A National Statistics publication for Scotland

Scottish Government
Riaghaltas na h-Alba

CRIME AND JUSTICE

Criminal Proceedings in Scotland, 2021-22 – Updated

Updated version

Issues raised during routine validation checks of the 2021-22 data meant we were unable to provide the usual breakdown of convicted persons by court type in the original publication of Criminal Proceedings in Scotland 2021-22. Following work with justice partners we are now able to provide this data for the ten years from 2012-13 to 2021-22. Additionally, we have adopted new procedures to ensure this information will continue to be available going forward. This updated version of the bulletin and tables includes this information. Specifically, court type breakdowns are detailed in Section 4 and data are presented in Tables 3 and 15. The updated data confirmed that an earlier version of the 2021-22 data had underestimated the volume of people convicted in Sheriff solemn courts as these had been mislabelled as Sheriff summary proceedings. The updated data shows this issue also affected earlier years and, to a much lesser extent, other court types. Therefore, any court type breakdowns provided in earlier versions of Criminal Proceedings in Scotland should be treated with caution.

In addition, this updated version includes the corrections to the HTML and PDF included in the errata to the original Criminal Proceedings in Scotland 2021-22 publication.

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 2021-22 are presented, along with selected trends for the most recent 10 years.

These figures demonstrate the continued impact of the COVID-19 pandemic on the justice system. Although 2021-22 did not see the same court closures as 2020-21, this period spanned the early stages of the vaccine rollout, reduced court capacities due to physical distancing measures and delays to proceedings where key particpiants were forced to isolate following positive COVID-19 tests. Whilst overall volumes in 2021-22 showed an increase over the 2020-21 figures, they remained below a typical pre-pandemic year. Although the impact of the pandemic is evident in these latest figures, caution should be taken in attributing any changes entirely to this ongoing situation. As the data continues to be affected by the pandemic and the justice system's recovery, figures for 2021-22, alongside those from 2020-21, should not be considered indicative of longer-term trends.

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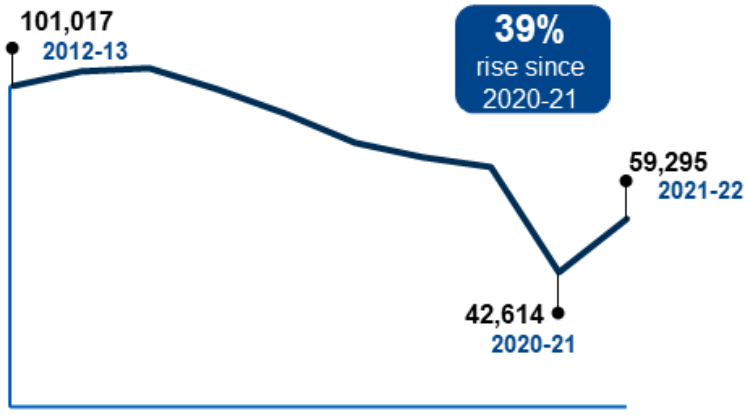
Criminal Proceedings in Scotland, 2021-22

Justice Analytical Services

▶ Court activity increased in 2021-22

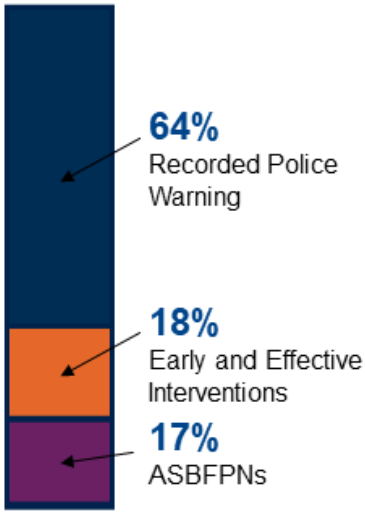
Convictions in Scotland



Data for 2020-21 and 2021-22 reflect the continuing impact of the coronavirus pandemic across the justice system, and should not be interpreted as indicative of longer-term trends.

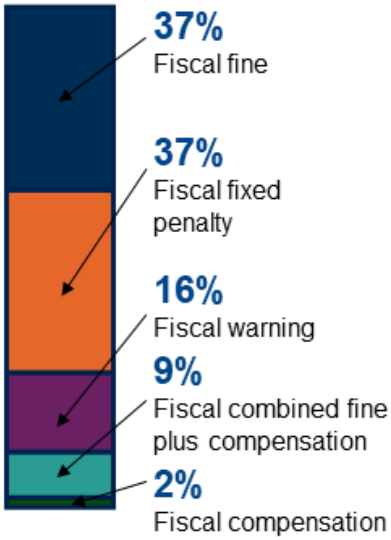
▶ Non-court disposals in 2021-22

Nearly two-thirds of police disposals in 2021-22 were Recorded Police Warnings



Restorative Justice Warnings and Formal Adult Warnings comprised the remaining 1% of police disposals in 2021-22

Three-quarters of COPFS disposals in 2021-22 were Fiscal fines and fixed penalties

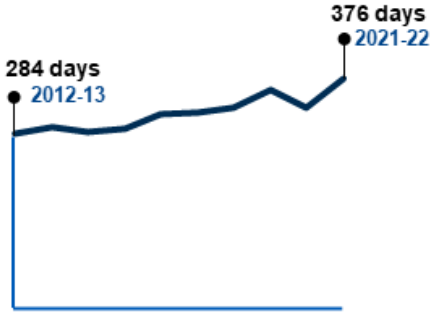


Fiscal fixed penalties made up less than 1% of COPFS disposals in 2021-22

▶ Custodial sentences

Since 2012-13 the average length of custodial sentences has increased by:

32%



▶ Corresponds with

A smaller proportion of shorter sentences

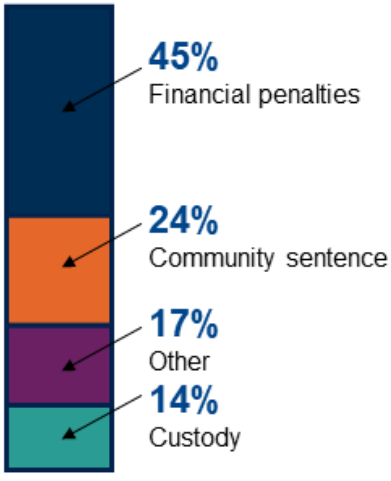
Proportion 12 months or less

83% → **73%**

Proportion longer 12 months

17% → **27%**

Over two-fifths of all sentences in 2021-22 were financial penalties



Key Points

Court proceedings and convictions

(Tables 1, 2 and 4a-c)

- A total of 67,643 people were proceeded against in court in 2021-22, an increase of 45% on 2020-21 (46,590 proceedings). Over the same span convictions rose 39% from 42,614 in 2020-21 to 59,295 in 2021-22.
- The overall conviction rate decreased to 88% in 2021-22, down from 91% in 2020-21. This marks a return to the levels seen pre-pandemic where, between 2012-13 and 2019-20, conviction rates ranged from 86% to 88%.
- Convictions for Non-sexual crimes of violence increased by 37% between 2020-21 (6,608) and 2021-22 (9,068). This includes increases of 100% for people convicted of Murder and culpable homicide (up from 24 to 48) and 45% for Serious assault and attempted murder (up from 682 to 992).
- Convictions under the Domestic Abuse (Scotland) Act 2018, which was the only non-sexual crime of violence to increase between 2019-20 and 2020-21, increased again between 2020-21 and 2021-22 by 81% (up from 381 to 689).
- There was an increase of 52% in the number of convictions for Sexual crimes, from 841 in 2020-21 to 1,279 in 2021-22.
- The number of convictions for Rape and attempted rape increased by 105% from 78 in 2020-21 to 160 in 2021-22. The number of proceedings for these crimes increased by 123% over the same span, from 151 in 2020-21 to 336 in 2021-22. The conviction rate for Rape and attempted rape fluctuates year to year and was 48% in 2021-22.
- Convictions for Crimes of dishonesty rose by 7% from 5,102 in 2020-21 to 5,472 in 2021-22.

Court sentences

(Tables 7-10)

- The total number of convictions rose by 39% from 42,614 in 2020-21 to 59,295 in 2021-22. Those resulting in a custodial sentence increased by 13% (from 7,239 in 2020-21 to 8,169 in 2021-22). Custodial sentences represented 14% of sentences imposed for all convictions in 2021-22 as compared to 17% in 2020-21. This is a return to the proportion seen pre-pandemic, which ranged between 13% and 16% between 2012-13 and 2019-20.
- The average length of a custodial sentence, excluding life sentences and Orders for Lifelong Restrictions, was 376 days in 2021-22. This is 14% longer than the 329 days seen in 2020-21 and nearly one-third longer than the 284 days seen in 2012-13.
- The crime types with the longest average sentences (excluding life sentences) in 2021-22 are Murder and culpable homicide (2,589 days) and

Rape and attempted rape (2,572 days). Compared to 2020-21, average sentences for Murder and culpable homicide decreased (down 1% from 2,620 days) and Rape and attempted rape increased (up 6% from 2,435 days).

- Sentences of 3 to 6 months have been the most common sentence length since 2012-13, accounting for 31% of all custodial sentences in 2021-22.
- While the overall proportion of convictions leading to a custodial sentence decreased between 2020-21 and 2021-22 (from 17% to 14%), the numbers of custodial sentences in all sentence length grouping categories increased.
- In 2021-22, 24% (14,160) of all convictions resulted in a main penalty of a community sentence. This is a 45% increase from the 9,783 seen in 2020-21 and reflects the underlying rise in court activity, and the highest proportion of convictions where community sentences were imposed in the past 10 years (up from 17% in 2012-13).
- The numbers of all types of community sentences except for Community Service Orders increased in 2021-22, reflecting the overall increase in court activity.

Characteristics of offenders

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

- The number of convictions per 1,000 population increased from eight in 2020-21 to 12 in 2021-22. This is broadly in line with the rise in court activity.
- The number of convictions per 1,000 population for males increased from 15 in 2020-21 to 20 in 2021-22, and for females increased from three in 2020-21 to four in 2021-22.
- The number of convictions per 1,000 population for all age-sex groups increased in 2021-22, with the sole exception of 16-17 year old males. This reflects the overall increase in court activity following the COVID-19 lockdowns.

Aggravations

(Tables 12 and 13)

- The statutory domestic abuse aggravation was introduced in 2017-18, and was proven in 7,803 convictions in 2021-22, which is a 20% increase from the 6,529 seen in 2020-21.
- There were 139 convictions with a statutory aggravation for domestic abuse in relation to a child in 2021-22, compared to 89 in 2020-21. This aggravation was created under the Domestic Abuse (Scotland) Act 2018 and applies where a child was involved or otherwise adversely affected by the offending. The aggravation came into effect for crimes committed on or after 1 April 2019.
- In respect of hate crime legislation, crimes may be aggravated if the crime is motivated against a particular characteristic. Compared to 2020-21, the number of convictions with aggravations in 2021-22 increased for Sexual

orientation (up 49%), Racial (up 58%) and Religious (up 22%). Aggravations for Disability (up 49% to 118) were at their highest for the most recent 10 years (since 2012-13).

Bail

(Tables 14-16)

- Whilst the number of court proceedings increased in 2021-22, the number of bail orders decreased by <1%, from 24,645 in 2020-21 to 24,538 in 2021-22. Whilst the most recent change may reflect the continuing impact of COVID-19 on the justice system, the longer term declining trend is consistent with lower volumes of cases coming to court.
- There were 7,208 bail-related offences in 2021-22 (e.g. breach of bail conditions, such as failure to appear in court after being granted bail), a 14% increase compared to 2020-21 (6,331 bail related offences).
- The proportion of bail-related offences as a percentage of all bail orders granted in 2021-22 was 29%, which is the highest percentage in the most recent 10 years and up from 26% in 2020-21. This may in part reflect people subject to bail being on bail for longer periods due to court backlogs.
- In 2021-22, there were 24,615 undertakings to appear in court, a fall of 2% from 2020-21 (25,073 undertakings).

Police disposals

(Tables 17-18)

- The total number of police disposals increased by 2% from 30,616 in 2020-21 to 31,231 in 2021-22.
- There were 20,099 Recorded Police Warnings (RPWs) issued during 2021-22, which is a fall of 4% from the 21,039 issued in 2020-21.
- In 2021-22, 5,301 people received an Anti-Social Behaviour Fixed Penalty Notice as a main penalty, an increase of 3% from the 5,168 issued in 2020-21.
- Early and Effective Interventions increased by 33% between 2020-21 and 2021-22, from 4,134 to 5,497.

Crown Office and Procurator Fiscal Service disposals

(Tables 20-22)

- In 2021-22 11,834 people were issued with a fiscal fine, which are available to any offence which be tried summarily, as a main penalty, a decrease of 11% from the 13,257 issued in 2020-21.
- In 2021-22, 12,057 Fiscal Fixed Penalties, which relate only to certain road traffic offences, were issued to people as a main penalty, an increase of 12% from 10,795 in 2020-21.

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:

- A new crime and offence grouping structure has been used for the first time. This new classification includes moving Common assault and Stalking from Miscellaneous offences to Non-sexual crimes of violence and greater disaggregation of both Non-sexual crimes of violence and Sexual crimes.
- The Protection of Workers (Retail and Age-restricted Goods and Services) (Scotland) Act 2021 came into effect on 24 August 2021. This introduced a new crime of Common Assault of a Retail Worker and the first proceedings for this crime are included within this bulletin under the Common assault crime category.
- From 1 April 2021, Adult Protection Act Offences was no longer counted as a crime. The reason for this is that the charge does not relate to a criminal offence and was created to allow the circumstances to be reported to the Procurator Fiscal. This change has been backdated.

Further information on the new crime grouping structure can be found in Annex D, or in the User Guide to Recorded Crime Statistics in Scotland.

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
- issue a direct measure (see COPFS Disposals section)
- 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 2021-22, was published on 28 June 2022. 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.

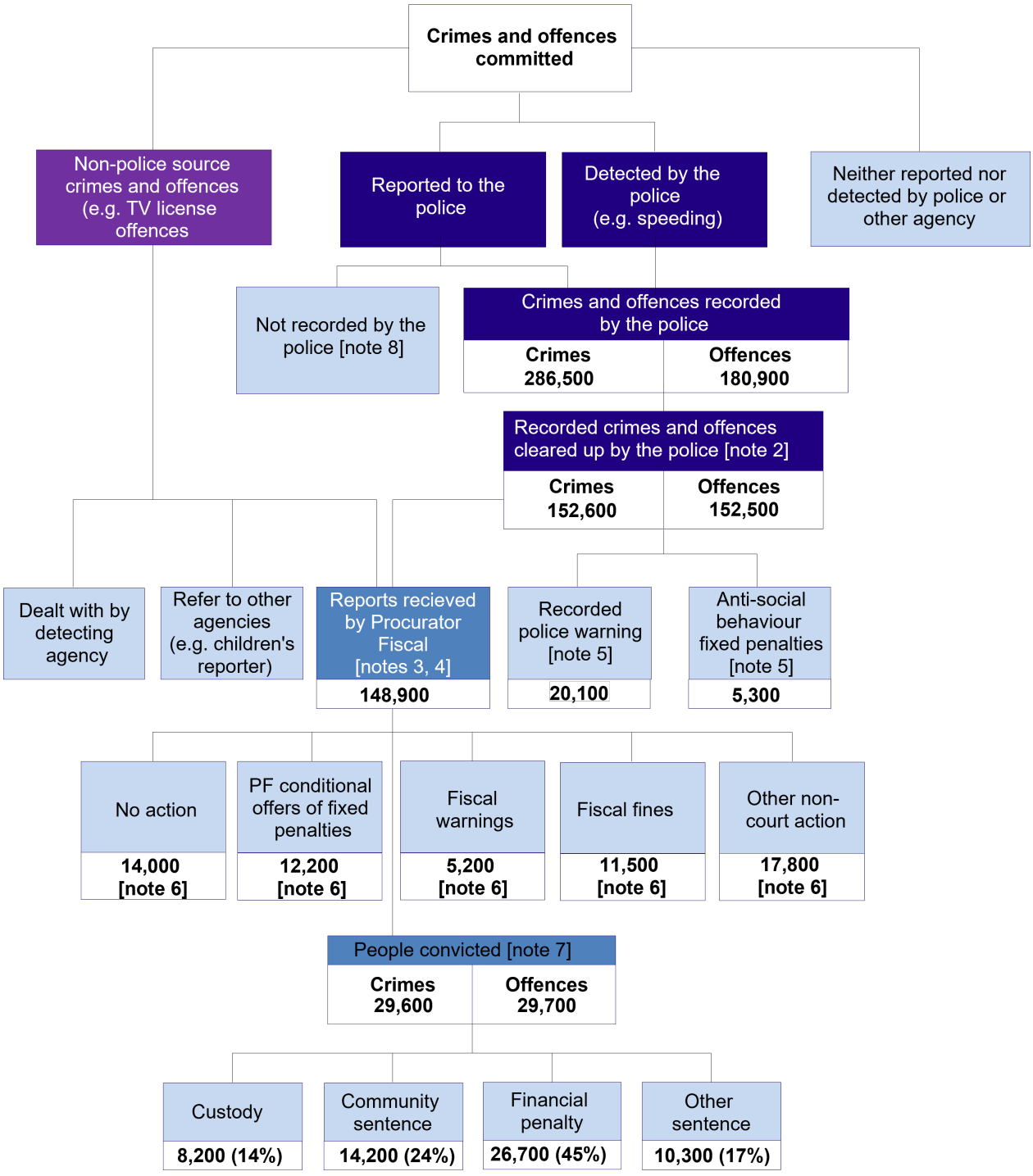
As shown in Chart 1, the total number of crimes recorded by the police in Scotland in 2021-22 was 286,464, a decrease of 4% from the 299,452 crimes recorded in 2020-21. The proportion of recorded crimes 'cleared up' by the Police decreased by five percentage points from 59% in 2020-21 to 54% in 2021-22. 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 3% from 187,233 in 2020-21 to 180,913 in 2021-22. 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 in 2021-22 [note 1].

Data from police recorded crime, the Crown Office and Procurator Fiscal Service and Scottish criminal court proceedings showing the differing volumes of crimes, offences and both court disposals and direct measures across the Scottish criminal justice system in 2021-22.



Notes for Chart 1

Note 1. Figures rounded to the nearest 100, and based on activity during 2021-22.

Note 2. Crimes recorded in 2021-22 may not be cleared up or dealt with until 2022-23 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 Warnings also include six Formal Adult Warnings.

Note 6. Number of cases; Data taken from Crown Office Case Processing statistics 2018 to 2023.

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 (RPWs) were introduced on 11 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 coronavirus restrictions or moving motor vehicle offences. A full listing of the range of disposals available can be seen in Annex D.

COPFS disposals and referrals

In 2021-22, COPFS received 148,925 criminal reports (from the police and other specialist reporting agencies), a decrease of 6% compared to 2020-21 (159,184) – more information is available in the COPFS Case processings statistics 2018 to 2023. 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
- 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?

These statistics cover people who are dealt with at different stages of the Scottish Criminal Justice System, specifically:

1. Police disposals, including:
    - Anti Social Behaviour Fixed Penalty Notices
    - Recorded Police Warnings
    - Early and Effective Interventions
2. Crown Office and Procurator Fiscal Service disposals, including:
    - Fiscal fines
    - Fixed penalties
    - Fiscal warnings
    - Compensation orders
3. Scottish courts, including:
    - Proceedings
    - Convictions
    - Sentencing outcomes
    - Bail

What is not covered by these statistics?

- Police Fixed Penaty Notices for road traffic and coronavirus restriction offences
- Fiscal work orders
- Appeals
- Children's hearing activity and most diversions for young people
- Diversions from prosecution

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. This provides assurance that these statistics are of the highest quality and meet user needs, and that they comply with the Code of Practice for Statistics.

Further information on National Statistics is published by the UK Statistics Authority.

1. Trends in people proceeded against and convicted

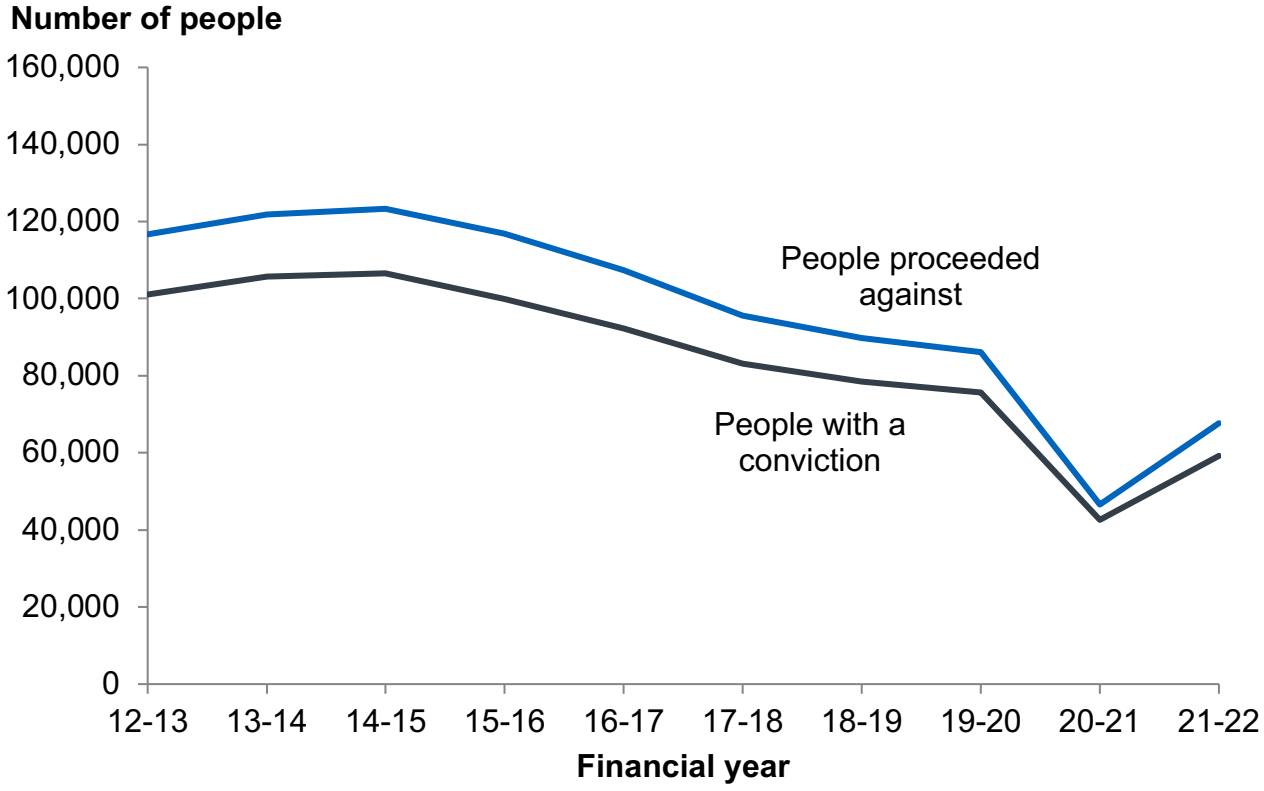
(Tables 1 and 2a and 2b, 4a and 4b)

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 67,643 people were proceeded against in Court in 2021-22, a rise of 45% on 2020-21 (46,590 proceedings). The number of convictions rose 39% over the same span, to 59,295 from 2020-21 (42,614). This rise follows a steep fall as a result of reduced court activity during the pandemic. There has been an overall downward trend over the most recent 10 years (Chart 2).

Chart 2. Over the longer term proceedings and convictions have declined.

People proceeded against and convicted in Scottish courts, 2012-13 to 2021-22.



The rise in the number of convictions between 2020-21 and 2021-22 has been led by an increase in absolute numbers for: Speeding (up 103% to 4,465), Threatening and abusive behaviour (up 33% to 9,136) and Unlawful use of vehicle (up 64% to 5,416). Together these three offence categories represented 29% of convictions in 2020-21 and 32% in 2021-22.

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.

Eighty-eight per cent of people proceeded against in court in 2021-22 were convicted after being found guilty of at least one charge (59,295 people). This is three percentage points lower than 2020-21. The conviction rate for all crimes and offences has remained relatively stable over the last decade, fluctuating between 86% and 88% in each year when 2020-21 is excluded.

Conviction rates are highest for Road traffic offences, with 94% of people proceeded against being convicted in 2021-22. In particular, Speeding offences had a conviction rate of 98%. Apart from Road traffic offences, the highest conviction rates for crimes was 92%, for both Indecent photos of children and Shoplifting. The lowest rate was for Rape and attempted rape (48%). The conviction rate for Rape and attempted rape has been the lowest of all crime and offences in each of the most recent 10 years. Further detail of acquittals with respect to rape and attempted rape can be seen in Section 3.

Over the previous 10 years, the most notable trends in conviction rates have been for:

- Other non-sexual violence, up from 71% in 2012-13 to 82% in 2021-22
- Licensing offences, up from 83% in 2012-13 to 89% in 2021-22
- Housebreaking, up from 80% in 2012-13 to 86% in 2021-22

3. Acquittals by crime type

(Table 2)

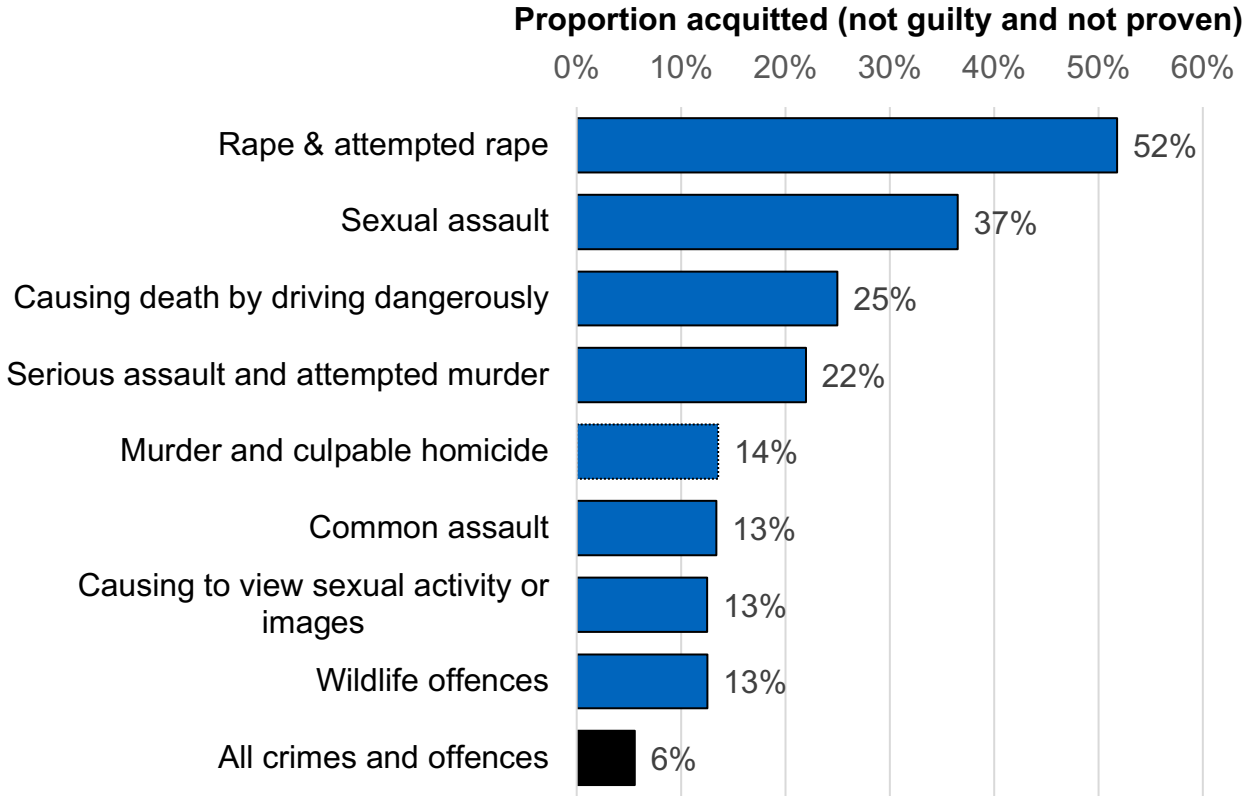
When an accused person is found not guilty of a charge, or the charge is not proven, this is called an ‘acquittal’. In 2021-22, 4% of people were acquitted on a ‘not guilty’ verdict, and 1% were acquitted on a ‘not proven’ verdict. A further 7% either had a plea of ‘not guilty’ accepted or their case was deserted by the prosecution or the Court. These proportions are broadly unchanged over the last five years.

Chart 3 shows the crime types with the highest acquittal rates in comparison with the overall rate of 6% in 2021-22:

- as in previous years, the highest rate was seen for Rape and attempted rape, where 52% or 174 of the 336 people proceeded against were acquitted,
- there were also high acquittal rates for Sexual assault (37% had their case acquitted), and
- The highest acquittal rate within Non-sexual crimes of violence was the 25% seen for Causing death by dangerous driving.

Chart 3. Rape & attempted rape and Sexual assault have the highest acquittal rates.

Crime types with the highest acquittal rates (not guilty and not proven) in Scottish courts in 2021-22.



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. Murder convictions carry a mandatory life sentence and the maximum penalty that may be imposed in the other cases 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 law for the offences being prosecuted. A single judge hears cases with a jury of 15 people. The jury reach a verdict, and if a conviction arises, the judge determines sentence.
- 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 jury reaches a verdict and, if a conviction arises, the Sheriff determines sentence. The maximum penalty for solemn cases is five years' imprisonment and/or an unlimited fine. For summary cases, the Sheriff reaches a verdict and, if a conviction arises, determines the sentence. The maximum penalty that may be imposed (in most circumstances [note 2]) is one 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 certain types of 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 4 shows the changes in the proportion of convictions seen in each court type since 2012-13. Sheriff Solemn courts have risen from 5% of all convictions in 2012-13 to 8% in 2021-22. This increase in the proportion of more serious convictions is likely to be partly responsible for the increase in sentence lengths since 2012-13. The proportion of convictions in Sheriff Summary courts increased the most of any court type (by eight percentage points). The increase in the proportion of convictions in the Sheriff Summary courts is mostly due to decreases in the numbers seen in the Justice of the Peace courts. The proportion of cases seen in High Court has been broadly steady over the last decade, holding at 1%.

The proportion of convictions seen in Sheriff Summary courts has decreased by five percentage points between 2020-21 (72%) and 2021-22 (67%).

Justice of the Peace courts accounted for 24% of convictions in 2021-22 compared to 20% in 2020-21.

The number of convictions in Justice of the Peace courts has risen by 69% from 8,385 in 2020-21 to 14,134 in 2021-22. The long-term fall in numbers of convictions

in the Justice of the Peace courts reflects decreases in the number of proceedings for Road traffic offences, which the Justice of the Peace courts tend to deal with.

Convictions in Sheriff Summary courts rose by 30% from 30,675 in 2020-21 to 39,817 in 2021-22. This follows a general downward trend in Sheriff Summary convictions since 2012-13 when there were 59,410.

The number of convictions in Sheriff Solemn courts increased by 50% from 3,179 in 2020-21 to 4,778 convictions in 2021-22.

The number of High Court convictions increased by 51% in 2021-22 to 566 convictions (from 375 in 2020-21). 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 2021-22 may be slightly underestimated, and will likely be revised upwards in the 2022-23 bulletin. More information is available in the Annex revisions section.

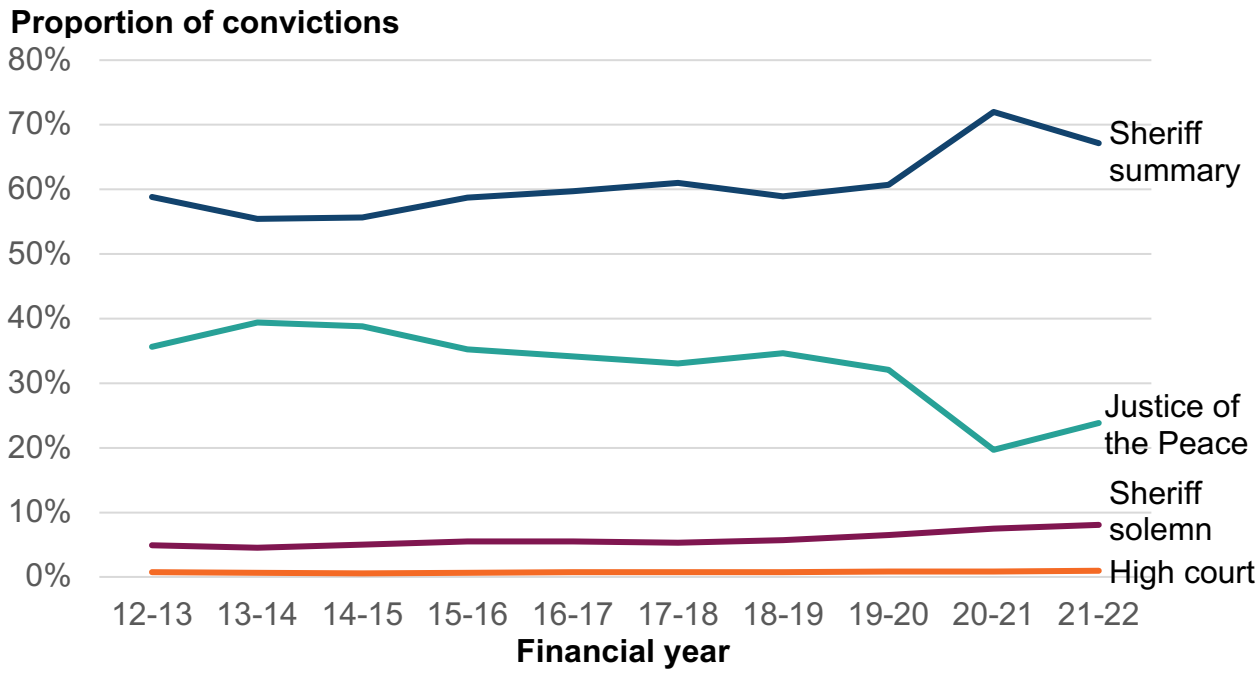
Notes for Section 4. People convicted in court

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 4. Over the long term the proportion of convictions made in Justice of the Peace courts has declined, with all other court types proportionally increasing.

Proportion of convictions by court type, 2012-13 to 2021-22.



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 introduced a new classification of crimes and offences following a consultation in response to user needs. The full paper Presenting official statistics on recorded crime and related topics: consultation 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. The biggest change is the transfer of Common assault and Stalking from the Miscellaneous offences group to the Non-sexual crimes of violence group.

In 2021-22 crimes made up 29,609 of the total number of convictions (50%) while offences stood at 29,686 (50%). The increase from 2020-21 to 2021-22 was higher for offences (up 59% or 10,971 convictions) than for crimes (up 24% or 5,710 convictions).

Rises in convictions for crimes have been driven by increases in the number of Non-sexual crimes of violence (up 37% or 2,460 convictions) and Crimes against society (up 21% or 2,116 convictions). The largest contributors to this increase was Common assault (up 33% or 1,632 convictions).

Most of the increase in convictions for offences is due to rises in the number of convictions for Speeding (up 2,263), Threatening and abusive behaviour (up 2,243) and Unlawful use of vehicle (up 2,107).

6. People convicted by crime group

(Tables 4a and 4b)

Non-sexual crimes of violence

Non-sexual crimes of violence include: Murder and cupable homicide, Causing death by dangerous driving, Serious assault and attempted murder, Common assault, Robbery, Domestic Abuse (Scotland) Act 2018 and Other non-sexual violence. Convictions for these types of crimes increased by 37%, from 6,608 in 2020-21 to 9,068 in 2021-22. Pre-pandemic (2019-20), there were 11,044 such convictions.

The number of Murder and culpable homicide convictions was 48 in 2021-22, an increase of 100% from the 24 seen in 2020-21. Convictions for Causing death by driving dangerously rose 17% between 2020-21 (23) and 2021-22 (27). The number of people convicted for Serious assault and attempted murder increased by 45% from 682 in 2020-21 to 992 in 2021-22. Common assault convictions rose by 33% over the same span, increasing from 4,884 in 2020-21 to 6,516 in 2021-22. Convictions for Robbery rose by 6%, from 283 in 2020-21 to 299 in 2021-22. The number of convictions for Other non-sexual violence (see Annex D13 for the types of crime this includes) increased 50%, from 331 convictions in 2020-21 to 497 in 2021-22.

The Domestic Abuse (Scotland) Act 2018 (DASA) came into effect on 1 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 previous 2020-21 bulletin included the first full year under the act, but the numbers were 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 Other non-sexual violence, Breach of the peace etc. and Threatening and abusive behaviour. See also Section 13, which shows the number of crimes and offences that had an aggravation of domestic abuse recorded against them. There were 689 convictions under this act in 2021-22. This is an increase of 81% over the 381 convictions in 2020-21.

Sexual crimes

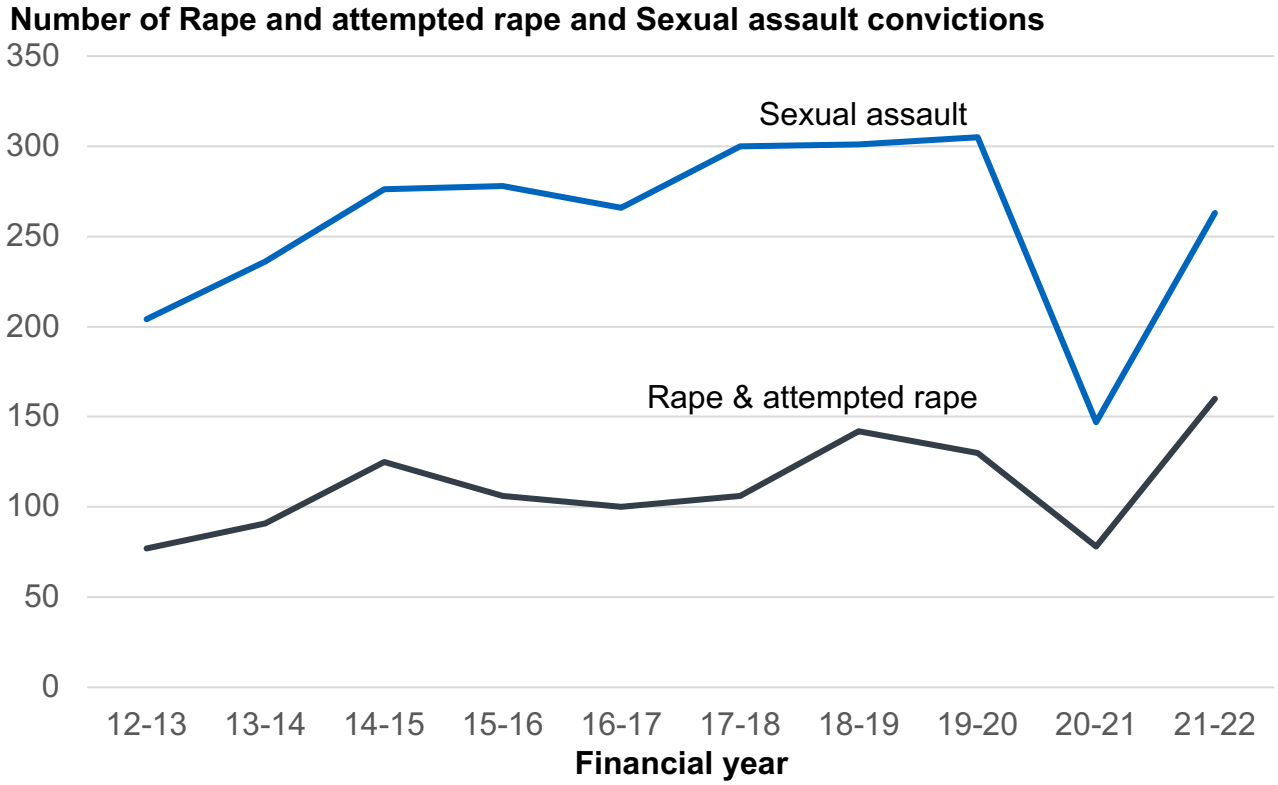
Sexual crimes include: Rape and attempted rape, Sexual assault, Causing to view sexual activity or images, Communicating indecently, Threatening to or disclosing intimate images, Indecent photos of children, Crimes associated with prostitution and Other sexual crimes. Convictions for these types of crimes increased by 52%, from 841 in 2020-21 to 1,279 in 2021-22. This is the only crime group to exceed its' pre-pandemic (2019-20) total (1,227 convictions).

The number of convictions for Rape and attempted rape increased by 105% (from 78 in 2020-21 to 160 in 2021-22). The figure for 2021-22 is the highest since

comparable records began in 1990 and exceeds the previous peak of 142 seen in 2018-19. The number of proceedings for these crimes increased to a greater extent by 123% between 2020-21 and 2021-22 and the total number of prosecutions in 2021-22 (336) is also the highest seen since 1990. The conviction rate for Rape and attempted rape decreased in 2021-22, falling four percentage points from 52% in 2020-21 to 48% in 2021-22. The conviction rate fluctuates year to year and has ranged between 40% (2016-17) and 56% (2012-13) across the most recent 10 years. 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 2021-22 may be slightly underestimated. More information is available in the Annex B revisions section.

Chart 5. Longer term trends in Rape and attempted rape and Sexual assault convictions [Note 1] show general increases.

Rape and attempted rape and Sexual assault convictions in Scottish courts, 2012-13 to 2021-22.



There were 263 Sexual assault convictions in 2021-22, up 79% since 2020-21 (147 convictions). Prior to 2020-21 the number of convictions for Sexual assault had been increasing, from 204 in 2012-13 to 305 in 2019-20.

Convictions for Causing to view sexual activity or images rose 38% between 2020-21 (158) and 2021-22 (218). Communicating indecently saw convictions rise 60%, from 85 in 2020-21 to 136 in 2021-22. Convictions for Threatening to or disclosing intimate images rose by 50%, from 46 in 2020-21 to 69 in 2021-22. The 69 convictions in 2021-22 are the most since the first prosecutions were recorded in 2017-18.

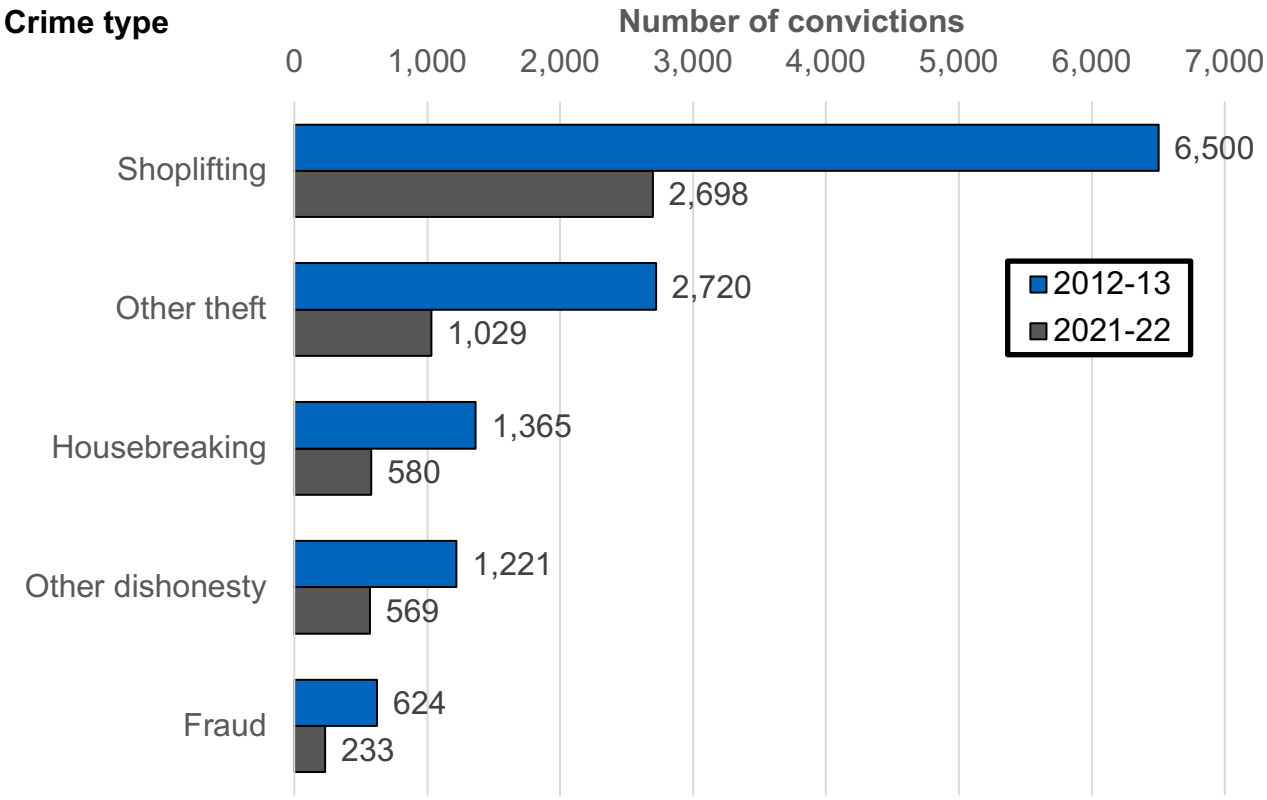
The number of convictions for Indecent photos of children rose 50% from 196 in 2020-21 to 294 in 2021-22. The long term downward trend for Crimes associated with prostitution continued between 2020-21 and 2021-22, dropping 20% from 10 to eight.

Notes for Sexual crimes

Note 1. Although Sexual crimes includes more categories, for clarity Chart 5 is limited to just Rape and attempted rape and Sexual assault. These two categories both attract the highest proportion of custodial sentences and have the longest average custodial sentence length.

Chart 6. Convictions for Crimes of dishonesty have declined over the long term.

Comparison of convictions in Scottish courts for the most common types of Crimes of dishonesty, 2012-13 and 2021-22.



Crimes of dishonesty

Convictions for Crimes of dishonesty increased by 7% in 2021-22, up to 5,472 convictions from 5,102 in 2020-21. This was a relatively small increase compared to other crime groups, with the number of convictions remaining around 40% lower than they were in 2019-20. There were increases in all crime types within the Crimes of dishonesty group between 2020-21 and 2021-22.

7. People convicted by offence group

There were 29,686 “offence” convictions in 2021-22, an increase of 59% since 2020-21 (18,715 convictions). As a proportion of all offences, Threatening and abusive behaviour made up 31%, while Speeding and Unlawful use of a vehicle together accounted for 33%.

Antisocial offences

In 2021-22, 96% of Antisocial offences convictions were for Threatening and abusive behaviour. Convictions for Antisocial offences as a whole increased 33% between 2020-21 and 2021-22, up from 7,136 to 9,487. This was reflected in Threatening and abusive behaviour which also rose 33%, from 6,893 convictions in 2020-21 to 9,136 in 2021-22.

Miscellaneous offences

In 2021-22 Miscellaneous offences convictions increased 51%, from 785 in 2020-21 to 1,185 in 2021-22. Within this the two largest increases by volume were for Other miscellaneous offences (up 115% from 122 to 262 convictions) and Community and public order offences (up 34% from 406 to 545 convictions).

Road traffic offences

Road traffic offences convictions increased by 76% from 10,794 convictions in 2020-21 to 19,014 in 2021-22. With the exception of Seat belt offences (down 17% from 35 to 29 convictions), all types of Road traffic offences convictions increased between 2020-21 and 2021-2. The largest increases by volume were for:

- Speeding, up 103% from 2,202 to 4,465 convictions.
- Dangerous and careless driving, up 82% from 1,851 to 3,368 convictions.
- Unlawful use of vehicle, up 64% from 3,309 to 5,416 convictions.
- Driving under the influence, up 62% from 2,188 to 3,555 convictions.

8. Headline in court sentencing

(Tables 7-8)

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.

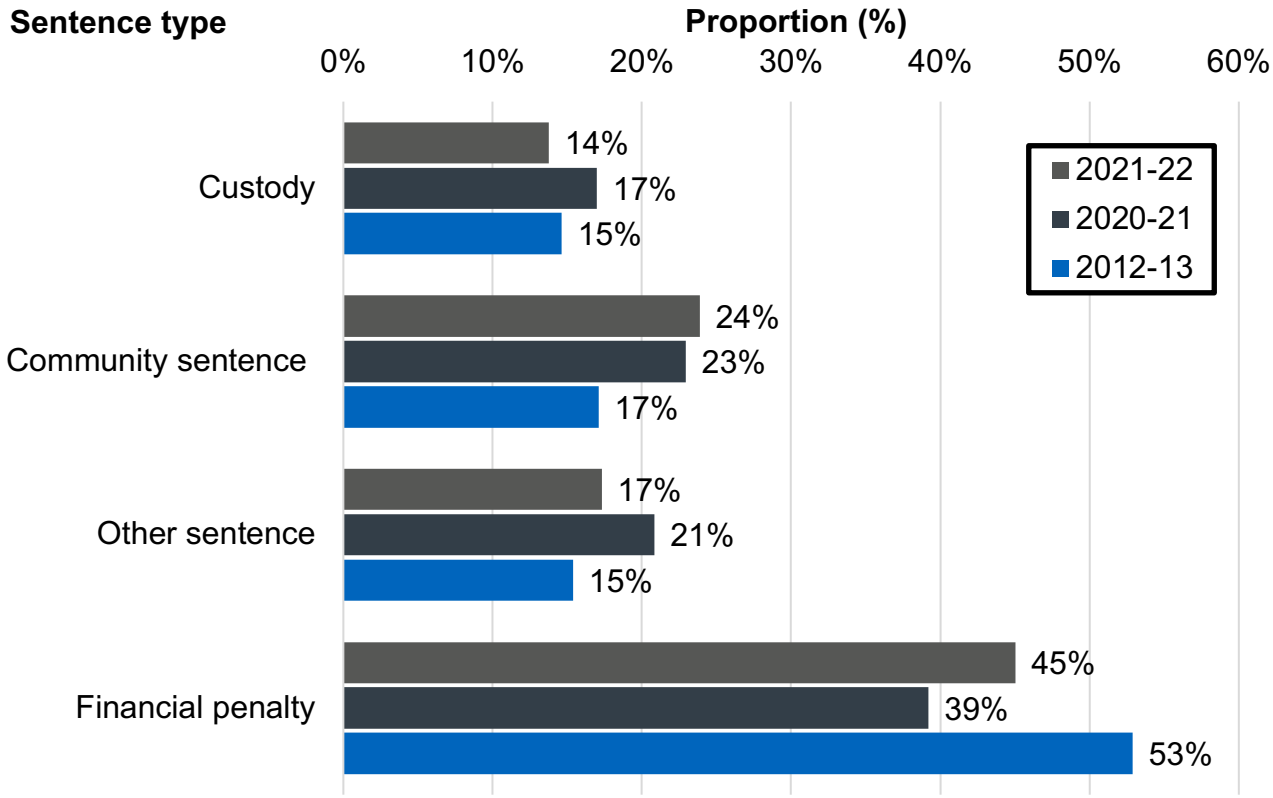
Of all people convicted during 2021-22:

- 45% were issued financial penalties (26,705)
- 24% were issued community sentences (14,160), and
- 14% were issued custodial sentences (8,169).

A further 17% of people were issued other sentences (10,261), which are mostly admonishments (Chart 7).

Chart 7. Longer term trends in sentencing show shifts away from financial penalties and towards community sentences.

Proportion of sentence types imposed in Scottish criminal courts, 2012-13, 2020-21 and 2021-22.



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, increased by 13% from 7,239 in 2020-21 to 8,169 in 2021-22. The number of custodial sentences has decreased almost every year since 2012-13 (14,788). Custodial sentences represented 14% of all convictions in 2021-22 (17% in 2020-21), a return to the proportion seen pre-pandemic, which ranged between 13% and 16%.

With the exception of Damage and reckless behaviour and Coronavirus restrictions, the number of people receiving a custodial sentence increased for every crime group in 2021-22. There was a decrease in the percentage of people receiving a custodial sentence for a conviction under the Domestic Abuse (Scotland) Act, from 19% in 2020-21 to 16% in 2021-22. The 2020-21 bulletin was the first to include a full year under the act, although those figures were impacted by the reduction in court activity due to COVID-19 lockdowns.

The percentage of people convicted for Non-sexual crimes of violence who received a custodial sentence decreased from 27% in 2020-21 to 23% in 2021-22.

The percentage of people convicted for Sexual crimes who received a custodial sentence increased from 30% in 2020-21 to 35% in 2021-22.

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 was an increase in their use from 295 in 2020-21 to 403 in 2021-22.

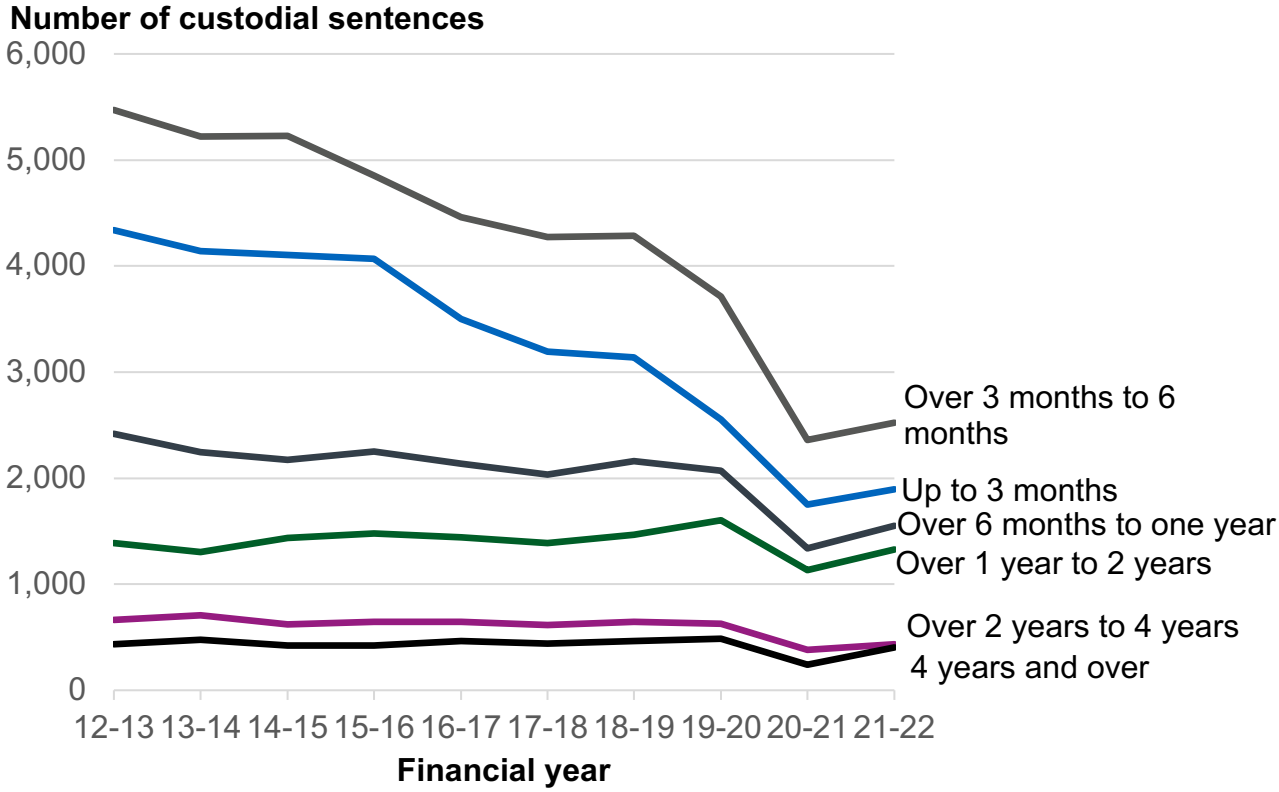
Please note these statistics only give the length of the custodial part of the sentence and not the length of the supervision period. We have incomplete information on the length of the supervision period on our dataset, and we are working to understand and improve the quality of the data before we can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

Length of custodial sentences

As a matter of law, a person convicted of Murder must receive a life sentence. A life sentence is also available for certain other offences at the discretion of the court. All 32 people issued life sentences in 2021-22 received these for Murder [see note 1 which confirms Orders for Lifelong Restriction are not included in this data]. 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 8. Long term declines in custodial sentences given are more pronounced for shorter sentences than longer sentences.

Custodial sentences given in Scottish criminal courts, by sentence length, 2012-13 to 2021-22.



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 sentence length as they are of indeterminate duration. 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 by the court. This reflects the expected operation of life sentences. 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 2021-22, excluding where a life sentence or OLR was imposed, was 376 days, which was 14% longer than in 2020-21 (329 days). Over the longer term, there has been a general upward trend in average sentence length, with the 2021-22 average 32% longer than in 2012-13 (284 days).

Changes in average sentence length varied across crime or offence type between 2020-21 and 2021-22, with some showing increases and other decreases.

The average sentence length for Rape and attempted rape increased by 137 days (up 6%) from 2,435 days in 2020-21 to 2,572 days in 2021-22. Other notable increases in average sentence length between 2020-21 and 2021-22 were for Drugs possession (up 40% from 84 days to 118 days), Sexual assault (up 38% from 754 days to 1,039 days) and Theft of a motor vehicle (up 19% from 275 days to 328 days).

Notable decreases in average sentence length between 2020-21 and 2021-22 were for Theft by opening lockfast places (down 21% from 206 days to 162 days), Other non-sexual violence (down 17% from 606 days to 505 days) and Reckless conduct (down 16% from 372 days to 311 days).

Categories of custodial sentence length

Relevant provisions in the Criminal Justice and Licensing (Scotland) Act 2010 were commenced in February 2011 to introduce a presumption against short sentences (PASS) (three 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 three months or less unless it considers that no other method of dealing with the person is appropriate. The extended presumption came into force on 4 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 8 illustrates patterns of custodial sentence length by specific categories. In 2012-13, the most common lengths were “up to three months” (4,338 people), which made up 29% of custodial sentences and “over three months to six months” (5,471 people, 37% of custodial sentences). Over the 10-year period, levels of sentences of “up to three months” have decreased by six percentage points, following the introduction of the presumption against short sentences of under three months in 2011, and in 2021-22 made up 23% of custodial sentences. The proportion of “over three months to six months” custodial sentences has dropped from 37% in 2012-13 to 31% in 2021-22.

Sentences of one year or less made up 73% of all custodial sentence lengths in 2021-22. This is 10 percentage points lower than it was in 2012-13, when they represented 83% of all custodial sentences. The biggest change 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 one year.

Figures for 2021-22 show that the numbers in each custodial sentence length category increased, reflecting the overall rise in the total number of custodial sentences issued after reduced court activity in 2020-21 due to the COVID-19 lockdowns.

- The number of custodial sentence of “up to three months” increased by 8% from 1,751 in 2020-21 to 1,895 in 2021-22.
- Custodial sentences of “over three months to six months” increased by 7% from 2,360 in 2020-21 to 2,520 in 2021-22.
- Custodial sentences of “over six months to one year” increased by 16% from 1,338 in 2020-21 to 1,551 in 2021-22.
- Custodial sentences “over one year to two years” increased by 17% from 1,133 in 2020-21 to 1,330 in 2021-22.
- Custodial sentences of “two years to under four years” increased by 14% from 381 in 2020-21 to 435 in 2021-22.
- Custodial sentences “four years and over” increased by 68% from 241 in 2020-21 to 405 in 2021-22.

10. Custodial sentences by type of crime

(Tables 9a-b and 10a-d)

Custodial sentences for Non-sexual crimes of violence

All 48 people convicted of Murder and culpable homicide in 2021-22 were given a custodial sentence, a four percentage-point increase on the 2020-21 figure of 96%. During the period from 2012-13 to 2021-22, the proportion of Murder and culpable homicide convictions receiving custodial sentences has ranged between 96% and 100%. Between 2020-21 and 2021-22, the proportion of people convicted of Robbery given a custodial sentence fell 13 percentage points from 78% to 65%. This is the lowest proportion in the most recent 10 years.

Sixty-seven percent of custodial sentences for Murder and culpable homicide were life sentences imposed for Murder (32 people), an increase compared to 2020-21 (61%, 14 people). The remainder (16 people), who were convicted for Culpable homicide, were given an average sentence of around seven years (2,589 days), one month (31 days) less than in 2020-21 (2,620 days), and at the lower end of the range seen over the last decade (2,482 to 3,055 days).

The average sentence length for crimes under the Domestic Abuse (Scotland) Act was around a year and four months (482 days) in 2021-22.

Changes in average custodial sentence lengths for other Non-sexual crimes of violence between 2020-21 and 2021-22 were:

- an increase of 11% for Causing death by dangerous driving, from 1,458 days to 1,625 days
- an increase of 3% for Serious assault and attempted murder, from 999 days to 1,029 days
- an increase of 7% for Common assault, from 266 days to 284 days
- an increase of 4% for Robbery, from 748 days to 776 days
- a decrease of 17% for Other non-sexual violence, from 606 days to 505 days

Custodial sentences for Sexual crimes

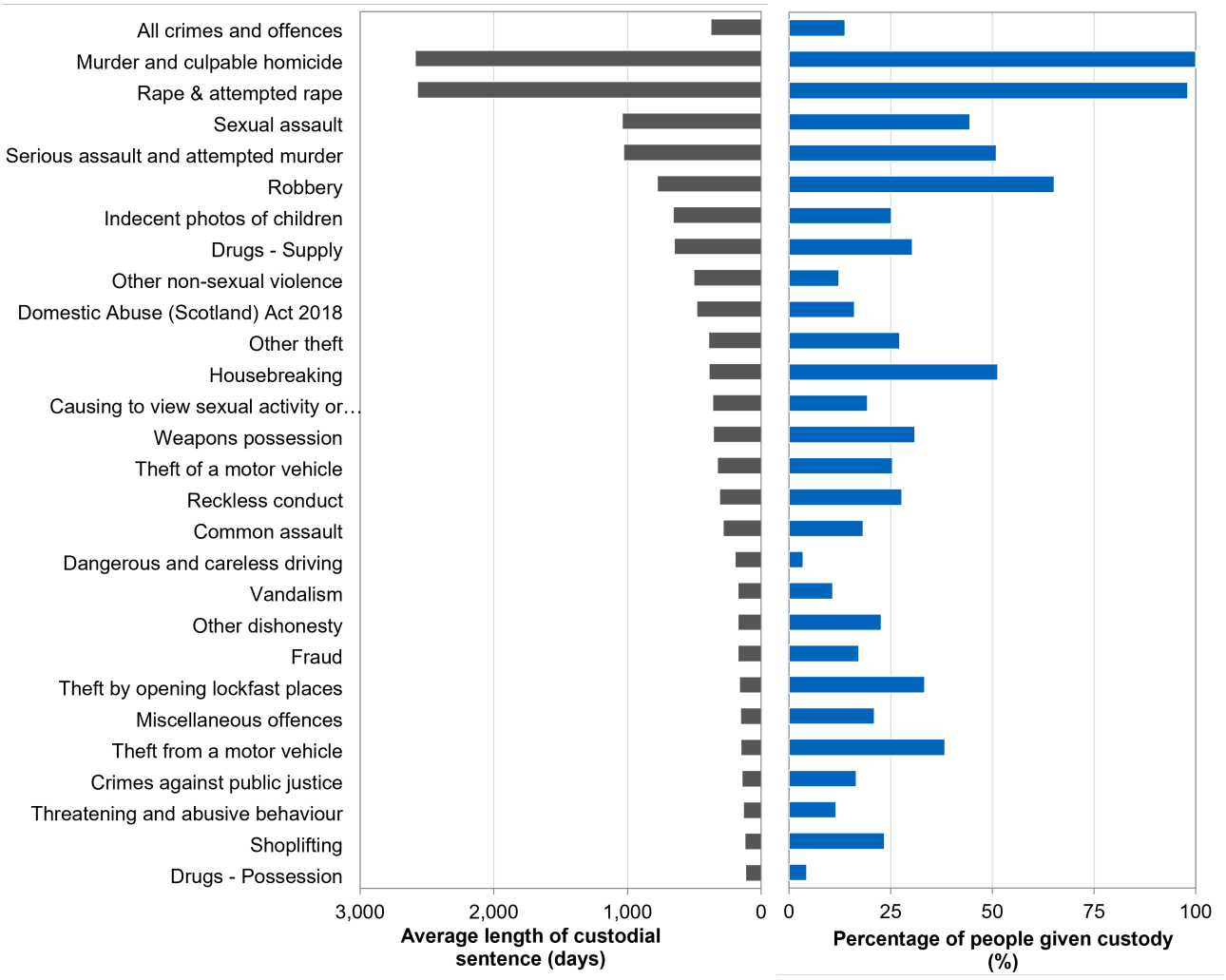
As shown in Chart 9, custody was the most frequently used disposal for Rape and attempted rape in 2021-22, being imposed on 98% of people with a charge proven. Custodial sentences for Rape and attempted rape attracted the second longest average custodial sentence of all crime types (after Murder and culpable homicide). The average sentence length for this kind of crime increased 6% in 2021-22, up 137 days from 2020-21 to 2,572 days (seven years and two weeks). The average sentence for Rape and attempted rape has ranged between 2,381 days and 2,655 days over the most recent 10 years.

Sexual assault sentences were, on average, 285 days (38%) longer than in 2020-21, increasing to 1,039 days (around 2 years and 10 months) in 2021-22. The

average sentence length for Sexual assault has ranged between 754 days and 1,078 days over the most recent 10 years.

Chart 9. Murder and culpable homicide and Rape & attempted rape receive both the largest proportion of custodial sentences and the longest custodial sentences.

Average sentence length (excluding life sentences) given and proportion receiving custody, in Scottish criminal courts, by crime and offence group [note 1], 2021-22.



Notes for Chart 9

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

Custodial sentences for Crimes of dishonesty

Twenty-seven percent of convictions for Crimes of dishonesty received a custodial sentence in 2021-22, a decrease from 29% in 2020-21, and the lowest proportion of custodial sentences issued for this crime type in the most recent 10 years. Overall, the average custodial sentence length for Crimes of dishonesty decreased from 220 days in 2020-21 to 208 days in 2021-22; a fall of 5%. This is still amongst the longest average sentence lengths seen in the most recent 10 years, and 25%

higher than the average in 2012-13 (166 days). The largest decrease in average length of custodial sentences for Crimes of dishonesty was for Theft by opening lockfast places (down 21% from 206 to 162 days).

Around 51% of Housebreaking convictions received custodial sentences in 2021-22, down six percentage points from the 57% seen in 2020-21. In 2021-22, the average custodial sentence for Housebreaking was just over a year (391 days), a four day (1%) increase from the 387 days seen in 2020-21.

Custodial sentences for Weapons possession

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 form part of the crime category "Weapons possession", statistics for which are presented in the standard tables accompanying this publication. As shown in the additional Weapons possession table accompanying this bulletin, there were 1,558 people convicted of Weapons possession in 2021-22, of which two-thirds (65%) were for Having in a public place an article with a blade or point (1,020 convictions), hereafter referred to as carrying knives. Compared to 2020-21 these represent increases for both categories; up 28% for the total of Weapons possession and up 28% specifically for carrying knives. As with increases in other conviction types, this likely reflects the increase in court activity in 2021-22.

Statistics for carrying knives are not published within the standard tables accompanying this bulletin but are presented as an additional Weapons possession table alongside trends for Weapons possession for the most recent 10 years.

The proportion of convictions for Weapons possession which received a custodial sentence was 31% in 2021-22, four percentage points lower than in 2020-21 (35%) and seven percentage points lower than in 2012-13 (38%). The proportion of custodial sentences given specifically for knife offences decreased one percentage point from 35% in 2020-21% to 34% in 2021-22, and also decreased by 13 percentage points since 2012-13 (from 47%).

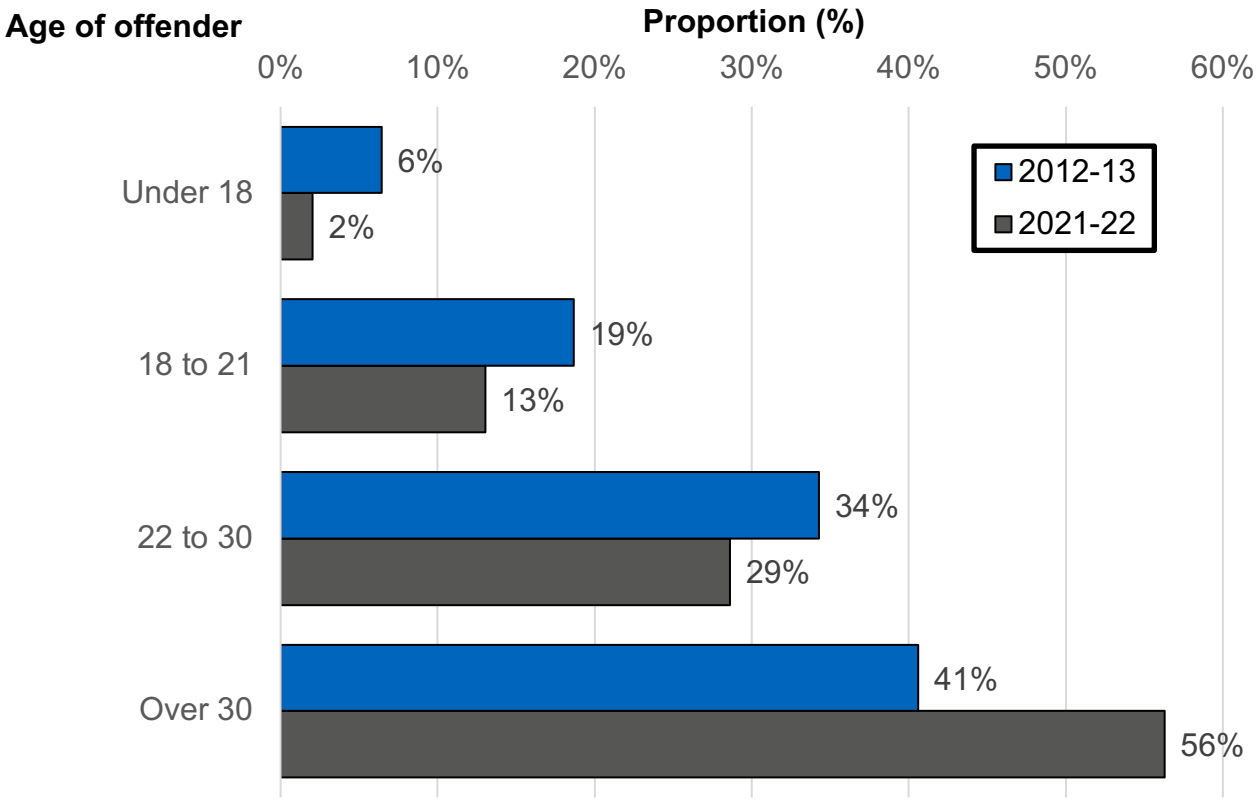
As seen in Chart 10 below, there has been a shift in the age profile of persons being convicted for Weapons possession since 2012-13. In 2012-13, 41% of convictions were in the over-30s group, and 25% were for people under 22 years of age. In 2021-22 more than half (56%) of all Weapons possession convictions were in the over 30s, and under a sixth (15%) for those aged under 22, 2% being for under-18s.

The average custodial sentence length for Weapons possession in 2021-22 was 4% higher than it was in 2012-13, increasing from 343 days to 358 days. The figure in 2021-22 was 6% lower than the average sentence length of 380 days in 2020-21. The trend over the most recent 10 years is broadly similar for knife offences only,

with the average custodial sentence length in 2021-22 (369 days) being 3% longer than that of Weapons possession as a whole.

Chart 10. Over the longer term, people convicted of weapons possession are older.

Proportion of convictions for Weapons possession in Scottish criminal courts, by age group, 2012-13 and 2021-22.



11. Community sentences

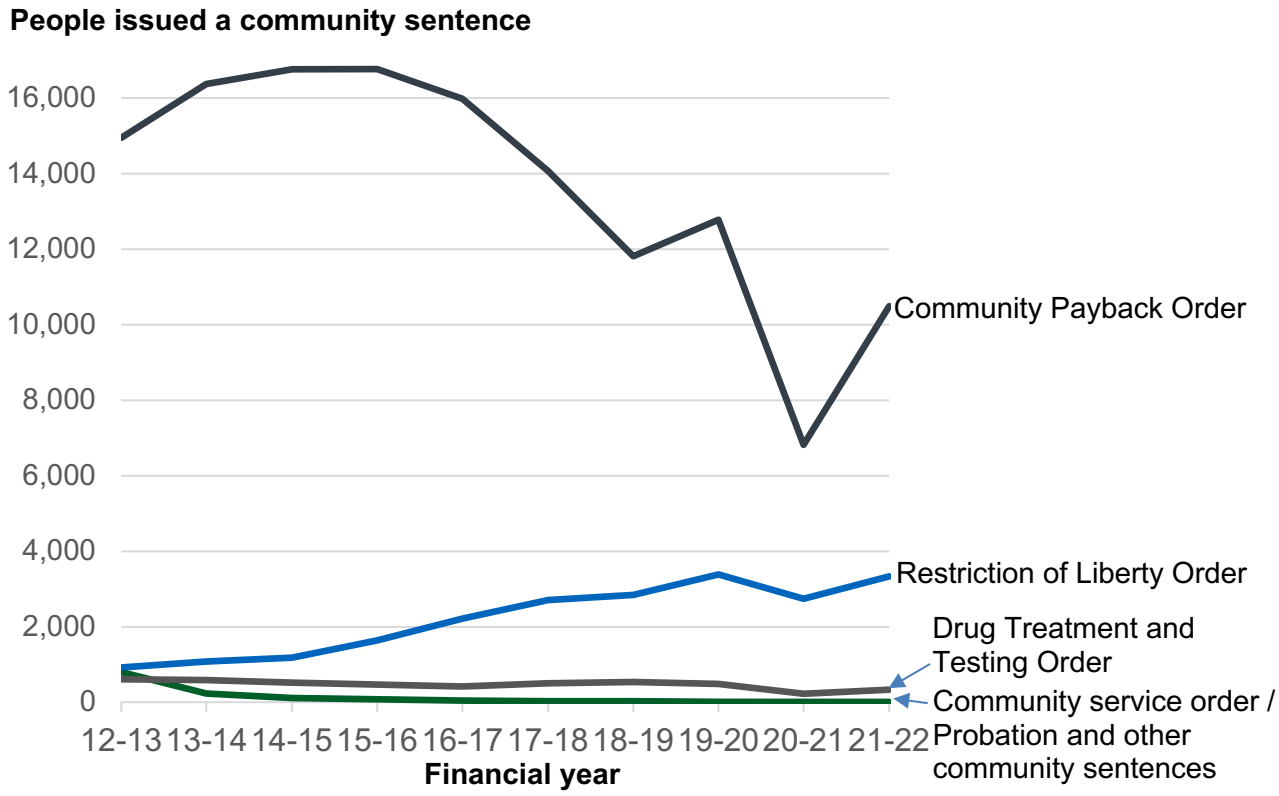
(Tables 7a-b and 8a-c)

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-four percent (or 14,160) of all convictions in 2021-22 resulted in a main penalty of a community sentence. This is the highest proportion over the most recent 10 years, up from 17% of convictions in 2012-13, and from 23% in 2020-21. There was a 45% increase in the number of community sentences between 2020-21 and 2021-22, up from 9,783 and driven by increases in the use of Community Payback Orders and Restriction of Liberty Orders (Chart 11).

Chart 11. Over the longer term, community sentences have declined with the exception of Restriction of Liberty Orders, which have steadily increased.

People issued community sentences in Scottish criminal courts, by community sentence type, 2012-13 to 2021-22.



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 1 February 2011. This is reflected in the statistics, as the number of people receiving CPOs rose steadily between 2012-13 (14,940) to 2015-16 (16,766). Numbers then decreased by 37% from this 2015-16 peak to the 10,493 seen in 2021-22. CPOs represented 74% of all community sentences in 2021-22, compared to 70% in 2020-21.

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 increased by 22% between 2020-21 and 2021-22, from 2,737 to 3,330. The use of RLOs has increased each year over the preceding eight years, increasing from 1% of people convicted in 2012-13 to 6% of people convicted in 2021-22. RLOs made up 24% of people receiving community sentences in 2021-22, down from 28% in 2020-21. 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 increased by 48% from 223 in 2020-21 to 330 in 2021-22, but are 46% lower than they were in 2012-13 (607 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 in 2021-22 were given for Common assault (2,476 or 17%), Threatening and abusive behaviour (2,461 or 17%) and Crimes against public justice (2,156 or 15%).

In 2021-22 the crime and offence types where community sentences were most commonly given were:

- Domestic Abuse (Scotland) Act 2018 - 423 people or 61% of convictions.
- Causing to view sexual activity or images – 138 people or 63% of convictions.
- Communicating indecently – 100 people or 74% of convictions.
- Threatening to or disclosing intimate images – 44 people or 64% of convictions.
- Indecent photos of children – 217 people or 74% of convictions.

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 Report.

The number of financial penalties rose by 60% in 2021-22 to 26,705 (45% of all disposals). The number of financial penalties were in general decline over the seven years prior to the pandemic, falling from 57,795 in 2013-14, when they accounted for 55% of all disposals, to 34,699 in 2019-20 (46% of all disposals). This general trend is possibly because the types of cases that would have historically attracted a financial penalty are now more likely to be dealt with by non-court disposals before they get to Court. More information is available in the Police disposals section and COPFS disposals section.

The median [note 1] fine imposed by Courts on individuals (excluding companies) in 2021-22 was £280, in cash terms [note 2]. The median fine has increased by 40% (£80) over the most recent 10 years, up from £200 in 2012-13.

The use of compensation orders as a main penalty rose by 31% from 463 in 2020-21 to 605 in 2021-22, after remaining almost unchanged for the preceding three years (2017-18 to 2019-20). The median value for compensation orders was £300 in 2021-22, which is 50% higher than the £200 seen in 2012-13, and the highest of the most recent 10 years. 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 (94% in 2021-22), which are a verbal warning from the sheriff. In 2021-22, 9,629 people were admonished, which represented 16% of all convictions. This is slightly higher than the 15% in 2012-13, and within the pre-pandemic range of 14% to 17%. In 2021-22 the crimes for which

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

- Common assault - 1,100 people or 17% of convictions
- Crimes against public justice - 2,595 people or 33% of convictions
- Threatening and abusive behaviour - 2,351 people or 26% of convictions

13. Aggravations

(Tables 12-13)

Please see Annex B for a note on data quality relating to the aggravations data.

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 24 April 2017, making this the fifth year data has been presented on this aggravation. The aggravation for domestic abuse in relation to a child under the Domestic Abuse (Scotland) Act 2018 came into effect on 1 April 2019, making this the third 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 statutory domestic abuse aggravation, used for the first time in 2017-18, was applied to 7,803 or 81% of convictions with a domestic identifier in 2021-22 – 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 2018. 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 2021-22 was 20% higher than the number of 6,529 in 2020-21.

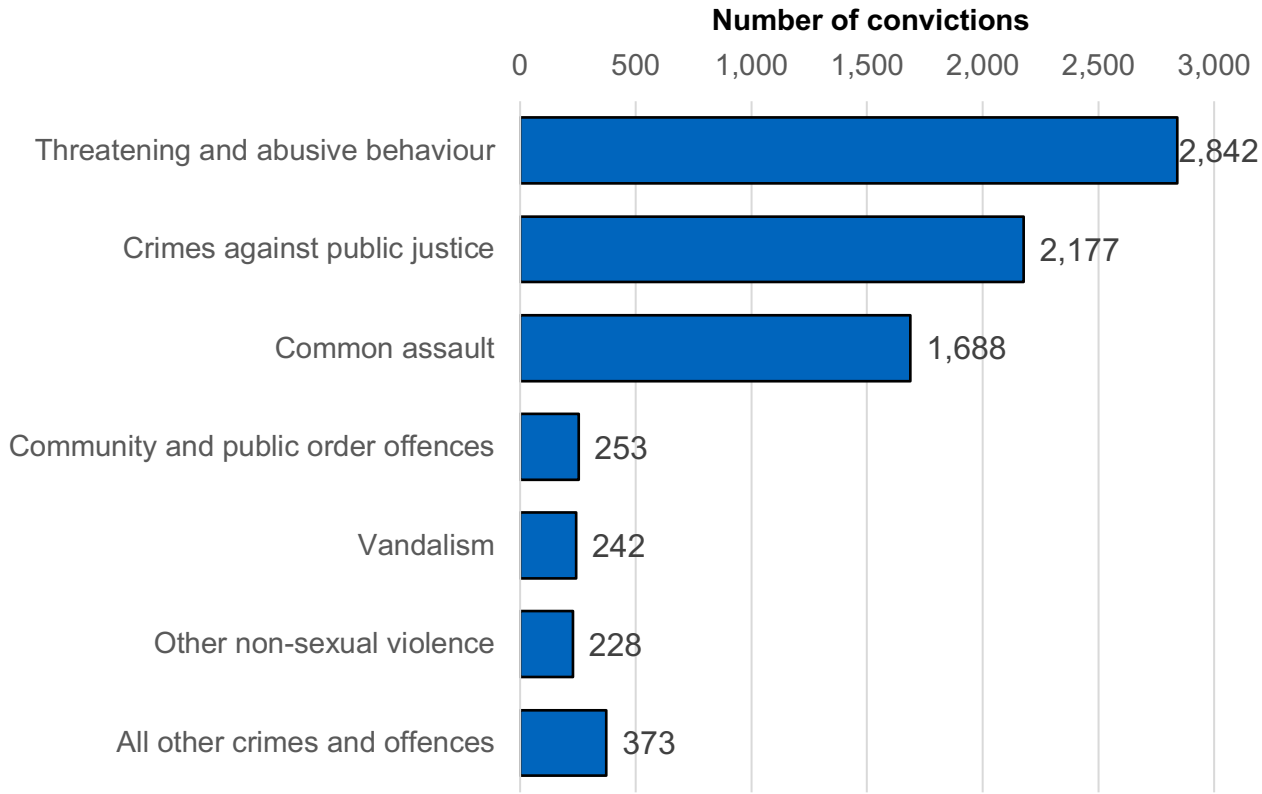
In 2021-22 the vast majority of people convicted of an offence with a domestic abuse statutory aggravation were male (6,863 convictions or 88%). This proportion has decreased slightly since it was introduced (90% in 2017-18).

In 2021-22 the most common crime types (see Chart 12) with a domestic abuse statutory aggravation that people were convicted of were:

- Threatening and abusive behaviour, 36% of domestic abuse statutory aggravations (2,842 convictions)
- Crimes against public justice, 28% of domestic abuse statutory aggravations (2,177 convictions)
- Common assault, 22% of domestic abuse statutory aggravations (1,688 convictions)

Chart 12. The most common crime types with a statutory domestic abuse aggravation are Threatening and abusive behaviour, Crimes against public justice and Common assault.

Convictions in Scottish criminal courts with a domestic abuse statutory aggravation, by crime type, 2021-22.



There were 9,576 convictions with a domestic abuse identifier in 2021-22, a 26% increase from 2020-21 (7,591 convictions).

Note that the introduction of the 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 2022-23 Statistics on the number of charges reported to them showed that the percentage of charges for stalking with a domestic abuse identifier has fallen since the introduction of the Domestic Abuse (Scotland) Act 2018.

Domestic abuse in relation to a child

There were 139 people with a conviction with a statutory aggravation for domestic abuse in relation to a child in 2021-22, compared to 89 in 2020-21. This is the third year of data for this aggravation, which is only applied to the crime of domestic abuse under Section1 of the Domestic Abuse (Scotland) Act.

Other aggravations

After the domestic abuse aggravation, the next most common types of aggravations recorded in 2021-22 were:

- Racial (550 convictions);
- Sexual orientation (381 convictions); and
- Religious (151 convictions).

The number of convictions with a racial aggravation increased 58% between 2020-21 and 2021-22 (again likely reflecting the increase in court activity in 2021-22), but is 21% lower than in 2012-13 (696 convictions). The number of convictions with a sexual orientation aggravation increased by 49% between 2020-21 and 2021-22, and is 96% higher than in 2012-13 (194 convictions). The increase in convictions with a religion aggravation was 22% between 2020-21 and 2021-22 but is 44% lower than in 2012-13 (272 convictions) .

Disability aggravations in 2021-22 were higher (118) compared to 2020-21 (79), and were at their highest for the most recent 10 years (since 2012-13). Convictions with a transgender aggravation in 2021-22 were higher (14) than 2021-22 (10), but are relatively low and tend to fluctuate year to year, due to the small numbers recorded.

14. Age and sex

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

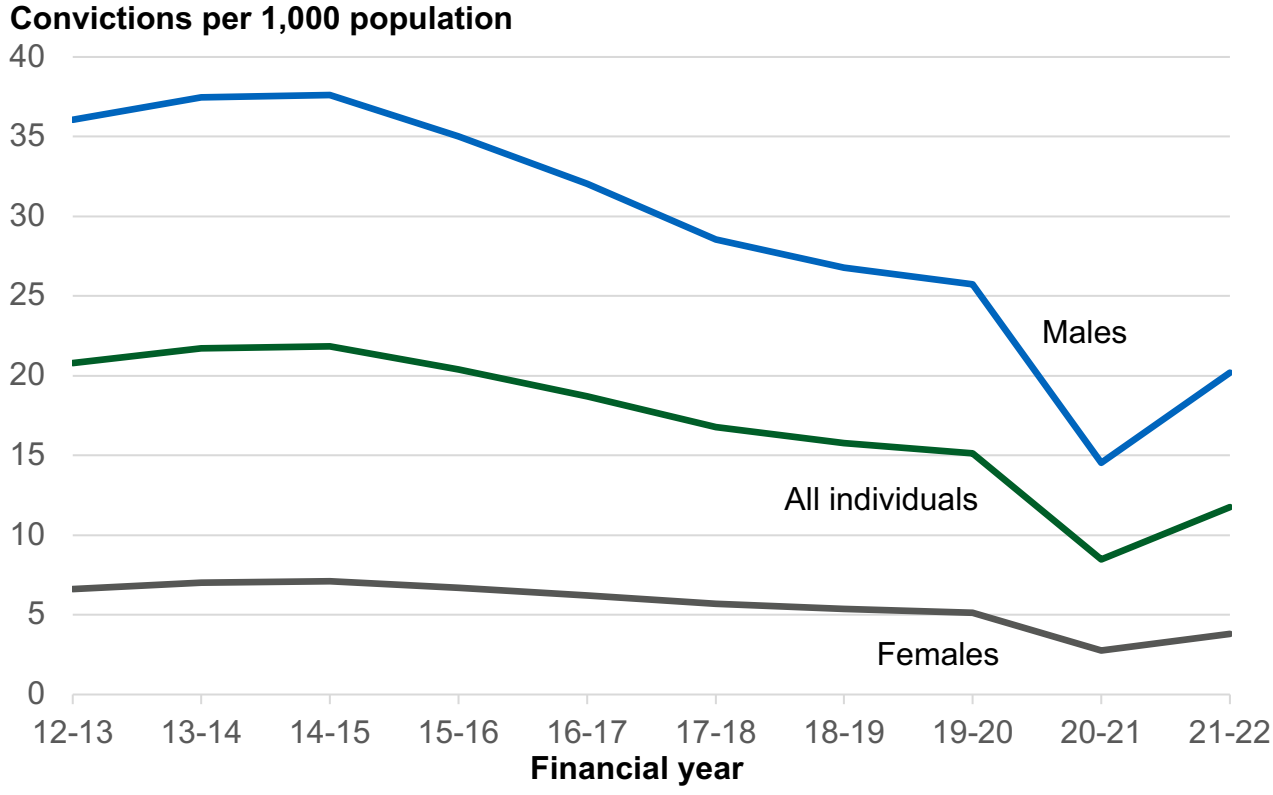
Sex in this bulletin is generally based on how a person presents, unless an alternative gender is disclosed. Sex may be different to that recorded at birth, for example where a Gender Recognition Certificate is provided. In a small number of records sex will be recorded as unknown if a clear understanding of the sex of the individual is not known. See Annex D for further details.

In 2021-22 there were 12 convictions per 1,000 population. There were more convictions for males at 20 convictions per 1,000 population compared to four for females.

The overall number of convictions per 1,000 population has declined over the most recent 10 years from 21 convictions per 1,000 population in 2012-13. The decline has primarily been driven by a decrease for males, down from 36 convictions per 1,000 population in 2012-13 to 20 in 2021-22. 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 2012-13 and 2021-22 (Chart 13).

Chart 13. The longer term decline in per capita convictions is driven by a fall in males.

Convictions per 1,000 population in Scottish criminal courts, by sex, 2012-13 to 2021-22.



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 2012-13, the age group with the highest numbers of convictions per 1,000 population was those aged 21 to 30, with 51 convictions per 1,000 population. In 2021-22, the highest number of convictions per 1,000 population was for the 31 to 40 age group overall (26 per 1,000), the 21 to 30 age group also showing a similar 24 convictions per 1,000 population.

Convictions by sex, age and crime type

Males accounted for 83% of all convictions in 2021-22, a similar proportion as each year in the past 10 years (range 82% to 84%). More males than females were convicted in all crime and offence categories.

Whilst females accounted for 17% of all convictions, they accounted for relatively higher proportions of convictions for the following crime types in 2021-22:

- Shoplifting, 30% or 798 of all convictions;
- Fraud, 29% or 68 of all convictions;
- Other crimes against society, 30% or 21 of all convictions; and
- Wildlife offences, 35% or 50 of all convictions.

People under 21 accounted for 6% of all convictions in 2021-22, but this was proportionally higher for Serious assault and attempted murder (13%), Theft of a motor vehicle (15%) and Vandalism (13%). By contrast, those over 40 accounted for 32% of all convictions, making up a higher proportion of convictions for Sexual assault (60%), Crimes associated with prostitution (88%) and Urinating etc. (67%).

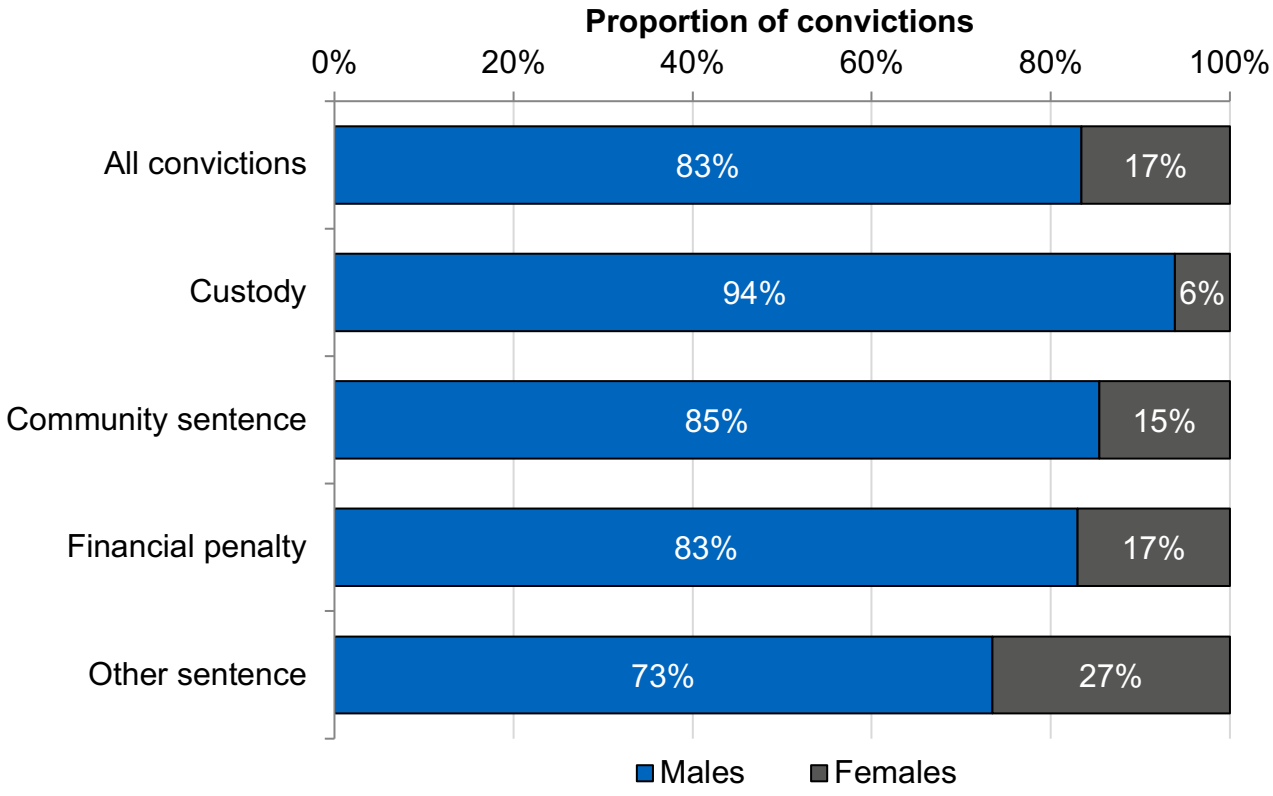
Sentencing by sex and age

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 2021-22 but representing a higher proportion of all custodial sentences (94%). Females were more likely to be issued with an “Other sentence” (which are mostly admonishments) with 27% of these types of punishments having been given to females compared to the 17% of all convictions that females represent (Chart 14).

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.

Chart 14. Males make up a larger proportion of custodial and community sentences than convictions as a whole.

Total convictions and disposal type in Scottish criminal courts, by gender, 2021-22.



15. Police disposals

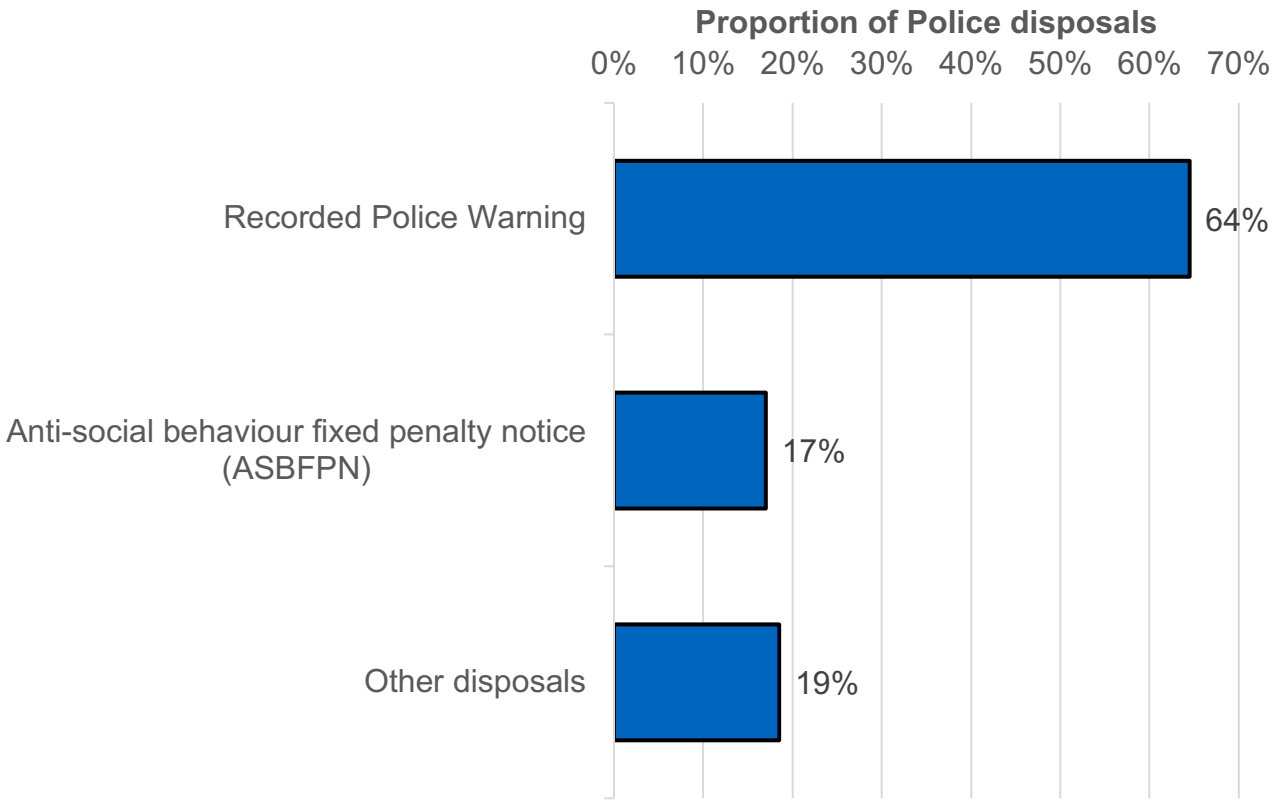
(Tables 17-20)

This section outlines detail on some of the measures available to the police for dealing with minor offences rather than referring individuals to the Crown Office and Procurator Fiscal Service (COPFS) and therefore potentially to court. Statistics are presented on Recorded Police Warnings (RPWs), 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.

Police disposals have generally decreased since a peak in the most recent 10 years of 68,289 in 2013-14. The number in 2021-22 was 31,231, which is 2% higher than 2020-21 (30,616).

Chart 15. Recorded Police Warnings make up almost two-thirds of police disposals.

Police Scotland disposals, by type, 2021-22.



ASBFPNs accounted for more than 80% of the police disposals presented in this publication in 2013-14, but the number has been declining since then. In 2021-22 they made up 17% of police disposals. The most used police disposal in 2021-22 (64%) was the Recorded Police Warning which was introduced in 2015-16 (Chart 15). 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 coronavirus

restrictions, moving road traffic offences and other youth justice measures. A more detailed listing of the disposals available in this publication can be seen in Annex D.

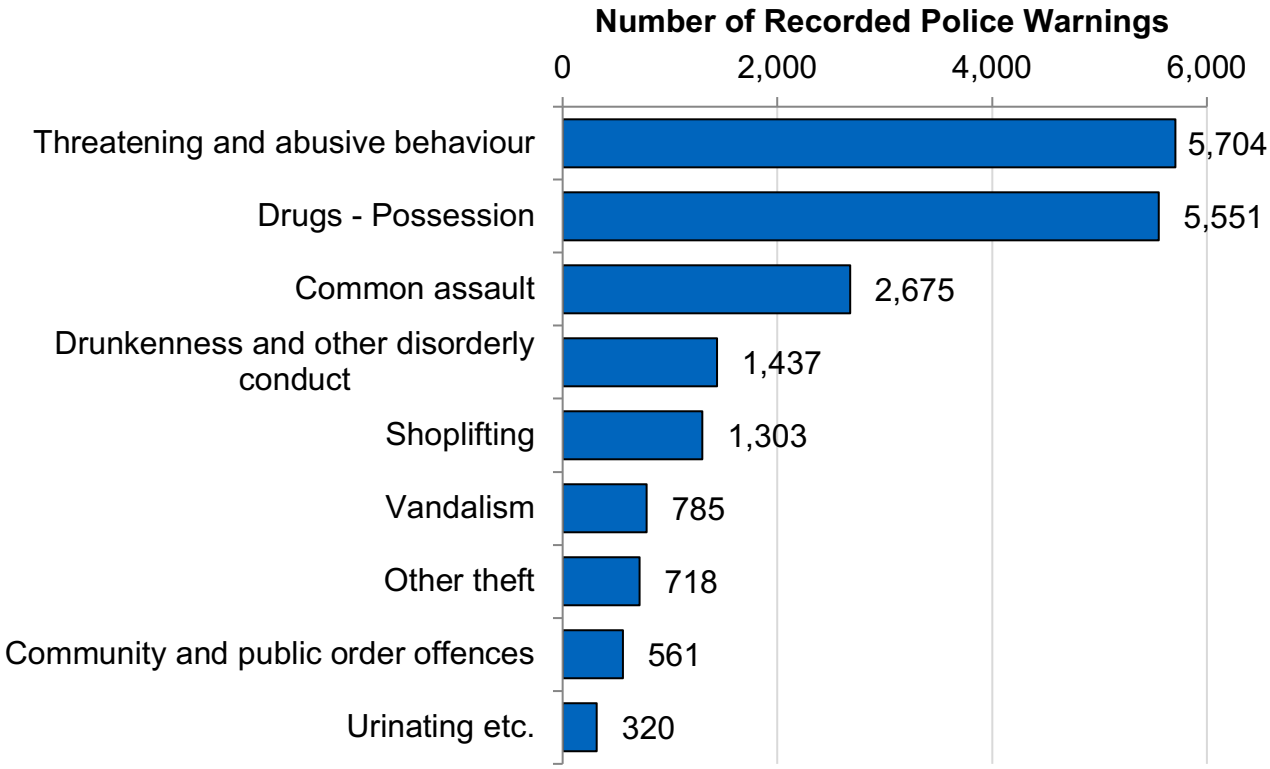
Recorded Police Warnings

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 2021-22 there were 20,099 RPWs issued, which is a decrease of 4% from 21,039 in 2020-21.

RPWs were issued in 2021-22 for a wide range of offences, such as Drugs possession (28% of all RPWs) and Threatening and abusive behaviour (28% of all RPWs) (Chart 16). Males received 72% of all RPWs in 2021-22.

Chart 16. The most common crime types Recorded Police Warnings were issued for were Threatening and abusive behaviour, Drugs possession and Common assault.

Recorded Police Warnings issued by Police Scotland, by crime type, 2021-22.



The introduction of RPWs coincided with the phasing out of Formal Adult Warnings (FAWs), although FAWs are not a direct replacement for RPWs. Only six FAWs were recorded in 2021-22, and they are expected to 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 13% of the total number of RPWs in 2021-22.

Anti-Social Behaviour Fixed Penalty Notices

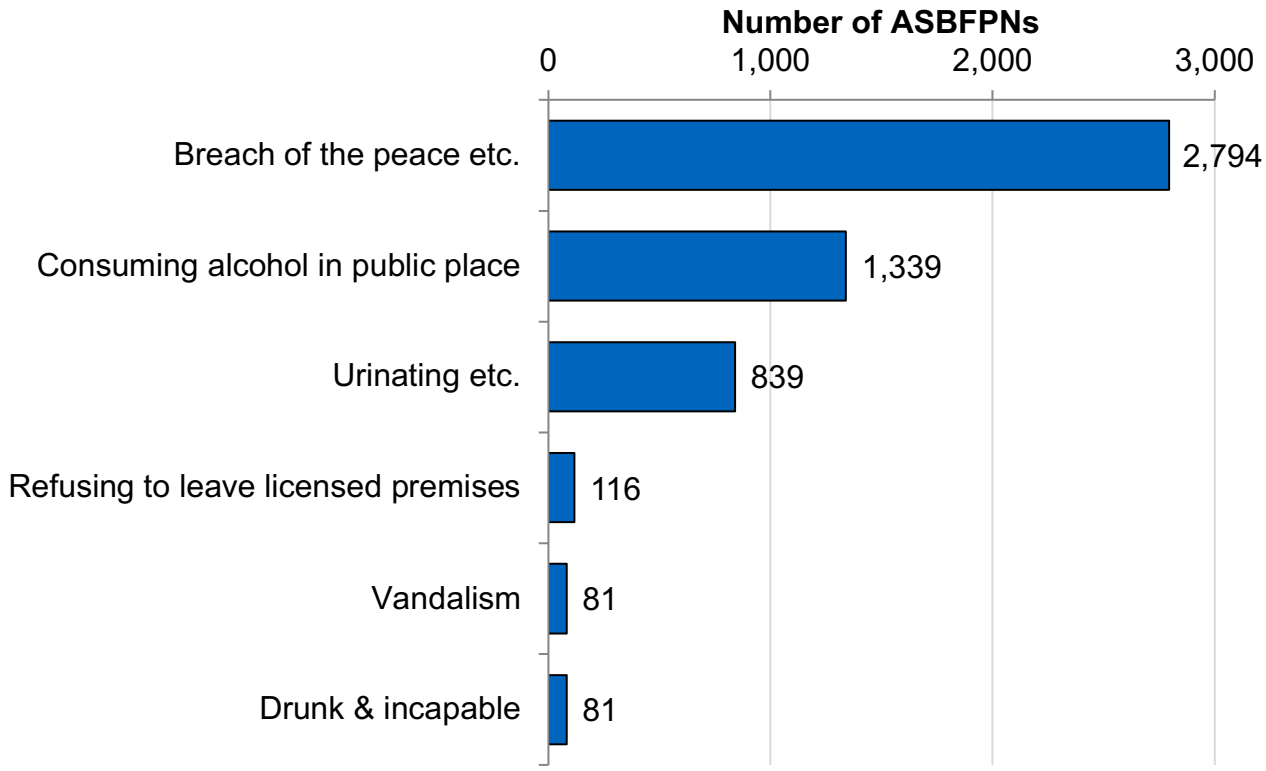
Anti-Social Behaviour Fixed Penalty Notices (ASBFPNs) allow the police to issue offenders a £50 fine for a range of offences including drunken-related behaviours and playing loud music. In 2021-22, 5,301 people received an ASBFPN as a main penalty, an increase of 3% from 5,168 in 2020-21. Between 2013-14 and 2019-20 levels decreased year on year. Some of the decline may be due to Police Scotland issuing revised guidance around the use of ASBFPNs, and there may also be some displacement by the use of Recorded Police Warnings.

In 2021-22 the vast majority of ASBFPNs were issued for three offence types (Chart 17):

- 2,794 for Breach of the peace etc. (53% of ASBFPNs);
- 1,339 for Consuming alcohol in a public place (25% of ASBFPNs); and
- 839 for Urinating etc (16% of ASBFPNs).

Chart 17. The most common offence Anti-Social Behaviour Fixed Penalty Notices were issued for was Breach of the peace etc.

Anti-Social Behaviour Fixed Penalty Notices (ASBFPNs) issued by Police Scotland, by offence type, 2021-22.



Males received 84% of all ASBFPNs in 2021-22 (4,427 people) with the most common offences being for Breach of the peace etc. (49% of ASBFPNs issued to males) followed by Consuming alcohol in public place (27%). ASBFPNs issued to females (874 people in total) were primarily issued for Breach of the peace etc. (70% of ASBFPNs to females) and Consuming alcohol in a public place (19%).

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, falling from 621 people in 2012-13 to 330 people in 2019-20. In 2021-22 the number increased to 264 people (up 62% from 163 in 2020-21).

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 fluctuated. In 2021-22, the total number increased by 33% to 5,497 from 4,134 in 2020-21.

16. Crown Office and Procurator Fiscal Service disposals

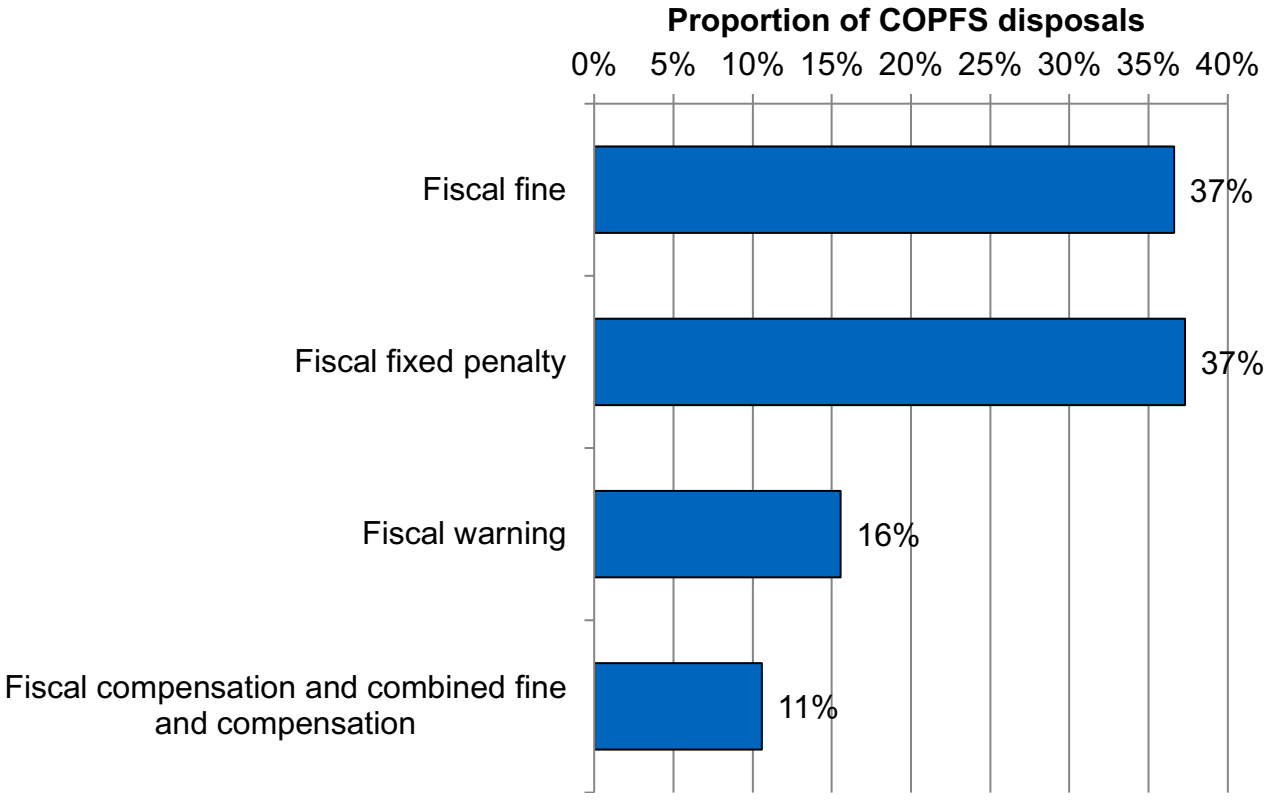
(Tables 20-22)

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 decides to offer a diversion from prosecution, this is not shown in the data in this publication.

Of COPFS disposals included in this publication for 2021-22, around 37% were fiscal fines (11,834 people) with an additional 37% being fiscal fixed penalties (12,057). Fiscal Warnings made up 16% of all COPFS disposals (5,031) (Chart 18). 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 18. Fiscal fines and Fiscal fixed penalties were the two most common disposals issued by the Crown Office and Procurator Fiscal Service.

Crown Office and Procurator Fiscal Service disposals by type, 2021-22.



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.

The number of FWs in 2021-22 (5,031) showed a decrease of 28% from 2020-21 (7,002). This is also the lowest total seen in the most recent 10 years. The lower levels over the most recent four 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 (FWOs) 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 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 2021-22, 11,834 people were issued a fiscal fine as a main penalty, 11% lower than the 13,257 people they were issued to in 2020-21.

Fiscal fines were most commonly issued for the following crimes and offences:

- 32% were for Drugs possession crimes (3,829 fines),
- 17% were for Threatening and abusive behaviour offences (2,031 fines), and
- 14% were for Unlawful use of vehicle offences, which totalled 1,638 fines.

Fiscal fixed penalties

Crown Office Fixed Penalties (COFPs) are generally issued for certain road traffic offences and can involve a fine or a fine and points. The amount of the fine is

prescribed by law. In 2021-22, 12,057 COFPs were issued to people as a main penalty, an increase of 12% from 10,795 in 2020-21. This is the fourth year in a row that their use has increased and the largest total seen since 2014-15 (15,488).

The increase in 2021-22 was driven by a rise in penalties for Speeding offences (up 1,573 penalties or 24%) since 2020-21.

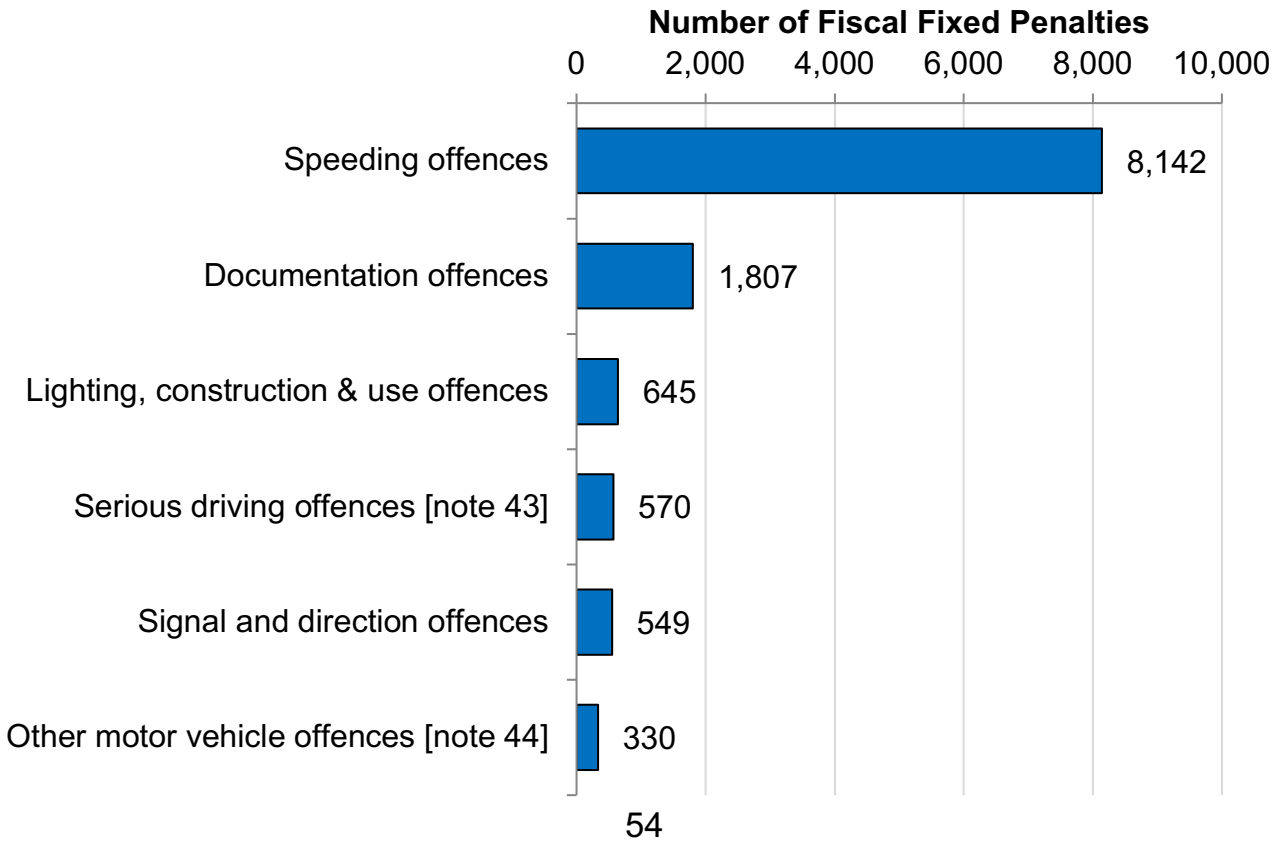
The most common crime that COFPs were issued for in 2021-22 was Speeding offences (8,142 penalties), which made up more than two thirds (68%) of all COFPs. After this COFPs were most commonly issued for the following crimes (Chart 19):

- 15% were for Documentation offences (such as using a vehicle without a test certificate, without a licence or failure to insure), totalling 1,807;
- 5% were for Serious driving offences (such as mobile phone and seatbelt offences), totalling 570 penalties.
- 5% were for Signal and direction offences, totalling 549 penalties; and
- 5% were for Lighting, construction & use offences, totalling 645 penalties.

In 2021-22, more than three-quarters (78% or 9,382) of COFPs were issued to males and one-third (34% or 4,102) of all COFPs were issued to males aged over 40.

Chart 19. The most common offence the Crown Office and Procurator Fiscal Service issued a Fiscal Fixed Penalty for was Speeding offences.

Fiscal Fixed Penalties issued by the Crown Office and Procurator Fiscal Service, by offence type, 2021-22.



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 25 January 2018, the law applicable to undertakings was changed, and is 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. The number of bail orders decreased by <1% from 24,645 in 2020-21 to 24,538 in 2021-22. Over the longer term, numbers have fallen by 44% since 2012-13 with decreases across 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 7,208 convictions for bail-related offences in 2021-22, an increase of 14% on 2020-21 (6,331).

The proportion of bail-related offences as a percentage of all bail orders granted in 2021-22 was 29%. This is the highest percentage in the most recent 10 years. In the eight years pre-pandemic (2012-13 to 2019-20) 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, 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 2021-22, there were 24,615 undertakings to appear in court, a decrease of 2% from 2020-21 (25,073 undertakings). This is the second largest total in the most recent 10 years. This may be attributable 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.

Four-fifths of undertakings (80%) were issued to males in 2021-22 (19,610 people). The proportion of young people being issued with an undertaking has declined over the most recent 10 years, with 12% of undertakings being issued to under-21 year olds in 2021-22 compared to 19% in 2012-13.

Data and methodology

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 on the Scottish Government's Access to justice pages 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 can be found via the ISCJIS protocols.

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 quality: aggravations

B.17 During the production of this year's bulletin we have become aware of a potential data quality issue with the aggravations data. Further investigation is required to assess the scope and scale of this issue and whilst we are unable to assess the magnitude of records affected we have no reason to believe the data is affected to the extent that it would be misleading to provide. As such we have included the data as in previous years and will reassess once we have concluded our investigations. We will notify users of any revisions through our usual channels.

Data confidentiality

B.18 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.19 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.20 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.21 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.22 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.23 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.24 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.25 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.26 The figures given in this bulletin reflect the details of court proceedings as recorded on the CHS, that were concluded on or by 31 March 2022, and as provided to the Scottish Government up to the end of December 2022. Any subsequent updates on court disposals made will be incorporated into future bulletins and therefore some figures for 2021-22 (in particular those relating to the High Court) are likely to be subject to minor revisions.

B.27 These recording delays mean that figures for 2021-22 should be considered provisional as future bulletins may provide updates.

B.28 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.29 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 4b, 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 in Scotland 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 Case Processing 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 publications 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 Prison

Population 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 Justice Social Work (JSW) publications. The differences between the two sources include:

- Where two or more identical orders have been issued to run concurrently, the JSW 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 JSW 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 JSW 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 Statstics.
- 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 based on how a person presents and is recorded when a person's details are entered into the CHS. It is recorded for operational purposes, such as requirements for searching. A person's sex may only be changed on the CHS if they 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 2021 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 10 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 8,300 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 600 crime codes, which in turn are (as of this 2021-22 publication onwards) grouped into 50 broader categories, and further into eight crime and offence groups. Coronavirus restrictions crimes are recorded under a separate unnumbered group. This classification enables consistent and comparable reporting between criminal justice organisations and is presented in the table below.

New grouping structure for the presentation of crime statistics

The Scottish Government produces a number of statistical products which previously used a seven group structure to present statistics on the justice system in Scotland. For example, in addition to these statistics, this structure was 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 statistics are presented. An initial consultation was run between July and November 2019 and a recorded crime and related topics: consultation responses - summary 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 Recorded crime and police activity statistics consultation: summary of responses from this consultation was published in March 2022.

Taking all responses into account, the Crime Board decided that the previous set of crime and offence groups were to be replaced by a new set. These are presented side-by-side in the changes to crime groups section. The biggest change is 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 previous 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 have no bearing on the severity of the sentence an individual receives as a result of a court proceeding.

The statistics presented in this publication use the new structure for the first time and it is intended that the National Statistics on Criminal Proceedings in Scotland will continue to use the new groups shown in the tables below for the foreseeable future.

Crimes

Group 1 – Non-sexual crimes of violence

Category	Includes
Murder and culpable homicide	• Murder • Culpable homicide • Corporate homicide
Causing death by driving dangerously	• Causing death by dangerous driving • Death by careless driving when under influence drink or drug • Causing death by careless driving • Illegal driver involved in fatal accident
Serious assault and attempted murder	• Attempted murder • Serious assault 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.
Common assault	• Common assault • Common assault of an emergency worker • Common assault of a retail worker

Category	Includes
Robbery	• Robbery and assault with intent to rob
Domestic Abuse (Scotland) Act 2018	Crimes of domestic abuse under the Domestic Abuse (Scotland) Act 2018, which covers a course of conduct.
Other non-sexual violence	• Threats and extortion • Cruel and unnatural treatment of children or adults • Abortion • 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 (assault) • Offence of stalking

Group 2 – Sexual crimes

Category	Includes
Rape and attempted rape	• Rape • Attempted rape
Sexual assault	• Sexual assault (13-15 year old or adult 16+) • Sexually coercion (13-15 year old or adult 16+) • Sexual assault of young child (under 13 years) • Lewd and libidinous practices
Causing to view sexual activity or images	• Public indecency • Sexual exposure

Category	Includes
Communicating indecently	• Communicating indecently
Threatening to or disclosing intimate images	• Threatening to disclose an intimate image • Disclosure of an intimate image
Indecent photos of children	• Taking, distribution, possession etc. of indecent photos of children
Crimes associated with prostitution	• Crimes relating to prostitution • Soliciting services of person engaged in prostitution • Brothel keeping • Immoral traffic • Procuration
Other sexual crimes	• Incest • Voyeurism • Administering a substance for sexual purposes

Group 3 – Crimes of dishonesty

Category	Includes
Housebreaking	• Theft by housebreaking domestic property (dwelling and non-dwelling) • Theft by housebreaking other property • 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)

Category	Includes
	• Attempted housebreaking with intent to enter and steal other property
Theft by opening lockfast places	• Theft by opening lockfast places (OLP) (excluding motor vehicle) • OLP (excluding motor vehicle) with intent to steal • Attempted OLP excluding motor vehcile with intent to steal
Theft from a motor vehicle	• 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 a motor vehicle	• Theft of a motor vehicle and contents • Attempted theft of a motor vehicle
Shoplifting	• Shoplifting
Other theft	• Theft of pedal cycles • Theft from a motor vehicle not elsewhere classified
Fraud	• Common law fraud • Statutory fraud • Forgery and uttering (excluding currency crimes)
Other dishonesty	• Forgery (other) • Reset • Embezzlement • Corruption

Group 4 – Damage and reckless behaviour

Category	Includes
Fire-raising	• Fire-raising • Muirburn
Vandalism	• Malicious mischief • Vandalism
Reckless conduct	• Culpable and reckless conduct (not with firearms) • Reckless conduct with firearms

Group 5 – Crimes against society

Category	Includes
Crimes against public justice	• Perjury • Resisting arrest • Bail offences (other than absconding or re-offending) • Wasting police time
Weapons possession	• Possession of an offensive weapon (including used in other criminal activity) • Restriction of offensive weapons • Having in a public place an article with a blade or point (including used in other criminal activity) • Having in prison an article with a blade or point (including used in other criminal activity) • Possession of an offensive weapon (not blade or point) in a prison (including used in other criminal activity)

Category	Includes
Drugs - Supply	• Illegal importation of drugs • Production, manufacture or cultivation of drugs • Supply, possession with intent to supply etc. of drugs • Related money laundering offences • Bringing drugs into prison
Drugs - Possession	• Possession of drugs
Other crimes against society	• Offences Relating to Serious Organised Crime • Treason • Conspiracy • Explosives offences • Wrecking, piracy and hijacking • Crimes against public order

Coronavirus restrictions

Category	Includes
Coronavirus restrictions	• Coronavirus restrictions

Offences

Group 6 – Antisocial offences

Category	Includes
Threatening and abusive behaviour	• Breach of the peace • Threatening or abusive behaviour
Racially aggravated conduct	• Racially aggravated harassment • Racially aggravated conduct

Category	Includes
Drunkenness and other disorderly conduct	• 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.	• Urinating etc.

Group 7 – Miscellaneous offences

Category	Includes
Community and public order offences	• False/Hoax calls • Offences involving children
Environmental offences	• Labour laws • Offences against environmental legislation
Licensing offences	• Offences against liquor licensing laws • Naval military and air force laws
Wildlife offences	• Offences involving animals/plants
Other miscellaneous offences	• Offences against local legislation • Consumer protection acts

Group 8 – Road traffic offences

Category	Includes
Dangerous and careless driving	• Dangerous driving offences • Driving carelessly
Driving under the influence	• 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	• Speeding in restricted areas • Other speeding offences
Unlawful use of vehicle	• Driving whilst disqualified • Driving without a licence • Offences relating to driving without insurance • Vehicle excise license offences
Vehicle defect offences	• Offences relating to faulty lights on vehicles • Other vehicle defects relating to tyres, brakes etc. • Weight contraventions for goods vehicles
Seat belt offences	• Drivers and passengers failing to wear seatbelts • Failure to restrain children in appropriate seatbelts
Mobile phone offences	• Driving whilst using a mobile phone
Other road traffic offences	• Accident offences including failing to stop/provide details • Parking offences • Motor Vehicle Records of Work (eg Tachograph) Offences

Changes to crime groups

Old crime groups	New crime groups
Non-sexual crimes of violence • Homicide etc. (incl. causing death by driving) • Attempted murder and serious assault • Robbery • Domestic Abuse (Scotland) Act 2018 • Other violence	**Non-sexual crimes of violence** • 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
Sexual crimes • Rape and attempted rape • Sexual assault • Crimes associated with prostitution • Other sexual crimes	**Sexual crimes** • 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

Old crime groups	New crime groups
Crimes of dishonesty • 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	**Crimes of dishonesty** • 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
Fire-raising, vandalism etc. • Fire-raising • Vandalism etc.	**Damage and reckless behaviour** • Vandalism • Reckless conduct • Fire-raising
Other crimes • Crimes against public justice • Handling offensive weapons • Drugs • Other	**Crimes against society** • Crimes against public justice • Handling offensive weapons [note 1] • Drugs – Supply • Drugs – Possession • Other crimes against society
Coronavirus restrictions • Coronavirus restrictions	**Coronavirus restrictions** • Coronavirus restrictions

Changes to offence groups

Old offence groups	New offence groups
Miscellaneous offences • Common assault • Breach of the peace etc. • Drunkenness and other disorderly conduct • Urinating etc. • Other	**Antisocial offences** • Threatening and abusive behaviour • Racially aggravated conduct • Drunkenness and other disorderly conduct • Urinating etc. **Miscellaneous offences** • Community and public order offences • Environmental offences • Licensing offences • Wildlife offences • Other miscellaneous offences
Motor vehicle offences • 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** • 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 ‘Not used in other criminal activity’. Due to the nature of the data used to produce these statistics, this breakdown is not possible and Criminal Proceedings in Scotland includes only a single value for these two categories.

Annex E – Legislative and policy changes

Coronavirus legislation

E.1 The Coronavirus (Scotland) Act 2020 was introduced in April 2020. National lockdowns due to 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. Figures for 2021-22 reflect the ongoing impact of the pandemic on the justice system including continued social distancing requirements in court and the early stages of dealing with the backlog of cases from 2020-21. Therefore, caution should be taken when comparing figures from 2020-21 and 2021-22 with previous years as it is likely they reflect the impact of the pandemic and may not be indicative of longer-term trend(s).

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 1 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 in Scotland 2021-22 statistics on the number of charges reported to them showed that the percentage of charges for stalking with a domestic abuse identifier were unchanged from 57% in 2020-21 to 57% in 2021-22.

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 5 December 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.

E.10 From 1 April 2021, Adult Protection Act Offences (also called Breach of adult at risk banning order) was no longer counted as a crime. This charge does not relate to a criminal offence and was created to allow the circumstances to be reported to the Procurator Fiscal. This exclusion from the Criminal Proceedings total has also been backdated.

E.11 The Protection of Workers (Retail and Age-restricted Goods and Services) (Scotland) Act 2021 came into effect on 24 August 2021. This introduced a new crime of Common Assault of a Retail Worker and the first proceedings for this crime are included in the 2021-22 bulletin. Common Assault of a Retail Worker forms part of the Common assault crime category (see Annex D.13).

E.12 The Dogs (Protection of Livestock) (Amendment) (Scotland) Act 2021 came into effect on 5 November 2021. Under this new law, owners of dogs that attack or worry livestock can be fined up to £40,000 or sent to prison for up to 12 months.

E.13 The Animals and Wildlife (Penalties, Protection and Powers) (Scotland) Act 2020 came into force on 30 November 2020. This increases penalties for animal welfare and health offences as well as wildlife crimes.

E.14 The Age of Criminal Responsibility (Scotland) Act 2019 came into full effect on 17 December 2021 and means children under 12 can no longer be charged or arrested.

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. The 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: justice_analysts@gov.scot. Or please consider answering the Scottish Government official statistics feedback survey on how you found this publication.

Tell us what you think

We are always interested to hear from our users about how our statistics are used, and how they can be improved.

Feedback survey

We'd appreciate it if you would complete our short statistical publication feedback survey on this publication.

Enquiries

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