20 to 111 in 2020-21.

Sexual crimes

The number of convictions for sexual crimes decreased by 33% in the past year. The number of convictions was 817 in 2020-21, down 400 convictions from 1,217 in 2019-20.

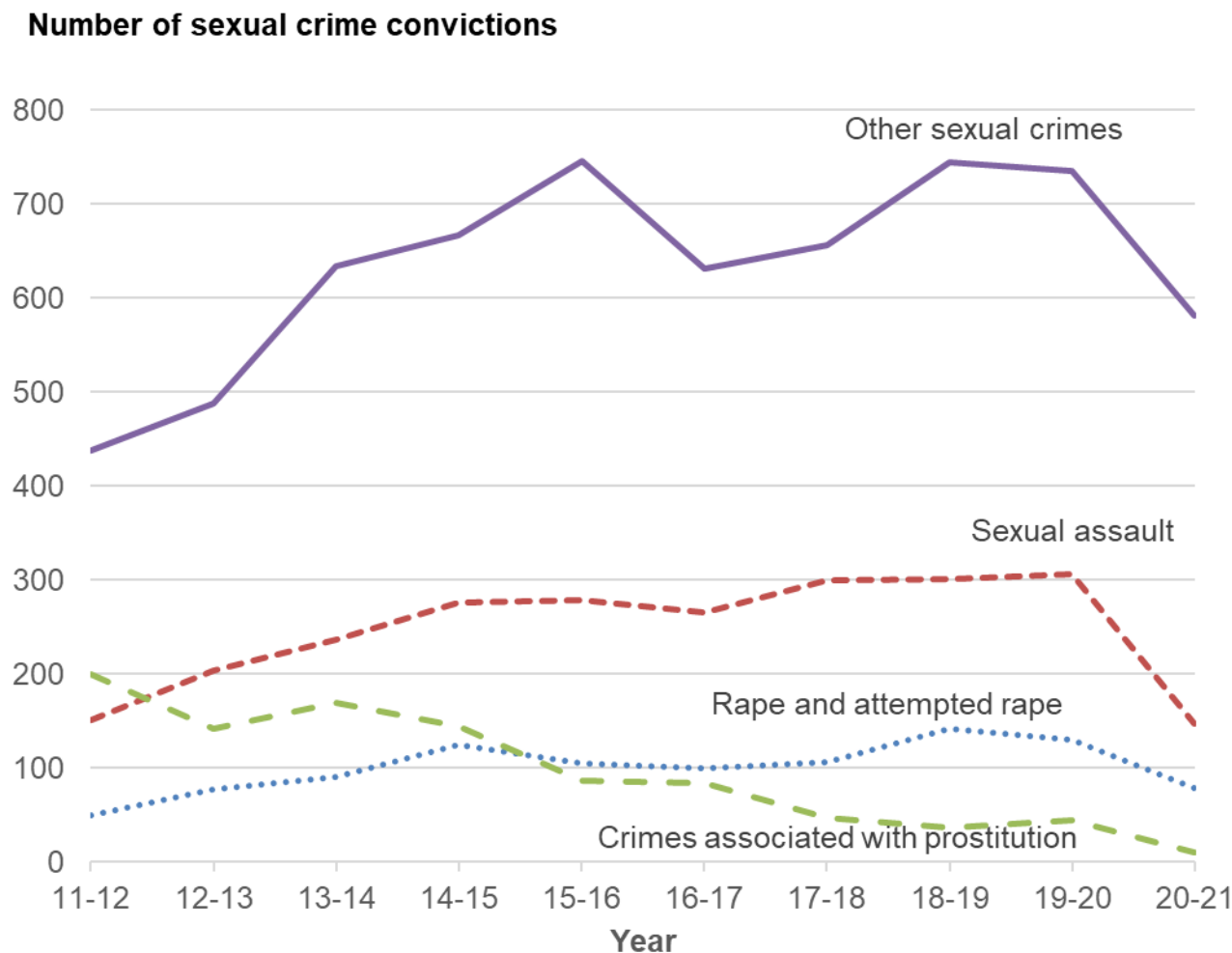
The number of convictions for rape and attempted rape decreased by 40% (from 130 in 2019-20 to 78 in 2020-21). The figure in 2019-20, was the second lowest in the past decade after 2011-12 (49). The number of proceedings for these crimes

decreased by 49% to 152 in 2020-21, from 299 in 2019-20. The conviction rate for rape and attempted rape increased this year by eight percentage points to 51%. This is not indicative of an upward trend, as the conviction rate fluctuates year to year - the highest over the past ten years was 56% in 2012-13, and the lowest was 39% in 2016-17. Please note that recording delays are typical for high court activity due to the complex nature of cases held there. As a result the number of proceedings and convictions for rape and attempted rape for 2020-21 may be slightly underestimated. More information is available in the [Annex revisions section](#).

There were 147 sexual assault convictions in 2020-21, down 52% since 2019-20 (306 convictions). Prior to this year the number of convictions for sexual assault had been increasing, from 151 in 2011-12 to 306 in 2019-20.

[Chart 6](#) shows that over the last decade, other sexual crimes [note 1] have grown as a proportion of all convictions for sexual crimes and are the majority (71%) of all crimes in this category. In the past year convictions for this crime group decreased by 21%, from 736 convictions in 2019-20 to 582 in 2020-21. The longer term growth seen in previous years in the proportion of this crime type has been partly driven by increases in convictions for “taking, distribution, possession etc. of indecent photos of children”, and for “communicating indecently”. Further information can be found in the study [Recorded crime in Scotland: 'Other sexual crimes', 2013-2014 and 2016-2017](#) which was published by the Scottish Government in 2017.

Chart 6. Number of sexual crimes convictions, 2011-12 to 2020-21



Notes for Sexual crimes

Note 1. Includes “taking, distribution, possession etc. of indecent photos of children”, public indecency, sexual exposure, communicating indecently and intercourse with older child. See [Annex D](#) for more detail.

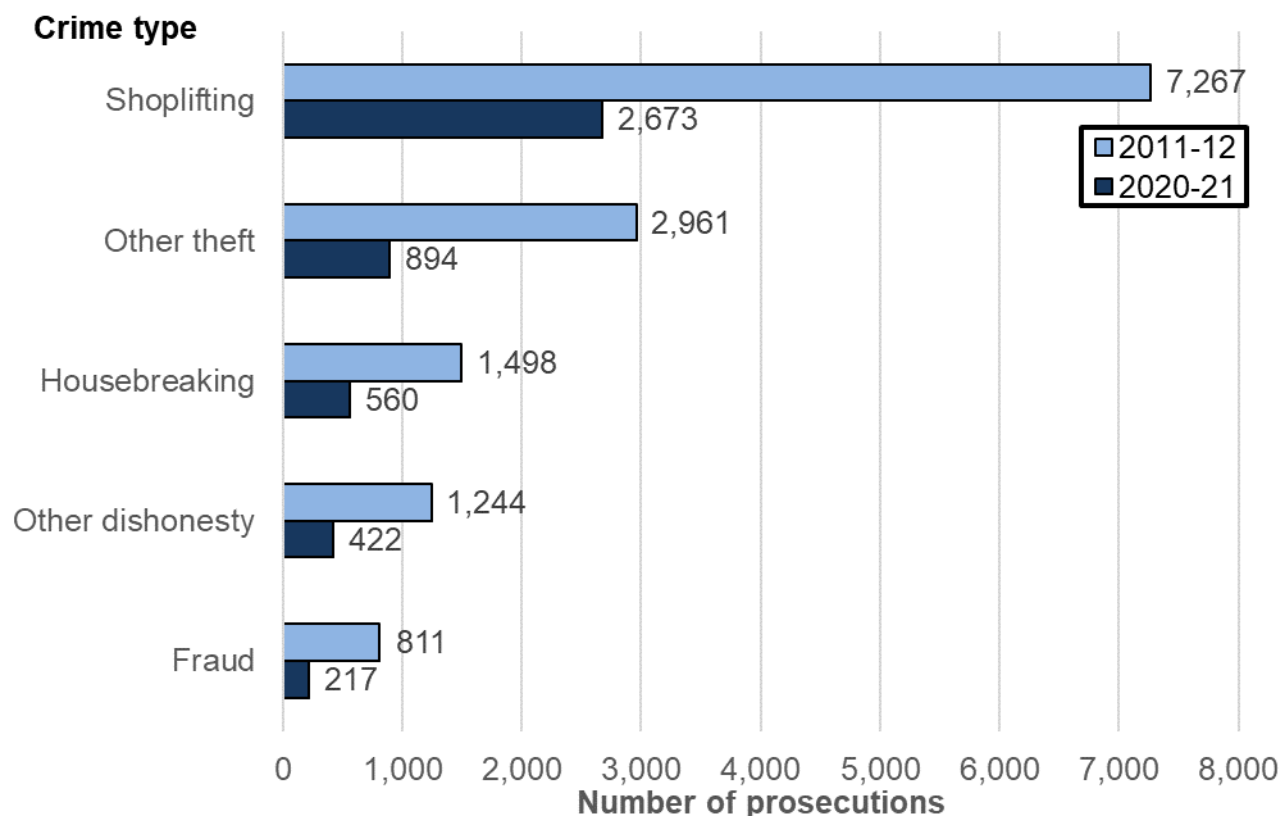
Crimes of dishonesty

Over the latest year convictions for crimes of dishonesty declined by 44% in 2020-21, down to 5,092 convictions from 9,146 in 2019-20. There were declines in all crime types within the crimes of dishonesty group between 2019-20 and 2020-21, including:

- A 51% decrease in the number of shoplifting convictions, which is the one of the biggest decreases of any type of crime or offence in absolute numbers of convictions (-2,749 convictions), from 5,422 in 2019-20 to 2,673 in 2020-21.
- A 30% decrease in housebreaking convictions, from 805 to 560.
- A 16% decrease in theft by opening lockfast place convictions from 114 to 96.

- A 28% decrease in theft from a motor vehicle convictions, from 90 to 65 convictions.
- A 32% decrease in other dishonesty and a 39% decrease in other theft.

Chart 7. Convictions for crimes of dishonesty, 2011-12 to 2020-21



Coronavirus restrictions

Criminal proceedings and convictions under Coronavirus legislation, that was introduced in April 2020, have been included in this bulletin for the first time. In 2020-21 there were 39 people proceeded in court for offences relating coronavirus restrictions, with 36 people convicted. Of those convicted, five (14%) received a custodial sentence, all of which were 3 to 6 months in length. Twenty five per cent (9 people) received a community sentence, 36% (13 people) received a fine and 25% (9 people) received an 'other' sentence all of which were an admonishment.

7. People convicted by offence group

There were 23,785 “offence” convictions in 2020-21, a decrease of 50% over the year (from 47,427). As a proportion of all offences, common assault and breach of the peace together made up 50%, while unlawful use of a vehicle and speeding accounted for 23%.

Miscellaneous offences

Ninety-two per cent of “miscellaneous offences” are breach of the peace and common assault offences. Both groups showed decreases in convictions between 2019-20 and 2020-21, with the breach of the peace category down 38% from 11,495 to 7,107 convictions, and common assault, down 42% from 8,388 to 4,876 convictions.

Motor vehicle offences

Motor vehicle offence convictions decreased by 58% from 25,745 convictions in 2019-20 to 10,777 in 2020-21.

All types of motor vehicle offences saw a decrease over the past year, with the largest decreases between 2019-20 and 2020-21 for:

- **Seat belt offences** decreased by 80% from 174 to 35.
- **speeding**, down 76% from 9,175 convictions to 2,197.
- **mobile phone offences**, down 70% from 466 convictions to 138.

There were 2,185 convictions in 2020-21 for driving under the influence, which is 36% lower than the figure of 3,402 in 2019-20.

8. Headline in court sentencing

(Tables 7 and 8)

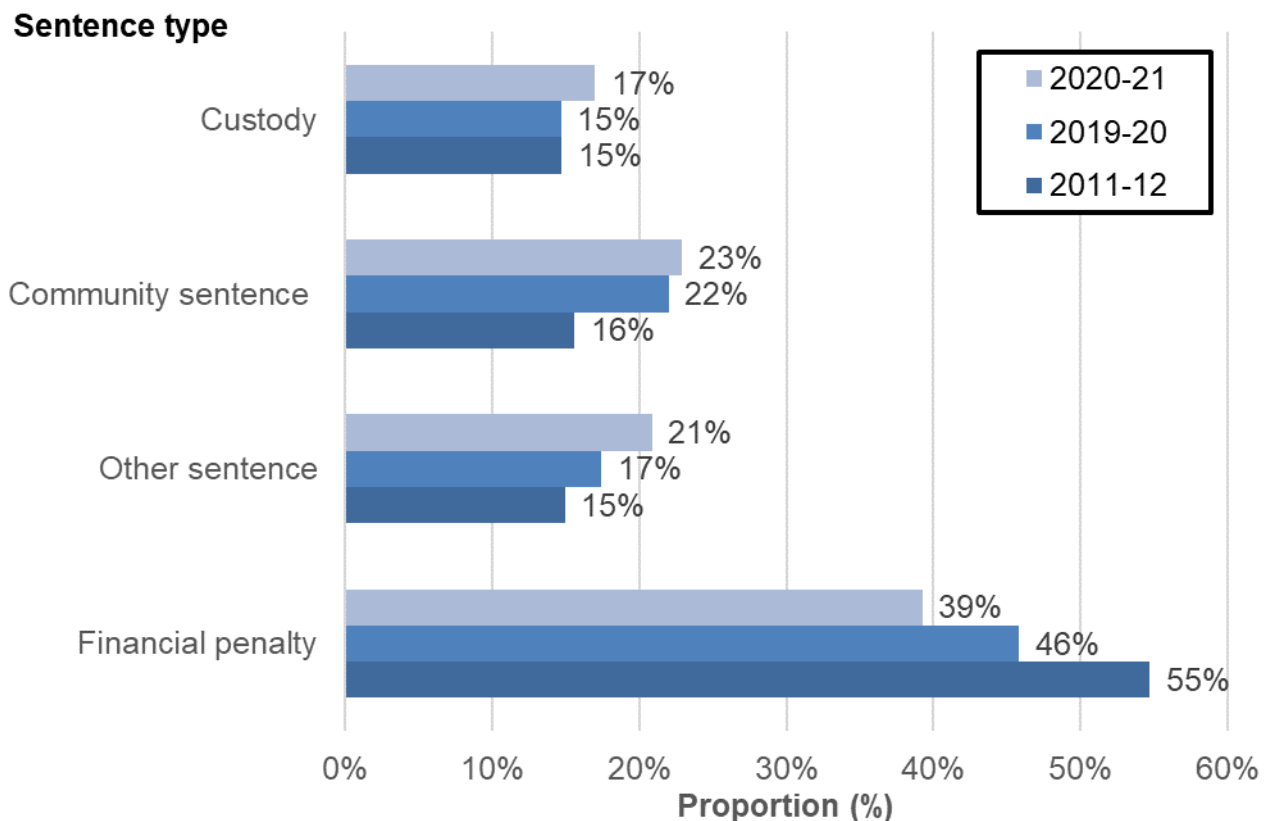
The main types of penalty or sentence given to those found guilty in Scottish Courts are custodial sentences, community sentences and financial penalties. [Sections 9 to 12](#) provide statistics on these types of punishments. In addition, for less serious cases or where it is felt the main punishment types are not suitable, the individual found guilty can be “admonished” (given a verbal warning from the sheriff). A full listing of the range of court disposals is outlined in [Annex D](#).

Of all people convicted during 2020-21:

- 39% were issued **financial penalties** (16,693)
- 23% were issued **community sentences** (9,741), and
- 17% were issued **custodial sentences** (7,224).

A further 21% of people were issued other sentences (8,874), which are mostly admonishments ([Chart 8](#)).

Chart 8. Sentences imposed, 2011-12, 2019-20 and 2020-21



9. Custodial sentences

(Tables 7a-b, 8a-c, 9, and 10a-d)

Custodial sentences comprise convicted people who are sent to prison or a young offenders' institution. The number of custodial sentences given is affected by a range of factors, including the number of convictions in any given year and the types of crimes for which people are being convicted.

Courts will consider the full facts and circumstances of a case before deciding an appropriate sentence in a given case. This includes whether or not the offender has been convicted before and whether there are any mitigating circumstances. These statistics do not take into account the factors influencing the sentencing decisions.

The number of custodial sentences, decreased by 35% from 11,122 in 2019-20 to 7,224 in 2020-21. The number of custodial sentences has decreased almost every year since 2011-12 (15,950), with the exception of an increase in 2018-19. Custodial sentences represented 17% of all convictions in 2020-21, higher than the proportion over the past decade, which has ranged between 13% and 16%. This increase may in part be a result of guidance around case prioritisation during the pandemic, which stated that custody cases and those involving vulnerable persons should be prioritised in court.

There has been a decrease in the number of people receiving custodial sentences for all crime types in the past year, reflecting the overall substantial drop in the total number of convictions this year due to reduced court activity during COVID-19 lockdowns, with the exception of coronavirus restriction related offences (included for the first time in this bulletin) and crimes under the Domestic Abuse (Scotland) Act. There has been an 85% increase in the number of people receiving a custodial sentence for a conviction under DASA, from 39 people in 2019-20 to 72 people in 2020-21. This is not a like for like comparison over the year though, as DASA came into effect on 1 April 2019 but due to the time lag in cases reaching court following reporting of the crime the 2019-20 bulletin did not include figures for a full year under the act. The 2020-21 bulletin is the first one to include a full year under the act, noting that the figures will have been impacted by the reduction in court activity due to COVID-19 lockdowns. In 2020-21 five people received custodial sentences for coronavirus restriction related offences.

The percentage of people convicted for non-sexual crimes of violence who received a custodial sentence decreased from 52% to 48% over the past year.

The percentage of people convicted for sexual crimes who received a custodial sentence also decreased from 35% to 30%.

Extended sentences and supervised release orders

Extended sentences and supervised release orders are for offenders who have served time in prison but have an additional post-release supervision period

attached to their sentence (see [Annex D](#) for more details). There has been a decrease in their use this year (from 471 in 2019-20 to 292 in 2020-21).

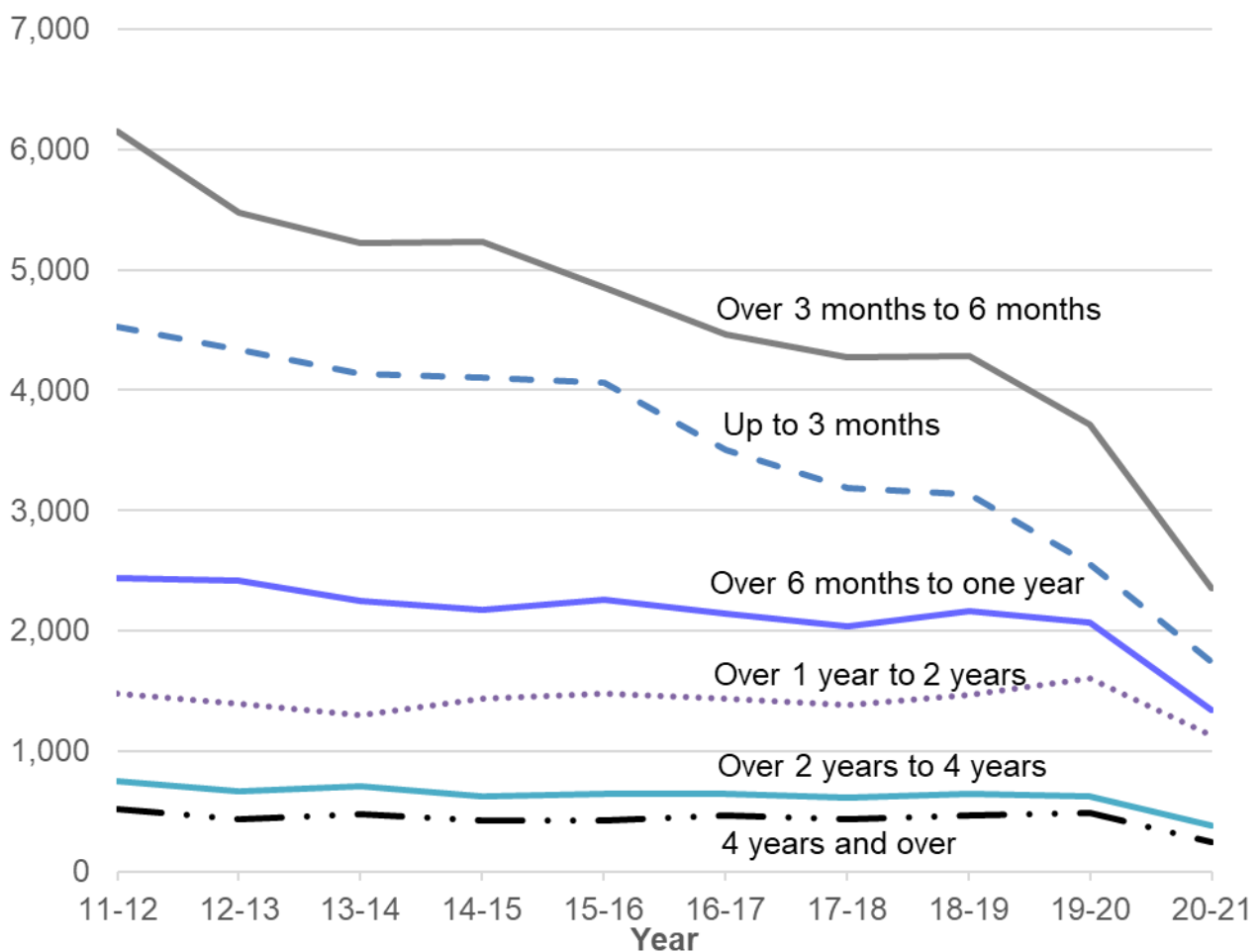
Please note these statistics only give the length of the custodial part of the sentence and not the length of the supervision period. We have incomplete information on the length of the supervision period on our dataset, and we are working to understand and improve the quality of the data before we can consider publishing it.

Length of custodial sentences

All 14 people issued life sentences in 2020-21 received these for murder [note 1]. When a court imposes a life sentence, a minimum period in custody, called the “punishment part”, is set by the court before the prisoner can be considered for release on licence by the parole board. “On licence” means that a life prisoner is subject to recall to prison if they breach the terms of their release in their lifetime.

Chart 9. Length of custodial sentences. 2011-12 and 2020-21

Number of custodial sentences



Notes for Length of custodial sentences

Note 1. Murder carries a mandatory life sentence upon conviction. Although an Order for Lifelong Restriction is a sentence that lasts for the rest of a person's life, it is not treated as a life sentence for the purpose of these statistics.

Average custodial sentence

Note that life sentences and Orders for Lifelong Restriction (OLRs) are not included in calculations for average life sentence as they are of indeterminate length.

Although a minimum term in custody is specified, the actual time in custody will depend on decisions by the Parole Board and they may spend longer in custody than the minimum specified. Data on the average length of the punishment part of life sentences and OLRs are published in an experimental statistics paper alongside this bulletin, which can be found under the "supporting documents" menu on the [website for this publication](#).

The average length of custodial sentences for all crimes, in 2020-21 was 329 days), which is 8% shorter than in 2019-20 (356 days). Over the longer term, there has been a general upward trend in average sentence length, and it is now 14% longer than in 2011-12 (289 days).

Some types of crimes and offences saw increases in average sentence length in the last year, whereas others saw decreases. Notable increases between 2019-20 and 2020-21 have been increased lengths of sentences for fraud, (increasing by 62% from 287 days to 464 days); vandalism (increasing by 45% from 174 days to 252 days; crimes under the Domestic Abuse (Scotland) Act (increasing by 21% from 363 days to 438 days); and theft of a motor vehicle (increasing by 20% from 230 days to 275 days).

The average sentence length for rape and attempted rape decreased by 10 days (down 0.4%) from 2,445 days in 2019-20 to 2,435 days in 2020-21, which is the lowest since 2014-15. Notable decreases in average sentence length include homicide (down 16% from 2,297 days to 1,923 days), sexual assault (down 25% from 1,008 days to 761 days); housebreaking (down 15% from 458 days to 388 days); theft from a motor vehicle (down 22% from 224 days to 174 days), and 'other crime' (down 71% from 1,574 days to 458 days). The drop in average sentence length for 'other crime' follows an unusual high in 2019-20, the figure for 2020-21 is similar to average length in previous years.

Categories of custodial sentence length

The [Criminal Justice and Licensing \(Scotland\) Act 2010](#) commenced in February 2011 and introduced a presumption against short sentences (PASS) (3 months or less).

In June 2019, the extension of the presumption to 12 months or less was approved by the Scottish Parliament in the [Presumption Against Short Periods of Imprisonment \(Scotland\) Order 2019](#). This presumption stated that a court must not pass a sentence of imprisonment for a term of 3 months or less unless it considers

that no other method of dealing with the person is appropriate. The extended presumption came into force on 4th July 2019 in relation to offences committed on that date and after. However, the policy was introduced part way through the financial year, and it took time for the first eligible offences to go to court, so the data included in the 2019-20 bulletin did not fully cover the extension. It was anticipated that some conclusions of the effects of this policy would be seen in the 2020-21 bulletin, however the impact of COVID-19 makes it difficult to separate the effects of the pandemic from the effects of the extended presumption against short custodial sentences. The [Extended Presumption Against Short Sentences – Monitoring Information](#) Official Statistics provided data on sentencing to monitor the progress of the extension policy which followed a bulletin covering the period 1 July 2019 to 31 December 2019.

Although initial effects of this policy may be seen to some extent in these statistics in the 2019-20 financial year, and the specific monitoring bulletins, subsequent versions of this bulletin will be able to come to more definitive conclusions. The Extended Presumption Against Short Sentences – Monitoring Information Official Statistics also provide data on sentencing to monitor the progress of the extension policy.

[Chart 9](#) illustrates patterns of custodial sentence length by specific categories. In 2011-12, the most common lengths were “up to 3 months” (4,529 people), which made up 28% of custodial sentences and “over 3 months to 6 months” (6,153 people, 39% of custodial sentences). Over the ten-year period, levels of sentences of “up to 3 months” have decreased, following the introduction of the presumption against short sentences of under 3 months in 2011, and in 2020-21 made up 24% of custodial sentences. The proportion of “over 3 months to 6 months” custodial sentences has dropped from 39% in 2011-12 to 33% in 2020-21. However, the proportion in 2011-12 was a high in the ten year period perhaps as a result of up tariffing of sentences in response to the presumption against shorter sentences of 3 months or less starting in 2011.

Sentences of 1 year or less made up 75% of all custodial sentence lengths in 2020-21. This is seven percentage points lower than it was ten years ago in 2011-12, when they represented 82% of all custodial sentences. The biggest decrease in the percentage was between 2018-19 and 2019-20, with a four percentage point reduction, which may be associated with the extension of the presumption to one year. Note that this decrease was mostly due to decreases in the number of shorter sentences, particularly under three months, rather than an increase in sentences over 1 year.

Figures for 2020-21 show that the numbers in each custodial sentence length category decreased, reflecting the overall substantial drop in the total number of custodial sentences issued due to reduced court activity in the year 2020-21 as a result of COVID-19 lockdowns.

- The number of custodial sentence of “up to 3 months” decreased by 32% in the past year, from 2,554 in 2019-20 to 1,745 in 2020-21.

- Custodial sentences of “over 3 months to 6 months” decreased by 37% in the past year, from 3,714 to 2,355.
- There were 1,338 sentences of “over 6 months to 1 year” in 2020-21 which was a 35% decrease from 2,071 the previous year.
- The number of custodial sentences “over 1 year to 2 years” has decreased by 29% over the past year from 1,603 to 1,132.
- The number of custodial sentences of “2 years to under 4 years” has decreased by 40% from 628 in 2019-20 to 378 in 2020-21.
- “4 years and over” has decreased by 50% over the past year from 486 to 241.

10. Custodial sentences by type of crime

(Tables 9 and 10a-d)

Custodial sentences for non-sexual crimes of violence

Homicide comprises murder, culpable homicide (i.e. unlawful killing but without intent to do so) and the statutory crimes of causing death by dangerous or careless driving, causing death by careless driving when under the influence of drink or drugs, driving illegally when involved in a fatal accident and corporate homicide.

Seventy-three percent, or 35 of the 48 people convicted of homicide in 2020-21 were given a custodial sentence, a ten percentage-point decrease on the 2019-20 figure of 83%. During the period from 2011-12 to 2020-21, the proportion of homicide convictions receiving custodial sentences has ranged between 69% and 88%. Causing death by careless driving crimes are more likely to receive non-custodial sentences than other types of homicide. In 2020-21, 23% of homicide convictions were for death by careless driving, but 77% of non-custodial sentences for homicide were for death by careless driving.

Forty percent of custodial sentences for homicide were life sentences imposed for murder (14 people), a decrease compared to 2019-20 (82%, 41 people). The remainder (21 people), who were convicted for other types of homicide, were given an average sentence of around five years and three months (1,923 days), around a year (374 days) less than in 2019-20 (2,297 days), and at the lower end of the range seen over the last decade (1,913 to 2,392 days).

The average sentence length for crimes under the Domestic Abuse (Scotland) Act was around a year and two and a half months (438 days) in 2020-21.

Changes in average custodial sentence lengths for other non-sexual crimes of violence between 2019-20 and 2020-21 are as follows:

- An decrease of 7% (down 75 days) for attempted murder and serious assault (an average of 998 days given in 2020-21);
- A similar average sentence length for robbery (down 3 days, to 746 days); and
- An decrease of 11% for other non-sexual crimes of violence, (down by 119 to 952 days).

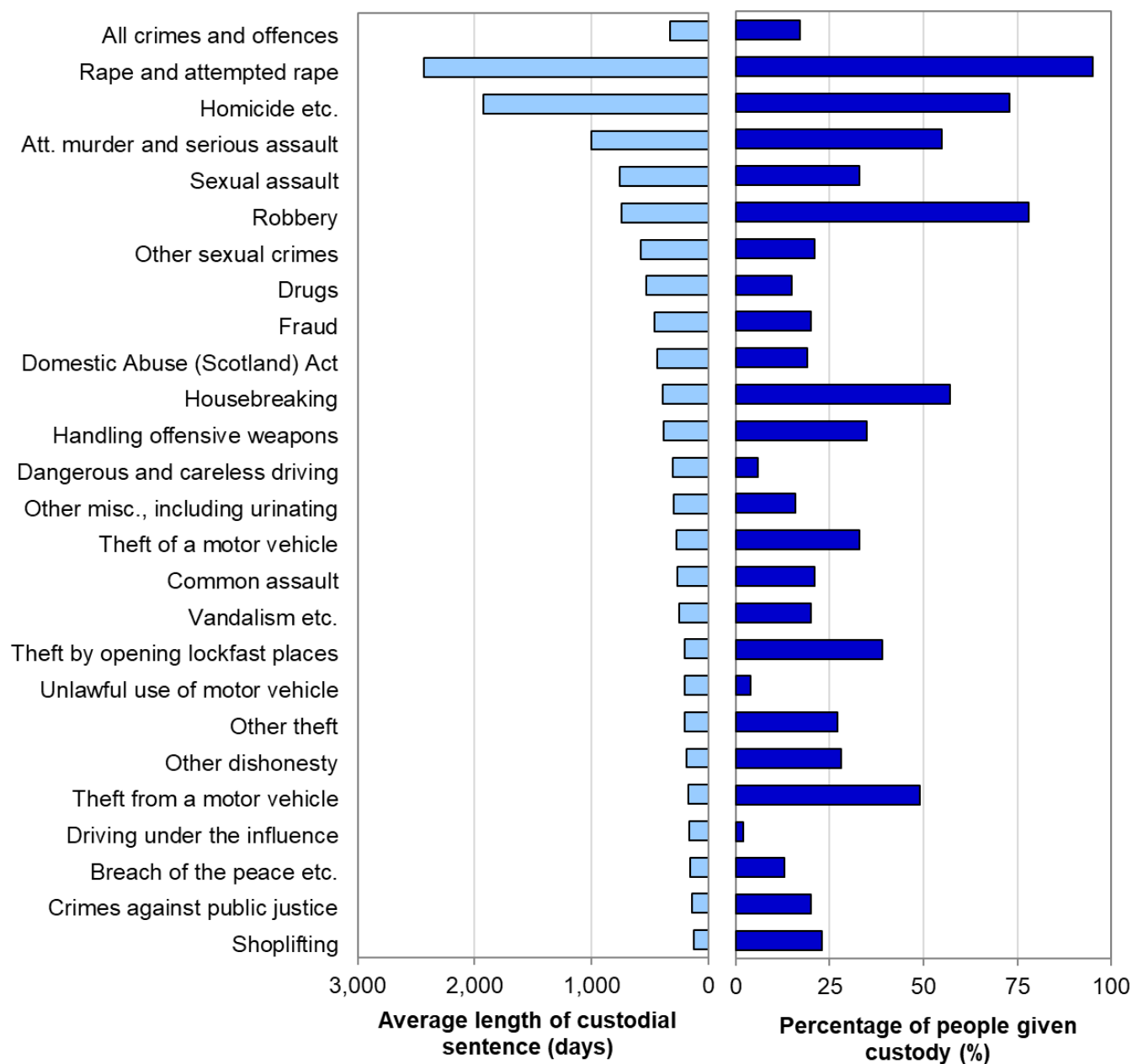
Custodial sentences for sexual crimes

As shown in [Chart 10](#), custody was the most frequently used disposal for “rape and attempted rape”, being imposed on 95% of people with a charge proven. Custodial sentences for “rape and attempted rape” attracted the longest average custodial sentence of all crime types (other than life sentences for murder, which are excluded from the homicide category in the chart). The average sentence length for this kind of crime decreased slightly in 2020-21, down 10 days (0.4%) from last year to 2,435 days (six years and 8 months). The average sentence for rape and

attempted rape has ranged between 2,264 days and 2,655 days over the last ten years.

Sexual assault sentences were, on average, 247 days (25%) shorter than in 2019-20, decreasing to 761 days (around 2 years and 1 month) in 2020-21. This is the lowest average sentence for this crime in the last ten years.

Chart 10. Average sentence length (excluding life sentences) and proportion receiving custody, by crime and offence group [note 1], 2020-21



Notes for Chart 10

Note 1. Excludes crime types where the number of people sentenced to prison is fewer than 30.

Custodial sentences for crimes of dishonesty

Twenty nine percent of convictions for crimes of dishonesty received a custodial sentence in 2020-21, a decrease from 31% in 2019-20, and the lowest proportion of custodial sentences issued for this crime type in the past ten years. Overall, the average custodial sentence length for crimes of dishonesty increased from 208 days in 2019-20 to 219 days in 2020-21; an increase of 5%. This is the longest average sentence length seen in the past ten years, and 33% higher than the average in 2011-12 (165 days). The increase in the average length of custodial

sentence for Crimes of dishonesty is mostly driven by an increase in average sentence length for Fraud crimes, which has more than doubled over the ten year period from around 7 months (220 days) in 2011-12 to around 1 year and 3 months (464 days) in 2020-21. Average sentence length for Fraud saw one of the biggest increases for all crime types over the past year, increasing by 62% (from 287 days in 2019-20).

Around 57% of housebreaking convictions received custodial sentences in 2020-21, down three percentage points from 60% in 2019-20. In 2020-21, the average custodial sentence for housebreaking was just over a year (388 days), a 70 day (15%) decrease from 458 days in 2019-20.

Custodial sentences for handling offensive weapons

Sections 47 and 49 of the [Criminal Law \(Consolidation\) \(Scotland\) Act 1995](#) make provision for the offences of:

- Carrying offensive weapons;
- Having in a public place an article with a blade or point.
- These two offences make up the crime group “handling offensive weapons”, statistics for which are presented in the standard tables accompanying this publication. As shown in the additional table accompanying this bulletin, there were 1,207 people convicted of “handling offensive weapons” in 2020-21, of which two-thirds (66%) were for carrying knives i.e. “having in a public place an article with a blade or point” (792 convictions). Compared to last year these changes represent decreases for both categories; down 31% for the total of “handling offensive weapons” and down 29% specifically for carrying knives. The remainder of offensive weapons convictions related to crimes for other weapons such as baseball bats, bottles and pieces of wood; this crime type saw an increase of 27% over the past year although the numbers are small, increasing from 22 in 2019-20 to 28 in 2020-21. Firearm offences are not included in the “handling offensive weapons” category but are included within “other miscellaneous offences”.

Statistics for carrying knives are not published within the standard tables accompanying this bulletin but are presented as an [additional table](#) alongside trends for all “handling offensive weapons” for the last ten years.

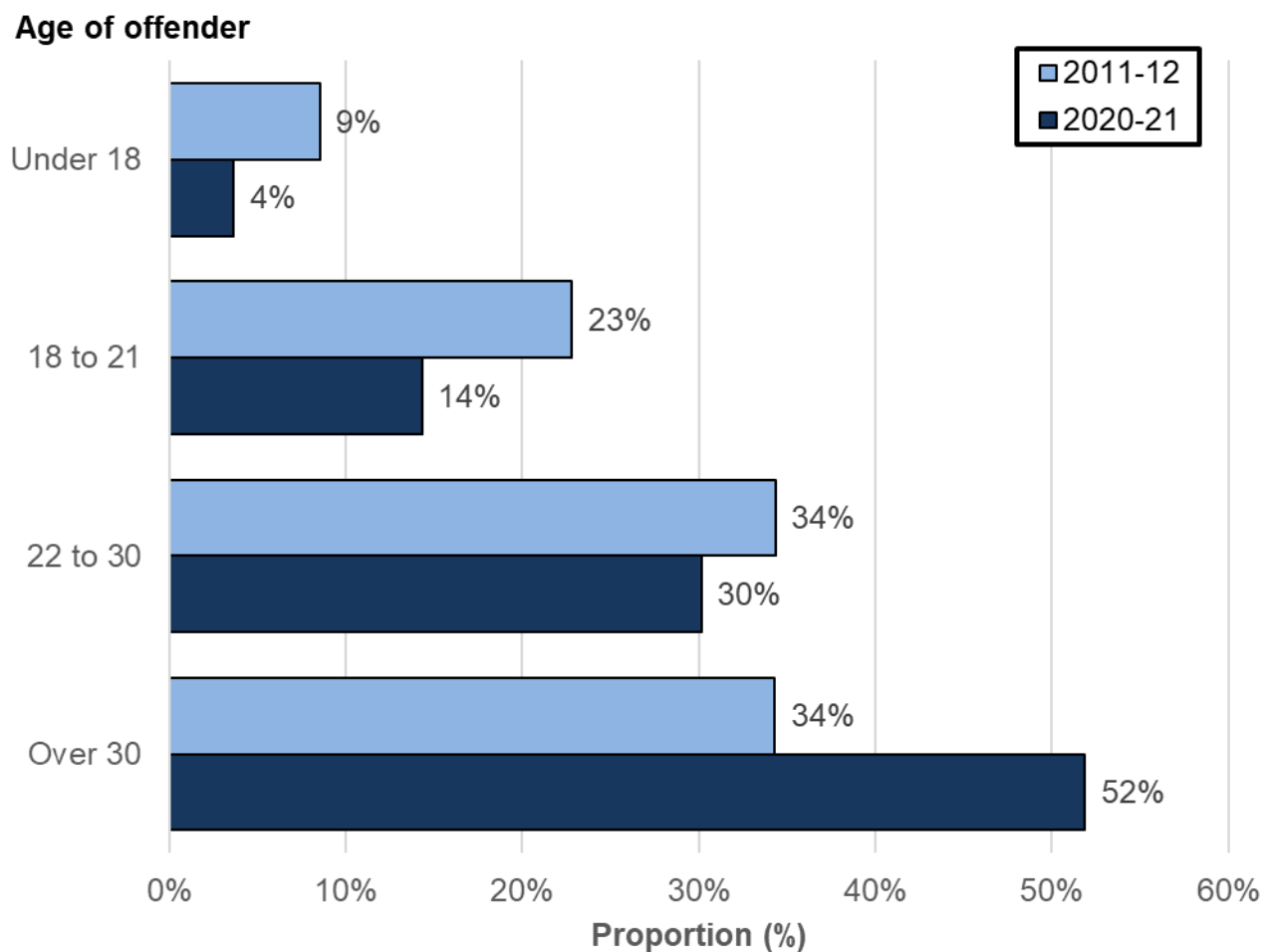
The proportion of convictions for handling offensive weapons which received a custodial sentence remained the same over the year at 35% in 2020-21, but was one percentage point lower than in 2011-12. The proportion of custodial sentences given specifically for knife offences decreased in the past year by three percentage points from 38% to 35% in 2020-21, and also decreased by nine percentage points since 2011-12 (from 44%).

As seen in [Chart 11](#) below, there has been a shift in the age profile of persons being convicted for handling offensive weapons since 2011-12. In 2011-12, 34% of convictions were in the over-30s group, and 32% were for people under 22 years of

age. We now see more than half (52%) of all offensive weapon convictions in the over 30s, and under a fifth (18%) for those aged under 22, 4% being for under-18s.

The average custodial sentence length for handling offensive weapons is 22% higher than it was in 2011-12, increasing from 312 days in 2011-12 to 381 days in 2020-21. The figure in 2020-21 was also 2% higher than the average sentence length of 375 days in 2019-20. The trend over the last ten years is broadly similar for knife offences only, with the average custodial sentence length being 4% longer than that of all handling offensive weapons at 397 days in 2020-21.

Chart 11. Proportion of convictions for handling offensive weapons, by age group, 2011-12 and 2020-21



11. Community sentences

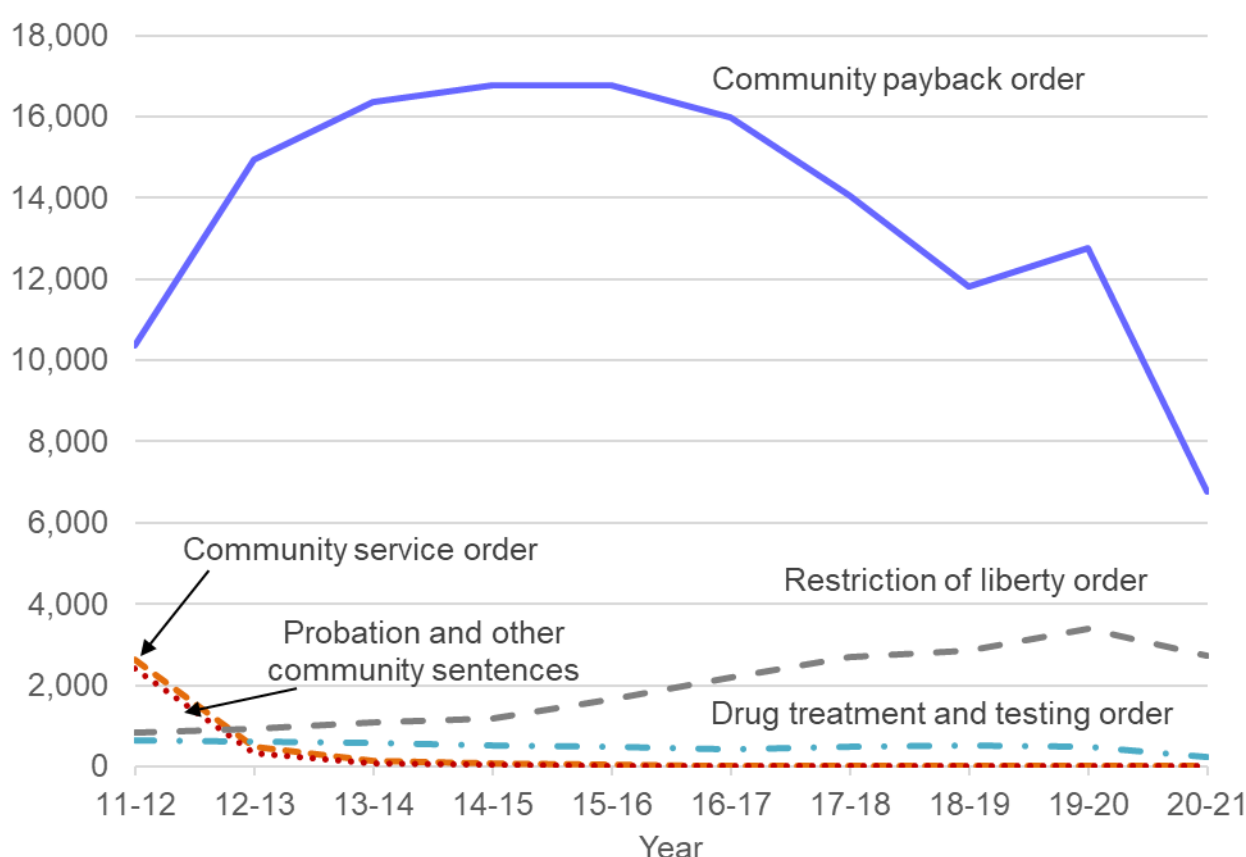
(Tables 7a-b and 8a-c)

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. Community Payback Orders are the most widely used community sentence and can include requirements such as unpaid work or other activity requirements, being supervised by a social worker, or programme requirements. Other community sentences are Drug Treatment and Testing Orders and Restriction of Liberty Orders. There is a wide range of options available in the Scottish courts, which are listed at [Annex D](#).

Twenty-three percent (or 9,741) of all convictions in 2020-21 resulted in a main penalty of a community sentence. This is the highest proportion over the past ten years, up from 16% of convictions in 2011-12, and from 22% last year. There was a 42% decrease in the number of community sentences the past year, down from 16,661 in 2019-20, driven by increases in the use of Community Payback Orders and Restriction of Liberty Orders ([Chart 12](#)).

Chart 12. People issued with community sentences, 2011-12 to 2020-21

People issued a community sentence



Community Payback Orders (CPO) enable the courts to impose a range of requirements including unpaid work and supervision as well as being put through a programme of rehabilitation to address their behaviours (see [Annex D](#) for full

details). CPOs replaced probation and community service orders for offences committed on or after 1st February 2011. This is reflected in the statistics, as the number of people receiving CPOs rose steadily between 2011-12 (10,380) to 2015-16 (15,974). Numbers decreased by 47% from 12,781 in 2019-20 to 6,781 people in 2020-21; and represented 70% of all community sentences in 2020-21 (compared to 77% the previous year).

A **Restriction of Liberty Order (RLO)** is a court order that requires a person to remain within a location, usually their home, at times specified by the Court. A person's compliance with the order is monitored electronically. The number of RLOs decreased by 20% in the past year, from 3,383 in 2019-20 to 2,718 in 2020-21. The use of RLOs has increased each year over the past 10 years, increasing from 1% of people convicted in 2011-12 to 6% of people convicted in 2020-21. RLOs made up 28% of people receiving community sentences in 2020-21 (2,718 RLOs), up slightly from 20% in 2019-20. Please note that these statistics on RLOs will not match the statistics published by G4S, the Scottish Government's contractor for electronic monitoring. This is because the statistics in this publication are representative of the main charge in a set of proceedings and will not include RLOs issued for secondary charges. By contrast the G4S figures count all RLOs issued by the courts relating to all charges.

Drug Treatment and Testing Orders (DTTOs) are designed to reduce or stop offending by addressing problem drug use through the provision or access to a closely monitored treatment programme. The number of DTTOs decreased by 52% from 485 in 2019-20 to 235 in 2020-21. Numbers have been relatively similar in recent years, but are 63% lower than ten years ago in 2011-12 (642 DTTOs).

Community sentences are available for courts to use in any case where the offence is punishable by imprisonment (with the exception of charges which attract mandatory life sentences). Level 1 CPOs (which involve an unpaid work or other activity requirement between 20 and 100 hours) can be imposed where a fine has not been paid. The majority of community sentences were given for breach of the peace (1,767 or 18%), common assault (1,647 or 17%), and crimes against public justice (1,578 or 16%).

In 2020-21 the crimes/offences where community sentences were most commonly given for that type were:

- **other sexual crimes** – 389 people, or 67% of court disposals for these crimes
- **sexual assault** – 87 people, or 59%
- **Domestic Abuse (Scotland) Act** - 216 people or 56%
- **other non-sexual crimes of violence** – 57 people, or 51%
- **theft of a motor vehicle** – 66 people, or 40%
- **handling offensive weapons** – 476 people, or 39% of court disposals
- **other dishonesty** – 160 people, or 38% of court disposals

- **common assault** – 1,647 people, or 34% of court disposals
- **other theft** – 260 people, or 29% of court disposals

12. Financial penalties and other sentences

(Tables 7a-b and 8a-c)

The Courts can impose financial penalties such as fines, which are enforced by the Scottish Courts and Tribunals Service (SCTS), or compensation orders, which are collected by the SCTS with the monies then paid to the victim. A victim surcharge came into force in Scotland on 25 November 2019 under the [Victims and Witnesses \(Scotland\) Act 2014](#) which can [apply to a person who is convicted and fined](#). For statistics on victim surcharges, see the [SCTS Quarterly Fines Statistics](#).

The number of financial penalties fell by 52% in 2020-21 to 16,693 (39% of all disposals), with the scale of the most recent reduction most likely a result of reduced court activity during the pandemic. The number of financial penalties had been in general decline over the last ten years, dropping by from 59,320 in 2011-12, when they accounted for 55% of all disposals, to 34,699 in 2019-20 (46% of all disposals). This general trend over the last ten years is possibly because the types of cases that would have historically attracted a financial penalty are now more likely to be dealt with non-court disposals before they get to Court. More information is available in the [Police disposals](#) and [COPFS disposals](#) sections.

The median [note 1] fine imposed by Courts on individuals (excluding companies) in 2020-21 was £280, in cash terms [note 2]. The median fine has increased by a two-fifths (40%) over the last 10 years, up from £200 in 2011-12.

The use of compensation orders as a main penalty fell by 41% from 793 in 2019-20 to 467 in 2020-21, after remaining almost unchanged for the previous three years. Numbers are almost half (50%) that of 2011-12 (925). The median value for compensation orders was £250 in 2020-21, which is higher than the value of £200 ten years ago, but lower than the highest of £290 in 2017-18. Please note that compensation orders can be given as an additional punishment to a single offence and hence the median is based on either the main or secondary penalty for specific offences, although this still only refers to the main offence.

Notes for financial penalties and other sentences

Note 1. The median value is the midpoint of a ranked series of data. It is used so that very high or very low values do not impact excessively on the calculated average.

Note 2. Year-on-year comparisons for fines and compensation orders are in cash terms, and have therefore not been adjusted for inflation.

Other sentences

“Other sentences” are mostly admonishments (95% in 2020-21), which are a verbal warning from the sheriff. In 2020-21, 8,417 people were admonished, which represented 20% of all convictions. This is slightly higher than the 14% in 2011-12, although has remained almost unchanged since 2015-16. In 2020-21 the crimes for

which admonishments were most commonly given for (where there were more than 1,000 convictions overall) were:

- **shoplifting** with 39% (1,039 convictions)
- **crimes against public justice** with 34% of all convictions being admonishments (2,297 convictions), and
- **breach of the peace etc.** with 31% (2,176 convictions).

13. Aggravations

(Table 12 and 13)

Codes can be recorded on the Criminal History System (CHS) by Police Scotland or the Crown Office and Procurator Fiscal Service (COPFS) to provide additional information relating to the nature of a charge. Some of these codes (aggravations) are created by legislation. Although aggravations must be proved in court they can be proven by a single source of evidence, rather than by corroborated evidence. For example, someone who commits a common assault which is motivated by malice towards the victim as a result of the victim's religion would have their offence recorded under assault with an aggravation code of religious prejudice. The statutory aggravations are taken into account during sentencing, and a higher penalty may be given as a result.

Other aggravations are not created by legislation, but are identifiers added to a charge to provide additional information for operational purposes. These do not need to be proved in Court.

This publication includes statistics on a subset of the full set of aggravation/identifier codes on the CHS. The set of aggravations this publication covers are: domestic abuse, disability, racial, religious, sexual orientation and transgender. The legislation creating these aggravations is outlined in [Annex C](#). The [Abusive Behaviour and Sexual Harm \(Scotland\) Act 2016](#) created a statutory aggravation of domestic abuse, which came into force on 24th April 2017. The aggravation for domestic abuse in relation to a child under the [Domestic Abuse \(Scotland\) Act 2018](#) came into effect on the 1st April 2019, so this is second year data has been presented on this aggravation.

Please note that statistics on statutory bail aggravations, which identify offences that were committed while the offender was on bail, are not included in this publication but are published alongside this bulletin, under the “supporting documents” menu on the [website for this publication](#).

Please be aware that a single proceeding can have more than one aggravation recorded against it e.g. “domestic” and “disability”. In these cases, the same proceeding would be counted twice in the aggravation tables but once in the other court tables.

Domestic abuse

The new statutory domestic abuse aggravation, used for the first time in 2017-18, was applied to 6,515 or 86% of convictions with a domestic identifier in 2020-21 – it is never applied to a proceeding without the non-statutory identifier, but it is not applied to convictions for the domestic abuse crime under the Domestic Abuse (Scotland) Act. Whilst the statutory aggravation requires to be proven in court for it to apply to a conviction, the non-statutory identifier can be applied when police or COPFS believe there may be a domestic abuse element to a proceeding but it is not appropriate to apply the statutory aggravation. This may be because the date of

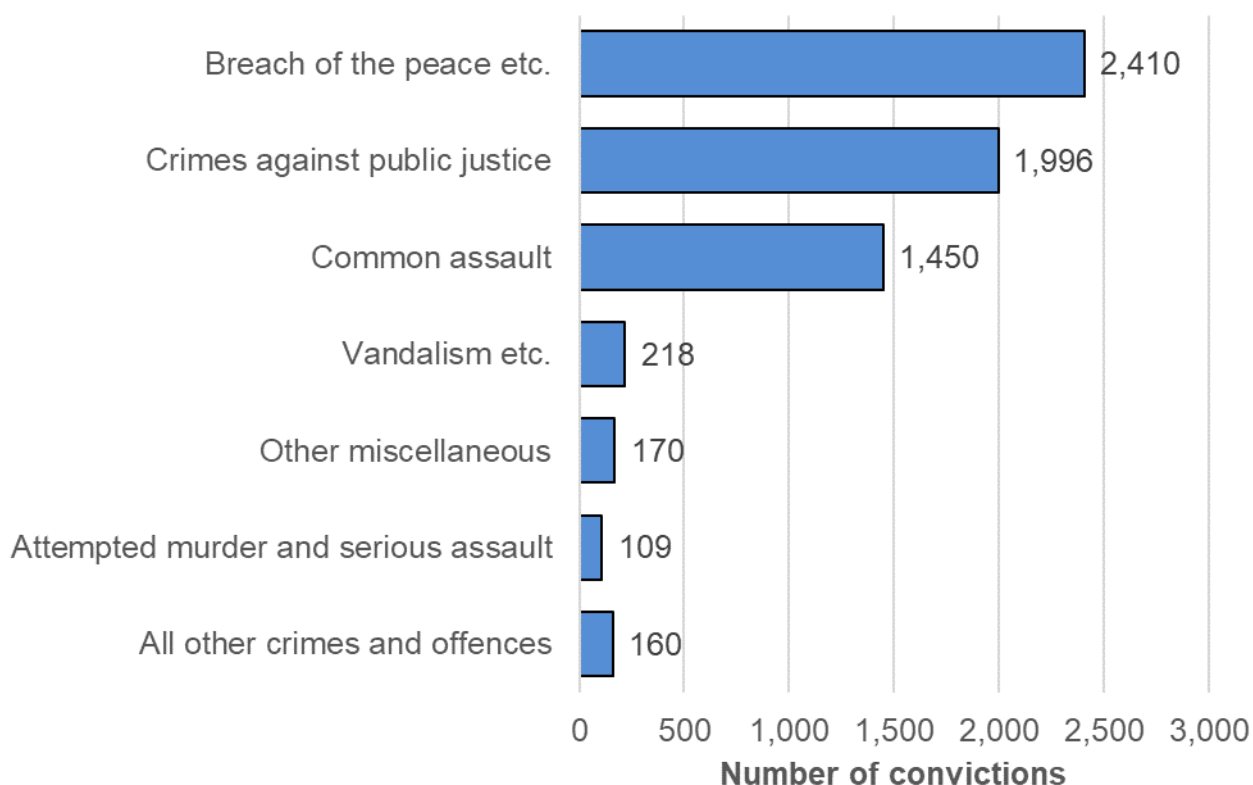
the offence pre-dates the legislation which introduced the statutory aggravation, or it may be because there is insufficient evidence for the statutory aggravation to be proven in court. The number of convictions with a statutory domestic abuse aggravation in 2020-21 was 20% lower than the number of 8,176 in 2019-20.

In 2020-21 the vast majority of people convicted of an offence with a domestic abuse statutory aggravation were male (5,765 convictions or 89%). This proportion has been unchanged since it was introduced.

In 2020-21 the most common crime types (see [Chart 13](#)) with a domestic abuse statutory aggravation that people were convicted of were:

- **breach of the peace**, which made up 37% of domestic abuse convictions (2,410 convictions) – of these breach of the peace-type convictions, the vast majority of convictions were for offences of “threatening or abusive behaviour” (2,242), with the others for stalking (146) and breach of the peace (22);
- **crimes against public justice** (31% or 1,996 convictions); and
- **common assault** (22% or 1,450 convictions).

Chart 13. The number of convictions by crime with a domestic abuse statutory aggravator, 2020-21



There were 7,569 convictions with a domestic abuse identifier in 2020-21, a 20% decrease from 2019-20 (9,418 convictions).

Note that the introduction of the new domestic abuse crime under the Domestic Abuse (Scotland) Act in 2019-20 may have affected the number of convictions with a domestic abuse identifier or statutory aggravation. This crime covers a course of conduct. Before the introduction of the crime, this may have resulted in multiple convictions for different offences at different times, whereas now they may result in a single conviction (with a more severe penalty). COPFS [Domestic Abuse and Stalking Charges 2020-21 Statistics](#) on the number of charges reported to them showed that the percentage of charges for stalking with a domestic abuse identifier fell from 65% in 2019-20 to 57% in 2020-21.

Domestic abuse in relation to a child

There were 90 people with a conviction with a statutory aggravation for domestic abuse in relation to a child in 2020-21, compared to 39 in 2019-20. This is the second year of data for this aggravation, which is only applied to the crime of domestic abuse under the Domestic Abuse (Scotland) Act. This covers a course of conduct that has taken place on or after 1st April 2019 and as there will have been a time lag before such crimes could be reported, the 39 people with a conviction in 2019-20 does not reflect a full year under the act.

Other aggravations

After the domestic abuse aggravation, the next most common types of aggravations recorded in 2020-21 were:

- racial (349 convictions);
- sexual orientation (255 convictions); and
- religious (123 convictions).

The number of convictions with a sexual orientation aggravation decreased by 40% in the past year, and is 65% higher than in 2011-12 (155 convictions). There was also a decrease in the past year for convictions with a religion aggravation by 47%. Convictions with the racial aggravation were 42% lower than last year, and were also at their lowest level in the past 10 years. Disability aggravations in 2020-21 were slightly lower (79) compared to last year (88). Convictions with a transgender aggravation were lower than last year, but are relatively low and tend to fluctuate year to year, due to the small numbers recorded (10 in 2020-21).

14. Age and sex

(Tables 5a-c, 6a-b, and 11)

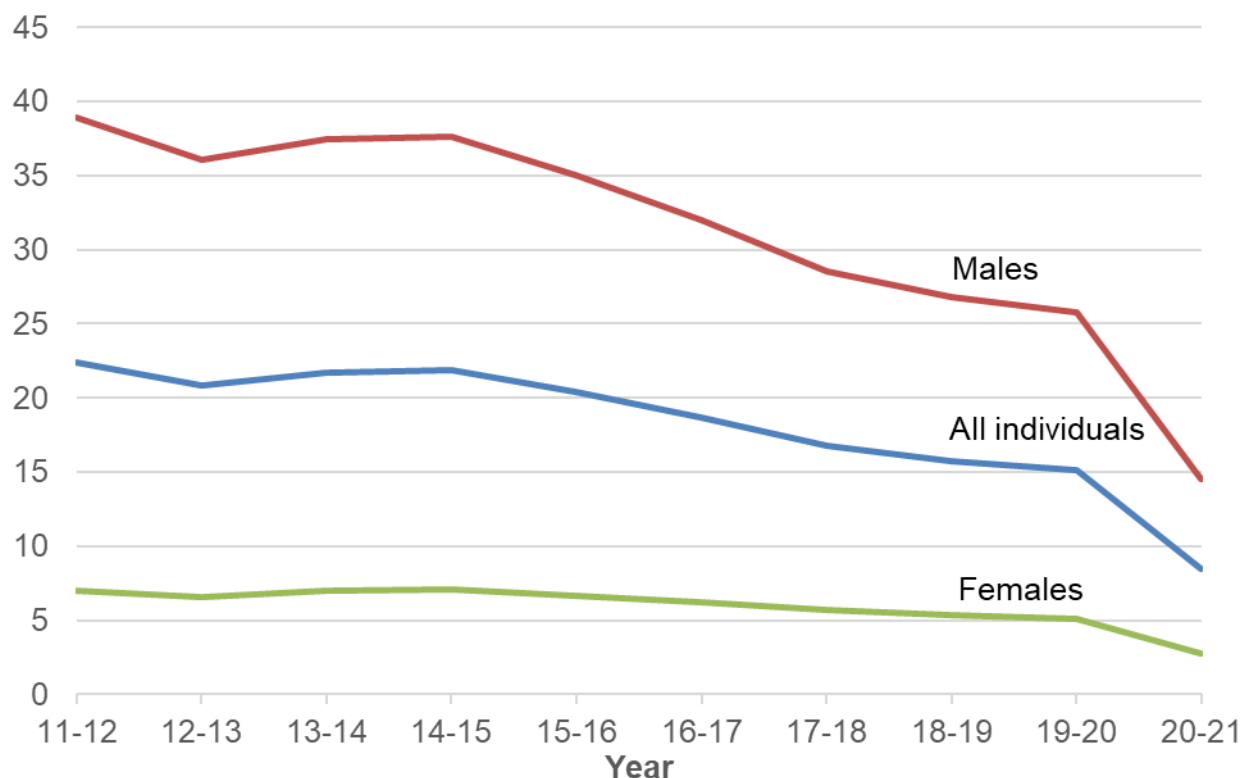
Sex in this bulletin is generally based on a person's physiology as perceived by a police officer, rather than self-identified gender, and is recorded when a person's details are entered into the CHS. Sex may be different to that recorded at birth if a person has a Gender Recognition Certificate. In a small number of records sex will be recorded as unknown if a clear understanding of the sex of the individual is not known. See [Annex D](#) for further details.

In 2020-21 there were 8 convictions per 1,000 population. There were more convictions for males at 15 convictions per 1,000 population compared to three for females.

The overall number of convictions per 1,000 population has declined over the last ten years from 22 convictions per 1,000 population in 2011-12. The decline has been driven by a decrease for males, down from 39 convictions per 1,000 population in 2011-12 to 15 in 2020-21. The number for females has been consistently much lower than for males, but also shows an overall decline, from seven to three convictions per 1,000 population between 2011-12 and 2020-21 ([Chart 14](#)). Note that the sharp decline in the past year is a reflection of the substantial drop in the total number of convictions overall due to the impact of COVID-19 on court activity.

Chart 14. Convictions per 1,000 population by sex, 2011-12 to 2020-21

Convictions per 1,000 population



Over the past 10 years, the gap between the number of convictions per 1,000 population for younger people compared to older people has become smaller. This has been driven by a fall in the number of convictions per 1,000 population for younger people, especially younger men. For people aged 31 to 40 and 41 to 50, the number has been on a more gradual downward trend over the last decade.

In 2011-12, the age group with the highest numbers of convictions per 1,000 population was those aged 21 to 30, with 55 convictions per 1,000 population. Since then, this has changed. In 2020-21, the highest number of convictions per 1,000 population was for the 31 to 40 age group overall (18 per 1,000), the 21 to 30 age group also showing a similar 17 convictions per 1,000 population.

Convictions by sex, age and crime type

Males accounted for 83% of all convictions in 2020-21, a similar proportion as each year in the past ten years. More males than females were convicted in all crime/offence categories.

Whilst females accounted for 17% of all convictions, they accounted for relatively higher proportions of convictions for the following crime types in 2020-21:

- 44% (49 convictions) of other non-sexual crimes of violence. The vast majority of these were for “cruelty to and unnatural treatment of children” convictions;
- 34% (905 convictions) of all shoplifting convictions;

- 32% (69 convictions) of all fraud convictions; and
- 38% (3 convictions) of all drunkenness and other disorderly conduct convictions.

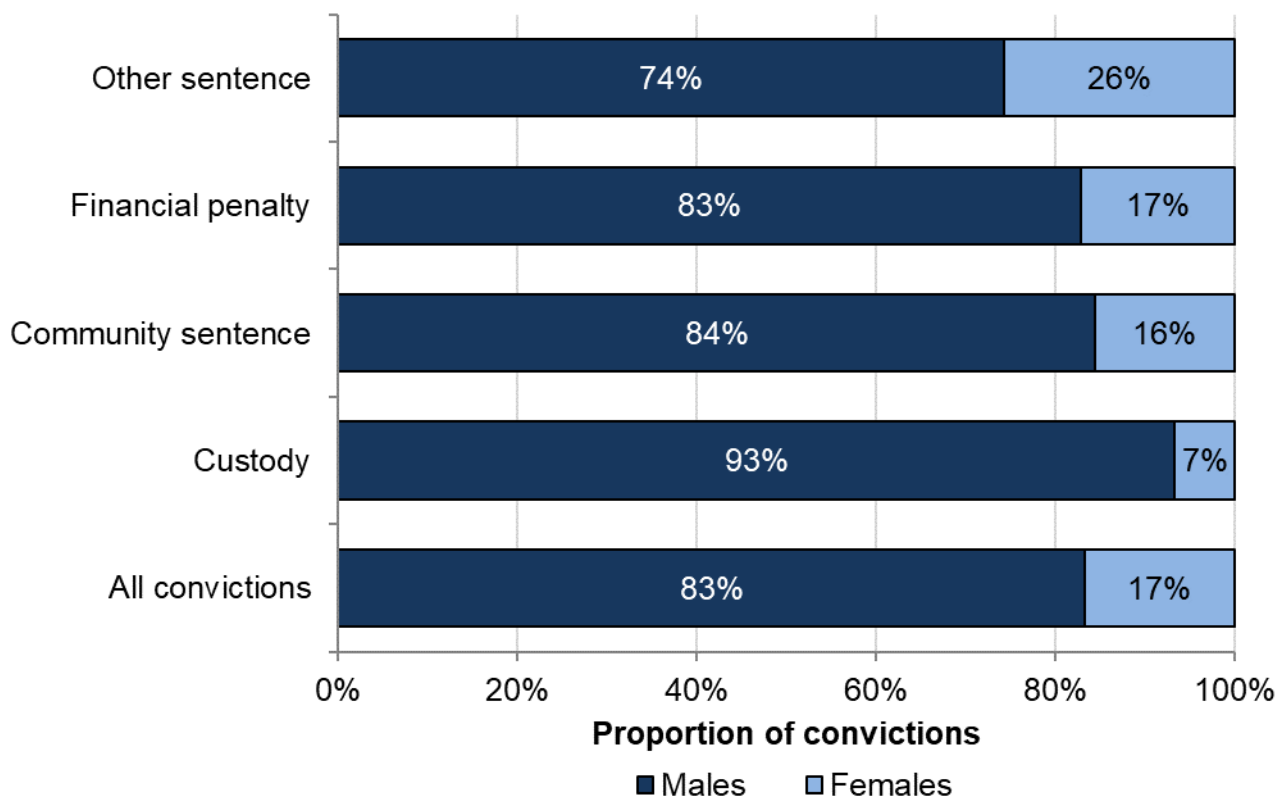
Compared to older people, a larger proportion of convictions for people under 21 are for crimes against public justice and common assault. For example, a fifth of convictions (20%) for females under 21 were for common assault with the corresponding figure for males being 13%. By contrast common assault accounted for smaller proportions of convictions for both men and women aged over 40 (10% and 12% for males and females respectively).

Convictions for motor vehicle offences accounted for higher proportions of convictions for those aged over 40; 28% of males, and 34% of females convicted. This compares to the under 21 age group where 20% of males and 18% of females were convicted of motor vehicle offences.

Sentencing by sex and age

Overall, males are more likely to receive a custodial sentence than females. This is illustrated by males accounting for 83% of all people convicted in 2020-21 but representing a higher proportion of all custodial sentences (93%). Females were more likely to be issued with an “Other sentence” (which are mostly admonishments) with 26% of these types of punishments having been given to females compared to the 17% of all convictions that females represent ([Chart 15](#)).

Chart 15. Total convictions and disposal type by gender, 2020-21



Please note that sentencing decisions are reflective of a number of factors such as the severity of the crime and whether the individual has offended in the past. In addition, the decision on what type of punishment is reasonable will be based on the personal circumstances of the offender. These statistics do not take account of these factors. The [Reconviction Rates in Scotland](#) National Statistics present analyses on the last sentence received in a financial year, by the number and type of previous crimes and sentences.

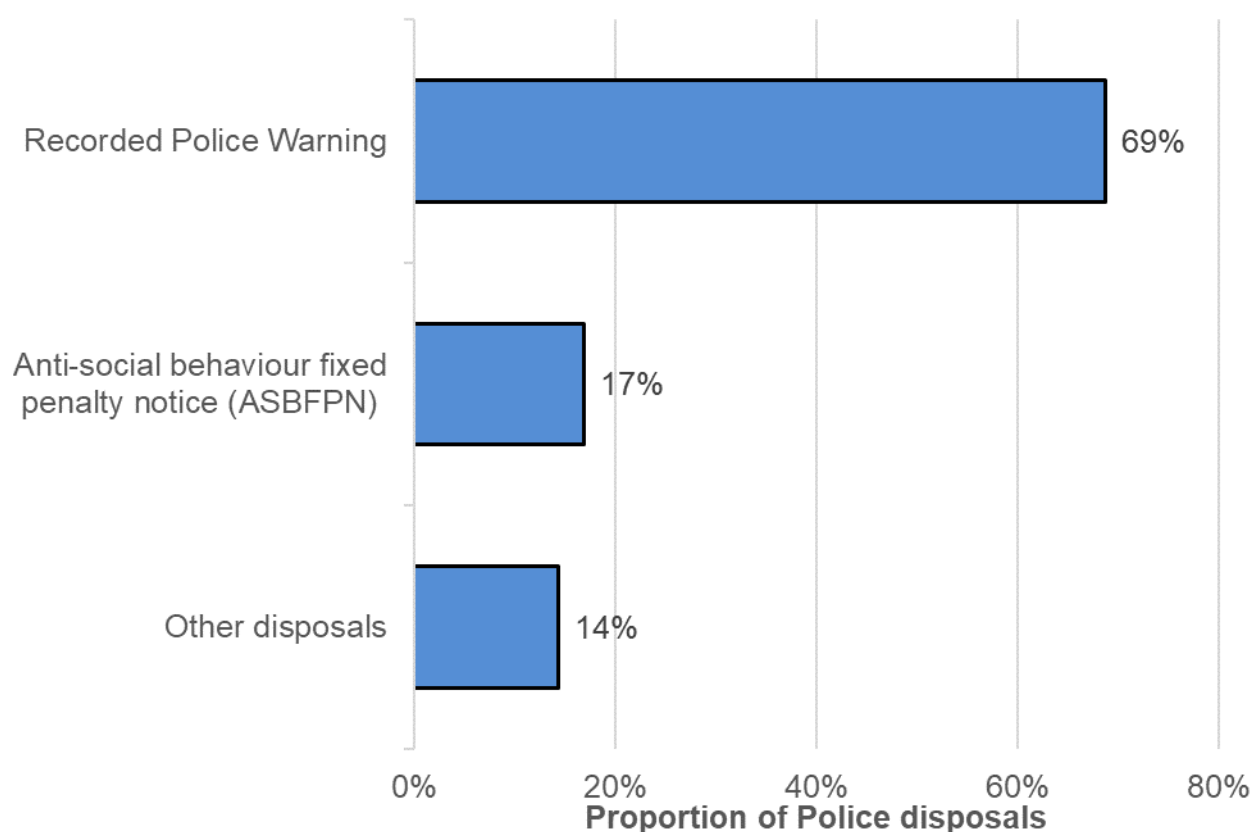
15. Police disposals

(Tables 17 – 20)

This section outlines detail on some of the measures available to the police for dealing with minor offences rather than referring individuals to COPFS and therefore potentially to court. Statistics are presented on Recorded Police Warnings (RPW), Anti-Social Behaviour Fixed Penalty Notices (ASBFPNs) and actions used specifically for juveniles (aged 8 to 17) such as Restorative Justice Warnings and Early and Effective Interventions (EEI). Formal Adult Warnings were phased out following the introduction of RPWs in January 2016.

In 2011-12, there were 65,763 police disposals, this increased to a peak in the last 10 years of 68,289 in 2013-14. Since 2013-14 numbers have generally decreased, (although they increased in 2018-19). The number in 2020-21 was 30,555, which is 12% lower than last year (34,700).

Chart 16. Police disposals by type in 2020-21



ASBFPNs accounted for more than 82% of the police disposals presented in this publication in 2011-12, but the number has been declining after 2013-14., In 2020-21 they made up 17% of police disposals. The most used police disposal in 2020-21 (69%) was the Recorded Police Warning which was introduced in 2015-16 ([Chart 16](#)). It is important to note, however, that there are other types of police measures not included in these statistics such as fixed penalty notices for moving motor vehicle offences and other youth justice measures. A more detailed listing of the disposals available in this publication can be seen in [Annex D](#).

Recorded Police Warnings

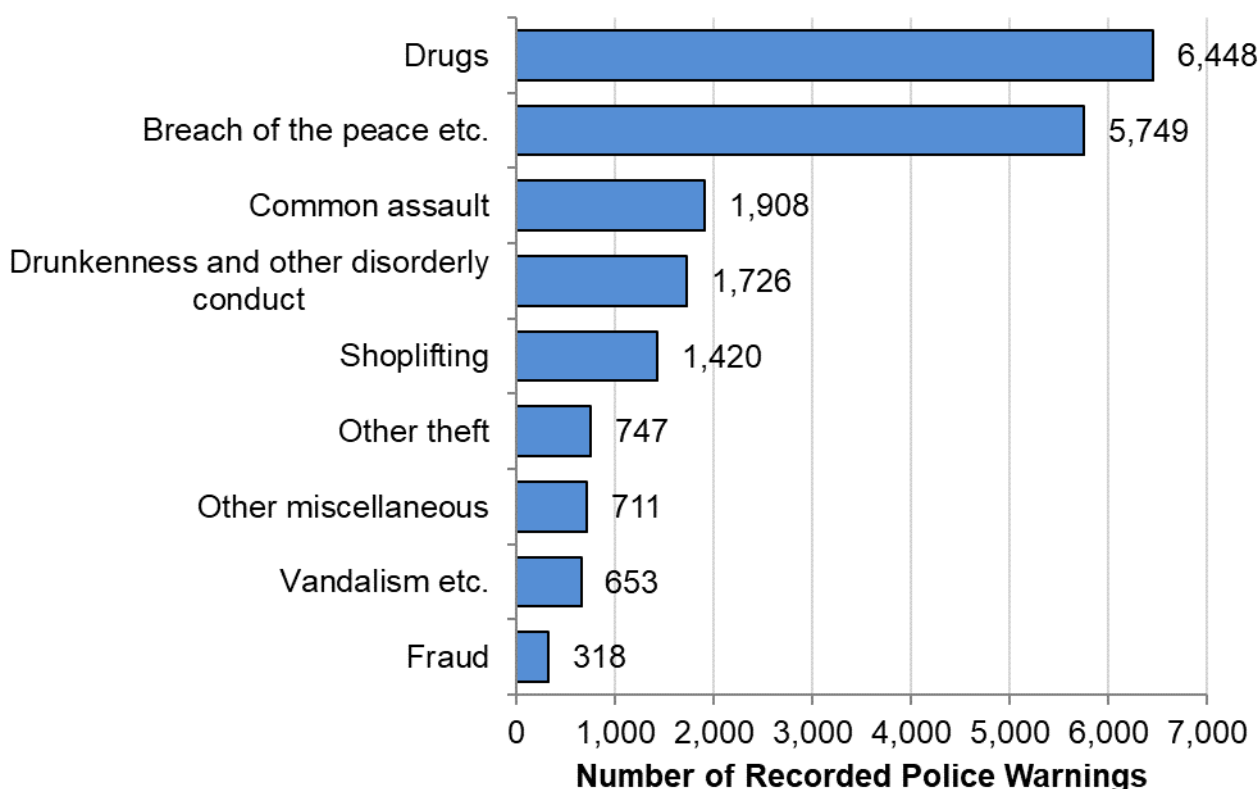
The use of Recorded Police Warnings (RPWs) grew quickly after their introduction in January 2016, becoming the most used police disposal in 2016-17 (19,678 issued). In 2020-21 there were 21,003 issued, which is a decrease of 6% from 22,401 in 2019-20.

RPWs were issued in 2020-21 for a wide range of offences, such as coronavirus restrictions (which made up 2% of the total number issued in 2020-21), drugs (31%), and breach of the peace etc. (27%) ([Chart 17](#)). Males received 72% of all RPWs in 2019-20.

The introduction of RPWs coincided with the phasing out of Formal Adult Warnings (FAWs), although wasn't a direct replacement. Only 8 FAWs were recorded in 2020-21, and they should disappear completely in the near future.

From 16 July 2018, it became possible to issue RPWs for less serious, non-sexual common assault, and this use made up 9% of the total number of RPWs in 2020-21.

Chart 17. Most common offences for Recorded Police Warnings, 2020-21



Anti-Social Behaviour Fixed Penalty Notices

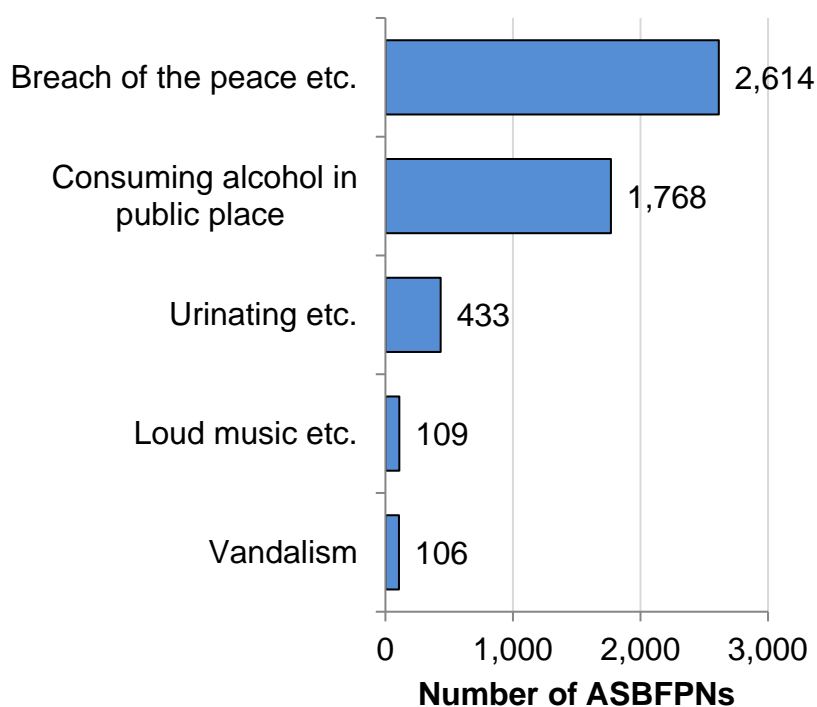
Anti-Social Behaviour Fixed Penalty Notices (ASBFPNs) allow the police to issue offenders a £50 fine for a range of offences including drunken-related behaviours and playing loud music. In 2020-21, 5,167 people received an ASBFPN as a main penalty, a decrease of 27% from 7,043 in 2019-20. In previous years levels

decreased year on year following a period of relative stability between 2011-12 and 2013-14 (around 55,000 ASBFPNs per annum). Some of the decline may be due to Police Scotland issuing revised guidance around the use of ASBFPNs, and there may be also some displacement by the use of Recorded Police Warnings.

In 2020-21 the vast majority of ASBFPNs were issued for three offence types ([Chart 18](#)):

- 2,614 for **breach of the peace etc.** (51% of total);
- 1,768 for **consuming alcohol in a public place** (34%); and
- 433 for **urinating etc** (8%).

Chart 18. Most common offences for Anti-Social Behaviour Fixed Penalty Notices (ASBFPNs), 2020-21



Males received 80% of all ASBFPNs in 2020-21 (4,155 people) with the most common offences being for breach of the peace etc. (47% of ASBFPNs issued to males) followed by consuming alcohol in public place (37%). ASBFPNs issued to females (1,012 people in total) were primarily issued for breach of the peace etc. (66% of ASBFPNs to females) and consuming alcohol in a public place (23%).

Police disposals for children and young people involved in offending

This section provides statistics on some of the police disposals that specifically target children and young people, under the age of 18, involved in offending. The disposals we have information for are Early and Effective Interventions (EEIs) and Restorative Justice Warnings as recorded on the Criminal History System (CHS).

Please note that these statistics are not a full measure of disposals for under-18s as there are a number of other measures managed by the police and other public bodies that we cannot quantify levels for.

There are a number of routes for dealing with young people who have offended in Scotland as follows:

- The Whole System Approach (WSA) is increasingly used to deal with young people aged 8 to 17. Following the preventing offending framework in 2008 and a WSA pilot in 2010, this approach was rolled out across Scotland in 2011 to encourage justice partners to channel young people away from the adult courts and hearing system. One approach used by the police to respond to the needs of children who offend is Early and Effective Intervention (EEI). Early and Effective Intervention is a multi-agency response to low level offending, typically offences of a less serious nature, which might previously have automatically resulted in referral to the Children's Reporter. The EEI process runs differently in each Local Authority and the involvement of the police can be different in each Local Authority. For these reasons, the statistics presented here should be seen as a minimum indication of EEI activity.
- Other young people are referred to the Scottish Children's Reporter Administration (SCRA), which manages the Children's Hearing system. This is a needs based system, including responding to occasions when children offend, rather than exposing them to the adult courts, which can be a damaging experience. The police can use a number of ways to refer individuals to SCRA such as restorative justice warnings, the disposal for which statistics are available. It is important to note that other organisations such as COPFS, social work and educational bodies can also make referrals to SCRA, though such referrals are not included in the statistics in this report, more information is available in the [SCRA Official Statistics](#).
- Depending on their age and the nature of the offence some young people who have offended move through the Criminal Justice System in the same way as adults i.e. they are issued a disposal by the police, COPFS or the adult courts. This tends to happen for young people accused of more serious crimes with activity for these cases included within the statistics elsewhere in the report. No one under the age of 12 can be prosecuted in the adult courts in Scotland.
- The focus of EEIs is to respond as quickly as possible to offending behaviour by children and young people and to put in place appropriate support with the aim of reducing the likelihood of reoffending. Practices vary by local authority with a range of agencies (police, education, social work and the third sector) being involved.

Trends in police disposals for young people

In terms of police disposals specifically aimed at young people involved in offending, Restorative Justice Warnings have been in decline over the longer term

trend, falling from 986 people in 2011-12 to 330 people in 2019-20. In 2020-21 the number decreased to 163 people (down 51%).

By contrast, the number of young people referred for EEI has increased steadily since their introduction, rising to 6,655 in 2015-16 as the use of these practices became more commonplace. Since then, numbers have decreased each year, up to last year. In 2020-21, the total number decreased by 15% to 4,112 from 4,818 in 2019-20.

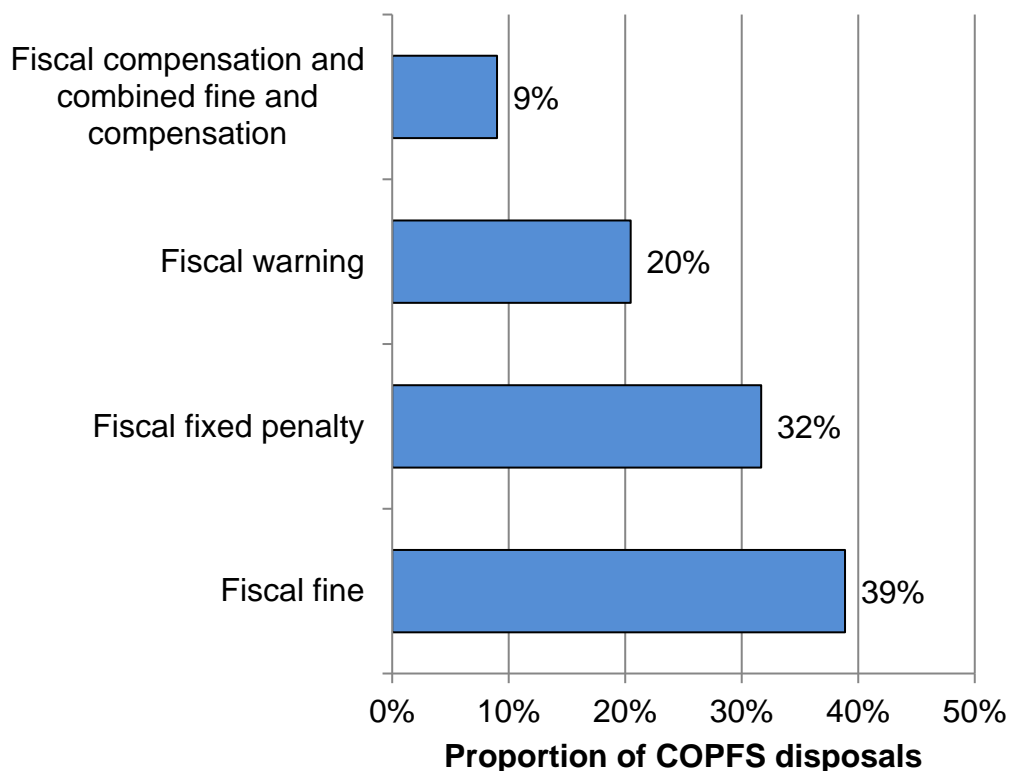
16. Crown Office and Procurator Fiscal Service disposals

(Tables 20 – 22)

When a report is submitted by the Police (or other specialist reporting agency) to the Procurator Fiscal, prosecution in court is only one of a range of possible options for dealing with people who have been charged. The Procurator Fiscal can decide to take no action e.g. if there is insufficient evidence, or if it is not in the public interest to proceed. Alternatively, the Procurator Fiscal can decide to use a non-court direct measure such as a fiscal fine or a diversion from prosecution. Where the Procurators Fiscal decide to offer a diversion from prosecution, this is not shown in the data in this publication.

Of COPFS disposals included in this publication for 2020-21, around 39% were fiscal fines (13,245 people) with a further 32% being fiscal fixed penalties (10,790). Fiscal Warnings made up 20% of all COPFS disposals (6,974) ([Chart 19](#)). The remainder were made up of compensation orders, where the accused pays a prescribed sum of money to court and it is then remitted to the victim, and combined offers which comprise a fine and a compensation element. A full listing of the range of disposals available can be seen in [Annex D](#).

Chart 19. COPFS disposals by type, 2020-21



Procurator fiscal warnings

Procurator Fiscal Warnings (FW) provide a method of dealing with a case that doesn't involve prosecution, and if someone receives a FW, they cannot be prosecuted for that specific offence in the future. Figures are reported from 2012-13 onwards (earlier figures obtained from COPFS can be seen in Table 1). Different recording practices before this date meant that it wasn't possible to present older figures.

In 2020-21, there was an increase of 23% from 5,662 FWs in 2019-20 to 6,974. In the period 2013-14 to 2017-18, the numbers had been relatively steady at around 9,000 per year, apart from a spike to around 14,000 in 2015-16. The lower levels over the last three years may be partly due to increased use of RPWs, and to a presumption that 16- and 17-year-olds will be referred to the Children's Reporter rather than given a FW. At the same time, the range of offences for which FWs are used has increased.

Fiscal work orders

Fiscal Work Orders (FWO) were introduced across Scotland in April 2015 and provide the Procurators Fiscal with the option of offering an offender a period of unpaid work of between 10 and 50 hours, as an alternative to prosecution. Successful completion of the order discharges the right to prosecute. We are currently unable to derive statistics on Fiscal Work Orders due to uncertainty around the recording of this information on the Criminal History System. Work is ongoing to resolve this issue, with the intention of publishing FWO statistics in this bulletin in future. However, numbers of FWOs issued can be found elsewhere in the [Criminal Justice Social Work](#) statistics.

Fiscal fines

Until 6 April 2020, fiscal fines of between £50 and £300 could be offered to an accused by the Procurator Fiscal as an alternative to prosecution. From 7 April 2020, under Coronavirus legislation, the upper limit was increased to £500. Where a fiscal fine is accepted, the accused cannot be prosecuted, but if the fine is unpaid, it can be enforced through the courts. If the fine is actively rejected, prosecution for the original offence will normally follow.

In 2020-21 there were 13,245 people issued a fiscal fine as a main penalty, 28% lower than the 18,366 people they were issued to in 2019-20..

In 2020-21, 154 people were issued with a fiscal fine for offences relating to coronavirus legislation. This is 1% of all fiscal fines issued in 2020-21.

Fiscal fines were most commonly issued for the following crimes:

- 39% were for **Drugs** crimes (5,199 fines),
- 16% were for **Breach of the peace etc.** offences (2,130 fines), and
- 12% were for **Other miscellaneous offences**, which totalled 1,571 fines.

Fiscal fixed penalties

Crown Office Fixed Penalties (COFPs) are generally issued for certain road traffic/motor vehicle offences and can involve a fine or a fine and points. The amount of the fine is prescribed by law. In 2020-21, 10,789 COFPs were issued to people as a main penalty, an increase of 36% from 7,959 in 2019-20. This is the third year in row that their use has increased, although the number issued in 2020-21 is the largest year on year increase seen over the last few years. This may be related to the coronavirus pandemic as guidance for prosecutors was reviewed in 2020, shortly after the passage of the Scottish Coronavirus Acts, to ensure appropriate and proportionate use of direct measures and in particular a fixed penalty, in relation to cases which may otherwise have proceeded in Justice of the Peace courts.

The increase in the most recent year was driven by a rise in penalties for:

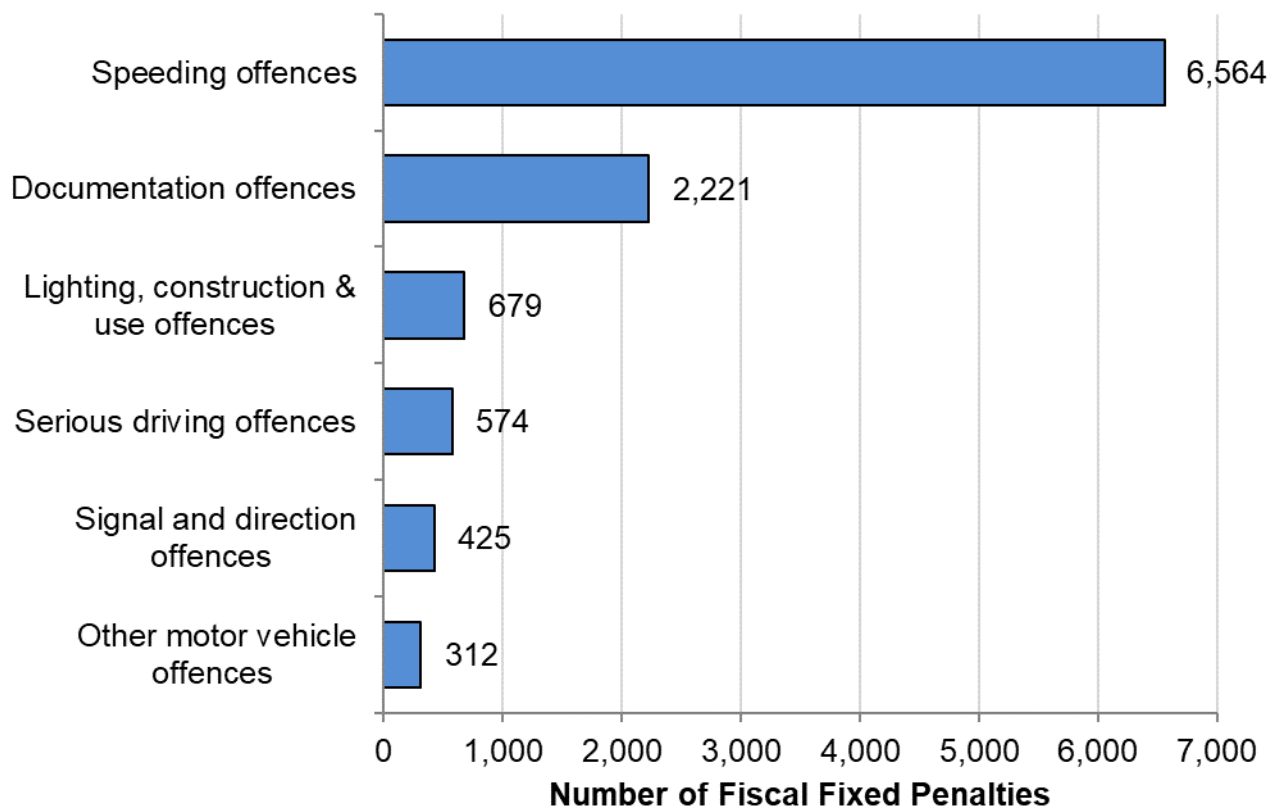
- Serious driving offences up 94% to 574 from 296,
- Speeding offences up 57% to 6,564 from 4,182; and
- Documentation offences up 40% to 2,221 from 1,592

The most common crime that COFPs were issued for in 2020-21 was for speeding offences (6,564 penalties), which made up more than two thirds (61%). After this COFPs were most commonly issued for the following crimes ([Chart 20](#)):

- 21% were for Documentation offences (such as using a vehicle without a test certificate, without a licence or failure to insure), totalling 2,221;
- 6% were for Lighting, construction & use offences, totalling 679 penalties; and
- 5% were for Serious driving offences (such as mobile phone and seatbelt offences), totalling 574 penalties.

In 2020-21, more than three-quarters (79% or 8,552) of COFPs were issued to males and 33% (or 3,557) of all COFPs were issued to males aged over 40.

Chart 20. Most common offences for Fiscal Fixed Penalties, 2020-21



17. Bail and undertakings

(Tables 14 – 16)

When a person is arrested or charged by the Police, the Police may decide to keep that person in custody. The police will submit a report to the Procurator Fiscal in respect of the person in custody and where the Procurator Fiscal decides that the accused is to be prosecuted, they will appear at court on the first lawful day after they were taken into police custody. At this point, the Court will decide whether the accused should be released on bail until they next need to appear in court for later stages of the proceedings.

In some circumstances, the individual is not merely cited to appear at Court at a later date, but the Police decide to release the individual on an Undertaking to appear at Court on a specified date and time.

On 25th January 2018, the law applicable to undertakings was changed, and is now set out under [sections 25-30 of the Criminal Justice \(Scotland\) Act 2016](#). An Undertaking generally has conditions attached including that the person should not commit an offence; interfere with witnesses or evidence or otherwise obstruct the course of justice; or behave in a manner which causes, or is likely to cause, alarm or distress to witnesses. Any further condition that a constable considers necessary and proportionate to ensure that the undertaking conditions are observed may also be imposed. These undertaking conditions are similar to those for bail.

Please note that four additional tables on bail are published alongside this bulletin, and can be found under the “supporting documents” menu on the [website for this publication](#). These include bail statistics by court type as well as age and sex. One of the tables presents bail aggravations i.e. offences that were committed while the offender was on bail.

Bail orders made, and by main crime type

The number of bail orders relates to individual bail orders. Unlike the number of proceedings, where we count only one ‘main’ charge per person in each proceeding, multiple bail orders can be issued to a person during one case. Bail orders can also be issued in circumstances which may not lead to proceedings. However, there is a direct correlation between numbers of bail orders and numbers of proceedings, and any overall trend is likely to be similar in both. This is the case in 2020-21, as the number of bail orders decreased by 34% from 37,516 in 2019-20 to 24,645 in 2020-21. Over the longer term, numbers have fallen by 48% since 2011-12. In the year to 2020-21, there were annual decreases in all crime categories.

Bail-related offences

Bail-related offences cover the offences of breach of bail conditions (e.g. interfering with a witness) and failure to appear in court when required to do so. There were

6,315 convictions for bail-related offences in 2020-21, a decrease of 8% on 2019-20 (6,835).

The proportion of bail-related offences as a percentage of all bail orders granted in 2020-21 was 26%. This is the highest percentage in the last ten years, and in the previous nine years it ranged between 17% and 19%. With the length of time for cases to proceed through the court process affected by the impact of coronavirus, it meant accused persons granted bail were, on average, likely to be on bail for longer. This is a relevant factor for consideration of bail-related offences.

Undertakings

In 2020-21, there were 25,073 undertakings to appear in court, an increase of 61% from 2019-20 (15,558 undertakings). This is the biggest increase from the previous year in the past ten years. This can likely be attributed to the introduction of emergency Lord Advocate's Guidelines on Liberation during the pandemic to minimise the number of people held in custody for court.

The total in 2020-21 is 4% below the ten year high in 2011-12. This may be related to changes introduced by the [Criminal Justice \(Scotland\) 2016 Act - Part I \(Police powers\)](#), which replaced written undertaking provisions from the [Criminal Procedure \(Scotland\) Act 1995](#).

More than three-quarters of undertakings (79%) were issued to males in 2020-21 (19,721 people). The proportion of young people being issued with an undertaking has declined over the past ten years, with 11% of undertakings being issued to under-21 year olds in 2020-21 compared to 21% in 2011-12.

Background notes

Annex A - Data sources and data standards

Court proceedings, police disposals and COPFS disposals

A.1 Statistical information on the Scottish Government Criminal Proceedings database is derived from data held on the Criminal History System (CHS), a central database used for the electronic recording of information on persons accused and/or convicted of committing a criminal act. The CHS is maintained by Police Scotland and they are responsible for managing its operation and own the majority of the data.

A.2 [Chart 1](#) in the main body of the bulletin depicts how people accused of committing a crime move through the criminal justice system. People can be disposed from the system in a variety of ways, including being dealt with directly by the police by fines or warnings, being fined or warned by the Crown Office and Procurator Fiscal Service (COPFS), or being proceeded against in court. At each of these stages information is logged on the CHS regarding the status of the accused. COPFS and the Scottish Courts and Tribunal Service (SCTS) make updates on their own systems which are fed back electronically to Police Scotland's CHS. When an offender's case reaches its final conclusion or "disposal" and a sentence is given for guilty offenders, the case is considered completed on the CHS, and after this point, the data is sent to us in the next monthly return.

A.3 The Scottish Government receives individual-level returns from the CHS on a monthly basis. These are electronically submitted by Police Scotland for cases that are completed, or if case has been further modified. Information on criminal trials that are on-going or have not been dealt with through the police or COPFS disposals are not included in this report, and not held by the Scottish Government. As the CHS data used to produce this bulletin is provided via an existing automated process, there was no cost to the data provider.

Bail and undertakings

A.4 The source of the statistical data on bail orders and undertakings is also the CHS. The Scottish Government receives monthly files for this data.

Other data sources

A.5 [Chart 1](#) presents a range of summary data other than that derived from the CHS, such as information collected directly from COPFS, Scottish Government Recorded Crime outputs, [referrals to the Children's Reporter](#) and information on police conditional offers made for motor vehicle offences, based on figures provided from another Police Scotland database. Please see [Annex C](#) for a description on how the counting bases for these data sources differ.

A.6 The population figures used to produce the rates shown in Table 5 are the relevant mid-year estimates prepared by the [National Records of Scotland](#) (NRS).

Data standards for justice partners

A.7 Data standards are adhered to by organisations inputting data to the CHS in terms of the definitions of data items and their corresponding values. These standards are agreed under the Justice Digital Strategy and ensure there is consistency across the justice organisations in the information they collect. Further information on the data standards can be found [here](#) and in the Integration of Scottish Criminal Justice Information Systems (ISCJIS) [data sharing manual](#).

A.8 The following protocols also ensure consistency in the data collected:

- The Scottish Courts and Tribunal Service protocol for the handling of errors that may occur in the transmission of data between justice partners' databases;
- The protocol for the investigation/resolution of disputed data between Police Scotland and the Crown Office and Procurator Fiscal Service;
- The protocol for sharing electronic information between justice partners.

Further information on these protocols can be seen [here](#).

A.9 The Scottish Government also has representation on a data quality group and is kept informed of any data quality issues relating to the CHS. This group meets around three times a year and includes representatives from Police Scotland, COPFS, Scottish Children's Reporter Administrator, and Scottish Courts and Tribunals Service.

A.10 The Scottish Government has implemented a crime code classification framework to ensure consistent and comparable reporting between criminal justice statistical outputs. Please see Annex [B4 - B5](#) and [Annex D](#) for full details.

Annex B - Data quality, data processing and data confidentiality

Data quality: data processing system

B.1 The Criminal History System (CHS) is an administrative system used to track individuals through the criminal justice system and, as such, was not designed purely for statistical purposes. However, actions and processes have been put in place to ensure that Scottish Government statisticians understand the data.

B.2 [Annex A](#) outlines how information is entered on the CHS and that extracts are sent to the Scottish Government from Police Scotland on a monthly basis. The data requirements for these extracts are contained in a joint specification document that has been agreed between Police Scotland and the Scottish Government.

B.3 Monthly extracts are uploaded onto a Scottish Government database at which point validation checks are undertaken to ensure a realistic number of records are added to the database. Checks are also made to ensure values for charges, court locations and disposal type are recognised. If any unexplained patterns or unrecognised codes are identified at the data upload stage, further investigations are undertaken. It may be necessary, at times, to go back to Police Scotland to verify the data.

B.4 Charge codes are the operational codes used to identify the crime or offence and are linked to legislation. New charge codes for crimes and offences under emerging legislation are created by the Crown Office and Procurator Fiscal Service (COPFS) on a monthly basis, and shared with the Scottish Government. When new codes are identified at the data upload stage they are verified and then added to a look-up table of recognised codes.

B.5 The Scottish Government is responsible for mapping each charge code to a crime code, which forms the basis of the crime code classification (see [Annex D](#)). There are around 5,300 active charge codes which are mapped to around 400 crimes or offences. Once any updates and/or amendments have been agreed, the [updated charge code list](#), together with its mapped crime code, is published by the Scottish Government. These 400 crimes and offences are further grouped in tables in this publication, most typically into 36 crimes and offences, as seen in Table 4a for example. This mapping is agreed with individuals from Police Scotland and COPFS

Data quality: data processing system update

B.6 When we receive data from the CHS as described above, the monthly extracts mentioned in **B.3** are processed into our local database. In preparation for the annual Criminal Proceedings publication, a process is run which collates the year's

data into a format that allows us to validate and analyse the information. These processes have been updated for the 2017-18 bulletin onwards, and during the change, it was discovered that there were a number of errors in the previous data processes.

B.7 The effect of these errors ranged from the extremely rare (for example, records of proceedings with more than 99 charges were truncated at 99) to the more common but still rare (records acquired incorrect crime classification in particular circumstances).

B.8 It is difficult to completely enumerate the changes from the overall effect of fixing these errors on the 2017-18 data, as they interact with each other, and there are a small number of new cases included where the sentence date was too late for the data to be captured last year.

Data quality: validation of CHS data

B.9 During the processing of the 2018-19 data, it was discovered that, due to additional notes being provided on a number of items in the CHS from 2017 onwards, many of these items were being filtered out automatically, and therefore incorrectly not making into the published tables. This was remedied in the 2018-19 bulletin, and 400 additional data items were included that year – the majority of these related to Community Payback Orders, although the direction of travel of these figures was not affected.

Data quality: data validation during production of the statistical bulletin

B.10 As a court proceeding or police/ COPFS non-court disposal can be made up of more than one offence, production of the statistics at 'persons' level requires an intermediary processing stage to be carried out on the CHS data. Where a person is proceeded against for more than one crime or offence in a single proceeding, only the main charge is counted. The main charge is the one receiving the most severe penalty (or disposal) if one or more charges are proved, and is identified using a look-up table which ranks the disposal types in order of severity.

B.11 For example, custody is ranked higher than a monetary fine, so for a proceeding where there was a mixture of these two types of disposal, the main charge counted for this record would be the charge associated with the custody disposal rather than the charge related to the monetary disposal.

B.12 If two charges have the same disposal, then the charge mapped to the lowest numbered crime code is taken as the main crime. Generally the lower the crime code, the more serious the crime would be considered to be. The lowest crime code is for murder and the highest for motor vehicle offences.

- B.13** Once this dataset is created the following types of validation are carried out:
- Automated validation procedures and manual checks to identify any unrealistic data values e.g. long custodial sentences for petty crimes or short sentences for the most serious of crimes. Effort is also made to clean up records for which key information is missing e.g. missing court locations or age/sex of the offender. These are referred back to Police Scotland, Scottish Court and Tribunal Service (SCTS) or COPFS for correction or for explanation of any unusual circumstances.
 - Other checks are carried out as necessary changes to the justice system. For example when new legislation is implemented, checks are undertaken to ensure cases are coming through the system at a realistic rate.
 - Trends in the statistics are compared against case processing information published by COPFS and management information provided by SCTS to ensure that the volume of court proceedings are consistent. Information is compared by court type (e.g. high court, sheriff court etc.) to identify any differences.
 - Further checks are undertaken by crime type, sentence type and other characteristics to identify any errors and unusual values. As an extra level of assurance, policy experts within the Scottish Government are consulted to identify why any significant changes may have occurred. Any relevant contextual information is then added to the bulletin.
 - Similar consultation is undertaken with COPFS, SCTS and Police Scotland wherein results are shared purely for quality assurance purposes. Insight at an operational level provides invaluable feedback and informs whether further investigation of statistical quality is required.
 - Further quality assurance and checking is undertaken on the statistics by members of Scottish Government Justice Analytical Services support staff when preparing the tables, such as ensuring the same totals match in different tables. Scottish Government statisticians, who have not been involved in the production process, check the results further and highlight issues that may have gone unnoticed.

Data quality: double counting

B.14 In recent years, we have carried out much more extensive quality assurance with external agencies. The purpose of this is to ensure the accuracy and quality of the statistics published. COPFS have identified that there may be a small number of court proceedings (often involving multiple charges and of a complex nature) which are being recorded as separate court cases which, in fact, should only be reported as one. The effect of this would be to over-estimate the true number of court proceedings.

B.15 Initial investigations suggest that this affects all crime types, though to varying degrees. Further work will be carried out with a view to quantifying the extent of the problem and identifying whether a change in processing methodology is required.

B.16 A particular error was identified that caused double counting of proceedings and convictions for extreme pornography. This was fixed for the 2019-20 bulletin and the earlier years' data were also revised. This increased the number of proceedings in the other sexual crimes category by between 2 and 20 each year.

Data confidentiality

B.17 Court proceedings are held in public and may be reported on by the media unless the court orders otherwise, for example where children are involved. While our aim is for the statistics in this bulletin to be sufficiently detailed to allow a high level of practical utility, care has been taken to ensure that it is not possible to identify an individual or organisation and obtain any private information relating to them.

B.18 We have carried out a [privacy impact assessment](#) on our handling and use of personal data which is available along with a [privacy notice](#).

B.19 We have assessed the risk of individuals being identified in the tables in this bulletin and have established that no private information can be identified. Where demographic information is provided, this is done either in wider categories of ages (for example tables 6, 21 and 22) or in numbers per 1,000 population (Table 5). This ensures that where there are small numbers, personal information about individuals cannot be identified.

B.20 Some of the additional data tables we provide alongside this publication have local authority information related to the offender. In the local authority tables, either demographic information is provided or offence-level information is provided, but not a combination of both. Similar to the main publication tables, demographic information is divided into wider age categories to further restrict the ability to identify individuals.

B.21 In terms of security and confidentiality of the data received from the data suppliers, only a small number of Scottish Government employees in the IT and Justice Analytical Services divisions have access to the datasets outlined in the various stages of processing outlined above. The only personal details received by the Scottish Government in the data extract are those which are essential for the analyses in this bulletin.

B.22 The data presented in this publication are drawn from an administrative IT system. Although care is taken when processing and analysing the data, they are subject to the inaccuracies inherent in any large scale recording system. While the figures shown have been checked as far as practicable, they should be regarded as approximate and not necessarily accurate to the last whole number shown in the tables. They are also updated and quality assured on an on-going basis, and the figures shown here may therefore differ slightly from those published previously.

Where substantive revisions have been made to improve the quality of the data, these will be indicated in the footnotes.

B.23 New information based on the postcode of the accused replaced the tables on Criminal Justice Authority Areas (CJA) from the 2015-16 publication onwards. CJAs are groups of local authorities and the data were based on court location rather than the home location of the accused. Users are still able to request information based on the location of the court.

Revisions

B.24 The CHS is not designed for statistical purposes and is dependent on receiving timely information from Criminal Justice organisations. A pending case on the CHS should be updated in a timely manner but there are occasions when slight delays happen. Recording delays of this sort generally affect High Court disposals more than those of other types of court, as they are the most complex and lengthy trials. Also, the court may await reports before passing a sentence, so there may be a gap between when the defendant is found guilty and when a sentence is given. We only receive the data when the sentence details are given.

B.25 The figures given in this bulletin reflect the details of court proceedings as recorded on the CHS, that were concluded on or by 31st March 2021, and as provided to the Scottish Government up to the end of September 2021. Any subsequent updates on court disposals made will be incorporated into future bulletins and therefore some figures for 2020-21 (in particular those relating to the High Court) are likely to be subject to minor revisions.

B.26 These recording delays mean that figures for 2020-21 should be considered provisional as future bulletins may provide updates.

B.27 Records may be changed on the CHS, and these updates are included in the monthly data extracts that are sent to us. In some cases the sentence date may be changed due to changes in the sentence. This may move some of the sentences into the following financial year.

B.28 No other revisions (beyond the changes described in B6, B9, and B16 above) have been made to the Criminal Proceedings statistics as described below. When revisions are required, they comply with the [Scottish Government's policy on revisions and corrections](#).

Annex C – Understanding the statistics in this bulletin and counting rules

C.1 Individual offenders may be proceeded against on more than one occasion, and within a proceeding, they may be proceeded against for more than one charge. The units of measurement used in this bulletin, which may be different to those in other criminal justice statistics publications, are:

(a) the person or company proceeded against or convicted

A person proceeded against can be defined as someone with a charge proved, those acquitted not guilty, those acquitted not proven, those where a not guilty plea was accepted and those deserted simpliciter. Where a case was deserted '*pro loco et tempore*', or 'not called', they are not included here.

Also excluded are people against whom proceedings are raised but which are dropped before they reach court. This will therefore exclude those who appear on petition but are not subsequently indicted.

People are counted once for each occasion they are proceeded against. If a person is proceeded against more than once on the same day, each proceeding will be counted separately. References to 'people' include companies.

Where a person is proceeded against for more than one crime or offence in a single proceeding, only the main charge is counted. The main charge is the one receiving the most severe penalty (or disposal) if one or more charges are proved, and is identified using a look-up table which ranks the disposal types in order of severity. For example, custody is ranked higher than a monetary fine, so for a proceeding where there was a mixture of these two types of disposal, the main charge counted for this record would be the charge associated with the custody disposal rather than the charge related to the monetary disposal.

If two charges have the same disposal, then the charge with the lowest numbered crime code is taken as the main crime. Generally the lower the crime code, the more serious the crime would be considered to be. The lowest crime code is for murder and the highest for motor vehicle offences.

A person convicted is defined to be one who had a plea of 'guilty' accepted, or who was proved guilty of at least one charge within a proceeding as a result of a trial. Throughout this bulletin, the terms 'people convicted' and 'convictions' are used interchangeably. If the case does not reach the courts then the main charge within the case that reaches the furthest stage in the criminal justice

system is counted e.g. if the case is disposed of via a non-court disposal by the police or COPFS.

(b) individual person

In the period covered by this bulletin, each person convicted of a crime or offence will have been assigned a unique reference number by Police Scotland. This enables all convictions relating to an individual person to be linked together, so that analysis of the number of convictions per person in any given year, and the number of their previous convictions and reconvictions can be derived. The Scottish Government publishes information on the number of previous convictions and reconvictions in the National Statistics publication [Reconviction rates in Scotland](#).

(c) individual offences

In addition to analysing people convicted by the main charge involved, data in relation to individual charges (offences) which are proved are also available. These can be seen in Tables 4a and 4b₁ which show aggregate figures for charges (offences) by crime type alongside those based on the main charge.

C.2 Generally, only the initial outcome is included in the court proceedings statistics so that, for example, a person fined is regarded as fined even if he or she subsequently goes to prison in default of payment. Similarly, no account is taken of the outcome of appeals; the exception to this is for those crimes where an appeal is determined prior to publication and the conviction is quashed or the sentence is substituted.

C.3 The number of prosecutions and sentences given could be influenced by operational practices within the justice system. For example there may be times when the police report a particular offence to the procurator fiscal but, when the facts and circumstances are examined, the procurator fiscal decides to proceed with an alternative charge. There are rare occasions when such decisions are made but unfortunately, the charge is not then updated on the computerised records. There is nothing to suggest that the scale of this issue is large enough to alter the overall trends reported.

C.4 A court can impose more than one penalty in appropriate cases. For example, a fine can be imposed in addition to a more severe penalty, such as custody, although the statistics are only based on whichever penalty is deemed to be the main charge. The main additional punishments are generally disqualification from holding or obtaining a driving licence and the endorsement of a driving licence. Please note that although statistics on driving licence disqualifications are not published in this output they are available on request.

C.5 In the court proceedings statistics, the reference year used is the year in which the person is sentenced. For example if a person pleads to, or is convicted for, a

charge in 2018-19, but is not sentenced until 2019-20, all events are recorded as occurring in 2019-20. The age of each person is calculated as at the date of sentence or acquittal.

C.6 The custodial sentence length for the person is the total sentence given for all charges in a proceeding.

C.7 In some cases, although the publication focuses on the main charge, one sentence can be given for all charges, or multiple charges can be served consecutively or concurrently. For example, a single '*In Cumulo*' prison sentence can be given for multiple offences that arose from the same incident; an eighteen month sentence could consist of twelve months given for the main charge, and six months for a separate charge.

C.8 Figures for sentence lengths imposed include any element imposed for bail aggravation under section 27(1)(b) of the Criminal Procedure (Scotland) Act 1995, and under section 16 of the Prisoners and Criminal Proceedings (Scotland) Act 1993 (where the offender committed an offence following release from custody on licence prior to the end of a previous sentence period imposed).

C.9 Aggravations can be recorded by Police Scotland or COPFS to provide additional information relating to the nature of a charge. For example, someone who commits an assault which is motivated by malice towards the victim as a result of their religion might have their offence recorded under "common assault" with an aggravation code of "religious" hatred.

C.10 The set of aggravation codes that are used on the CHS include statutory aggravations which are those introduced through legislation. Examples of statutory aggravations are:

- Sexual orientation, transgender identity and disability as introduced through the [Offences \(Aggravation by Prejudice\) \(Scotland\) Act 2009](#);
- Racially motivated crime as legislated for under [Section 96 of the Crime and Disorder Act 1998](#);
- Religiously motivated crime as legislation for under [Section 74 of the Criminal Justice \(Scotland\) Act 2003](#);
- Bail and undertaking aggravations as introduced in [Criminal Procedure \(Scotland\) Act 1995](#), sections 22 and 27.
- Domestic abuse aggravations, as introduced via the [Abusive Behaviour and Sexual Harm \(Scotland\) Act 2016](#).
- Domestic abuse aggravation in relation to a child under the [Domestic Abuse \(Scotland\) Act 2018](#).

The CHS also includes some codes that are not statutory, but are used as identifiers to highlight particular cases to the police, COPFS, or SCTS. This includes an identifier for domestic abuse, which identifies domestic abuse related

charges for operational purposes, whether or not the statutory domestic abuse aggravation applies to them.

C.11 Statistics on offences with a bail aggravation recorded, which identify offences that were committed while the offender was on bail, are published under the “supporting documents” menu on the website for this publication.

C.12 Bail orders are issued at various times during the legal process. They are generally granted at an early point, often before there is a petition/complaint. Furthermore, it's possible that an individual can receive multiple bail orders in the same case – this may be because conditions have been breached/appealed/reviewed, and a new order is subsequently issued. The combination of these events mean that there is no expectation of a direct correlation between the numbers of bail orders issued and the numbers of proceedings, although at a basic level, an increase in activity in the justice system will generally correlate with an increase in the numbers of both bail orders and proceedings.

C.13 Bail undertakings are used when a person has been charged with a crime, but where the accused is trusted to maintain good behaviour until their court appearance, and therefore is not required to be held in custody. The accused agrees that they will attend court at a specific time, and may also be held to certain conditions. An undertaking will not be granted if a person was arrested on a warrant.

Comparisons with other sources

C.14 Care should be taken when comparing different data sources relating to the criminal justice system. For example [recorded crime statistics](#) count crimes and offences at the time that they came to the attention of Police Scotland while criminal proceedings statistics report on cases which have concluded in court. This means that a crime may be recorded by the police in one year and court proceedings concluded in a subsequent year. In addition, a person may be proceeded against for more than one crime, or a set of crimes with more than one victim, in a proceeding, but only the main charge is counted in these court proceedings statistics. There is also the possibility that the crime recorded by the police may be altered in the course of judicial proceedings. There are also some offences included in this bulletin, such as failure to pay a television licence, which are reported directly to the procurator fiscal by specialist reporting agencies such as TV Licensing and therefore are not included in the police recorded crime statistics.

C.15 COPFS publish a number of outputs, including annual figures relating to the number of cases reported to procurators fiscal each year, and the number of cases disposed of each year, by type of disposal. More information is available in the [COPFS Performance Statistics](#). Some of these figures are presented in Table 1 clearly marked as cases. Each COPFS case includes at least one charge, similar to

criminal proceedings, but may involve more than one offender. The criminal proceedings statistics count individual people disposed of. It is not currently possible to extract information on some of the other COPFS non-court disposals from the CHS e.g. fiscal work orders and no actions.

C.16 COPFS also publish charge-level statistics in publications such as Hate Crime in Scotland and Domestic Abuse Charges reported to COPFS, both found on the [COPFS statistics page](#). The counting base for these statistics are at individual charge level rather than case level. As Criminal Proceedings statistics only measure the main charge in a case it would be expected that COPFS figures would be higher. There will also be timing differences since COPFS figures are based on the year of the report to COPFS, while the Criminal Proceedings figures are based on the year a person is sentenced.

C.17 Custodial disposals are counted differently from the direct sentenced prison receptions (excluding fine default receptions) published in the Scottish Government [Prison Statistics publications](#). Most of this difference is because a person given custodial sentences for separate sets of proceedings on the same day is counted as two custodial sentences in the criminal proceedings statistics, but only one direct sentence reception in the prison statistics.

C.18 Community sentence disposals are also counted on a slightly different basis from the statistics in [Criminal Justice Social Work](#) (CJSW) publications. The differences between the two sources include:

- Where two or more identical orders have been issued to run concurrently, the CJSW information only counts one order, whereas the criminal proceedings statistics will count more than one, although only one may be shown for a person where the table only counts the main disposal.
- Criminal proceedings data counts the penalty of first disposal whereas CJSW data includes orders given subsequent to the initial disposal (e.g. as a result of fine default, following an appeal etc.). Similarly, orders such as Community Payback Orders show a variation relative to these statistics in the CJSW and other sources; this may be because they will sometimes be withdrawn and reissued in particular circumstances – we do not count these additional impositions here.
- The date on which the order is deemed to be given can vary between the two collections, particularly where the penalty is given on a different date from the plea/verdict.

C.19 Please note that statistics on Restriction of Liberty Orders (RLOs) will not match statistics published by G4S, the Scottish Government's contractor for electronic monitoring. This is because statistics in this publication are representative of the main charge in a set of proceedings and will mask RLOs issued for secondary charges. By contrast, the G4S figures count all RLOs issued by the courts relating to all charges.

Comparisons with statistics from other countries

C.20 Direct comparisons with statistics from other countries should be taken with care as legal frameworks and legislation for criminal offences differ. In addition, data collection techniques and recording definitions will vary considerably. For example, the Ministry of Justice's [Criminal court statistics quarterly](#) are based on information directly captured from the court's operational databases and are typically over a year to the latest quarter. By contrast these statistics for Scotland are from the CHS, a police database that collates information from COPFS and the SCTS, and are published on a financial year basis.

C.21 Despite international differences, Criminal Proceedings statistics are included in international reports collated by the United Nations and Eurostat such as:

- [European Sourcebook of Crime and Criminal Justice Statistics](#)
- Various analysis and reports on the [Eurostat website](#).

Annex D - Definitions, classifications and notation

D.1 The measures available to a court in sentencing a convicted person depend on a number of matters including what Parliament has legislated for in terms of appropriate penalties and the age of the person.

D.2 In some cases, if the court obtains evidence that the accused is suffering from a mental disorder, they can be assessed as unfit for trial, or acquitted because they were not criminally responsible at the time of the offence with a mental health disposal being issued by the court.

Person's sex

D.3 'Sex' can be considered to refer to whether someone is male or female based on their physiology, with 'gender' representing a social construct or sense of self that takes a wider range of forms. Throughout this report we refer to 'sex' rather than 'gender' because this better reflects recording practices in relation to this information. In reality it is likely that recording includes a mixture of physiological and personal identity.

D.4 Sex in this bulletin is generally identified by a police officer based on how a person presents and recorded when a person's details are entered into the CHS. In most cases this is based on the physiology of a person rather than self-identified gender. It is recorded for operational purposes, such as requirements for searching. A person's sex may only be changed on the CHS if person has produced a Gender Recognition Certificate, or there has been a data entry error. A small number of records are recorded as 'unknown' where for some reason a clear understanding of the sex of the individual is not known.

D.5 During production of this bulletin we query any unusual sex values with Police Scotland, SCTS, and COPFS. Unusual values may be where sex for the same person has been recorded differently against two different proceedings, or where a female has been proceeded against for rape and attempted rape. We fix any values that were erroneous with the correct values. During a review of these figures since the last bulletin was published, an error was found that recorded a female as having been convicted of attempted rape in 2018-19. This was found to be incorrect and has now been corrected in the dataset. A revision of the published bulletin tables where this figure appears will be issued.

D.6 The Scottish Government created a [working group on the recording of sex and gender](#) in data to give guidance to public bodies on the collection, disaggregation, and use of data on sex and gender. The group met between 2019

and 20201 and [published guidance for public bodies and supporting documentation](#) on 22 September 2021.

Custodial sentences

D.7 In 2019-20 the custodial sentence measures available to courts, that we have statistics for, included the options to:

- a. Imprison the convicted person (if aged 21 or over); sentence to a Young Offenders' Institution (YOI) (if aged 16 to 21 and not a child subject to compulsory supervision).
- b. Issue an Order for Lifelong Restriction (OLR). The OLR provides for the lifelong supervision of high-risk violent and sexual offenders and allows for a greater degree of intensive supervision than is the current norm. The OLR is designed to ensure that offenders, after having served an adequate period in prison to meet the requirements of punishment, do not present an unacceptable risk to public safety once they are released into the community. The period spent in the community will be an integral part of the sentence, which lasts for the remaining period of the offender's life.
- c. Impose an Extended Sentence. These sentences give additional post-release supervision on licence where it is considered that any existing supervision after the offender's release from custody would be a risk to the public. Extended sentences are imposed on sex offenders or on violent offenders who receive a custodial sentence of four years or more.
- d. Impose a Supervised Release Order. These can be used for people sentenced to less than 4 years in custody for offences other than sexual crimes. They mean that the person is compulsorily supervised by a criminal justice social worker for up to one year following release. These orders should only be imposed where the Court believes it would help prevent serious harm. The offender must comply with the reasonable instructions of the supervising officer.
- e. Sentence a person under the age of 18 convicted of murder to be detained without limit of time in such place, and under such conditions, as Scottish Ministers may direct (the effect of this is normally detention in a young offenders institution or secure unit). Where the person is aged 18 or over but under 21 he or she should be detained initially in a young offenders institution.
- f. Where a child (as defined in [section 199 of the Children's Hearings \(Scotland\) Act 2011](#)) is convicted on indictment and the court is of the view that no other method of dealing with the child is appropriate, the court may sentence the child to be detained for a period specified in the sentence and

shall during that period be liable to be detained in such place, and on such conditions, as Scottish Ministers may direct.

Community sentences

D.8 Community sentence is a collective term for the ways that courts can punish someone convicted of committing an offence other than by serving a custodial sentence. The following list includes the community sentence options which can be imposed.

a. **Community payback order (CPO).** These were introduced by the [Criminal Justice and Licensing \(Scotland\) Act 2010](#) and can only be imposed in respect of offence(s) committed on or after 1 February 2011. The CPO replaced provisions for community service orders, probation orders, supervised attendance orders, and the community reparation order.

A CPO can consist of one or more of ten requirements including offender supervision, compensation, unpaid work or other activity, mental health treatment, drug treatment and alcohol treatment, restricted movement requirement. Every order must contain either an unpaid work or other activity requirement, or an offender supervision requirement (or both). If an offender fails to comply with a requirement in the order, the court can impose a number of sanctions, including a restricted movement requirement. The restricted movement requirement at first disposal came into force in May 2022 so after the time period covered by this bulletin. Restricted movement requirement could previously be imposed following breach only.

b. **Restriction of liberty order:** a community sentence introduced by [section 5 of the Crime and Punishment \(Scotland\) Act 1997](#) and available to courts nationally from 1 May 2002. This requires a person to remain within a location, usually their home, at times specified by the court. A person's compliance with the order is monitored electronically.

c. **Drug treatment and testing order (DTTO):** a measure introduced by the [Crime and Disorder Act 1998](#) and rolled out in phases from 1999 onwards. These are designed to reduce or stop offending by addressing problem drug use through the provision or access to a closely monitored treatment programme.

And, for offences committed prior to 1 February 2011:

d. **Probation order**, of which some had conditions such as unpaid work or alcohol treatment attached.

e. **Community service order** requiring the offender to undertake unpaid work.

- f. **Supervised attendance order** which the court can impose as an alternative to custody for people who have defaulted on fines imposed for minor criminal offences.

Financial penalties

D.9 The list below includes the financial penalty sentence options that allow the courts to:

- a. **fine** the offender
- b. impose a **compensation order** requiring the offender to compensate the victim for any resulting injury, loss, damage, alarm or distress.

Other sentences

D.10 The list below includes the “other” sentence options that allow the courts to:

- a. **admonish** the offender or make an order to find caution (the overwhelming majority of these are admonishments).
- b. order an **absolute discharge** (with no conviction recorded in summary procedure) or, following a deferral of sentence, make no order.
- c. remit a child offender to a **children's hearing** (if the accused is a child, under 16 years of age or aged 16 or 17 and subject to a supervision requirement).
- d. make a **guardianship order** if the accused is suffering from a mental disorder (with no conviction recorded in summary procedure).
- e. make a **compulsion order** if the accused is suffering from a mental disorder (with a conviction recorded), for a period of six months with regular reviews.

D.11 The range of options available to the police for minor offences (**Police non-court disposals**) includes:

- a. **Recorded Police Warnings**, which were introduced on 11 January 2016 to deal with low-level offences and replaced **Formal Adult Warnings**. They can be issued to any person over the age of 16. It is not a finding of guilt but is an alternative to prosecution and can be taken into account within a period of two years should the offender come to the further notice of the police.
- b. **Anti-social behaviour fixed penalty notices** (ASBFPNs) of £50, which can be issued for eleven crime/offence types, including drunken-related behaviours and playing loud music, to people aged 16 or over. Payment of the penalty involves no admission of guilt.
- c. Disposals for young people who offend such as **Early and Effective Interventions** (EEI) and **Restorative Justice Warnings**.

- D.12** When a report is submitted by the police to COPFS, prosecution in court is only one of a range of possible options for dealing with people who have been charged. COPFS can decide to use one of these non-court direct measures (COPFS non-court disposal):
- a. **Fiscal fines** of between £50 to £500 for summary offences during the period covered by this bulletin.
 - b. **Fiscal fixed penalties**, generally issued for motor vehicle offences.
 - c. **Fiscal warnings** provide a method of dealing with a case without recourse to prosecution – they mean that the person receiving that warning cannot be prosecuted for that offence.
 - d. **Fiscal compensation** orders of up to £5,000 payable to the victim for personal injury, loss, damage, alarm or distress.
 - e. **Combined fiscal fine and fiscal compensation** order.
 - f. **Fiscal Work Orders** (FWOs) were introduced across Scotland in April 2015 and provide COPFS with the option of offering an alleged offender a period of unpaid work of between 10 and 50 hours, as an alternative to prosecution. Successful completion of the order discharges the right to prosecute. Work is ongoing with COPFS and Police Scotland to ensure that these disposals are recorded correctly, and we intend to publish FWO statistics when we are satisfied that they are accurate.

Classification of crimes and offences

D.13 Violations of criminal law are divided, for statistical purposes only, into crimes and offences. There are around 5,300 charge codes, which are the operational codes used within the Criminal Justice System to identify crimes and offences. These charge codes are mapped to around 400 crime codes, which in turn are grouped into 35 broader categories, and further into 7 crime and offence groups. This classification enables consistent and comparable reporting between criminal justice organisations and is presented in the table below.

Crimes

Group 1: Non-sexual crimes of violence (Also referred to as Crimes of violence)	
Homicide etc.	<p>Includes:</p> <ul style="list-style-type: none"> • Murder • Culpable homicide <ul style="list-style-type: none"> – Culpable homicide (common law) – Causing death by dangerous driving – Causing death by careless driving while under the influence of drink or drugs – Causing death by careless driving – Illegal driver involved in fatal accident – Corporate homicide
Attempted murder and serious assault	<p>Includes:</p> <ul style="list-style-type: none"> • Attempted murder • Serious assault <p>An assault is classified as serious if the victim sustained an injury resulting in detention in hospital as an in-patient or any of the following injuries whether or not he/she was detained in hospital: fractures, internal injuries, severe concussion, lacerations requiring sutures which may lead to impairment or disfigurement or any other injury which may lead to impairment or disfigurement.</p>
Robbery	<p>Includes:</p> <ul style="list-style-type: none"> • Robbery and assault with intent to rob
Domestic Abuse (Scotland) Act	Crimes of domestic abuse under the Domestic Abuse (Scotland) Act 2018 , which covers a course of conduct.
Other	<p>Includes:</p> <ul style="list-style-type: none"> • Threats and extortion • Cruel and unnatural treatment of children or adults • Abortion

	<ul style="list-style-type: none"> • Concealment of pregnancy • Possession of a firearm with intent to endanger life, commit crime etc. • Abduction • Ill-treatment and neglect of patients and vulnerable adults • Drugging
Group 2: Sexual crimes	
Rape and attempted rape	Includes: <ul style="list-style-type: none"> • Rape • Attempted rape
Sexual assault	Includes: <ul style="list-style-type: none"> • Contact sexual assault (13-15 year old or adult 16+) • Sexually coercive conduct (13-15 year old or adult 16+) • Sexual crimes against children under 13 years • Lewd and libidinous practices
Crimes associated with prostitution	Includes: <ul style="list-style-type: none"> • Crimes relating to prostitution • Soliciting services of person engaged in prostitution • Brothel keeping • Immoral traffic • Procurement
Other	Includes: <ul style="list-style-type: none"> • Other sexually coercive conduct • Other sexual crimes involving 13-15 year old children • Indecent image offences i.e. "Taking, distribution, possession etc. of indecent photos of children" • Incest • Unnatural crimes • Public indecency • Sexual exposure • Other sexual crimes
Group 3: Crimes of dishonesty (Also referred to as Dishonesty)	
Housebreaking	Includes: <ul style="list-style-type: none"> • Theft by housebreaking domestic property (dwelling and non-dwelling) • Theft by housebreaking other property

	<ul style="list-style-type: none"> • Housebreaking with intent to steal domestic property (dwelling and non-dwelling) • Housebreaking with intent to steal other property • Attempted housebreaking with intent to enter and steal domestic property (dwelling and non-dwelling) • Attempted housebreaking with intent to enter and steal other property
Theft by opening a lockfast place (OLP)	<p>Includes:</p> <ul style="list-style-type: none"> • Theft by opening lockfast places (OLP) (excluding motor vehicle) • OLP (excluding motor vehicle) with intent to steal • Attempted OLP excluding motor vehicle with intent to steal
Theft from a motor vehicle by OLP	<p>Includes :</p> <ul style="list-style-type: none"> • Theft by OLP from a motor vehicle • OLP with intent to steal from a motor vehicle • Attempted OLP with intent to steal from a motor vehicle
Theft of motor vehicle	<p>Includes :</p> <ul style="list-style-type: none"> • Theft of a motor vehicle and contents • Attempted theft of a motor vehicle
Shoplifting	<p>Includes :</p> <ul style="list-style-type: none"> • Shoplifting
Other theft	<p>Includes :</p> <ul style="list-style-type: none"> • Theft of pedal cycles • Theft from a motor vehicle not elsewhere classified
Fraud	<p>Includes:</p> <ul style="list-style-type: none"> • Common law fraud • Statutory fraud • Forgery and uttering (excluding currency crimes)
Other crimes of dishonesty	<p>Includes:</p> <ul style="list-style-type: none"> • Forgery (other) • Reset • Embezzlement • Corruption
Group 4: Fire-raising, vandalism etc.	
Fire-raising	<p>Includes:</p> <ul style="list-style-type: none"> • Fire-raising • Muirburn
Vandalism, etc.	<p>Includes:</p> <ul style="list-style-type: none"> • Malicious mischief

	<ul style="list-style-type: none"> • Vandalism • Culpable and reckless conduct (not with firearms) • Reckless conduct with firearms
Group 5: Other crimes	
Crimes against public justice	Includes: <ul style="list-style-type: none"> • Perjury • Resisting arrest • Bail offences (other than absconding or re-offending) • Wasting police time
Handling offensive weapons	Includes: <ul style="list-style-type: none"> • Possession of an offensive weapon • Restriction of offensive weapons • Having in a public place an article with a blade or point • Having in prison an article with a blade or point • Possession of an offensive weapon (not blade or point) in a prison
Drugs	Includes: <ul style="list-style-type: none"> • Importation of drugs • Production, manufacture or cultivation of drugs • Possession and supply of controlled drugs • Related money laundering offences • Bringing drugs into prison
Other	Includes: <ul style="list-style-type: none"> • Treason • Conspiracy • Explosives offences • Wrecking, piracy and hijacking • Crimes against public order
Coronavirus restrictions	
Coronavirus restrictions	Includes: <ul style="list-style-type: none"> • Coronavirus restrictions

Offences

Group 6: Miscellaneous offences	
Common assault	Includes: <ul style="list-style-type: none"> • Common assault • Common assault on an emergency worker
Breach of the peace etc.	Includes: <ul style="list-style-type: none"> • Breach of the peace • Threatening or abusive behaviour • Offence of stalking • Offensive behaviour at football • Threatening communications (Offensive Behaviour at Football and Threatening Communications Act 2012)
Drunkenness and other disorderly conduct	Includes: <ul style="list-style-type: none"> • Drunk and disorderly • Drunk and incapable • Drunk in charge of a child • Drunk and attempting to enter licensed premises • Drunk or drinking in unlicensed premises • Disorderly on licensed premises • Drunk and attempting to enter a sports ground • Refusing to quit licensed premises • Consumption of alcohol in designated places, byelaws prohibited
Urinating etc.	Includes: <ul style="list-style-type: none"> • Urinating /defecating
Other	Includes: <ul style="list-style-type: none"> • Racially aggravated harassment • Racially aggravated conduct • False/Hoax calls • Offences involving children • Offences involving animals/plants • Offences against local legislation • Offences against liquor licensing laws • Labour laws • Naval military and air force laws • Offences against environmental legislation • Consumer protection acts
Group 7: Motor vehicle offences	
Dangerous and careless driving	Includes: <ul style="list-style-type: none"> • Dangerous driving offences

	<ul style="list-style-type: none"> • Driving carelessly
Driving under the influence	<p>Includes:</p> <ul style="list-style-type: none"> • Driving or in charge of motor vehicle while unfit through drink or drugs • Blood alcohol content above limit • Failing to provide breath, blood or urine specimens
Speeding	<p>Includes:</p> <ul style="list-style-type: none"> • Speeding in restricted areas • Other speeding offences
Unlawful use of motor vehicle	<p>Includes:</p> <ul style="list-style-type: none"> • Driving whilst disqualified • Driving without a licence • Offences relating to driving without insurance • Vehicle excise license offences
Vehicle defect offences	<p>Includes:</p> <ul style="list-style-type: none"> • Offences relating to faulty lights on vehicles • Other vehicle defects relating to tyres, brakes etc. • Weight contraventions for goods vehicles
Seat belt offences	<p>Includes:</p> <ul style="list-style-type: none"> • Drivers and passengers failing to wear seatbelts • Failure to restrain children in appropriate seatbelts
Mobile phone offences	<p>Includes:</p> <ul style="list-style-type: none"> • Driving whilst using a mobile phone
Other motor vehicle offences	<p>Includes:</p> <ul style="list-style-type: none"> • Accident offences including failing to stop/provide details • Parking offences • Motor Vehicle Records of Work (eg Tachograph) Offences

New grouping structure for the presentation of crime statistics

The Scottish Government produces a number of statistical products which use a seven group structure, as presented in table above, to present statistics on the justice system in Scotland. For example, in addition to these statistics, this structure is also used in the National Statistics on Recorded Crime in Scotland.

It is within the context of the evolving nature of crime, and the legislation that underpins how it is categorised, that the Scottish Crime Recording Board consulted users on how these Official Statistics are presented. An initial consultation was run between July and November 2019 and a [summary of responses](#) was published in June 2021.

Following this initial consultation, the Crime Board considered all responses and requested user views of two options for how these statistics could be presented in a second consultation which ran between October and December 2021. A [summary of the responses](#) from this consultation was published in March 2022.

Taking all responses into account, the Crime Board decided that the current set of crime and offence groups (left side of table below) will be replaced by the set presented in the table below (right hand side). The biggest change in the transfer of Common assault and Stalking from the Miscellaneous offences group to the Non-sexual crimes of violence group. Overall, the new structure retains a similar number of groups to the current structure (with some changes in the naming of certain groups) but provides a more detailed breakdown within these groups.

It is important to note that these changes represent a purely statistical exercise and has no bearing on the severity of the sentence an individual may receive as a result of any proceeding in court.

While the statistics presented in this publication use the current structure it is intended that the next edition of the National Statistics on Criminal Proceedings in Scotland for the 2021-22 financial year will use the new groups shown in the table below.

Current crime groups	New crime groups
<p>Non-sexual crimes of violence</p> <ul style="list-style-type: none"> • Homicide etc. (incl. causing death by driving) • Attempted murder and serious assault • Robbery • Domestic Abuse (Scotland) Act 2018 • Other violence 	<p>Non-sexual crimes of violence</p> <ul style="list-style-type: none"> • Murder and culpable homicide • Death by dangerous driving • Serious assault and attempted murder • Common assault • Robbery • Domestic Abuse (Scotland) Act 2018 • Other non-sexual violence
<p>Sexual crimes</p> <ul style="list-style-type: none"> • Rape and attempted rape • Sexual assault • Crimes associated with prostitution • Other sexual crimes 	<p>Sexual crimes</p> <ul style="list-style-type: none"> • Rape and attempted rape • Sexual assault • Causing to view sexual activity or images • Communicating indecently • Threatening to or disclosing intimate images • Indecent photos of children • Crimes associated with prostitution • Other sexual crimes
<p>Crimes of dishonesty</p> <ul style="list-style-type: none"> • Housebreaking • Theft by opening a lockfast place (OLP) • Theft from a motor vehicle by OLP • Theft of a motor vehicle • Shoplifting • Other theft • Fraud • Other dishonesty 	<p>Crimes of dishonesty</p> <ul style="list-style-type: none"> • Housebreaking • Theft by opening a lockfast place (OLP) • Theft from a motor vehicle by OLP • Theft of a motor vehicle • Shoplifting • Other theft • Fraud • Other dishonesty
<p>Fire-raising, vandalism etc.</p> <ul style="list-style-type: none"> • Fire-raising • Vandalism etc. 	<p>Damage and reckless behaviour</p> <ul style="list-style-type: none"> • Vandalism • Reckless conduct • Fire-raising
<p>Other crimes</p> <ul style="list-style-type: none"> • Crimes against public justice • Handling offensive weapons 	<p>Crimes against society</p> <ul style="list-style-type: none"> • Crimes against public justice

<ul style="list-style-type: none"> • Drugs • Other 	<ul style="list-style-type: none"> • Handling offensive weapons [note 1] • Drugs – Supply • Drugs – Possession • Other crimes against society
<ul style="list-style-type: none"> • Coronavirus restrictions 	<ul style="list-style-type: none"> • Coronavirus restrictions

Current offence groups	New offence groups
<p>Miscellaneous offences</p> <ul style="list-style-type: none"> • Common assault • Breach of the peace etc. • Drunkenness and other disorderly conduct • Urinating etc. • Other 	<p>Antisocial offences</p> <ul style="list-style-type: none"> • Threatening and abusive behaviour • Racially aggravated conduct • Drunkenness and other disorderly conduct • Urinating etc. <p>Miscellaneous offences</p> <ul style="list-style-type: none"> • Community and public order offences • Environmental offences • Licensing offences • Wildlife offences • Other miscellaneous offences
<p>Motor vehicle offences</p> <ul style="list-style-type: none"> • Dangerous and careless driving • Driving under the influence • Speeding • Unlawful use of a motor vehicle • Vehicle defect offences • Seat belt offences • Mobile phone offences • Other 	<p>Road traffic offences</p> <ul style="list-style-type: none"> • Dangerous and careless driving • Driving under the influence • Speeding • Unlawful use of a motor vehicle • Vehicle defect offences • Seat belt offences • Mobile phone offences • Other road traffic offences

Notes for new grouping structure

Note 1. In the National Statistics on Recorded Crime in Scotland, the category of Handling Offensive Weapons is further split into two further categories: 'Used in other criminal activity' and a 'Not used in other criminal activity'. Due to the nature of the data used to produce these statistics, this breakdown is not possible and therefore future editions will include only total figures for this group.

Annex E – Legislative and policy changes

Coronavirus legislation

E.1 Coronavirus legislation was introduced in April 2020 [Coronavirus \(Scotland\) Act 2020 \(legislation.gov.uk\)](#). National lockdowns due the Covid-19 pandemic were in place from 24 March to 19 June 2020 and 5 January to 22 February 2021. This resulted in significant reduced activity in both the number of reports being referred to COPFS and the number of proceedings going through Scottish courts. Local tiered restrictions also affected court activity in various regions across Scotland throughout 2020-21 when national lockdowns were not in place. Therefore, caution should be taken when comparing the latest figures with previous years given any changes described in this document reflect the impact of the pandemic as opposed to be indicative of any longer-term underlying trend.

Domestic Abuse Scotland Act

E.2 The [Domestic Abuse \(Scotland\) Act 2018](#) introduced a crime relating to a person engaging in a course of behaviour relating to domestic abuse. There is also a provision for a new statutory aggravation relating to children, which is aggravated if the offence directs behaviour at a child, or uses a child to direct behaviour at the partner/ex-partner. It came into force on 1st April 2019.

E.3 In the past, these crimes will often have been convicted under individual charges in other crimes or offences categories, including Breach of the peace etc. (which covers stalking, and threatening and abusive behaviour) and Common assault in the Miscellaneous offences category. Therefore it may affect the numbers of proceedings and convictions for these crimes, and the numbers of proceedings and convictions with a statutory domestic abuse aggravation or domestic abuse identifier. COPFS' [Domestic Abuse and Stalking Charges 2020-21 Statistics](#) on the number of charges reported to them showed that the percentage of charges for stalking with a domestic abuse identifier fell from 65% in 2019-20 to 57% in 2020-21.

E.4 The introduction of this act is also likely to have an effect on the numbers of proceedings and convictions in the violent crime category, as the new crime under this act was added to this category. It was put in this category after consultation with users.

Other changes to legislation during the period covered by this bulletin

E.5 The [Abusive Behaviour and Sexual Harm \(Scotland\) Act 2016](#) introduced a new statutory aggravation for domestic abuse which came into force in April 2017. This act also covers 'intimate images' offences (often known as 'revenge porn').

E.6 [Sections 79-81 of the Criminal Justice \(Scotland\) Act 2016](#) (“the 2016 Act”) made significant changes to the sheriff and jury procedures contained in the [Criminal Procedure \(Scotland\) Act 1995](#) (“the 1995 Act”), and were introduced over three dates during the period May to August 2017. This may feed through to average sentence lengths because it allows sentence discounts for early guilty pleas.

E.7 The [2016 Act - Part I \(Police powers\)](#) came into force on 25 January 2018. The provisions, amongst other matters, transferred written undertaking provisions from the 1995 Act to Part I of the 2016 Act.

E.8 On December 5th 2014 the **alcohol limit for drivers in Scotland** was reduced from 80 mg to 50 mg per 100 ml blood.

E.9 The [Offensive Behaviour at Football and Threatening Communications \(Scotland\) Act 2012](#), which came into effect on 1 March 2012, was repealed on 20 April 2018. See [Annex E7 in the 2018-19 bulletin](#) for a table of all the proceedings and convictions under this act by year.

Annex F: User engagement

F.1 These statistics are used by a large number of stakeholders within central government and other public bodies for a variety of purposes.

F.2. We will continue to consult with the users of the National Statistics in order to get a better understanding of who the users are and what their requirements are for both the data and the presentation of these statistics.

F.3. One area in particular we are aiming to improve is the inclusion of ethnicity data in the bulletin. This is the case with a number of key datasets across the justice system and a [Cross Justice Working Group on Data and Evidence on Race](#) has been set up to address this. As part of this group we are working with stakeholders to address the gaps in data and analysis on ethnicity within the justice system.

F.4. We always welcome feedback on the content and the uses made of our statistical bulletins and users are invited to submit their comments and any suggestions for improvement to: justiceanalysts@gov.scot. Or please consider answering our [short survey](#) on how you found this publication.

A National Statistics Publication for Scotland

The United Kingdom Statistics Authority has designated these statistics as National Statistics, in accordance with the Statistics and Registration Service Act 2007 and signifying compliance with the Code of Practice for Official Statistics.

Designation can be interpreted to mean that the statistics:

- meet identified user needs
- are produced, managed and disseminated to high standards
- are explained well

Correspondence and enquiries

For enquiries about this publication please contact:

Lisa Lochran,
Justice Analytical Services,
Telephone: 0300 244 4931,
e-mail: justice_analysts@gov.scot

For general enquiries about Scottish Government statistics please contact:

Office of the Chief Statistician
Telephone: 0131 244 0442
e-mail: statistics.enquiries@gov.scot

How to access background or source data

The data collected for this publication:

☒ may be made available on request, subject to consideration of legal and ethical factors. Please contact justice_analysts@gov.scot for further information.

Complaints and suggestions

If you are not satisfied with our service or have any comments or suggestions, please write to:

Chief Statistician
St Andrews House
Edinburgh
EH1 3DG
Telephone: (0131) 244 0302
e-mail: statistics.enquiries@gov.scot

If you would like to be consulted about statistical collections or receive notification of publications, please register your interest at www.gov.scot/scotstat

Details of forthcoming publications can be found at www.gov.scot/statistics

ISBN 978-1-80435-562-6 (web only)

Crown Copyright

You may use or re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. See:

www.nationalarchives.gov.uk/doc/open-government-licence/

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA
PPDAS1100562 (06/22)