

Statistical Bulletin

Crime and Justice Series

A National Statistics Publication for Scotland

CRIMINAL PROCEEDINGS IN SCOTTISH COURTS, 2008-09

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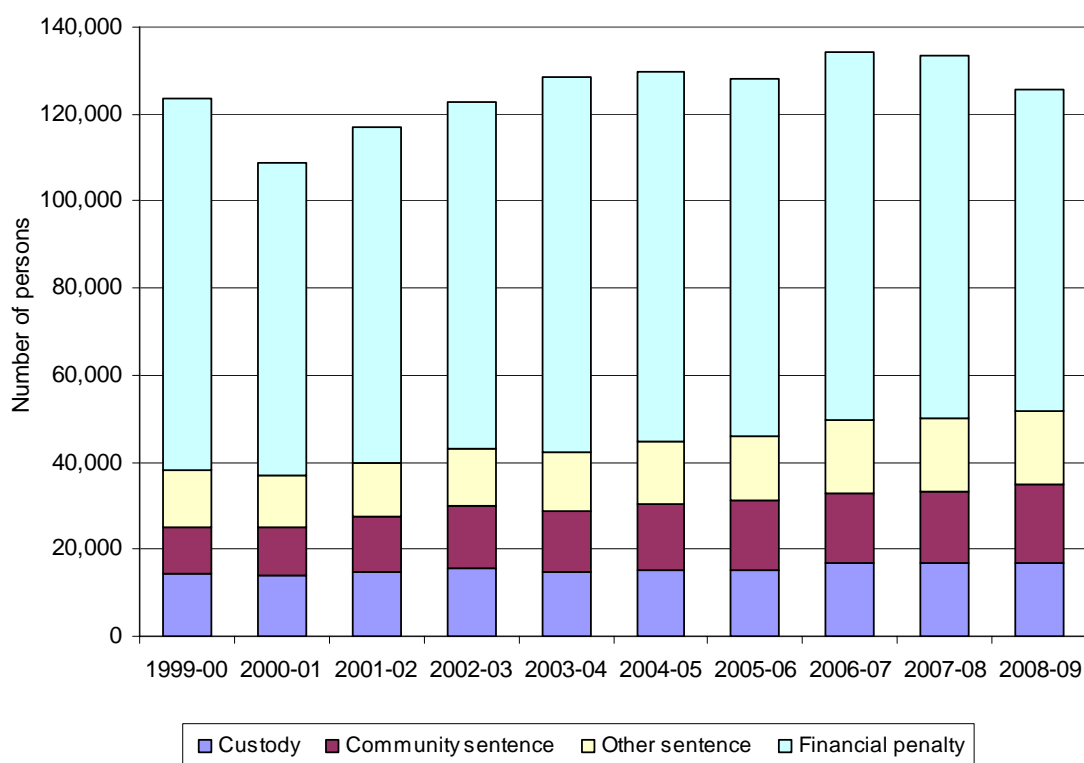


1. Introduction

1.1 This bulletin presents statistics on criminal proceedings concluded in Scottish courts during 2008-09. It forms part of the Scottish Government series of statistical bulletins on the criminal justice system.

1.2 Some of the content of this bulletin has been updated following a consultation exercise conducted during Autumn 2009; the changes are explained in [Section 3](#). Further detailed tables have been published as background statistics on the Scottish Government Crime and Justice Statistics [website](#).

Chart 1: Number of persons with a charge proved in Scottish Courts by main penalty, 1999-00 to 2008-09



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2. Key Points for 2008-09

Court proceedings and convictions

- A total of 140,600 persons were proceeded against in court, a decrease of 6 per cent on 2007-08 and the lowest total since 2002-03.
- Eighty-nine per cent of persons proceeded against in court had at least one charge proved against them or a plea of guilty accepted; this is unchanged from 2007-08.
- The total number of persons convicted was 125,400, a decrease of 6 per cent on 2007-08. Of these, 59 per cent were convicted in sheriff summary courts.
- The number of persons convicted in sheriff solemn courts fell by 13 per cent, from 5,200 to 4,500 (the number of persons prosecuted fell by 9 per cent from 6,000 to 5,400).
- The number of persons with a charge proved for homicide, fell between 2007-08 and 2008-09, from 135 to 110 (or as a proportion of those proceeded against, from 85 per cent to 84 per cent). The number of persons with a charge proved for rape or attempted rape fell between 2007-08 and 2008-09 from 49 to 40 (or as a proportion of those proceeded against, from 40 per cent to 35 per cent).
- The number of persons with a charge proved for lewd and indecent behaviour and for crimes against public justice rose, respectively, by 34 per cent (to 333) and by 8 per cent (to 8,700). There were similar increases in the number of persons prosecuted for these offences.
- There were greater than average decreases in the number of persons with a charge proved in a number of crime categories for which the police can now offer fixed penalty notices (for example, alcohol-related offences, vandalism and breach of the peace).
- Drugs offences were 15 per cent down overall, however, within this category, possession offences were down 38 per cent and supply offences were up 41 per cent.

Sentences

- The majority (73,700 or 59 per cent) of all convictions resulted in a financial penalty, although this proportion has fallen by 10 percentage points since 1999-00. The average amount of fine imposed was £229 (excluding fines on companies).
- Thirteen per cent of convictions resulted in a custodial sentence. The number of convictions resulting in a custodial sentence increased 1 per cent in 2008-09 to almost 16,900, which is up 19 per cent on the 1999-00 total (of 14,200).
- The average length of determinate custodial sentences in 2008-09 was just over eight and a half months, up 13 days (5 per cent) on the 2007-8 level and the highest total in the last 10 years. Almost three-quarters of all custodial sentences were for six months or less. For crimes of handling an offensive weapon, average sentences rose by 21 per cent over this period (the fourth year in a row they have increased) and are now over double the level seen in 2005-06.

- Fourteen per cent of convictions in 2008-09 resulted in a community sentence. The number of convictions resulting in a community sentence was 17,800, 7 per cent higher than in 2007-08. Community sentences mainly comprise probation orders (up 10 per cent to 9,900) and community service orders (up 3 per cent to 5,800). The 'other' fourteen per cent of convictions in 2008-09 mainly resulted in admonishments.

Characteristics of offenders

- Female offenders accounted for 16 per cent of all convictions but only 8 per cent of custodial convictions. The proportion of males receiving a custodial sentence was higher than the proportion of females in almost every category of crime and offence.
- The number of individuals convicted of at least one crime or relevant offence fell 6 per cent from 53,300 in 2007-08 to 50,400 in 2008-09.
- Of the 50,400 individuals convicted at least once in 2008-09 for a crime or relevant offence, 66 per cent had at least one such previous conviction in the previous ten years, while 13 per cent had over ten such previous convictions.
- The peak age for conviction for males was 18, with 6 per cent of 18 year old males in the Scottish population convicted of a crime or relevant offence on at least one occasion during 2008-09 (down from 7 per cent in 2008-09). For females the conviction rate peaked at around 1 per cent at ages 17 and 26.
- Sixty-six per cent of the 7,700 individuals sentenced to custody (for their most recent conviction) in 2008-09, for a crime or relevant offence, had at least one previous custodial conviction for these crimes and offences between 1999-00 and 2008-09.

Bail and undertakings

- The total estimated number of bail orders made by Scottish courts in 2008-09 was 58,300, a decrease of 4 per cent from 2007-08, but an increase of 25 per cent since 2002-03. The total estimated number of persons released on an undertaking to appear in court in 2008-09 was 22,700 (however, it is thought likely that these numbers are respectively, overestimated and underestimated by up to 2,000; see [Annex A](#) for more details).
- Males accounted for over 80 per cent of all bail orders made by the courts, and 77 per cent of undertakings issued by the police in 2008-09. Most bail orders (91 per cent) were issued by Sheriff Courts.
- Nineteen per cent of offences with a charge proved in 2008-09 had a bail aggravator recorded against them, indicating that these offences were committed while the offender was on bail (up from 17 per cent in 2007-08). Thirty-three per cent of dishonesty offences were committed while the offender was on bail (including 43 per cent of shoplifting offences).
- There were 9,100 other bail-related offences in 2008-09 (e.g. breach of bail conditions, such as moving address without informing the court, and failure to appear in court after being granted bail), an increase of 13 per cent on 2007-08, and 55 per cent on 2003-04. Bail-related offences, as a percentage of bail orders granted, increased from 13 per cent in 2007-08 to 16 per cent in 2008-09.

3. Review of this bulletin and associated changes

3.1 A wide-ranging review of this bulletin and the content of the analysis was conducted during Autumn 2009. The results of the review, which include a range of requests for additional information and suggestions for changes, are available on the Scottish Government [website](#).

3.2 In response to the review a number of changes have been integrated into the publication of the bulletin and related background data, including the following:

- The analysis associated with motor vehicle offences has been removed from the main bulletin and is instead included in the web tables published alongside the bulletin on the Scottish Government [website](#);
- Additional tables (8(c) and 10(b)) have been included in the bulletin to present information on the pattern of sentencing by gender and crime type;
- An additional table (10(c)) has been included to show average custodial sentence lengths, by crime type, over time;
- Sub-Scotland level, geographic breakdowns of Tables 4a, 8a and 10 by Police Force Area and Criminal Justice Authority are included in the web tables published alongside the bulletin on the Scottish Government [website](#);
- An update to information first published in July 2009 on [Persons given a custodial sentence of 6 months or less, by main crime type and length of sentence](#).
- A section has been included on the recent Summary Justice Reform programme;
- Publication has been brought forward by almost two months compared to 2007-08.

3.3 This publication will be developed further over the course of the next year and thereafter. We will be seeking users' views again in the future, but are of course happy in the meantime to receive comments, questions and feedback on the changes made so far or any other general enquiries.

4. Summary Justice Reform

4.1 The summary (i.e. non-jury) criminal justice system in Scotland has undergone an extensive and far-reaching programme of reform. Summary justice reform^{1,2} has focused on all aspects of the system and intended to create a system that is fair, effective, efficient and quick.

4.2 A range of measures were implemented as part of the Criminal Proceedings etc. (Reform) (Scotland) Act 2007, including:

- Increased roll out and use of alternatives to prosecution that can be offered by the police (e.g. Fixed Penalty Notices for Anti-Social Behaviour and Formal Adult Warnings) and procurator fiscal (e.g. increased use of Fiscal Fines);
- Reforms to bail procedures;
- Increased use of undertakings;
- Increased sentencing powers in Summary courts;
- Enhanced fines enforcement;
- Replacement of district courts with Justice of the Peace (JP) courts;
- Reforms to appointing and training lay justices (JPs);
- Reforms to summary criminal legal aid.

4.3 The provisions of the Act have been brought into force in stages. The changes to undertakings, bail, lay justice, sentencing powers and certain procedural reforms came into effect on 10 December 2007. Those relating to procurator fiscal alternatives to prosecution and fines enforcement came into effect on 10 March 2008. The unification of the administration of the Sheriff and District Courts is being rolled-out on a sheriffdom-by-sheriffdom basis and is due for completion by the end of February 2010.

4.4 2008-09 is the first full year across which many aspects of summary justice reform have been implemented. This bulletin therefore contains a range of results and changes which are likely to be related to, and have been affected by, summary justice reform. The commentary in [section 5](#) highlights a selection of these results.

4.5 At an overall level, for example, the six per cent reduction in the number of persons proceeded against in court between 2007-08 and 2008-09 (from 149,300 to 140,600) is consistent with the principle aim of the reforms, that fewer cases go to court needlessly and more are dealt with by non-court actions, where it is more appropriate to do so. (similarly, the number of reports received by the procurator fiscal fell seven per cent between 2007-08 and 2008-09, from 325,700 to 304,400).

1 Summary Justice Reform: System Performance, Monitoring and Evaluation, at: <http://www.scotland.gov.uk/Publications/2009/07/10110349/0>

2 Smarter Justice, Safer Communities, Summary Justice Reform Next Steps, at: <http://www.scotland.gov.uk/Publications/2005/03/20888/55016>

