

Statistical Bulletin

Crime and Justice Series

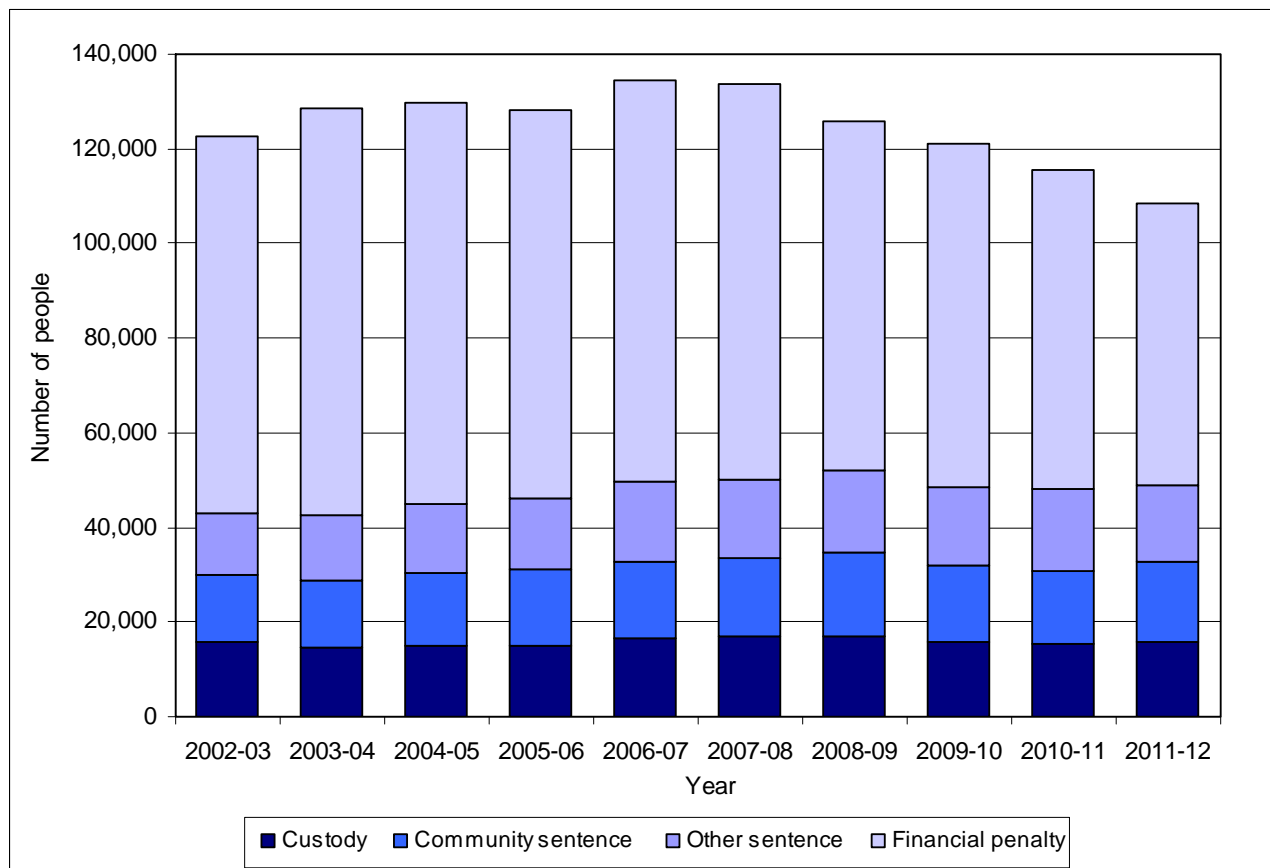
A National Statistics publication for Scotland
CRIMINAL PROCEEDINGS IN SCOTLAND, 2011-12
 27 November 2012



1. Introduction

- 1.1 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 non-court disposals issued by the police and by the Crown Office and Procurator Fiscal Service during the financial year 2011-12.
- 1.2 Further detailed tables have been published as background statistics on the Scottish Government Crime and Justice Statistics [website](#).
- 1.3 The number of people with a charge proved in 2011-12 fell to 108,336 – the fifth consecutive annual fall and the lowest figure in ten years (see Chart 1).

Chart 1: Number of people with a charge proved in Scottish courts by main penalty, 2002-03 to 2011-12



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2. Key Points for 2011-12

Further explanatory detail is provided in the commentary in [Section 3](#).

Court proceedings and convictions (Tables [1](#), [2](#), [3](#), [4a](#) and [Chart 2](#))

- A total of 124,736 people were proceeded against in court, a decrease of 5 per cent on 2010-11 and the lowest number in ten years.
- Eighty-seven per cent of people proceeded against in court had at least one charge proved or a plea of guilty accepted, down from 89 per cent in 2010-11.
- The total number of people convicted was 108,336, a decrease of 6 per cent on 2010-11; 56 per cent were convicted in sheriff summary courts, up 3 percentage points from 2010-11, while the proportion of people convicted in district/justice of the peace (JP) courts fell by 3 percentage points to 40 per cent in 2011-12.
- The number of people with a charge proved fell for most crime groups including serious assault and attempted murder which fell by 5 per cent (from 1,414 in 2010-11 to 1,345 in 2011-12), crimes of dishonesty, which decreased by 5 per cent (from 15,614 to 14,767), handling offensive weapons, which fell by 8 per cent (from 2,465 to 2,276) and 'other' non-sexual crimes of violence, which fell by 20 per cent (from 478 to 381).
- The number of people with a charge proved increased for a handful of crime groups, including rape and attempted rape which increased by 43 per cent (from 35 in 2010-11 to 50 in 2011-12), 'other' indecency which rose by 22 per cent (from 316 to 384) and robbery, which rose by 12 per cent (from 526 to 590).
- As with last year, there were decreases in the number of people with a charge proved in court for a number of those crime categories for which the police can now offer fixed penalty notices (for example, vandalism fell by 11 per cent between 2010-11 and 2011-12).

Court sentences (Tables [7](#) and [10\(c\)](#))

- The majority (59,317; 55 per cent) of all convictions in 2011-12 resulted in a financial penalty. As a proportion this is down 3 percentage points from last year (58 per cent) and the actual number is down 12 per cent (from 67,575). The average amount of fine imposed was £241, up 12 per cent (£26) from 2010-11.
- The number of convictions resulting in a custodial sentence increased 4 per cent in 2011-12 to 15,880. As proportion of all main penalties, the use of custody increased to 15 per cent (from 13 per cent in 2010-11).
- The average length of custodial sentences in 2011-12 was greater than 9 months (284 days), one week longer than in 2010-11 and the highest level for ten years.

- Sixteen per cent (16,916) of convictions in 2011-12 resulted in a community sentence, up 8 per cent overall on 2010-11. Community payback orders now make up the majority of community sentences (10,588; 63 per cent) followed by community service orders (2,641; 16 per cent) and probation (2,300; 14 per cent)

Characteristics of offenders convicted in court (Tables [6\(a\)](#), [6\(b\)](#), [8\(c\)](#), [11](#) and [12](#))

- Females accounted for 16 per cent of all convictions but only 9 per cent of custodial sentences. The proportion of males receiving a custodial sentence was higher than the proportion of females in almost all categories of crime and offence (the exceptions being sexual assault and offences associated with prostitution).
- The number of convictions fell for offenders of all ages. The number of males under age 21 convicted in 2011-12 fell by 13 per cent to 13,128, and the number of females under age 21 who were convicted fell by 12 per cent to 1,950. The number of males over 30 who were convicted in 2011-12 fell by 4 per cent to 44,975, while the number of females over 30 who were convicted fell by 2 per cent to 9,494.

Bail and undertakings (Tables [13](#), [17](#) and [18](#))

- The total number of bail orders made by Scottish courts in 2011-12 was 47,690, an increase of 3 per cent from the 46,221 bail orders in 2010-11. In 2011-12, the total number of people released on an undertaking to appear in court was 26,118.
- Other than committing an offence while on bail, there were 8,843 other bail-related offences in 2011-12 (e.g. breach of bail conditions, such as failure to appear in court after being granted bail), an increase of 7 per cent on 2010-11. The number of bail-related offences as a percentage of bail orders granted increased slightly from 18 per cent in 2010-11 to 19 per cent in 2011-12.

Police disposals (Tables [19](#) to [23](#))

- Anti-Social Behaviour Fixed Penalty Notices (ASBFPNs) were issued to 53,624 people as a main penalty in 2011-12, down 1 per cent from 2010-11.
- In 2011-12, the vast majority of ASBFPNs were issued for three of the offences for which they are available; 24,798 for consuming alcohol in a public place (46 per cent of the total), 12,487 for urinating etc. (23 per cent) and 13,777 for breach of the peace (26 per cent). Males received 87 per cent of ASBFPNs in 2011-12.
- Police Formal Adult Warnings (FAWs) were given as a main penalty to 8,382 people in 2011-12, up 12 per cent from 2010-11
- Three-quarters of FAWs issued in 2011-12 were for four crimes/offences; shoplifting (32 per cent), drunkenness (18 per cent), common assault (14 per cent) and breach of the peace (11 per cent). Females received 40 per cent of FAWs in 2011-12.

Crown Office and Procurator Fiscal Service disposals (Tables [24](#) to [28](#))

- In 2011-12, 42,173 people were issued with a fiscal fine as a main penalty (up 18 per cent from 2010-11), and 21,064 people were issued a fiscal fixed penalty (up 3 per cent).
- Two-thirds of fiscal fines in 2011-12 were issued to males (67 per cent). Of the 13,722 fiscal fines issued to females, the most common crimes/offences for which they were given were Communications Act offences (57 per cent), shoplifting (12 per cent) and drugs offences (8 per cent), while of the 28,426 fiscal fines issued to males, 35 per cent were for drugs offences, 12 per cent for Communications Act offences and 11 per cent for alcohol byelaw offences.
- Procurator fiscal fixed penalties are generally issued for motor vehicle offences. In 2011-12, 37 per cent were for speeding offences, 18 per cent for documentation offences, 12 per cent for signal and direction offences, 5 per cent for lighting/construction and use offences and 27 per cent for other motor vehicle offences (such as seat belt and mobile telephone offences).

3. Commentary

3.1 Criminal Proceedings in Context

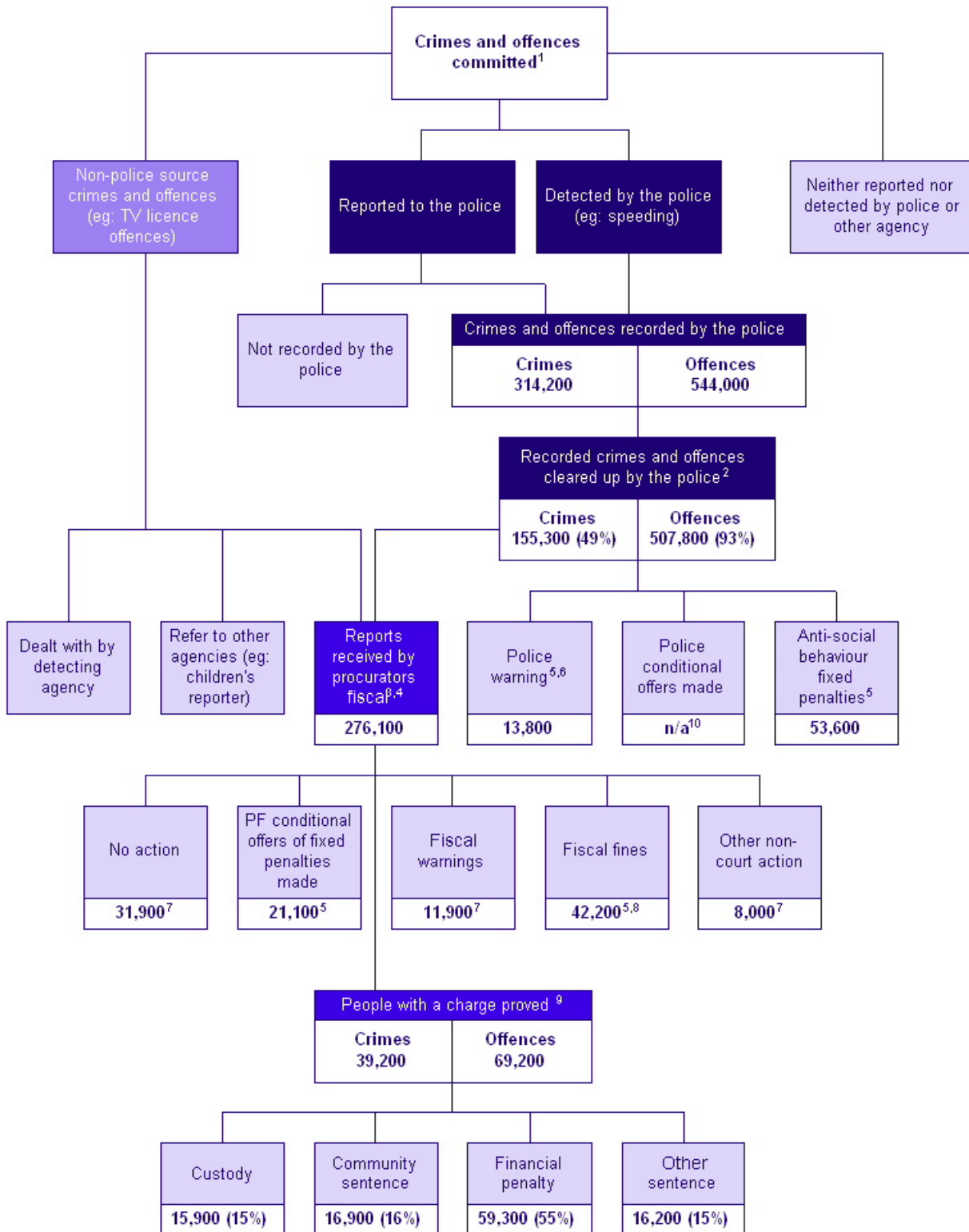
[Table 1](#), [Table 19](#), [Chart 2](#)

- 3.1.1 Contraventions of the law are classified (see [Annex D](#)) into crimes and offences. This distinction is made only for statistical reporting purposes and the "seriousness" of the offence is generally related to the maximum sentence that can be imposed. [Table 1](#) and [Chart 2](#) provide a summary of known action in the criminal justice system.
- 3.1.2 The total number of crimes recorded by the police in 2011-12 was 314,186, 3 per cent lower than in 2010-11. The number of recorded crimes cleared up by the police in 2011-12 (155,264) fell by 1 per cent compared to 2010-11, meaning that the clear-up rate remained at 49 per cent (a crime is regarded as 'cleared-up' where there is a sufficiency of evidence under Scots law to justify consideration of criminal proceedings).
- 3.1.3 The number of offences recorded by the police in 2011-12 (544,033) increased by 3 per cent on the total in 2010-11 (530,249). The number of recorded offences cleared up by the police in 2011-12 (507,818) also rose by 3 per cent compared to 2010-11, meaning that the clear-up rate remained at 93 per cent.
- 3.1.4 "Clear-ups" do not necessarily result in a report being sent by the police to the procurator fiscal, and there is not always sufficient available evidence to prosecute the offence in court. The Antisocial Behaviour (Scotland) Act 2004 allowed the police to issue Anti-Social Behaviour Fixed Penalty Notices (ASBFPNs) for a range of offences, in addition to other types of [police disposals](#). In 2011-12 53,624 people

were issued with ASBFPNs as a main penalty and 8,382 people received a formal adult warning.

- 3.1.5 In 2011-12, the police issued 970 [restorative justice warnings](#) to [juveniles](#). In addition, where the alleged offender is a [juvenile](#), a referral can be made to the children's reporter. One outcome of that process is for the police or the reporter to issue a warning letter to the offender; 2,160 such [warning letters](#) were issued in 2011-12.
- 3.1.6 Owners of defective vehicles can avoid possible court proceedings, by having their vehicle repaired within a given period (Vehicle Defect Rectification Scheme). Alternatives to court proceedings for moving motor vehicle offences are police conditional offers of a fixed penalty and procurator fiscal fixed penalty notices. It is not known how many alleged offenders are otherwise dealt with using discretion, informally by the police or by other agencies.
- 3.1.7 Referrals or reports often include more than one crime or offence, and in the case of reports to the procurator fiscal may also involve more than one person. There is thus no direct relationship between the number of crimes and offences recorded by the police and the number of disposals resulting from the action of other agencies within the criminal justice system. In addition, many offences included in this bulletin, such as failure to pay a television licence, are reported to the procurator fiscal by specialist reporting agencies such as TV Licensing. Where crimes or offences are recorded and cleared up by the police, any action by the procurator fiscal (or other action) does not necessarily occur in the same year.
- 3.1.8 In 2011-12, the procurator fiscal received 276,080 criminal reports (from the police and other specialist reporting agencies), an increase of 1 per cent compared with 2010-11. Prosecution in court is only one of a range of possible options the procurator fiscal has for dealing with people who have been charged. Other actions include the use of a range of non-court-based actions such as fiscal fines, compensation orders, fixed penalties, diversion to social work and other agencies, warnings and referrals to the children's reporter, or a decision to take no action. In 2011-12, the Criminal History System (CHS) included 42,173 people issued with fiscal fines as a main penalty and 21,064 people issued with fiscal fixed penalties. More details are available on this new data extraction in notes [B7 to B9](#), [C5](#) and [D3](#).

Chart 2: Overview of action within the criminal justice system 2011-12



1. Figures rounded to the nearest 100.
2. Crimes recorded in 2011-12 may not be cleared up or dealt with until 2012-13 or later.
3. A report to the procurator fiscal may involve more than one crime or offence and more than one alleged offender.
4. Reports to the fiscal on non-criminal matters such as sudden deaths, are not included in this total.
5. Number of people from CHS.
6. Includes formal adult warnings, restorative justice warnings, warning letters and other police warnings.
7. Number of cases; data from Crown Office.
8. Figures relate to cases which were closed as offer deemed accepted.
9. Figures for people with a charge proved count the number of occasions on which a person is convicted.
10. Following consultation, figures for motor vehicle offences are no longer collated centrally.

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 in the diagram.

3.2 People Proceeded Against in Court

[Tables 1 & 2](#)

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; the main charge is defined in [Annex C](#). The final column of [Table 4\(a\)](#) provides counts of individual offences with a charge proved regardless of whether or not they were the main offence involved.

- 3.2.1 The number of [people proceeded against](#) decreased to 124,736 in 2011-12, a fall of 5 per cent from the corresponding figure in 2010-11. Where a person is subject to two (or more) separate proceedings, they will be counted two (or more) times in this total.
- 3.2.2 Eighty-seven per cent of people proceeded against in court in 2011-12 were convicted after being found guilty of at least one charge. This equates to a total of 108,336 convictions. Less than 4 per cent were acquitted on a “not guilty” verdict, and less than 1 per cent on a “not proven” verdict. The remaining 9 per cent either had their case deserted by the prosecution or had a plea of “not guilty” accepted.
- 3.2.3 Of all people acquitted after trial in 2011-12, 18 per cent received a “not proven” verdict.
- 3.2.4 Acquittal rates vary by crime group, although in 2011-12 it was highest for rape and attempted rape; 21 per cent of the 94 people proceeded against for rape or attempted rape were acquitted following a “not guilty” verdict. The proportion of people receiving a “not proven” verdict was also highest for rape/ attempted rape (17 per cent).
- 3.2.5 Twenty-nine per cent of people proceeded against for theft of a motor vehicle had a plea of “not guilty” accepted or had the case against them deserted.

3.3 People Convicted (by court and crime/offence group)

[Tables 3, 4\(a\) & 4\(b\)](#)

By court type

- 3.3.1 The total number of convictions in 2011-12 was 108,336, a decrease of 6 per cent from 2010-11. Compared to 2010-11, the number of convictions fell in district/JP courts by 13 per cent and in sheriff summary courts by 1 per cent, but increased in the high court and sheriff solemn courts (both by 3 per cent).
- 3.3.2 The number of convictions in sheriff summary courts fell from 61,572 in 2010-11 to 60,654 in 2011-12, but as a proportion of all convictions this represents an increase from 53 per cent to 56 per cent. The number of convictions that took place in district/JP courts decreased from 49,281 in 2010-11 to 42,834 in 2011-12, which as

a proportion of all convictions represents a decrease from 43 per cent to 40 per cent.

3.3.3 More serious cases are dealt with in the high court or sheriff solemn courts. In 2011-12 4,848 people were convicted in these courts – 5 per cent of all people convicted. [Recording delays](#) mean that the figures for high court convictions in 2011-12 may be slight underestimates.

By crime group

3.3.4 While the number of people convicted of all types of crime and offence fell by 6 per cent in 2011-12, the number of people convicted of crimes was down 4 per cent (from 40,961 to 39,185), and the number of people convicted of offences fell by 7 per cent (from 74,603 to 69,151).

3.3.5 The number of people convicted fell for all but a handful of crime groups. Some of the more notable changes were:

- Charges proved for robbery increased by 12 per cent, from 526 to 590.
- “Other violence” fell by 20 per cent, from 478 to 381 charges proved in 2011-12.
- Fraud fell by 24 per cent, from 1,065 to 811.
- Vandalism was down 11 per cent, a similar proportional decrease as seen last year, from 3,203 in 2010-11 to 2,862 in 2011-12.
- Handling an offensive weapon fell for the third year in a row, by 8 per cent, from 2,465 to 2,276.

3.3.6 Convictions for rape and attempted rape increased by 43 per cent, from 35 in 2010-11 to 50 in 2011-12. “Other indecency” also increased by 22 per cent, from 316 to 384. Part of this increase may be explained by the change and broadening of the definition of rape in the [Sexual Offences \(Scotland\) Act 2009](#), as 2011-12 is the first full year of data since the changes were enacted.

By offence group

3.3.7 The number of convictions for drunkenness decreased by 23 per cent, from 160 in 2010-11 to 124 in 2011-12.

3.3.8 Within the motor vehicle offences group, convictions for drink/drug driving offences decreased again by 1 per cent (from 5,351 in 2010-11 to 5,281 in 2011-12). Convictions for speeding also decreased, by 4 per cent (from 12,955 to 12,377).

3.3.9 ‘Other’ vehicle offences decreased by 26 per cent (from 9,858 in 2010-11 to 7,246 in 2011-12).

3.4 People Convicted (by age and gender)

[Tables 5, 6\(a\) & 6\(b\) & 12](#)

3.4.1 The number of convictions per 1,000 population fell from 28 in 2010-11 to 26 in 2011-12; the number for females fell from 9 in 2010-11 to 8 in 2011-12, while the

number for males fell from 47 to 44. The number of males with a charge proved (per 1,000 population) is higher than the number of females, in each of the age categories presented in [table 5](#).

- 3.4.2 The peak rates of convictions per 1,000 population for males are in the ages 19 and 20 (97 and 99 respectively). The greatest change for males is in the age 17 group, where the charges proved per 1,000 population has fallen by 20 per cent. The peak age range for female convictions per 1,000 population is age 26-30 (with 18 per 1,000). The greatest change for females is in the age 18 group, where the charges proved per 1,000 population has fallen by 28 per cent.
- 3.4.3 Males accounted for 84 per cent of all convictions in 2011-12 (excluding companies) where the gender was known, unchanged since 2010-11. More males than females were convicted in all crime/offence categories except for offences associated with prostitution. Other categories with high proportions of female convictions include fraud (34 per cent), 'other' non-sexual crimes of violence (32 per cent) and shoplifting and 'other crime' (both 28 per cent).
- 3.4.4 In 2011-12, common assault was the most common offence for which people under the age of 30 were convicted. Of all the crimes and offences for which females aged under-21 were convicted, one-third were in the crime category common assault (33 per cent), while 15 per cent of females aged 21-to-30 were convicted for common assault (and a further 15 per cent for shoplifting). For males, 20 per cent of those under-21, and 14 per cent of males aged 21-to-30, were convicted for common assault.
- 3.4.5 Convictions for motor vehicle offences accounted for higher proportions of male and female convictions for those aged over 30; 43 per cent for males and 40 per cent for females. This compares to the under 21 age group, to 19 per cent for males and 17 per cent for females. Speeding is the specific offence for which males and females aged over 30 are most commonly convicted (16 per cent and 12 per cent, respectively).

3.5 Sentencing

[Tables 7, 8\(a\), 8\(b\), 8\(c\), 9, 10\(a\), 10\(b\), 10\(c\), 11 & 12, Charts 3 & 4](#)

Homicide

- 3.5.1 The proportion of people convicted of homicide who were given a custodial sentence fell slightly from 83 per cent in 2010-11 to 82 per cent in 2011-12. Non-custodial sentences for homicide are mostly related to motor vehicle fatalities.

Rape

- 3.5.2 In 2011-12, of the 50 people convicted of rape or attempted rape, 47 (94 per cent) were given a custodial sentence. Of the three people not given a custodial sentence/order, one was charged with attempted rape.

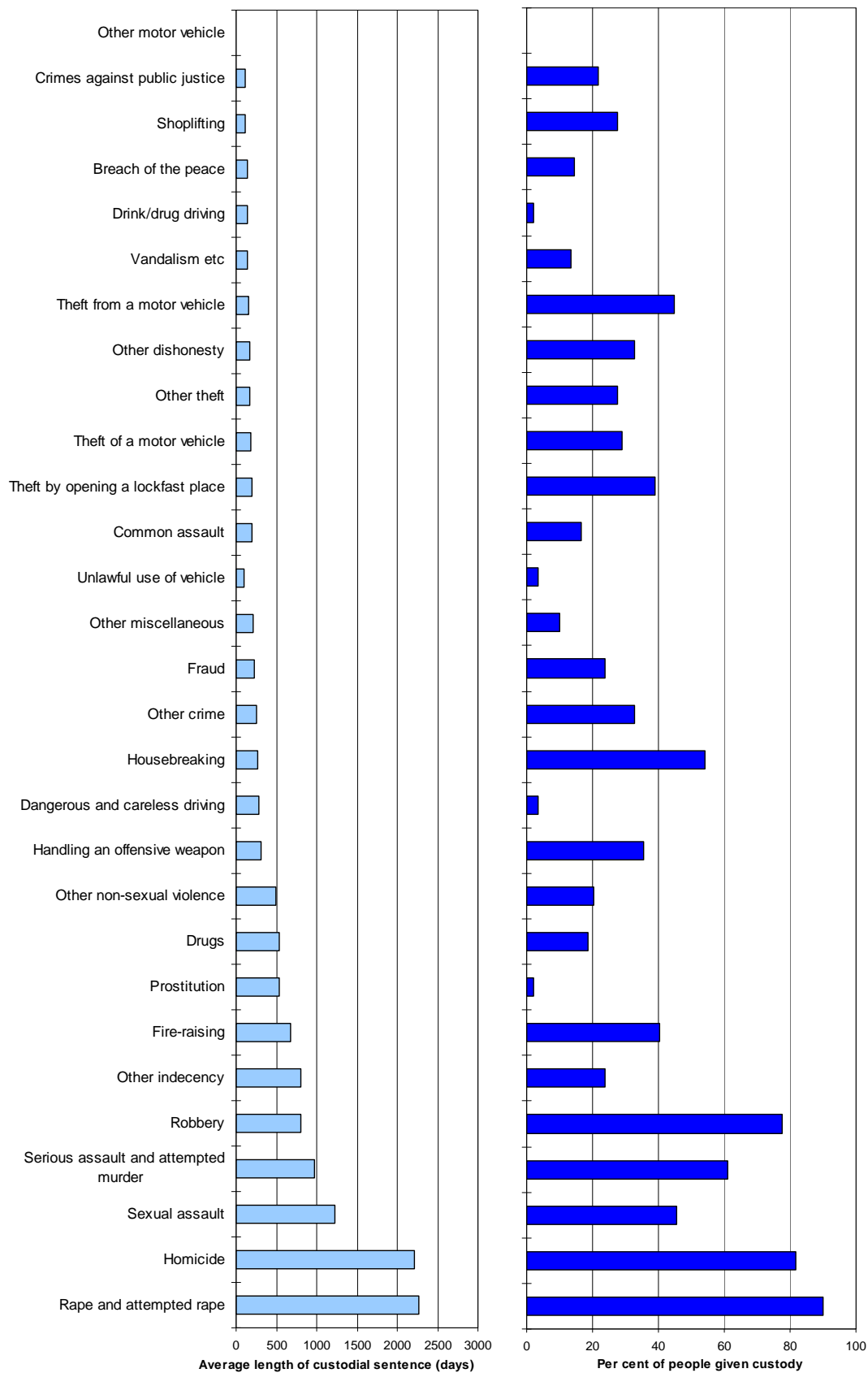
Custodial sentences

- 3.5.3 The number of convictions resulting in a custodial sentence increased 3 per cent in 2011-12 to 15,880, and as a proportion of all main penalties, the use of custody increased to 15 per cent.
- 3.5.4 Custody is the most frequently used sentence for most types of crime involving violence, including rape and attempted rape and sexual assault. Other crime types with high proportions of convictions resulting in a custodial sentence in 2011-12 were housebreaking (54 per cent), theft from a motor vehicle (45 per cent), fire-raising (40 per cent), theft by opening a lockfast place (39 per cent) and handling an offensive weapon (35 per cent).
- 3.5.5 The average length of custodial sentences for those sentenced to custody in 2011-12 was greater than 9 months (284 days), one week higher than in 2010-11.
- 3.5.6 Between 2010-11 and 2011-12, average custodial sentence lengths increased for some of the more serious crimes and fell for some of the others; for example, the average custodial sentence length for:
- Sexual assault decreased by 11 per cent (to 1,232 days).
 - Serious assault and attempted murder increased by 5 per cent (to 967 days).
 - Homicide (excluding life sentences) fell by 4 per cent (to 2,206 days).
 - Rape and attempted rape increased by 8 per cent to 2,269 days.
- 3.5.7 The average sentence length also increased for a range of other crimes and offences, some of which are typically dealt with in summary courts and may therefore be related to the [continuing use of police and procurator fiscal disposals](#) for some of the less serious cases in relevant crime categories. For example; the average custodial sentence for:
- Breach of the peace rose 10 per cent to 136 days.
 - Fire-raising increased by 23 per cent to 683 days.
 - Handling an offensive weapon increased by 8 per cent (to 311 days), and for the seventh year in a row.
- In all these examples, the average sentence length is now longer than at any other point in the last ten years.
- 3.5.8 Twenty-eight per cent of all custodial sentences in 2011-12 were for three months or less (down from 35 per cent in 2010-11) and there were corresponding increases in the proportions of sentences of over three months and up to two years. The presumption against sentences of 3 months or less may have made some contribution to this downward trend.
- 3.5.9 Crimes of violence and crimes of indecency were the most likely to attract long custodial sentences. Only one per cent of custodial sentences for crimes of dishonesty in 2010-11 were for over two years whereas the corresponding

proportions for non-sexual crimes of violence and crimes of indecency were 44 and 57 per cent respectively.

3.5.10 Fifty-six per cent of custodial sentences for non-sexual crimes of violence and 95 per cent of custodial sentences for handling an offensive weapon were for a period of up to 2 years.

Chart 3: Average sentence length (excluding life sentences) and per cent of custody, by crime or offence group, 2011-12



Community sentences

3.5.11 February 2011 saw the introduction of Community Payback Orders (CPO), making 2011-12 the first full financial year for which this disposal was available. 63 per cent of community sentences were CPOs. The number of all other community sentences decreased accordingly (making comparisons to previous year's figures for disposal types impossible).

3.5.12 Sixteen per cent (16,916) of all convictions in 2011-12 resulted in a main penalty of a community sentence. The number of community sentences increased by 8 per cent from 2010-11 (15,616).

3.5.13 Community sentences were given out for all categories of crime. Common assault and breach of the peace account for 41 per cent of community sentences (23 and 18 per cent, respectively).

Financial penalties

3.5.14 The use of fines, the most common main penalty imposed by courts, fell 12 per cent from 66,491 in 2010-11 to 58,388 in 2011-12. As a proportion of all penalties imposed, fines have generally fallen over the last 10 years, from 64 per cent in 2002-03 to 54 per cent in 2011-12. This may be, in part, a result of some of those offences likely to have previously been punished by fines now being dealt with outside the court with police or COPFS disposals.

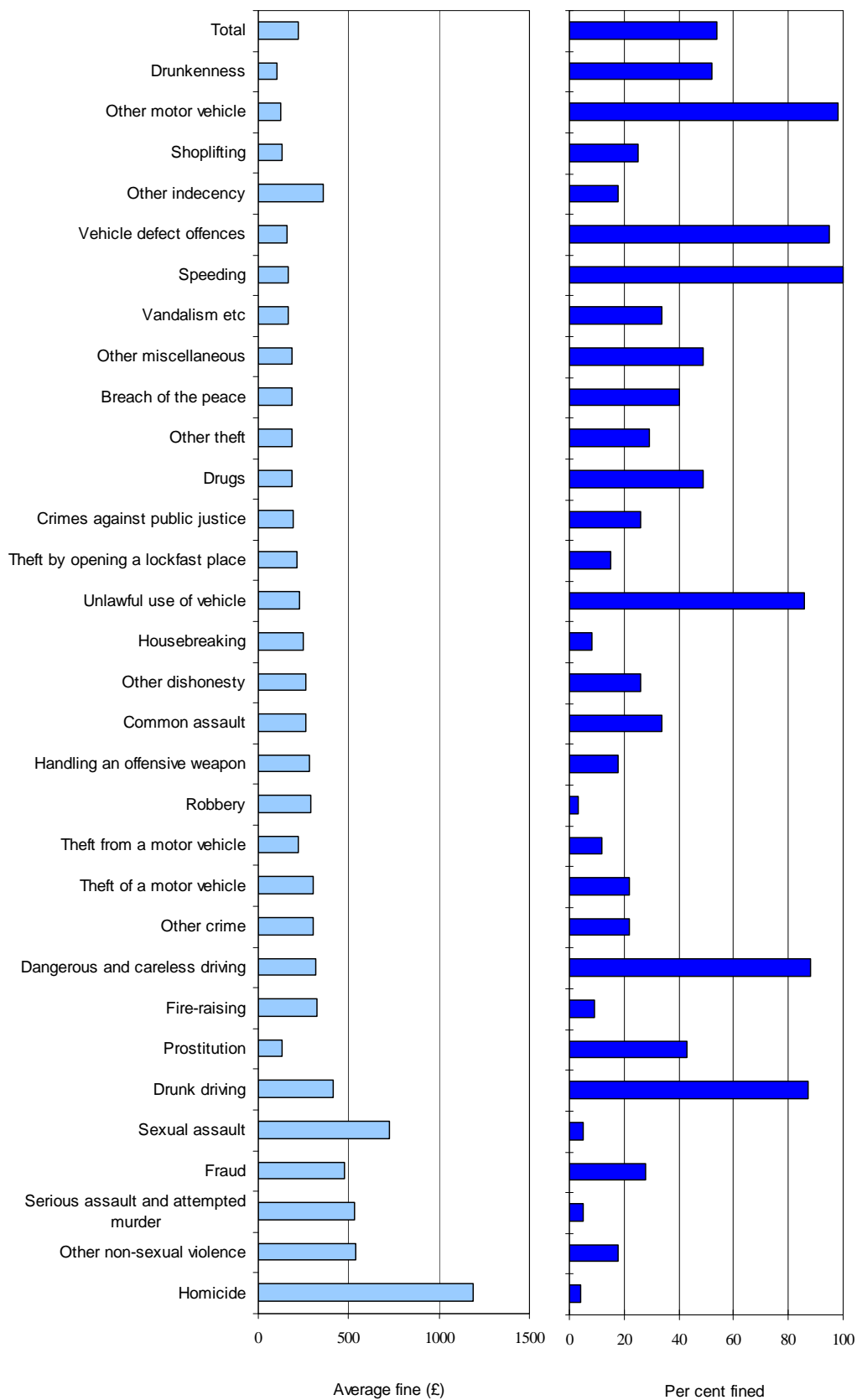
3.5.15 In 2011-12, 93 per cent of convictions for motor vehicle offences resulted in a fine (1 per cent lower than in 2010-11). Other crimes with high proportions of fines include drunkenness (52 per cent), drugs crimes (49 per cent), vandalism (45 per cent) and offences relating to prostitution (43 per cent).

3.5.16 The average fine imposed by courts on individuals (excluding companies) in 2011-12 was £241, up 12 per cent from 2010-11 (£215). The use of a compensation order as a main penalty fell by 14 per cent to 929 in 2011-12; the average compensation order imposed by courts, either as main or secondary penalty, was £423 in 2011-12 up 8 per cent from 2010-11.

Other sentences

3.5.17 In 2011-12, 15,586 people convicted were cautioned or admonished (14 per cent of all convictions). This sentence was a more frequent outcome for offences relating to prostitution (49 per cent), drunkenness (35 per cent), crimes against public justice (32 per cent), and shoplifting (29 per cent).

Chart 4: Average fine and per cent fined by crime or offence group, 2011-12
 (Excludes companies)



Sentencing by age and gender of offender

- 3.5.18 The profile of penalties imposed in 2011-12 varied with the age and gender of the offender. This is likely to reflect the different patterns of offending and conviction histories of the different groups of offenders. While males accounted for 84 per cent of all convictions in 2010-11, they represented 91 per cent of custodial convictions. Females accounted for 16 per cent of all convictions and were given 26 per cent of other sentences (mainly admonition).
- 3.5.19 Although the number of convictions fell 6 per cent in 2011-12, the number of convictions fell by more for younger offenders than for older offenders. The number of convictions for males under-21 fell by 13 per cent, for males aged 21-to-30 convictions fell by 7 per cent and for males aged over-30 convictions fell by 4 per cent. A similar pattern is seen for females – for those under-21 convictions fell by 12 per cent, for females aged 21-to-30 convictions fell by 9 per cent, and for females aged over-30 convictions fell by 2 per cent.
- 3.5.20 The proportion of males receiving a custodial sentence was higher than the proportion of females sentenced to custody in almost every category of crime and offence. It should be noted that sentence is affected by, amongst other things, the particular circumstances of each crime/offence, offending history and offender background.
- 3.5.21 Of those sentenced to custody in 2011-12, 78 per cent of females and 67 per cent of males received a tariff of 6 months or less. The proportion of males who received a short sentence was lower than the proportion of females for many of the crime categories in which relatively higher numbers of both gender were convicted; for example, 71 per cent of males and 83 per cent of females who were sentenced to custody for common assault received a sentence of 6 months or less. However for some crime categories, particularly where the numbers of females given custody were relatively small (e.g. other crimes of dishonesty), the proportion of males who received shorter sentences was higher than the proportion of females.
- 3.5.22 The number of convictions resulting in a community sentence increased by 8 per cent between 2010-11 and 2011-12. The largest increase for both males and females were for those aged over 30 (15 per cent and 20 per cent respectively), whilst those aged under 21 saw the greatest decreases (5 per cent for both males and females).
- 3.5.23 Between 2010-11 and 2011-12, the number of convictions resulting in a financial penalty fell by 12 per cent (a decrease of 13 per cent for males to 50,262, and a decrease of 12 per cent for females to 8,978). For both males and females large falls were seen in the use of financial penalties for those aged under 21 (a fall of 24 per cent for males to 5,362, and a fall of 18 per cent for females to 745).

3.6 Bail and Undertakings

Bail Orders Made

[Tables 13, 14, 15 & 16](#)

- 3.6.1 The total number of bail orders made by Scottish courts in 2011-12 was 47,690, an increase of 3 per cent from 2010-11, the first increase since 2006-07.
- 3.6.2 In 2011-12, 84 per cent of bail orders were issued to males and 44 per cent were issued to males and females aged over 30. Most bail orders were issued at sheriff courts (90 per cent), with district/JP courts issuing 10 per cent of the remainder.
- 3.6.3 The proportion of bail orders given for common assault has increased from 16 per cent of bail orders in 2002-03 to 23 per cent in 2011-12; in contrast, the proportion of bail orders given for dishonesty has fallen from 28 per cent in 2002-03 to 18 per cent in 2011-12.
- 3.6.4 The relative proportions of bail orders issued for each offence type in 2011-12 remained broadly the same as in 2010-11.
- 3.6.5 The 47,690 bail orders made in 2011-12 were issued to 34,791 individuals; 77 per cent of individuals received one bail order, 15 per cent received two, 5 per cent received three and 3 per cent received more than three bail orders. These proportions are the same as in 2010-11.

Undertakings to Appear

[Table 17](#)

- 3.6.6 The number of people released by the police on an undertaking to appear in court in 2011-12 was 26,118, down 4 per cent from 27,297 in 2010-11.
- 3.6.7 In 2011-12, 77 per cent of undertakings were issued to males and 45 per cent to males and females aged over 30.

Bail-related offences

[Table 18](#)

- 3.6.8 Bail-related offences (other than committing an offence on bail) covers the offences of breach of bail conditions (e.g. interfering with a witness) and failure to appear in court after being granted bail. A total of 8,843 of these offences were proved in 2011-12, an increase of 7 per cent from 2010-11. The number of bail-related offences as a percentage of bail orders granted in 2011-12 was 19 per cent.
- 3.6.9 The number of bail-related offences decreased by 9 per cent in sheriff solemn courts (from 227 in 2010-11 to 207 in 2011-12), compared to a rise in the overall number of charges proved in that court of 3 per cent. In contrast, the number of bail-

related offences increased by 3 per cent in district/JP courts in 2011-12 (from 649 in 2010-11 to 668 in 2011-12), compared to an overall fall in the number of charges proved in that court of 13 per cent (see [Table 3](#)).

3.7 Police Disposals

[Tables 19 to 23](#)

A range of options are available to the police for minor offences, including anti-social behaviour fixed penalty notices, formal adult warnings, restorative justice warnings and warning letters for juvenile offenders, and a number of other types of warnings. More details on this are available in annex notes [C5](#) and [D2](#).

Anti-Social Behaviour Fixed Penalty Notices (ASBFPN)

3.7.1 In 2011-12, 53,624 people received an ASBFPN as a main penalty, down 1 per cent from 54,345 in 2010-11. The vast majority of ASBFPNs were issued for three of the offences for which they are available.

- 24,798 for consuming alcohol in a public place (46 per cent of the total).
- 13,777 for breach of the peace (26 per cent).
- 12,487 for urinating/defecating in circumstances causing annoyance to others (23 per cent).

3.7.2 Males received 87 per cent of ASBFPNs in 2011-12.

- 27 per cent of all ASBFPNs were given to males aged under 21.
- 35 per cent were given to males aged 21 to 30.
- Half of the 14,630 ASBFPNs given to males aged under 21 were given for consuming alcohol in a public place (7,322).

3.7.3 Females received 6,837 ASBFPNs in 2011-12, mainly for two offences;

- consuming alcohol in a public place (49 per cent).
- breach of the peace (38 per cent).

Formal Adult Warnings (FAW)

3.7.4 Police FAWs were given as a main penalty to 8,382 people in 2011-12, up 12 per cent from 7,517 in 2010-11. Three-quarters of FAWs issued in 2011-12 were for four crimes/offences.

- shoplifting (32 per cent).
- drunkenness (18 per cent).
- common assault (14 per cent).
- breach of the peace (11 per cent).

3.7.5 In 2011-12, 60 per cent of people given FAWs as main penalties were male (5,012) and 51 per cent were aged over 30 (4,262). Of the 2,520 FAWs issued to males aged over 30, 34 per cent were given for drunkenness. In contrast, of the 1,238 FAWs issued to males aged under 21, 7 per cent were for drunkenness; for this age and gender group, 18 per cent of FAWs were given for shoplifting and 15 per cent for common assault.

3.7.6 Forty-seven per cent of the 3,368 FAWs issued to females in 2011-12 were for shoplifting. Eleven per cent of FAWs issued to females aged over 30 were for drunkenness compared to 7 per cent of FAWs issued to females aged under 21. In contrast, 15 per cent of FAWs issued to females aged under 21 were for fraud compared to 3 per cent of FAWs issued to females aged over 30).

Other police warnings

3.7.7. In 2011-12 the number of restorative justice warnings issued as a main penalty fell 44 per cent (from 1,726 to 970). The number of warning letters issued by the police or children's reporter increased by 2 per cent, from 2,119 to 2,160 in 2011-12.

3.7.8 Other police warnings increased six-fold in 2011-12, from 304 to 2,330. This is the result of a large increase in the issue of police verbal warnings.

3.8 Crown Office Procurator Fiscal Service (COPFS) disposals

Tables 24 to 28

When a report is submitted by the police to the procurator fiscal, prosecution in court is only one of a range of possible options for dealing with people who have been charged. Other possible actions include the use of fiscal fines, compensation orders and fixed penalties. More details on this new information are available in annex notes [C5](#) and [D3](#).

3.8.1 In 2011-12, 42,173 people were issued with a fiscal fine as a main penalty (up 18 per cent from 35,604 in 2010-11) and 21,064 people were issued a fiscal fixed penalty (up 3 per cent from 20,357 in 2010-11).

Fiscal fines

3.8.2 In 2011-12, 55 per cent of the 42,173 fiscal fines issued to people as main penalties were issued for 'miscellaneous' offences, including:

- 11,221 (27 per cent) Communications Act offences (mainly TV licensing).
- 3,649 (9 per cent) for alcohol byelaw offences.
- 3,583 (8 per cent) for breach of the peace.
- A further 27 per cent of fiscal fines were issued for 'other' crimes, mainly drugs offences (11,174; 26 per cent).
- 12 per cent were issued for crimes of dishonesty, including 3,994 (9 per cent) for shoplifting.

3.8.3 Two-thirds of fiscal fines in 2011-12 were issued to males (67 per cent). The profile of crimes/offences for which fiscal fines were issued differed for males and females. For example, of the 13,722 fiscal fines issued to females, the most common crimes/offences for which they were given were:

- Communications Act offences (57 per cent).
- Shoplifting (12 per cent).
- Drugs (8 per cent).

while for males, of the 28,426 fiscal fines issued, the most common crimes/offences for which they were given were:

- Drugs (35 per cent).

- Communications Act offences (12 per cent).
- Alcohol byelaw offences (11 per cent).

3.8.4 Males aged under 21 received 19 per cent of fiscal fines issued to males (5,284), while females aged under 21 received 8 per cent of those issued to females (1,058). Over two-thirds of fiscal fines issued to males aged under 21 were issued for drugs crimes (45 per cent), breach of the peace (13 per cent) or alcohol byelaw offences (12 per cent). Fiscal fines for Communications Act offences were less likely to go to those aged under 21.

3.8.5 Younger females received relatively more fiscal fines for other sub-categories of miscellaneous offences, for example:

- common assault - 11 per cent of fiscal fines issued to females aged under 21 compared to 2 per cent of those issued to females aged over 30.
- breach of the peace - 13 per cent of fiscal fines issued to females aged under 21 compared to 5 per cent of those issued to females aged over 30.

Fiscal fixed penalties

3.8.6 Crown Office Fixed Penalties (COFPs) are generally issued for motor vehicle offences (in 2011-12 a handful of COFPs were issued for other non motor vehicle offences, such as bicycle offences). In 2011-12, of the 21,064 COFPs issued to people as a main penalty:

- 37 per cent were for speeding offences.
- 17 per cent were for documentation offences (such as using a vehicle without a test certificate, without a licence or failure to insure).
- 12 per cent were for signal and direction offences (such as failure to comply with traffic signs and crossings).
- 5 per cent were for lighting and construction and use offences (such as maintenance of lights and using vehicles in a dangerous condition); and,
- 27 per cent for other motor vehicle offences (such as seat belt and mobile telephone offences).

3.8.7 In 2011-12, 79 per cent of COFPs (16,699) were issued to males and over half of all COFPs were issued to males aged over 30 (11,066).

4. Bulletin Tables (see note [B11](#)).

Table 1 Summary of known action, 2002-03 to 2011-12⁷

	Thousands									
	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12
Crimes and offences recorded by the police										
Crimes	418	414	438	418	419	386	377	338	323	314
Offences	524	616	639	600	607	572	560	564	530	544
Crimes and offences cleared up by the police										
Crimes	193	196	195	191	199	185	185	167	157	155
Offences	502	592	595	558	566	534	519	523	491	508
Police disposals										
Anti-social behaviour fixed penalty notices	n/a	n/a	n/a	n/a	n/a	n/a	48	61	54	54
Formal adult warnings	n/a	n/a	n/a	n/a	n/a	n/a	8	8	8	8
Other police warnings	n/a	n/a	n/a	n/a	n/a	n/a	5	5	4	5
Crimes and offences dealt with by:										
Offence referrals to Reporter to Children's Panel 1	30	34	36	38	36	31	26	23	18	13
Procurator Fiscal action										
Total criminal reports received (COPFS cases)	290	307	309	320	316	307	285	276	266	276
Fiscal fines (CHS people) ^{3,4}	n/a	n/a	n/a	n/a	n/a	n/a	38	36	36	42
Fiscal fines (COPFS cases) ^{2,4}	24	30	23	18	21	19	37	34	33	41
Fiscal fixed penalties (CHS people) ³	n/a	n/a	n/a	n/a	n/a	n/a	18	19	20	21
Fiscal fixed penalties (COPFS cases) ²	6	9	10	10	14	15	20	18	20	21
Compensation orders (CHS people) ^{3,4}	n/a	n/a	n/a	n/a	n/a	n/a	2	2	2	1
Compensation orders (COPFS cases) ^{2,4}	n/a	n/a	n/a	n/a	n/a	n/a	2	2	2	1
Combined Fiscal Fines/Compensation Orders (CHS people) ^{3,4}	n/a	n/a	n/a	n/a	n/a	n/a	1	2	2	3
Combined Fiscal Fines/Compensation Orders (COPFS cases) ^{2,4}	n/a	n/a	n/a	n/a	n/a	n/a	1	2	2	3
Fiscal warnings (COPFS cases)	16	22	32	33	27	25	15	14	13	12
No action (COPFS cases)	51	44	61	49	44	44	32	30	29	32
Other non-court disposals ⁵	10	13	11	11	12	10	9	8	8	8
People proceeded against in court	133	142	144	142	150	149	141	137	130	125

1. Includes referrals from the procurator fiscal; a referral may relate to more than one offence.

2. Includes reports from the police and other specialist reporting agencies, eg: TV licensing

3. Number of people with main penalty, from CHS. The combined number of fiscal fines and fixed penalties is underestimated by around 2,700 in 2008-09 and 500 in 2009-10.

4. Figures relate to cases which were closed as offer paid/accepted/deemed accepted.

5. Number of cases of highest disposal, from COPFS website.

6. Includes cases diverted from prosecution, e.g. to the children's reporter, cases transferred within COPFS and cases rolled up with other ongoing cases.

7. Following a user consultation, data for police conditional offers (motor vehicle offences) have been removed from this table. Details of the consultation can be found at:

<http://www.scotland.gov.uk/Topics/Statistics/Browse/Crime-Justice/scotstatcrime/StakeCon/CrimProcCon>

Table 2a People proceeded against in court by main crime/offence and outcome of court proceedings, 2011-12

Main crime or offence ¹	PNGA ^{2,3} or deserted ⁴	Acquitted not guilty	Acquitted not proven	Charge proved	Total
All Crimes and offences	10,903	4,505	992	108,336	124,736
All crimes	5,143	1,500	410	39,185	46,238
Non-sexual crimes of violence	378	439	150	2,430	3,397
Homicide	7	11	5	114	137
Serious assault and attempted murder	217	340	119	1,345	2,021
Robbery	104	45	16	590	755
Other violence	50	43	10	381	484
Crimes of indecency	53	97	38	783	971
Rape and attempted rape	8	20	16	50	94
Sexual assault	9	46	12	149	216
Offences associated with prostitution	7	10	-	200	217
Other indecency	29	21	10	384	444
Crimes of dishonesty	1,971	244	51	14,767	17,033
Housebreaking	314	58	10	1,494	1,876
Theft by opening a lockfast place	43	4	-	292	339
Theft from a motor vehicle	40	3	2	250	295
Theft of a motor vehicle	196	19	4	450	669
Shoplifting	522	25	5	7,269	7,821
Other theft	513	81	11	2,956	3,561
Fraud	101	8	5	811	925
Other dishonesty	242	46	14	1,245	1,547
Fire-raising, vandalism, etc	421	166	20	3,008	3,615
Fire-raising	21	7	2	146	176
Vandalism, etc	400	159	18	2,862	3,439
Other crimes	2,320	554	151	18,197	21,222
Crimes against public justice	1,048	211	41	8,737	10,037
Handling an offensive weapon	286	234	62	2,276	2,858
Drugs	974	108	47	6,973	8,102
Other crime	12	1	1	211	225
All offences	5,760	3,005	582	69,151	78,498
Miscellaneous offences	3,982	2,243	481	30,883	37,589
Common assault	2,202	1,415	296	14,190	18,103
Breach of the peace, etc.	1,326	607	129	12,542	14,604
Drunkenness	22	2	-	124	148
Other offences	432	219	56	4,027	4,734
Motor vehicle offences	1,778	762	101	38,268	40,909
Dangerous and careless driving	147	170	23	2,859	3,199
Drink/drug driving	107	141	27	5,281	5,556
Speeding	154	64	3	12,377	12,598
Unlawful use of vehicle	847	45	7	9,002	9,901
Vehicle defect offences	103	14	2	1,503	1,622
Other vehicle	420	328	39	7,246	8,033

1. Excludes people against whom proceedings are started but which are dropped before they reach court.

2. Plea of not guilty accepted.

3. Includes cases where proceedings are dropped after a person has been called to court, e.g. if witnesses cannot be traced.

4. Deserted simpliciter.

Table 2b People proceeded against in court by main crime/offence and percentage outcome of court proceedings, 2011-12

Main crime or offence ¹	Row per cent					
	PNGA ^{2,3} or deserted ⁴	Acquitted not guilty	Acquitted not proven	Charge proved	Total	Not proven as % of all acquitted
All Crimes and offences	9	4	1	87	100	18
All crimes	11	3	1	85	100	21
Non-sexual crimes of violence	11	13	4	72	100	25
Homicide	5	8	4	83	100	31
Serious assault and attempted murder	11	17	6	67	100	26
Robbery	14	6	2	78	100	26
Other violence	10	9	2	79	100	19
Crimes of indecency	5	10	4	81	100	28
Rape and attempted rape	9	21	17	53	100	44
Sexual assault	4	21	6	69	100	21
Offences associated with prostitution	3	5	-	92	100	-
Other indecency	7	5	2	86	100	32
Crimes of dishonesty	12	1	-	87	100	17
Housebreaking	17	3	1	80	100	15
Theft by opening a lockfast place	13	1	-	86	100	-
Theft from a motor vehicle	14	1	1	85	100	40
Theft of a motor vehicle	29	3	1	67	100	17
Shoplifting	7	-	-	93	100	17
Other theft	14	2	-	83	100	12
Fraud	11	1	1	88	100	38
Other dishonesty	16	3	1	80	100	23
Fire-raising, vandalism, etc	12	5	1	83	100	11
Fire-raising	12	4	1	83	100	22
Vandalism, etc	12	5	1	83	100	10
Other crimes	11	3	1	86	100	21
Crimes against public justice	10	2	-	87	100	16
Handling an offensive weapon	10	8	2	80	100	21
Drugs	12	1	1	86	100	30
Other crime	5	-	-	94	100	50
All offences	7	4	1	88	100	16
Miscellaneous offences	11	6	1	82	100	18
Common assault	12	8	2	78	100	17
Breach of the peace, etc.	9	4	1	86	100	18
Drunkenness	15	1	-	84	100	-
Other offences	9	5	1	85	100	20
Motor vehicle offences	4	2	-	94	100	12
Dangerous and careless driving	5	5	1	89	100	12
Drink/drug driving	2	3	-	95	100	16
Speeding	1	1	-	98	100	4
Unlawful use of vehicle	9	-	-	91	100	13
Vehicle defect offences	6	1	-	93	100	13
Other vehicle	5	4	-	90	100	11

1. Excludes people against whom proceedings are started but which are dropped before they reach court.

2. Plea of not guilty accepted.

3. Includes cases where proceedings are dropped after a person has been called to court, e.g. if witnesses cannot be traced.

4. Deserted simpliciter.

Table 3 People with a charge proved by type of court, 2002-03 to 2011-12

Type of court	Number									
	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12
All court types¹	122,825	128,520	129,733	128,204	134,413	133,608	125,889	121,028	115,564	108,336
High court ^{2,3}	1,193	1,217	974	885	908	861	804	757	690	714
Sheriff solemn	3,299	3,535	3,670	3,967	4,682	5,195	4,532	4,222	4,021	4,134
Sheriff summary	76,817	76,621	77,196	75,989	80,503	79,981	73,898	65,585	61,572	60,654
District/JP court ^{4,5}	41,516	47,144	47,891	47,358	48,319	47,569	46,632	50,448	49,281	42,834

Type of court	Per cent									
	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12
All court types¹	100	100	100	100	100	100	100	100	100	100
High court ^{2,3}	1	1	1	1	1	1	1	1	1	1
Sheriff solemn	3	3	3	3	3	4	4	3	3	4
Sheriff summary	63	60	60	59	60	60	59	54	53	56
District/JP court ^{4,5}	34	37	37	37	36	36	37	42	43	40

Type of court	Index: 2002-03=100									
	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12
All court types¹	100	105	106	104	109	109	102	99	94	88
High court ^{2,3}	100	102	82	74	76	72	67	63	58	60
Sheriff solemn	100	107	111	120	142	157	137	128	122	125
Sheriff summary	100	100	100	99	105	104	96	85	80	79
District/JP court ^{4,5}	100	114	115	114	116	115	112	122	119	103

1. Includes court type unknown.
2. Includes cases remitted to the high court from the sheriff court.
3. The figures for 2011-12, and to a lesser extent earlier years, may be underestimates due to late recording of disposals.
4. Includes the stipendiary magistrates court in Glasgow.
5. Includes justice of the peace courts - more details in Section 4.

Table 4(a) People with a charge proved by main crime/offence, 2002-03 to 2011-12

Main Crime or Offence	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12 ¹	% change	All offences proved
											2010-11 to	2011-12 ^{1,2}
All Crimes and offences	122,825	128,520	129,733	128,204	134,413	133,608	125,889	121,028	115,564	108,336	-6	145,377
All crimes	42,750	43,314	44,713	43,299	46,998	46,858	45,155	42,164	40,961	39,185	-4	52,050
Non-sexual crimes of violence	2,380	2,596	2,429	2,459	2,461	2,749	2,655	2,458	2,534	2,430	-4	2,677
Homicide	99	131	143	111	121	136	115	117	116	114	-2	120
Serious assault and attempted murder	1,361	1,476	1,376	1,561	1,496	1,731	1,708	1,508	1,414	1,345	-5	1,408
Robbery	681	689	610	512	529	548	561	532	526	590	12	724
Other violence	239	300	300	275	315	334	271	301	478	381	-20	425
Crimes of indecency	537	678	839	864	855	727	915	824	754	783	4	1,219
Rape and attempted rape	56	59	70	61	60	49	42	54	35	50	43	73
Sexual assault	206	209	197	185	184	145	182	157	158	149	-6	415
Offences associated with prostitution	103	130	229	292	306	254	335	250	245	200	-18	208
Other indecency	172	280	343	326	305	279	356	363	316	384	22	523
Crimes of dishonesty	21,657	19,825	19,610	17,997	18,381	17,728	17,429	15,951	15,614	14,767	-5	19,313
Housebreaking	2,751	2,508	2,372	2,074	2,025	1,867	1,860	1,604	1,540	1,494	-3	1,870
Theft by opening a lockfast place	731	504	458	366	398	389	349	312	284	292	3	378
Theft from a motor vehicle	705	725	649	489	408	447	387	297	270	250	-7	405
Theft of a motor vehicle	1,337	1,086	942	847	851	776	733	572	484	450	-7	900
Shoplifting	8,826	8,123	8,427	8,162	8,548	8,457	8,287	8,098	7,853	7,269	-7	8,744
Other theft	3,894	3,652	3,668	3,289	3,430	3,260	3,113	2,768	2,871	2,956	3	3,828
Fraud	1,583	1,636	1,537	1,457	1,355	1,337	1,438	1,142	1,065	811	-24	1,606
Other dishonesty	1,830	1,591	1,557	1,313	1,366	1,195	1,262	1,158	1,247	1,245	0	1,582
Fire-raising, vandalism, etc	4,212	4,759	5,028	5,000	5,438	5,392	4,375	3,836	3,362	3,008	-11	3,904
Fire-raising	147	169	192	192	251	224	244	190	159	146	-8	184
Vandalism, etc	4,065	4,590	4,836	4,808	5,187	5,168	4,131	3,646	3,203	2,862	-11	3,720
Other crimes	13,964	15,456	16,807	16,979	19,863	20,262	19,781	19,095	18,697	18,197	-3	24,937
Crimes against public justice	5,058	5,293	5,774	5,764	7,218	8,043	8,704	8,351	8,493	8,737	3	12,883
Handling an offensive weapon	2,771	2,875	3,447	3,500	3,550	3,422	3,539	2,863	2,465	2,276	-8	2,697
Drugs	6,111	7,258	7,555	7,606	8,892	8,529	7,300	7,692	7,520	6,973	-7	9,117
Other crime	24	30	31	109	203	268	238	189	219	211	-4	240
All offences	80,075	85,206	85,020	84,905	87,415	86,750	80,734	78,862	74,603	69,151	-7	93,327
Miscellaneous offences	32,037	34,523	37,463	39,666	42,301	41,394	35,803	32,882	30,496	30,883	1	43,150
Common assault	11,783	12,378	13,644	14,502	15,517	15,616	15,292	14,360	13,927	14,190	2	18,719
Breach of the peace, etc.	14,384	15,050	16,172	16,894	18,104	17,494	16,003	14,077	12,114	12,542	4	18,588
Drunkenness	370	418	311	293	261	235	129	146	160	124	-23	229
Other offences	5,500	6,677	7,336	7,977	8,419	8,049	4,379	4,299	4,295	4,027	-6	5,614
Motor vehicle offences	48,038	50,683	47,557	45,239	45,114	45,356	44,931	45,980	44,107	38,268	-13	50,177
Dangerous and careless driving	3,444	4,067	3,774	3,620	3,774	3,967	3,696	3,404	3,167	2,859	-10	3,478
Drink/drug driving	9,379	8,145	7,997	7,970	8,066	7,820	7,222	6,232	5,351	5,281	-1	5,901
Speeding	9,146	12,539	13,512	12,252	13,395	14,156	13,589	14,357	12,955	12,377	-4	12,641
Unlawful use of vehicle	17,975	19,334	16,592	14,703	13,450	13,609	12,741	12,175	11,053	9,002	-19	15,808
Vehicle defect offences	1,415	1,823	1,786	1,652	1,707	1,414	1,483	1,662	1,723	1,503	-13	2,676
Other vehicle	6,679	4,775	3,896	5,042	4,722	4,390	6,200	8,150	9,858	7,246	-26	9,673

1. Figures for some categories dealt with by the high court - including homicide, rape and major drug cases - may be underestimated slightly due to late recording of disposals - see annex B.

2. Number of individual offences relating to people with a charge proved, whether or not the main crime/offence involved.

Table 4(b) People with a charge proved by main crime/offence, 2002-03 to 2011-12

Index: 2002-03=100

Main Crime or Offence	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12 ¹
All Crimes and offences	100	105	106	104	109	109	102	99	94	88
All crimes	100	101	105	101	110	110	106	99	96	92
Non-sexual crimes of violence	100	109	102	103	103	116	112	103	106	102
Homicide	100	132	144	112	122	137	116	118	117	115
Serious assault and attempted murder	100	108	101	115	110	127	125	111	104	99
Robbery	100	101	90	75	78	80	82	78	77	87
Other violence	100	126	126	115	132	140	113	126	200	159
Crimes of indecency	100	126	156	161	159	135	170	153	140	146
Rape and attempted rape	100	105	125	109	107	88	75	96	63	89
Sexual assault	100	101	96	90	89	70	88	76	77	72
Offences associated with prostitution	100	126	222	283	297	247	325	243	238	194
Other indecency	100	163	199	190	177	162	207	211	184	223
Crimes of dishonesty	100	92	91	83	85	82	80	74	72	68
Housebreaking	100	91	86	75	74	68	68	58	56	54
Theft by opening a lockfast place	100	69	63	50	54	53	48	43	39	40
Theft from a motor vehicle	100	103	92	69	58	63	55	42	38	35
Theft of a motor vehicle	100	81	70	63	64	58	55	43	36	34
Shoplifting	100	92	95	92	97	96	94	92	89	82
Other theft	100	94	94	84	88	84	80	71	74	76
Fraud	100	103	97	92	86	84	91	72	67	51
Other dishonesty	100	87	85	72	75	65	69	63	68	68
Fire-raising, vandalism, etc	100	113	119	119	129	128	104	91	80	71
Fire-raising	100	115	131	131	171	152	166	129	108	99
Vandalism, etc	100	113	119	118	128	127	102	90	79	70
Other crimes	100	111	120	122	142	145	142	137	134	130
Crimes against public justice	100	105	114	114	143	159	172	165	168	173
Handling an offensive weapon	100	104	124	126	128	123	128	103	89	82
Drugs	100	119	124	124	146	140	119	126	123	114
Other crime	100	125	129	454	846	1,117	992	788	913	879
All offences	100	106	106	106	109	108	101	98	93	86
Miscellaneous offences	100	108	117	124	132	129	112	103	95	96
Common assault	100	105	116	123	132	133	130	122	118	120
Breach of the peace, etc.	100	105	112	117	126	122	111	98	84	87
Drunkenness	100	113	84	79	71	64	35	39	43	34
Other offences	100	121	133	145	153	146	80	78	78	73
Motor vehicle offences	100	106	99	94	94	94	94	96	92	80
Dangerous and careless driving	100	118	110	105	110	115	107	99	92	83
Drink/drug driving	100	87	85	85	86	83	77	66	57	56
Speeding	100	137	148	134	146	155	149	157	142	135
Unlawful use of vehicle	100	108	92	82	75	76	71	68	61	50
Vehicle defect offences	100	129	126	117	121	100	105	117	122	106
Other vehicle	100	71	58	75	71	66	93	122	148	108

1. Figures for some categories dealt with by the high court - including homicide, rape and major drug cases - may be underestimated slightly due to late recording of disposals - see annex B.

Table 5 Numbers of people with a charge proved per 1,000 population by gender and age, 2002-03 to 2011-12

Type of accused ¹	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12
All People^{2,3}										
Total⁴	30	31	31	31	32	32	30	29	28	26
Under 16 ⁵	*	*	*	*	*	*	*	*	*	*
16	32	29	32	38	38	33	29	22	17	15
17	79	80	80	83	93	86	70	57	47	39
18	103	101	98	100	107	104	86	70	62	53
19	106	102	96	95	99	99	83	71	65	58
20	103	99	90	88	93	92	79	73	65	58
21-25	87	87	83	79	81	80	71	67	60	55
26-30	62	67	69	67	67	67	65	60	57	52
31-40	37	41	42	42	44	43	44	44	44	42
Over 40 ⁶	11	12	13	13	13	13	13	14	14	13
Male										
Total⁴	52	54	54	53	56	55	52	49	47	44
Under 16 ⁵	*	*	*	1	*	1	*	*	*	*
16	56	52	55	66	67	58	49	38	29	27
17	138	139	139	143	160	148	120	96	81	65
18	182	178	170	174	184	178	149	120	104	90
19	189	177	169	167	171	167	142	123	112	97
20	180	172	155	154	162	159	133	125	110	99
21-25	148	146	139	133	138	135	120	112	101	92
26-30	107	114	116	110	112	112	107	98	93	85
31-40	63	69	71	71	74	74	75	75	74	70
Over 40 ⁶	19	21	22	22	23	23	23	23	24	23
Female										
Total⁴	9	10	10	10	10	10	9	9	9	8
Under 16 ⁵	*	*	*	*	*	*	*	*	*	*
16	6	6	6	8	7	7	7	5	4	3
17	16	17	17	20	21	20	17	16	11	11
18	21	21	21	22	26	25	20	18	18	13
19	22	24	22	20	23	26	21	17	16	16
20	25	24	24	20	22	23	21	19	18	16
21-25	25	26	26	24	24	23	21	20	18	16
26-30	19	22	23	23	22	22	22	21	19	18
31-40	13	14	15	15	15	15	14	15	15	15
Over 40 ⁶	4	4	4	4	4	4	4	5	4	4

1. A person who had a charge proved more than once in 2011-12 will be counted more than once in this table.
2. Figures in the table are calculated as ratios per 1,000 overall Scottish population.
3. Includes sex not known; excludes companies.
4. Includes age not known; uses mid-year population estimate for those aged 8-70.
5. Uses mid-year population estimate for those aged 8-15.
6. Uses mid-year population estimate for those aged 41-70.

Table 6(a) Males with a charge proved by main crime/offence and age, 2011-12

Main crime or offence	Number				Per cent			
	Under 21	21-30	Over 30	Total	Under 21	21-30	Over 30	Total
All Crimes and offences¹	13,128	32,717	44,975	90,820	100	100	100	100
All crimes	5,840	12,514	14,503	32,857	44	38	32	36
Non-sexual crimes of violence	556	901	652	2,109	4	3	1	2
Homicide	9	37	51	97	*	*	*	*
Serious assault and attempted murder	339	535	345	1,219	3	2	1	1
Robbery	170	249	114	533	1	1	*	1
Other violence	38	80	142	260	*	*	*	*
Crimes of indecency	97	159	389	645	1	*	1	1
Rape and attempted rape	9	9	32	50	*	*	*	*
Sexual assault	22	28	97	147	*	*	*	*
Offences associated with prostitution	3	19	61	83	*	*	*	*
Other indecency	63	103	199	365	*	*	*	*
Crimes of dishonesty	1,559	4,402	5,731	11,692	12	13	13	13
Housebreaking	314	531	587	1,432	2	2	1	2
Theft by opening a lockfast place	61	93	120	274	*	*	*	*
Theft from a motor vehicle	42	115	90	247	*	*	*	*
Theft of a motor vehicle	165	190	76	431	1	1	*	*
Shoplifting	342	1,876	2,988	5,206	3	6	7	6
Other theft	418	994	1,064	2,476	3	3	2	3
Fraud	55	208	275	538	*	1	1	1
Other dishonesty	162	395	531	1,088	1	1	1	1
Fire-raising, vandalism, etc	841	1,135	708	2,684	6	3	2	3
Fire-raising	49	47	27	123	*	*	*	*
Vandalism, etc	792	1,088	681	2,561	6	3	2	3
Other crimes	2,787	5,917	7,023	15,727	21	18	16	17
Crimes against public justice	1,696	2,621	3,096	7,413	13	8	7	8
Handling an offensive weapon	556	855	726	2,137	4	3	2	2
Drugs	513	2,391	3,121	6,025	4	7	7	7
Other crime	22	50	80	152	*	*	*	*
All offences	7,288	20,203	30,472	57,963	56	62	68	64
Miscellaneous offences	4,729	9,558	11,338	25,625	36	29	25	28
Common assault	2,600	4,535	4,480	11,615	20	14	10	13
Breach of the peace, etc.	1,737	4,076	5,112	10,925	13	12	11	12
Drunkenness	15	47	40	102	*	*	*	*
Other offences	377	900	1,706	2,983	3	3	4	3
Motor vehicle offences	2,559	10,645	19,134	32,338	19	33	43	36
Dangerous and careless driving	458	812	1,206	2,476	3	2	3	3
Drink/drug driving	407	1,389	2,518	4,314	3	4	6	5
Speeding	486	3,013	7,069	10,568	4	9	16	12
Unlawful use of vehicle	748	2,784	3,845	7,377	6	9	9	8
Vehicle defect offences	137	457	750	1,344	1	1	2	1
Other vehicle	323	2,190	3,746	6,259	2	7	8	7

1. Excludes companies and gender not known.

Table 6(b) Females with a charge proved by main crime/offence and age, 2011-12

Main crime or offence	Number				Per cent			
	Under 21	21-30	Over 30	Total	Under 21	21-30	Over 30	Total
All Crimes and offences¹	1,950	5,987	9,494	17,431	100	100	100	100
All crimes	671	2,552	3,104	6,327	34	43	33	36
Non-sexual crimes of violence	42	148	131	321	2	2	1	2
Homicide	1	2	14	17	*	*	*	*
Serious assault and attempted murder	29	57	40	126	1	1	*	1
Robbery	8	32	17	57	*	1	*	*
Other violence	4	57	60	121	*	1	1	1
Crimes of indecency	2	72	64	138	*	1	1	1
Rape and attempted rape	-	-	-	-	-	-	-	-
Sexual assault	-	-	2	2	-	-	*	*
Offences associated with prostitution	-	64	53	117	-	1	1	1
Other indecency	2	8	9	19	*	*	*	*
Crimes of dishonesty	240	1,319	1,515	3,074	12	22	16	18
Housebreaking	15	30	17	62	1	1	*	*
Theft by opening a lockfast place	2	5	11	18	*	*	*	*
Theft from a motor vehicle	-	1	2	3	-	*	*	*
Theft of a motor vehicle	6	8	5	19	*	*	*	*
Shoplifting	131	885	1,047	2,063	7	15	11	12
Other theft	64	221	195	480	3	4	2	3
Fraud	19	106	147	272	1	2	2	2
Other dishonesty	3	63	91	157	*	1	1	1
Fire-raising, vandalism, etc	83	110	131	324	4	2	1	2
Fire-raising	10	5	8	23	1	*	*	*
Vandalism, etc	73	105	123	301	4	2	1	2
Other crimes	304	903	1,263	2,470	16	15	13	14
Crimes against public justice	226	503	595	1,324	12	8	6	8
Handling an offensive weapon	26	53	60	139	1	1	1	1
Drugs	46	330	572	948	2	6	6	5
Other crime	6	17	36	59	*	*	*	*
All offences	1,279	3,435	6,390	11,104	66	57	67	64
Miscellaneous offences	957	1,668	2,590	5,215	49	28	27	30
Common assault	635	877	1,063	2,575	33	15	11	15
Breach of the peace, etc.	265	538	814	1,617	14	9	9	9
Drunkenness	1	2	19	22	*	*	*	*
Other offences	56	251	694	1,001	3	4	7	6
Motor vehicle offences	322	1,767	3,800	5,889	17	30	40	34
Dangerous and careless driving	34	111	238	383	2	2	3	2
Drink/drug driving	80	223	664	967	4	4	7	6
Speeding	71	557	1,181	1,809	4	9	12	10
Unlawful use of vehicle	84	505	1,028	1,617	4	8	11	9
Vehicle defect offences	4	47	81	132	*	1	1	1
Other vehicle	49	324	608	981	3	5	6	6

1. Excludes companies and gender not known.

Table 7 People with a charge proved by main penalty, 2002-03 to 2011-12

Main penalty	Number										% change 2010-11 to 2011-12
	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	
Total ⁵	122,825	128,520	129,733	128,204	134,413	133,608	125,889	121,028	115,564	108,336	-6
Custody	15,613	14,784	15,011	15,082	16,758	16,761	16,938	15,788	15,303	15,880	4
Prison	12,426	11,959	12,306	12,155	13,489	13,593	13,900	13,013	13,122	13,664	4
Young offenders institution	3,162	2,801	2,685	2,903	3,245	3,142	3,017	2,753	2,168	2,203	2
Life-long restriction order ⁹	-	-	-	-	-	-	-	-	1	7	600
Other custody	25	24	20	24	24	26	21	22	12	6	-50
Community sentence	14,248	13,943	15,316	15,973	16,077	16,709	17,922	16,350	15,616	16,916	8
Probation	8,451	8,137	8,623	8,785	8,614	9,002	9,912	8,893	7,934	2,300	-71
Community service order	4,719	4,299	4,850	5,183	5,286	5,601	5,784	5,471	5,308	2,641	-50
Supervised attendance order ⁷	13	18	33	99	112	129	198	247	276	120	-57
Restriction of liberty order	656	879	1,097	1,136	1,179	1,155	1,143	931	824	602	-27
Drug treatment & testing order	409	610	713	758	865	822	885	808	806	665	-17
Community reparation order	-	-	-	11	15	0	-	-	-	-	-
Anti Social Behaviour Order	-	-	-	1	6	0	-	-	-	-	-
Community payback order	-	-	-	-	-	-	-	-	468	10,588	2162
Financial penalty	79,887	86,094	84,932	82,194	84,820	83,345	73,993	72,491	67,575	59,317	-12
Fine	78,540	84,327	83,237	80,723	83,445	82,020	72,840	71,452	66,491	58,388	-12
Compensation order	1,347	1,767	1,695	1,471	1,375	1,325	1,153	1,039	1,084	929	-14
Other sentence ⁵	13,077	13,699	14,474	14,955	16,758	16,793	17,036	16,399	17,070	16,223	-5
Insanity, hospital, guardianship order	101	129	95	115	65	20	16	15	18	23	28
Caution or admonition	12,360	12,935	13,744	14,175	15,967	16,084	16,399	15,687	16,422	15,586	-5
Absolute discharge ⁸	385	435	403	401	413	430	412	522	460	472	3
Remit to children's hearing	230	196	221	260	313	259	209	175	170	142	-16
Average amount of penalty ¹											
Custody (days) ⁴	252	257	238	229	232	248	262	282	277	284	
Community service order (hours)	154	154	149	148	147	146	146	146	149	155	
Fine ^{2,6} (£)	205	208	217	211	213	219	229	217	215	241	
Compensation order ^{3,6} (£)	223	208	247	282	335	322	378	394	391	423	

1. Excludes indeterminate/not known sentences. 2. Excludes company fines. 3. As main or secondary penalty. 4. Figures for 2011-12 may be underestimates.

5. Includes a small number of sentence unknown. 6. Excludes a small number of large fines/ large compensation orders. 7. Of first instance.

8. Includes a small number of court cautions and dog-related disposals. 9. Data on life-long restriction orders are only available from 2011 onwards

Main penalty	Percentage									
	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12
Total	100	100	100	100	100	100	100	100	100	100
Custody	13	12	12	12	12	13	13	13	13	15
Prison	10	9	9	9	10	10	11	11	11	13
Young offenders institution	3	2	2	2	2	2	2	2	2	2
Other custody	*	*	*	*	*	*	*	*	*	*
Community sentence	12	11	12	12	12	13	14	14	14	16
Probation	7	6	7	7	6	7	8	7	7	2
Community service order	4	3	4	4	4	4	5	5	5	2
Supervised attendance order	*	*	*	*	*	*	*	*	*	*
Restriction of liberty order	1	1	1	1	1	1	1	1	1	1
Drug treatment & testing order	*	*	1	1	1	1	1	1	1	1
Community payback order	-	-	-	-	-	-	-	-	*	10
Financial penalty	65	67	65	64	63	62	59	60	58	55
Fine	64	66	64	63	62	61	58	59	58	54
Compensation order	1	1	1	1	1	1	1	1	1	1
Other sentence	11	11	11	12	12	13	14	14	15	15
Insanity, hospital, guardianship order	*	*	*	*	*	*	*	*	*	*
Caution or admonition	10	10	11	11	12	12	13	13	14	14
Absolute discharge	*	*	*	*	*	*	*	*	*	*
Remit to children's hearing	*	*	*	*	*	*	*	*	*	*

Table 8(a) People with a charge proved by main crime/offence and main penalty, 2011-12

Main crime or offence	Prison	Young Offenders' Institution	Other custody	Probation	Community service order	Community payback order	Supervised attendance order ¹	Restriction of liberty order	Life-long restriction order	Drug treatment & testing order	Fine	Compensation order	Insanity, guardianship, hospital order	Caution or admonition	Absolute discharge	Remit to children's hearing	Total
All Crimes and offences	13,664	2,203	6	2,300	2,641	10,588	120	602	7	665	58,388	929	23	15,586	472	142	108,336
All crimes	9,304	1,443	6	1,303	1,337	5,046	62	336	7	614	10,911	606	17	7,939	176	78	39,185
Non-sexual crimes of violence	1,132	311	5	167	187	260	2	30	5	10	160	10	4	129	9	9	2,430
Homicide	83	9	1	1	10	-	-	-	-	-	5	-	3	2	-	-	114
Serious assault and attempted murder	642	176	2	117	138	138	1	23	4	1	69	10	1	16	5	2	1,345
Robbery	342	113	2	20	20	48	-	5	-	6	18	-	-	10	-	6	590
Other violence	65	13	-	29	19	74	1	2	1	3	68	-	-	101	4	1	381
Crimes of indecency	188	19	1	154	11	113	-	2	2	3	162	-	4	117	5	2	783
Rape and attempted rape	37	8	-	2	-	-	-	-	2	-	-	-	-	1	-	-	50
Sexual assault	63	4	1	38	5	25	-	-	-	-	7	-	3	2	-	1	149
Offences associated with prostitution	4	-	-	2	-	5	-	-	-	3	86	-	-	97	3	-	200
Other indecency	84	7	-	112	6	83	-	2	-	-	69	-	1	17	2	1	384
Crimes of dishonesty	4,204	393	-	384	470	1,753	22	119	-	417	3,518	265	3	3,147	54	18	14,767
Housebreaking	694	114	-	72	65	221	1	15	-	51	113	18	1	122	3	4	1,494
Theft by opening a lockfast place	98	16	-	13	16	49	1	1	-	7	45	8	-	36	1	1	292
Theft from a motor vehicle	100	12	-	11	10	33	-	4	-	8	30	13	-	27	1	1	250
Theft of a motor vehicle	97	34	-	14	10	102	2	15	-	4	101	3	-	63	3	2	450
Shoplifting	1,924	89	-	133	60	714	11	39	-	246	1,828	68	1	2,133	23	-	7,269
Other theft	733	87	-	78	90	416	3	29	-	66	847	101	1	481	15	9	2,956
Fraud	178	14	-	30	130	69	-	6	-	7	226	39	-	106	5	1	811
Other dishonesty	380	27	-	33	89	149	4	10	-	28	328	15	-	179	3	-	1,245
Fire-raising, vandalism, etc	335	107	-	122	94	525	8	30	-	7	973	322	3	455	21	6	3,008
Fire-raising	45	14	-	24	9	25	-	-	-	-	13	-	1	12	2	1	146
Vandalism, etc	290	93	-	98	85	500	8	30	-	7	960	322	2	443	19	5	2,862
Other crimes	3,445	613	-	476	575	2,395	30	155	-	177	6,098	9	3	4,091	87	43	18,197
Crimes against public justice	1,479	407	-	202	157	1,199	14	88	-	43	2,242	7	2	2,820	50	27	8,737
Handling an offensive weapon	672	133	-	88	132	534	1	37	-	11	408	-	1	232	13	14	2,276
Drugs	1,232	66	-	171	280	619	14	29	-	122	3,402	-	-	1,015	23	-	6,973
Other crime	62	7	-	15	6	43	1	1	-	1	46	2	-	24	1	2	211
All offences	4,360	760	-	997	1,304	5,542	58	266	-	51	47,477	323	6	7,647	296	64	69,151
Miscellaneous offences	3,878	701	-	918	1,185	4,733	33	237	-	51	11,806	302	6	6,728	242	63	30,883
Common assault	1,927	440	-	565	610	2,622	16	140	-	24	4,811	215	4	2,659	123	34	14,190
Breach of the peace, etc.	1,574	225	-	272	178	1,795	11	81	-	23	4,957	51	2	3,262	87	24	12,542
Drunkenness	2	2	-	1	2	8	-	-	-	-	65	-	-	44	-	-	124
Other offences	375	34	-	80	395	308	6	16	-	4	1,973	36	-	763	32	5	4,027
Motor vehicle offences	482	59	-	79	119	809	25	29	-	-	35,671	21	-	919	54	1	38,268
Dangerous and careless driving	80	22	-	20	29	112	4	4	-	-	2,524	2	-	59	3	-	2,859
Drink/drug driving	105	11	-	42	53	428	11	11	-	-	4,571	-	-	41	7	1	5,281
Speeding	-	-	-	-	-	2	-	-	-	-	12,326	-	-	46	3	-	12,377
Unlawful use of vehicle	293	23	-	15	32	252	9	14	-	-	7,740	19	-	576	29	-	9,002
Vehicle defect offences	-	-	-	-	-	1	-	-	-	-	1,422	-	-	76	4	-	1,503
Other vehicle	4	3	-	2	5	14	1	-	-	-	7,088	-	-	121	8	-	7,246

1. Of first instance.

Table 8(b) People with a charge proved by main crime/offence and main penalty, 2011-12

Main crime or offence	Row percentages					Column percentages				
	Custody	Community sentence	Monetary	Other	Total	Custody	Community sentence	Monetary	Other	Total
All Crimes and offences	15	16	55	15	100	100	100	100	100	100
All crimes	27	22	29	21	100	64	45	20	45	36
Non-sexual crimes of violence	60	27	7	6	100	7	3	-	1	2
Homicide	82	10	4	4	100	-	-	-	-	-
Serious assault and attempted murder	61	31	6	2	100	4	2	-	-	1
Robbery	77	17	3	3	100	2	-	-	-	-
Other violence	21	34	18	28	100	-	1	-	-	-
Crimes of indecency	27	36	21	16	100	2	2	-	1	1
Rape and attempted rape	94	4	-	2	100	-	-	-	-	-
Sexual assault	46	46	5	4	100	1	-	-	-	-
Offences associated with prostitution	2	5	43	50	100	-	-	-	-	-
Other indecency	24	53	18	5	100	1	1	-	-	-
Crimes of dishonesty	31	21	26	22	100	27	17	6	16	13
Housebreaking	54	28	9	9	100	5	2	-	1	1
Theft by opening a lockfast place	39	30	18	13	100	1	-	-	-	-
Theft from a motor vehicle	45	26	17	12	100	1	-	-	-	-
Theft of a motor vehicle	29	33	23	15	100	1	1	-	1	1
Shoplifting	28	17	26	30	100	11	6	3	10	6
Other theft	28	23	32	17	100	5	4	2	2	3
Fraud	24	30	33	14	100	2	2	1	1	1
Other dishonesty	33	25	28	15	100	2	2	1	1	1
Fire-raising, vandalism, etc	15	26	43	16	100	3	4	2	2	3
Fire-raising	40	40	9	11	100	-	-	-	-	-
Vandalism, etc	13	25	45	16	100	2	4	2	2	3
Other crimes	22	21	34	23	100	24	20	11	25	17
Crimes against public justice	22	19	26	33	100	13	9	4	18	9
Handling an offensive weapon	35	35	18	11	100	4	4	1	1	2
Drugs	19	18	49	15	100	7	7	6	6	6
Other crime	33	32	23	13	100	-	-	-	-	-
All offences	7	12	69	12	100	36	55	80	55	64
Miscellaneous offences	15	23	39	23	100	32	47	20	37	30
Common assault	17	28	35	20	100	16	23	8	14	13
Breach of the peace, etc.	14	19	40	27	100	14	18	9	18	13
Drunkenness	3	9	52	35	100	-	-	-	-	-
Other offences	10	20	50	20	100	3	5	3	4	4
Motor vehicle offences	1	3	93	3	100	4	8	60	18	35
Dangerous and careless driving	4	6	88	2	100	1	1	4	1	2
Drink/drug driving	2	10	87	1	100	1	3	7	1	4
Speeding	-	-	100	-	100	-	-	18	-	9
Unlawful use of vehicle	4	4	86	7	100	2	3	16	13	11
Vehicle defect offences	-	-	95	5	100	-	-	3	1	2
Other vehicle	-	-	98	2	100	-	-	12	3	7

Table 8(c) People with a charge proved by gender, main crime/offence and main penalty, 2011-12

Main crime or offence	Male					Female				
	Total	(percentages)				Total	(percentages)			
		Custody	Community sentence	Monetary	Other		Custody	Community sentence	Monetary	Other
All Crimes and offences¹	90,820	16	15	55	13	17,431	8	16	52	24
All crimes	32,857	30	22	30	18	6,327	16	24	27	34
Non-sexual crimes of violence	2,109	64	25	7	4	321	30	42	9	19
Homicide	97	85	7	3	5	17	65	24	12	-
Serious assault and attempted murder	1,219	64	29	6	1	126	39	50	6	5
Robbery	533	80	15	3	2	57	54	35	5	5
Other violence	260	28	31	20	21	121	4	40	13	43
Crimes of indecency	645	32	42	20	6	138	4	8	22	67
Rape and attempted rape	50	94	4	-	2	-	-	-	-	-
Sexual assault	147	46	46	5	4	2	50	50	-	-
Offences associated with prostitution	83	2	4	77	17	117	2	6	19	74
Other indecency	365	24	55	17	4	19	11	16	42	32
Crimes of dishonesty	11,692	35	21	25	19	3,074	18	22	27	34
Housebreaking	1,432	55	28	9	8	62	27	44	11	18
Theft by opening a lockfast place	274	41	30	18	12	18	17	33	22	28
Theft from a motor vehicle	247	45	27	17	11	3	-	-	33	67
Theft of a motor vehicle	431	30	32	23	15	19	5	53	32	11
Shoplifting	5,206	31	16	26	27	2,063	19	17	26	38
Other theft	2,476	29	23	33	15	480	19	25	28	28
Fraud	538	29	28	32	11	272	13	35	33	19
Other dishonesty	1,088	35	24	28	12	157	15	33	22	30
Fire-raising, vandalism, etc	2,684	16	26	44	15	324	7	28	36	28
Fire-raising	123	41	37	11	11	23	35	52	-	13
Vandalism, etc	2,561	14	25	45	15	301	5	27	39	29
Other crimes	15,727	24	20	34	21	2,470	12	25	28	35
Crimes against public justice	7,413	23	19	27	31	1,324	12	24	21	44
Handling an offensive weapon	2,137	37	35	18	10	139	14	46	12	27
Drugs	6,025	20	17	50	13	948	13	22	40	25
Other crime	152	41	28	23	9	59	12	42	22	24
All offences	57,963	8	12	70	10	11,104	3	12	66	19
Miscellaneous offences	25,625	16	23	40	20	5,215	7	23	34	36
Common assault	11,615	19	29	36	17	2,575	8	26	31	35
Breach of the peace, etc.	10,925	15	20	41	24	1,617	7	13	35	45
Drunkenness	102	4	10	57	29	22	-	5	32	64
Other offences	2,983	12	17	53	18	1,001	5	31	38	26
Motor vehicle offences	32,338	2	3	93	2	5,889	-	2	94	3
Dangerous and careless driving	2,476	4	6	88	2	383	-	4	93	2
Drink/drug driving	4,314	3	11	86	1	967	1	9	89	1
Speeding	10,568	-	-	100	-	1,809	-	-	100	-
Unlawful use of vehicle	7,377	4	4	85	6	1,617	-	1	90	8
Vehicle defect offences	1,344	-	-	95	5	132	-	-	88	12
Other vehicle	6,259	-	-	98	2	981	-	-	98	2

1. Excludes companies and gender not known.

Table 9 Percentage of people with a charge proved receiving custodial sentences by main crime/offence, 2002-03 to 2011-12

Main crime or offence	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12
All Crimes and offences	13	12	12	12	12	13	13	13	13	15
All crimes	26	24	23	24	24	24	26	26	26	27
Non-sexual crimes of violence	54	52	51	50	54	51	55	58	53	60
Homicide	93	94	92	88	93	96	98	91	83	82
Serious assault and attempted murder	51	48	50	46	52	48	53	56	53	61
Robbery	67	65	61	66	70	66	71	73	72	77
Other violence	21	18	17	25	22	25	19	27	27	21
Crimes of indecency	37	33	26	28	26	24	24	31	26	27
Rape and attempted rape	95	83	93	90	98	92	98	94	91	94
Sexual assault	50	57	49	51	46	47	52	62	46	46
Offences associated with prostitution	1	-	-	1	1	1	1	3	1	2
Other indecency	24	19	17	28	24	22	23	27	28	24
Crimes of dishonesty	30	29	29	28	28	28	29	29	30	31
Housebreaking	49	48	47	45	50	47	45	49	53	54
Theft by opening a lockfast place	38	39	31	35	36	34	36	37	38	39
Theft from a motor vehicle	43	36	37	37	43	40	45	39	41	45
Theft of a motor vehicle	29	23	23	22	27	22	27	24	27	29
Shoplifting	28	29	28	28	26	26	27	26	27	28
Other theft	27	26	26	26	24	26	27	29	28	28
Fraud	11	11	11	14	17	18	21	21	23	24
Other dishonesty	29	28	24	26	27	25	27	29	31	33
Fire-raising, vandalism, etc	8	9	9	9	9	10	11	12	13	15
Fire-raising	35	31	24	35	27	36	31	30	35	40
Vandalism, etc	7	8	8	8	8	9	10	11	12	13
Other crimes	19	17	17	19	20	21	22	23	21	22
Crimes against public justice	20	19	19	23	24	24	22	23	21	22
Handling an offensive weapon	26	22	22	26	30	29	30	32	31	35
Drugs	16	14	14	13	13	15	19	19	19	19
Other crime	29	20	42	45	37	35	31	27	26	33
All offences	6	5	5	6	6	6	7	6	6	7
Miscellaneous offences	9	8	9	9	10	10	12	12	13	15
Common assault	13	12	13	13	14	14	15	15	16	17
Breach of the peace, etc.	9	8	9	10	10	10	11	12	13	14
Drunkenness	1	3	3	2	2	-	2	3	1	3
Other offences	3	2	2	2	2	3	7	5	6	10
Motor vehicle offences	3	3	3	3	3	2	2	1	1	1
Dangerous and careless driving	4	3	4	4	4	4	4	3	3	4
Drink/drug driving	3	2	2	2	3	2	2	2	2	2
Speeding	-	-	-	-	-	-	-	-	-	-
Unlawful use of vehicle	7	6	5	6	6	5	5	3	3	4
Vehicle defect offences	-	-	-	-	-	-	-	-	-	-
Other vehicle	1	1	1	-	-	-	-	-	-	-

Table 10(a) People receiving a custodial sentence by main crime/offence and length of sentence, 2011-12

Main crime or offence	(Numbers)								(Percentages)					
	Total ^{1,2}	Up to 3 months	Over 3 months to 6 months	Over 6 months to 2 years	Over 2 years to less than 4 years	4 years and over	Life	Indeterminate Detention	Average length of sentence (days) ^{3,4}	Up to 3 months	Over 3 months to 6 months	Over 6 months to 2 years	Over 2 years to less than 4 years	4 years and over including life etc
All Crimes and offences	15,874	4,516	6,149	3,908	732	491	52	-	284	28	39	25	5	4
All crimes	10,754	3,040	3,662	2,838	679	461	52	-	334	28	34	26	6	5
Non-sexual crimes of violence	1,448	21	80	707	313	271	52	-	922	1	6	49	22	22
Homicide	92	-	-	7	4	29	52	-	2,206	-	-	8	4	88
Serious assault and attempted murder	822	5	18	436	187	173	-	-	967	1	2	53	23	21
Robbery	455	7	37	232	117	62	-	-	802	2	8	51	26	14
Other violence	79	9	25	32	5	7	-	-	488	11	32	41	6	9
Crimes of indecency	209	6	24	59	45	74	-	-	1,256	3	11	28	22	35
Rape and attempted rape	47	-	1	5	2	38	-	-	2,269	-	2	11	4	81
Sexual assault	67	1	6	21	17	22	-	-	1,232	1	9	31	25	33
Offences associated with prostitution	4	-	1	2	1	-	-	-	540	-	25	50	25	-
Other indecency	91	5	16	31	25	14	-	-	803	5	18	34	27	15
Crimes of dishonesty	4,597	1,501	2,147	868	62	6	-	-	165	33	47	19	1	*
Housebreaking	808	82	343	335	43	2	-	-	267	10	42	41	5	1
Theft by opening a lockfast place	114	13	67	34	-	-	-	-	192	11	59	30	-	-
Theft from a motor vehicle	112	24	70	17	1	-	-	-	157	21	63	15	1	-
Theft of a motor vehicle	131	31	64	33	2	-	-	-	183	24	49	25	2	-
Shoplifting	2,013	911	953	140	2	-	-	-	116	45	47	7	*	-
Other theft	820	235	396	182	4	2	-	-	167	29	48	22	*	*
Fraud	192	36	94	55	6	1	-	-	220	19	49	29	3	1
Other dishonesty	407	169	160	72	4	1	-	-	164	42	39	18	1	*
Fire-raising, vandalism, etc	442	147	192	83	11	8	-	-	217	33	43	19	2	2
Fire-raising	59	2	12	28	9	8	-	-	683	3	20	47	15	14
Vandalism, etc	383	145	180	55	2	-	-	-	146	38	47	14	1	-
Other crimes	4,058	1,365	1,219	1,121	248	102	-	-	290	34	30	28	6	3
Crimes against public justice	1,886	1,114	601	157	10	3	-	-	114	59	32	8	1	*
Handling an offensive weapon	805	64	315	383	41	1	-	-	311	8	39	48	5	*
Drugs	1,298	181	255	570	195	96	-	-	533	14	20	44	15	7
Other crime	69	6	48	11	2	2	-	-	260	9	70	16	3	3
All offences	5,120	1,476	2,487	1,070	53	30	-	-	181	29	49	21	1	1
Miscellaneous offences	4,579	1,421	2,217	858	51	29	-	-	178	31	48	19	1	1
Common assault	2,367	548	1,175	592	38	12	-	-	204	23	50	25	2	1
Breach of the peace, etc.	1,799	717	855	218	7	2	-	-	136	40	48	12	*	*
Drunkenness	4	3	1	-	-	-	-	-	76	75	25	-	-	-
Other offences	409	153	186	48	6	15	-	-	213	37	45	12	1	4
Motor vehicle offences	541	55	270	212	2	1	-	-	207	10	50	39	*	*
Dangerous and careless driving	102	5	36	58	2	1	-	-	283	5	35	57	2	1
Drink/drug driving	116	25	76	15	-	-	-	-	145	22	66	13	-	-
Speeding	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Unlawful use of vehicle	316	22	154	139	-	-	-	-	207	7	49	44	-	-
Vehicle defect offences	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Other vehicle	7	3	4	-	-	-	-	-	100	43	57	-	-	-

1. Includes a small number of cases where sentence length is unknown.

2. Excludes a small number of cases which resulted in detention of a child aged under 16.

3. Excludes life sentences and indeterminate detentions.

4. Average sentence length figures for some categories may be underestimated slightly due to late recording of some high court disposals.

Table 10(b) People receiving a custodial sentence by gender, main crime/offence and length of sentence, 2011-12

Main crime or offence	Male						Female					
	Total ^{1,2}	(Percentages)					Total ¹	(Percentages)				
		Up to 3 months	Over 3 months to 6 months	Over 6 months to 2 years	Over 2 years to less than 4 years	4 years and over including life etc		Up to 3 months	Over 3 months to 6 months	Over 6 months to 2 years	Over 2 years to less than 4 years	4 years and over including life etc
All Crimes and offences	14,506	28	39	25	5	3	1,361	38	40	17	2	2
All crimes	9,763	27	34	27	7	4	984	40	36	19	3	4
Non-sexual crimes of violence	1,347	1	5	49	22	22	96	3	8	49	16	24
Homicide	81	-	-	9	5	86	11	-	-	-	-	100
Serious assault and attempted murder	769	1	2	53	23	21	49	2	-	53	20	24
Robbery	424	1	7	50	26	15	31	3	19	61	16	-
Other violence	73	11	32	41	7	10	5	20	40	40	-	-
Crimes of indecency	202	2	11	29	22	36	5	20	40	20	-	20
Rape and attempted rape	45	-	2	11	4	82	-	-	-	-	-	100
Sexual assault	66	2	9	32	26	32	1	-	-	-	-	-
Offences associated with prostitution	2	-	-	50	50	-	2	-	50	50	-	-
Other indecency	89	4	17	35	28	16	2	50	50	-	-	-
Crimes of dishonesty	4,042	31	47	20	2	-	555	46	45	10	-	-
Housebreaking	791	10	42	42	5	-	17	18	65	18	-	-
Theft by opening a lockfast place	111	12	60	28	-	-	3	-	-	100	-	-
Theft from a motor vehicle	112	21	63	15	1	-	-	-	-	-	-	-
Theft of a motor vehicle	130	23	49	26	2	-	1	100	-	-	-	-
Shoplifting	1,629	44	48	8	-	-	384	52	45	4	-	-
Other theft	727	27	49	23	1	-	93	39	46	15	-	-
Fraud	158	17	51	28	4	1	34	26	41	32	-	-
Other dishonesty	384	42	40	17	1	-	23	30	35	35	-	-
Fire-raising, vandalism, etc	418	33	44	19	3	2	24	42	33	25	-	-
Fire-raising	51	2	20	45	18	16	8	13	25	63	-	2
Vandalism, etc	367	37	47	15	1	-	16	56	38	6	-	1
Other crimes	3,754	33	30	28	6	3	304	40	28	25	5	-
Crimes against public justice	1,729	58	32	9	1	-	157	66	27	6	1	4
Handling an offensive weapon	785	8	39	48	5	-	20	5	40	55	-	-
Drugs	1,178	14	19	44	15	8	120	14	25	45	12	-
Other crime	62	10	68	16	3	3	7	-	86	14	-	-
All offences	4,743	28	48	21	1	1	377	34	52	14	-	-
Miscellaneous offences	4,215	31	48	19	1	1	364	34	51	15	-	-
Common assault	2,163	22	49	26	2	1	204	31	52	17	-	-
Breach of the peace, etc.	1,688	39	48	13	-	-	111	47	47	6	-	-
Drunkenness	4	75	25	-	-	-	-	-	-	-	-	-
Other offences	360	40	44	10	1	4	49	16	57	24	2	-
Motor vehicle offences	528	10	49	40	-	-	13	23	69	8	-	-
Dangerous and careless driving	101	5	35	57	2	1	1	-	100	-	-	-
Drink/drug driving	108	21	66	13	-	-	8	25	63	13	-	-
Speeding	-	-	-	-	-	-	-	-	-	-	-	-
Unlawful use of vehicle	312	7	48	45	-	-	4	25	75	-	-	-
Vehicle defect offences	-	-	-	-	-	-	-	-	-	-	-	-
Other vehicle	7	43	57	-	-	-	-	-	-	-	-	-

1. Includes a small number of cases where sentence length is unknown.

2. Excludes a small number of cases which resulted in detention of a child aged under 16.

Table 10(c) Average length of custodial sentence in days, by main crime/offence, 2002-03 to 2011-12

Main Crime or Offence ^{1,2}	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12
All Crimes and offences	252	257	238	229	232	248	262	282	277	284
All crimes	297	300	283	274	281	299	309	330	321	334
Non-sexual crimes of violence	966	964	884	882	905	926	902	900	878	922
Homicide	2,092	2,056	2,191	1,927	1,957	2,630	2,288	2,201	2,304	2,206
Serious assault and attempted murder	949	906	870	892	898	877	886	911	920	967
Robbery	922	942	666	726	818	727	802	761	819	802
Other violence	558	592	601	770	566	658	510	529	271	488
Crimes of indecency	1,285	1,047	1,254	1,034	1,224	1,291	1,342	1,271	1,214	1,256
Rape and attempted rape	2,224	1,931	1,960	2,191	2,074	2,682	2,543	2,286	2,105	2,269
Sexual assault	981	817	960	830	1,133	948	1,099	1,185	1,384	1,232
Offences associated with prostitution	91	0	365	395	96	284	403	183	185	540
Other indecency	893	799	1,011	622	710	764	1,060	899	798	803
Crimes of dishonesty	140	137	128	128	133	137	142	151	154	165
Housebreaking	219	207	193	211	211	228	223	242	256	267
Theft by opening a lockfast place	126	163	148	111	127	132	150	171	169	192
Theft from a motor vehicle	129	133	126	135	129	122	146	162	176	157
Theft of a motor vehicle	140	156	120	120	135	133	158	159	151	183
Shoplifting	99	97	97	93	90	94	98	101	106	116
Other theft	147	125	134	124	119	128	137	156	159	167
Fraud	151	228	150	180	245	206	224	226	230	220
Other dishonesty	133	125	102	126	146	167	143	165	137	164
Fire-raising, vandalism, etc	164	125	140	138	168	188	176	198	194	217
Fire-raising	458	395	450	385	507	469	447	470	555	683
Vandalism, etc	111	90	103	92	112	142	128	158	144	146
Other crimes	319	307	286	249	239	263	275	303	307	290
Crimes against public justice	85	79	89	84	74	88	95	100	111	114
Handling an offensive weapon	112	116	111	118	161	218	261	271	288	311
Drugs	717	655	629	584	548	559	544	574	573	533
Other crime	1,576	1,415	326	159	221	215	183	659	155	260
All offences	142	153	137	132	131	140	159	171	175	181
Miscellaneous offences	126	138	125	121	123	132	156	168	171	178
Common assault	148	172	154	148	149	153	174	199	195	204
Breach of the peace, etc.	91	88	85	80	83	87	108	115	124	136
Drunkenness	26	27	27	30	38	0	45	32	29	76
Other offences	215	223	153	224	224	293	318	284	244	213
Motor vehicle offences	169	183	171	165	157	170	176	188	202	207
Dangerous and careless driving	179	286	233	261	212	233	230	241	289	283
Drink/drug driving	114	120	131	112	105	124	142	137	130	145
Speeding	0	0	0	0	0	0	0	0	0	0
Unlawful use of vehicle	172	178	165	161	161	168	174	189	204	207
Vehicle defect offences	0	0	0	0	0	0	0	0	0	0
Other vehicle	267	334	396	96	95	115	80	123	152	100

1. Average sentence lengths exclude life sentences and indeterminate detention.

2. Figures for some categories dealt with by the high court - including homicide, rape and major drug cases - may be underestimated slightly due to late recording of disposals - see annex B.

Table 11 People with a charge proved by main penalty, gender and age, 2011-12

Main penalty	Total	Male					Female					Number
		All males	Under 16	16 to 20	21 to 30	Over 30	All females	Under 16	16 to 20	21 to 30	Over 30	Companies
Total¹	108,336	90,820	45	13,083	32,717	44,975	17,431	2	1,948	5,987	9,494	85
Custody	15,880	14,519	6	2,045	6,021	6,447	1,361	-	159	614	588	-
Community sentence	16,916	14,064	7	3,281	5,233	5,543	2,852	-	432	1,019	1,401	-
Financial penalty	59,317	50,262	2	5,360	17,803	27,097	8,978	-	745	2,908	5,325	77
Other sentence	16,223	11,975	30	2,397	3,660	5,888	4,240	2	612	1,446	2,180	8

Main penalty	Total	Male					Female					Companies
		All males	Under 16	16 to 20	21 to 30	Over 30	All females	Under 16	16 to 20	21 to 30	Over 30	
Total	100	84	*	12	30	42	16	*	2	6	9	*
Custody	100	91	*	13	38	41	9	-	1	4	4	-
Community sentence	100	83	*	19	31	33	17	-	3	6	8	-
Financial penalty	100	85	*	9	30	46	15	-	1	5	9	*
Other sentence	100	74	*	15	23	36	26	*	4	9	13	*

Main penalty	Total	Male					Female					Companies
		All males	Under 16	16 to 20	21 to 30	Over 30	All females	Under 16	16 to 20	21 to 30	Over 30	
Total	100	100	100	100	100	100	100	100	100	100	100	100
Custody	15	16	13	16	18	14	8	-	8	10	6	-
Community sentence	16	15	16	25	16	12	16	-	22	17	15	-
Financial penalty	55	55	4	41	54	60	52	-	38	49	56	91
Other sentence	15	13	67	18	11	13	24	100	31	24	23	9

1. Includes a small number of cases where gender is unknown

Table 12 People with a charge proved by main penalty, gender and age, 2002-03 to 2011-12

	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	% change 10 11 -11-12
Total^{1,2,3}	122,470	128,053	129,235	127,843	134,113	133,353	125,875	121,024	115,544	108,251	-6
Male	104,310	107,933	108,460	107,804	113,511	112,788	106,295	101,601	97,015	90,820	-6
Under 21	24,075	23,550	23,205	24,185	25,639	24,525	20,535	17,327	15,143	13,128	-13
21-30	39,405	40,053	39,337	38,079	40,404	41,222	38,896	37,312	35,172	32,717	-7
Over 30	40,811	44,325	45,912	45,537	47,466	47,041	46,864	46,962	46,699	44,975	-4
Female	18,160	20,120	20,775	20,039	20,602	20,565	19,580	19,423	18,529	17,431	-6
Under 21	2,845	2,944	2,909	2,937	3,264	3,306	2,830	2,511	2,228	1,950	-12
21-30	6,843	7,494	7,652	7,387	7,401	7,387	7,313	7,009	6,572	5,987	-9
Over 30	8,468	9,680	10,214	9,715	9,935	9,872	9,437	9,903	9,727	9,494	-2
Custody	15,613	14,784	15,010	15,082	16,758	16,761	16,938	15,788	15,302	15,880	4
Male	14,609	13,684	13,809	13,939	15,583	15,486	15,585	14,509	14,000	14,519	4
Under 21	2,978	2,620	2,521	2,803	3,070	2,986	2,856	2,600	2,012	2,051	2
21-30	7,145	6,726	6,478	6,030	6,684	6,864	6,715	6,151	6,072	6,021	-1
Over 30	4,486	4,338	4,809	5,106	5,829	5,636	6,014	5,758	5,916	6,447	9
Female	1,004	1,100	1,201	1,143	1,175	1,275	1,353	1,279	1,302	1,361	5
Under 21	218	211	191	125	200	182	182	175	168	159	-5
21-30	499	542	611	563	592	615	682	580	588	614	4
Over 30	287	347	399	455	383	478	489	524	546	588	8
Community sentence	14,245	13,943	15,316	15,973	16,077	16,709	17,921	16,350	15,616	16,916	8
Male	11,952	11,624	12,821	13,355	13,566	13,886	14,955	13,484	12,978	14,064	8
Under 21	4,012	3,583	3,914	4,158	4,486	4,471	4,608	3,640	3,446	3,288	-5
21-30	4,511	4,435	4,832	4,920	4,878	4,935	5,303	5,037	4,697	5,233	11
Over 30	3,429	3,606	4,075	4,277	4,202	4,480	5,044	4,807	4,835	5,543	15
Female	2,293	2,319	2,495	2,618	2,511	2,823	2,966	2,866	2,638	2,852	8
Under 21	498	478	529	532	633	667	593	559	453	432	-5
21-30	1,071	987	1,042	1,126	926	1,092	1,176	1,013	1,020	1,019	0
Over 30	723	854	924	960	952	1,064	1,197	1,294	1,165	1,401	20
Financial penalty	79,562	85,647	84,468	81,862	84,541	83,105	73,980	72,487	67,558	59,240	-12
Male	68,016	72,573	71,134	69,505	72,051	71,058	63,241	61,480	57,350	50,262	-12
Under 21	13,997	14,389	13,765	14,029	14,646	13,597	9,886	8,462	7,070	5,362	-24
21-30	24,663	25,771	24,840	23,884	25,214	25,791	23,102	22,258	20,357	17,803	-13
Over 30	29,340	32,409	32,524	31,589	32,189	31,670	30,253	30,760	29,922	27,097	-9
Female	11,546	13,074	13,334	12,357	12,490	12,047	10,739	11,007	10,208	8,978	-12
Under 21	1,437	1,549	1,494	1,507	1,572	1,569	1,206	1,061	909	745	-18
21-30	4,019	4,572	4,611	4,254	4,253	4,140	3,754	3,818	3,381	2,908	-14
Over 30	6,087	6,952	7,229	6,596	6,663	6,338	5,779	6,128	5,916	5,325	-10
Other sentence	13,050	13,679	14,441	14,926	16,737	16,778	17,036	16,399	17,068	16,215	-5
Male	9,733	10,052	10,696	11,005	12,311	12,358	12,514	12,128	12,687	11,975	-6
Under 21	3,088	2,958	3,005	3,195	3,437	3,471	3,185	2,625	2,615	2,427	-7
21-30	3,086	3,121	3,187	3,245	3,628	3,632	3,776	3,866	4,046	3,660	-10
Over 30	3,556	3,972	4,504	4,565	5,246	5,255	5,553	5,637	6,026	5,888	-2
Female	3,317	3,627	3,745	3,921	4,426	4,420	4,522	4,271	4,381	4,240	-3
Under 21	692	706	695	773	859	888	849	716	698	614	-12
21-30	1,254	1,393	1,388	1,444	1,630	1,540	1,701	1,598	1,583	1,446	-9
Over 30	1,371	1,527	1,662	1,704	1,937	1,992	1,972	1,957	2,100	2,180	4

1 Includes people with sentence unknown.

2 Excludes people with gender unknown.

3 Excludes companies.

4 Includes people with age unknown.

Table 13 Bail orders made by type of court, 2002-03 to 2011-12

										Number ^{1,2}
Type of court	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12
All court types³	48,365	50,388	52,884	56,260	62,294	60,362	52,593	47,921	46,221	47,690
High court	256	369	348	297	434	305	279	261	252	298
Sheriff court	42,887	43,495	46,823	50,299	55,455	54,092	47,545	43,133	41,711	42,724
District/JP court ⁴	5,222	6,524	5,705	5,647	6,400	5,962	4,768	4,522	4,255	4,641
										Per cent
Type of court	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12
All court types³	100	100	100	100	100	100	100	100	100	100
High court	1	1	1	1	1	1	1	1	1	1
Sheriff court	89	86	89	89	89	90	90	90	90	90
District/JP court ⁴	11	13	11	10	10	10	9	9	9	10
										Index: 2002-03=100
Type of court	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12
All court types³	100	104	109	116	129	125	109	99	96	99
High court	100	144	136	116	170	119	109	102	98	116
Sheriff court	100	101	109	117	129	126	111	101	97	100
District/JP court ⁴	100	125	109	108	123	114	91	87	81	89

1. Excludes modifications to existing bail orders, people counted once only where more than one bail order on same day.

2. The recording of bail orders has improved over time, so some caution is needed when comparing changes from earlier years.

3. Includes some records where court type is not assigned.

4. Includes justice of the peace courts and the stipendiary magistrates court.

Table 14 Bail orders made by gender and age, 2009-10 to 2011-12

	2009-10		2010-11		2011-12	
	Number	Percentage of total	Number	Percentage of total	Number	Percentage of total
Sex						
Male	40,468	84	39,019	84	40,049	84
Female	7,448	16	7,201	16	7,636	16
Age						
Under 21	10,153	21	9,630	21	8,955	19
21-30	17,917	37	17,001	37	17,800	37
Over 30	19,850	41	19,589	42	20,935	44
Total^{1,2,3}	47,921	100	46,221	100	47,690	100

1. Contains a small number of bail orders where gender and/or age are unknown.

2. Excludes modifications to existing bail orders. People counted once only where more than one bail order on same day.

3. Totals include people where main offence not known, and where bail was granted following the lodging of an appeal.

Table 15 Bail orders made by main charge, 2002-03 to 2011-12

Year	Non-sexual crimes of violence	Crimes of indecency	Crimes of dishonesty	Fire-raising vandalism etc.	Handling an offensive weapon	Drug offences	Other crimes	Common Assault	Breach of the peace	Miscellaneous offences	Motor vehicle offences	Unknown ⁵	Total ^{1,2,3,4,5}
	Number												
2002-03	4,023	808	13,382	2,640	2,031	2,789	4,397	7,725	4,324	1,774	4,388	20	48,365
2003-04	4,074	973	12,279	2,976	2,340	3,126	4,582	8,573	4,836	1,984	4,531	22	50,388
2004-05	4,235	1,078	12,126	3,320	2,633	3,344	4,445	9,885	5,770	2,092	3,861	21	52,884
2005-06	4,142	1,199	11,538	3,599	2,819	3,533	5,281	10,946	6,669	2,563	3,865	8	56,260
2006-07	4,203	1,164	12,415	4,067	3,370	3,908	6,314	12,675	7,297	2,425	4,318	44	62,294
2007-08	2,341	704	6,737	2,250	1,921	2,122	3,773	7,077	4,125	1,237	2,212	25,819	60,362
2008-09	-	-	-	-	-	-	-	-	-	-	-	52,593	52,593
2009-10	3,294	815	8,429	2,985	2,313	3,151	6,026	10,788	6,017	2,363	1,673	28	47,921
2010-11	3,420	765	8,479	2,696	2,192	2,948	6,086	10,267	5,500	2,159	1,672	19	46,221
2011-12	3,287	916	8,385	2,738	2,126	2,860	6,348	10,866	6,276	2,247	1,602	28	47,690
	Percentage of total ⁶												
2002-03	8	2	28	5	4	6	9	16	9	4	9	*	100
2003-04	8	2	24	6	5	6	9	17	10	4	9	*	100
2004-05	8	2	23	6	5	6	8	19	11	4	7	*	100
2005-06	7	2	21	6	5	6	9	19	12	5	7	*	100
2006-07	7	2	20	7	5	6	10	20	12	4	7	*	100
2007-08	7	2	20	7	6	6	11	20	12	4	6	-	100
2008-09	-	-	-	-	-	-	-	-	-	-	-	-	100
2009-10	7	2	18	6	5	7	13	23	13	5	3	*	100
2010-11	7	2	18	6	5	6	13	22	12	5	4	*	100
2011-12	7	2	18	6	4	6	13	23	13	5	3	*	100

1. Excludes modifications to existing bail orders. People counted once only where more than one bail order on same day.

2. The recording of bail orders has improved over time, so some caution is needed when comparing changes from earlier years.

3. Figures from 2002-03 to 2006-07 are different from those published in bulletins prior to 2007-08, due to a change in methodology. More details are available in annex B.

4. Includes, in 2009-10, 9 people where bail was granted following the lodging of an appeal. Other years also include some numbers of these cases.

5. A breakdown of bail orders by the main charge is not available for the period from 20 October 2007 to 31 March 2009. More details in annex B.

6. Percentage of bail orders made where crime/offence type known.

Table 16 Number and percentage of bail orders issued to individuals accused of crimes or offences, by gender and age, in 2011-12

					Number
	1	2	3	>3	Total
Gender					
Female	4,328	755	259	216	5,558
Male	22,375	4,487	1,449	918	29,229
Age					
Under 21	4,191	996	405	325	5,917
21-30	9,727	2,084	667	403	12,881
Over 30	12,788	2,163	636	406	15,993
Total^{1,2}	26,706	5,243	1,708	1,134	34,791

					Per cent
	1	2	3	>3	Total
Gender					
Female	78	14	5	4	100
Male	77	15	5	3	100
Age					
Under 21	71	17	7	5	100
21-30	76	16	5	3	100
Over 30	80	14	4	3	100
Total^{1,2}	77	15	5	3	100

1. Contains a small number of bail orders where gender and/or age are unknown.
2. Excludes modifications to existing bail orders. People counted once only where more than one bail order on the same day.

Table 17 Undertakings to appear in court, by gender and age, 2008-09 and 2011-12

	2008-09 ²		2009-10		2010-11		2011-12	
	Number	Percentage of total	Number	Percentage of total	Number	Percentage of total	Number	Percentage of total
Gender¹								
Male	-	-	20,662	79	21,384	78	20,177	77
Female	-	-	5,461	21	5,912	22	5,937	23
Not known	-	-	3	0	1	0	4	0
Age¹								
Under 21	-	-	6,500	25	6,297	23	5,459	21
21-30	-	-	8,807	34	9,468	35	8,953	34
Over 30	-	-	10,818	41	11,532	42	11,706	45
Not known	22,710	100	2	0	-	0	-	0
Total	22,710	100	26,127	100	27,297	100	26,118	100

1. Excludes modifications to existing undertakings. People counted once only where more than one undertaking on the same day.

2. Gender and date of birth were added to the main collection of bail data from 2009-10.

Table 18 Bail-related Offences with a Charge Proved, 2002-03 to 2011-12

	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	% change 2010-11 to 2011-12
All Bail-related Offences¹	5,533	5,839	6,100	5,996	7,438	8,025	9,098	8,363	8,261	8,843	7
Bail-related offences as a percentage of bail orders made ²	11	12	12	11	12	13	17	17	18	19	
High Court	51	42	38	43	34	35	35	15	27	20	-26
Sheriff Solemn	216	243	233	294	332	352	275	222	227	207	-9
Sheriff Summary	4,847	5,174	5,576	5,415	6,836	7,436	8,227	7,477	7,358	7,948	8
District/JP Court	419	380	253	244	236	202	556	649	649	668	3
Age:											
Under 21	1,576	1,574	1,781	1,763	2,560	2,639	2,580	2,292	2,051	2,138	4
21-30	2,285	2,555	2,344	2,177	2,486	2,773	3,394	3,081	3,111	3,286	6
Over 30	1,672	1,710	1,975	2,056	2,392	2,613	3,124	2,990	3,099	3,419	10
Male	4,866	5,056	5,349	5,235	6,622	7,145	7,911	7,316	7,214	7,742	7
Female	667	783	751	761	816	880	1,187	1,047	1,046	1,101	5
Main result of proceedings:											
Custody	1,445	1,447	1,476	1,717	2,174	2,268	2,275	2,197	2,083	2,213	6
Community	949	1,085	1,297	1,243	1,461	1,625	1,795	1,473	1,464	1,516	4
Monetary	1,429	1,444	1,449	1,354	1,703	1,889	2,267	1,916	1,818	1,924	6
Other	1,710	1,863	1,878	1,682	2,100	2,243	2,761	2,777	2,896	3,190	10

1. Bail offences other than committing an offence on bail (includes the offences of breach of bail conditions and failure to appear in court having been granted bail).

Table 19 People given police disposals by disposal type, 2008-09 to 2011-12

Main crime or offence	2008-09¹	2009-10¹	2010-11¹	2011-12¹	% change 2010-11 to 2011-12
All police disposals	61,609	74,260	66,011	67,466	2
Anti-social Behaviour Fixed Penalty Notice (ASBFPN) ²	48,462	61,234	54,345	53,624	-1
Police Formal Adult Warning	7,828	8,386	7,517	8,384	12
Police Restorative Justice Warning	2,479	2,326	1,726	970	-44
Other Police Warnings ²	315	201	304	2,328	666
Warning Letter (Police/Children's Reporter) ³	2,525	2,113	2,119	2,160	2

1. Includes a small number of records where age and/or gender are unknown.

2. Mainly verbal warnings, but also includes prostitute warnings and community warning notices.

3. Not possible to separately identify the numbers issued by the police or the children's reporter.

Table 20 Males given ASBFPNs, by main crime/offence and age, 2011-12

Main crime or offence	Number				Per cent			
	Under 21	21-30	Over 30	Total	Under 21	21-30	Over 30	Total
Total¹	14,630	18,665	13,485	46,780	100	100	100	100
Riotous behaviour while drunk in licensed premises	-	-	-	-	-	-	-	-
Refusing to leave licensed premises	86	209	193	488	1	1	1	1
Urinating etc	3,092	5,741	3,282	12,115	21	31	24	26
Drunk & incapable	108	188	421	717	1	1	3	2
Drunk in charge of child	2	7	5	14	*	*	*	*
Loud music etc	45	80	72	197	*	*	1	*
Vandalism	249	258	118	625	2	1	1	1
Consuming alcohol in public place	7,322	7,725	6,408	21,455	50	41	48	46
Breach of the peace, etc.	3,719	4,444	2,983	11,146	25	24	22	24
Malicious mischief	7	13	3	23	*	*	*	*

1. Excludes a small number of records where age and/or gender are unknown.

Table 21 Females given ASBFPNs, by main crime/offence and age, 2011-12

Main crime or offence	Number				Per cent			
	Under 21	21-30	Over 30	Total	Under 21	21-30	Over 30	Total
Total¹	2,497	2,198	2,142	6,837	100	100	100	100
Riotous behaviour while drunk in licensed premises	-	-	-	-	-	-	-	-
Refusing to leave licensed premises	19	33	36	88	1	2	2	1
Urinating etc	150	147	75	372	6	7	4	5
Drunk & incapable	46	48	112	206	2	2	5	3
Drunk in charge of child	1	-	2	3	*	-	*	*
Loud music etc	45	41	28	114	2	2	1	2
Vandalism	21	28	29	78	1	1	1	1
Consuming alcohol in public place	1,370	1,028	945	3,343	55	47	44	49
Breach of the peace, etc.	845	872	914	2,631	34	40	43	38
Malicious mischief	-	1	1	2	-	*	*	*

1. Excludes a small number of records where age and/or gender are unknown.

Table 22 Males given Formal Adult Warnings by main crime/offence and age, 2011-12

Main crime or offence	Number				Per cent			
	Under 21	21-30	Over 30	Total	Under 21	21-30	Over 30	Total
All crimes and offences¹	1,240	1,254	2,520	5,014	100	100	100	100
All crimes	619	500	824	1,943	50	40	33	39
Non-sexual crimes of violence	-	-	2	2	-	-	*	*
Homicide	-	-	-	-	-	-	-	-
Serious assault and attempted murder	-	-	-	-	-	-	-	-
Robbery	-	-	-	-	-	-	-	-
Other violence	-	-	2	2	-	-	*	*
Crimes of indecency	2	1	-	3	*	*	-	*
Rape and attempted rape	-	-	-	-	-	-	-	-
Sexual assault	-	-	-	-	-	-	-	-
Prostitution	-	1	-	1	-	*	-	*
Other indecency	2	-	-	2	*	-	-	*
Crimes of dishonesty	452	418	765	1,635	36	33	30	33
Housebreaking	3	3	-	6	*	*	-	*
Theft by opening a lockfast place	1	-	1	2	*	-	*	*
Theft from a motor vehicle	-	-	2	2	-	-	*	*
Theft of a motor vehicle	1	-	-	1	*	-	-	*
Shoplifting	222	284	583	1,089	18	23	23	22
Other theft	106	91	144	341	9	7	6	7
Fraud	114	39	33	186	9	3	1	4
Other dishonesty	5	1	2	8	*	*	*	*
Fire-raising, vandalism, etc	144	73	38	255	12	6	2	5
Fire-raising	1	-	1	2	*	-	*	*
Vandalism, etc	143	73	37	253	12	6	1	5
Other crimes	21	8	19	48	2	1	1	1
Crimes against public justice	19	6	17	42	2	*	1	1
Handling an offensive weapon	-	-	-	-	-	-	-	-
Drugs	2	2	2	6	*	*	*	*
Other crime	-	-	-	-	-	-	-	-
All offences	621	754	1,696	3,071	50	60	67	61
Miscellaneous offences	610	745	1,673	3,028	49	59	66	60
Common assault	188	224	308	720	15	18	12	14
Breach of the peace	143	131	309	583	12	10	12	12
Drunkenness	90	229	849	1,168	7	18	34	23
Urinating etc	17	25	22	64	1	2	1	1
Alcohol byelaw offences	84	42	29	155	7	3	1	3
Litter offences	30	25	18	73	2	2	1	1
Communications act offences	11	6	15	32	1	*	1	1
Other offences	47	63	123	233	4	5	5	5
Motor vehicle offences	11	9	23	43	1	1	1	1
Dangerous and careless driving	3	1	3	7	*	*	*	*
Drink/drug driving	-	-	-	-	-	-	-	-
Speeding	-	-	-	-	-	-	-	-
Unlawful use of vehicle	1	5	5	11	*	*	*	*
Vehicle defect offences	2	1	4	7	*	*	*	*
Other vehicle	5	2	11	18	*	*	*	*

1. Excludes a small number of records where age and/or gender are unknown.

Table 23 Females given Formal Adult Warnings by main crime/offence and age, 2011-12

Main crime or offence	Number				Per cent			
	Under 21	21-30	Over 30	Total	Under 21	21-30	Over 30	Total
All crimes and offences¹	823	803	1,742	3,368	100	100	100	100
All crimes	517	467	1,051	2,035	63	58	60	60
Non-sexual crimes of violence	-	1	3	4	-	*	*	*
Homicide	-	-	-	-	-	-	-	-
Serious assault and attempted murder	-	-	-	-	-	-	-	-
Robbery	-	-	-	-	-	-	-	-
Other violence	-	1	3	4	-	*	*	*
Crimes of indecency	3	6	2	11	*	1	*	*
Rape and attempted rape	-	-	-	-	-	-	-	-
Sexual assault	-	-	-	-	-	-	-	-
Prostitution	3	6	2	11	*	1	*	*
Other indecency	-	-	-	-	-	-	-	-
Crimes of dishonesty	479	438	1,018	1,935	58	55	58	57
Housebreaking	1	-	-	1	*	-	-	*
Theft by opening a lockfast place	-	-	-	-	-	-	-	-
Theft from a motor vehicle	-	-	-	-	-	-	-	-
Theft of a motor vehicle	-	-	-	-	-	-	-	-
Shoplifting	311	380	901	1,592	38	47	52	47
Other theft	44	28	63	135	5	3	4	4
Fraud	123	30	52	205	15	4	3	6
Other dishonesty	-	-	2	2	-	-	*	*
Fire-raising, vandalism, etc	17	15	19	51	2	2	1	2
Fire-raising	-	-	1	1	-	-	*	*
Vandalism, etc	17	15	18	50	2	2	1	1
Other crimes	18	7	9	34	2	1	1	1
Crimes against public justice	18	7	6	31	2	1	*	1
Handling an offensive weapon	-	-	-	-	-	-	-	-
Drugs	-	-	-	-	-	-	-	-
Other crime	-	-	3	3	-	-	*	*
All offences	306	336	691	1,333	37	42	40	40
Miscellaneous offences	304	329	682	1,315	37	41	39	39
Common assault	138	129	198	465	17	16	11	14
Breach of the peace	69	81	210	360	8	10	12	11
Drunkenness	54	79	192	325	7	10	11	10
Urinating etc	-	1	1	2	-	*	*	*
Alcohol byelaw offences	20	9	5	34	2	1	*	1
Litter offences	3	7	1	11	*	1	*	*
Communications act offences	8	7	27	42	1	1	2	1
Other offences	12	16	48	76	1	2	3	2
Motor vehicle offences	2	7	9	18	*	1	1	1
Dangerous and careless driving	-	-	1	1	-	-	*	*
Drink/drug driving	-	-	-	-	-	-	-	-
Speeding	-	-	-	-	-	-	-	-
Unlawful use of vehicle	2	4	3	9	*	*	*	*
Vehicle defect offences	-	-	2	2	-	-	*	*
Other vehicle	-	3	3	6	-	*	*	*

1. Excludes a small number of records where age and/or gender are unknown.

Table 24 People given COPFS disposals by disposal type, 2008-09 to 2011-12

	2008-09	2009-10	2010-11	2011-12	% change 2010-11 to 2011-12
All COPFS disposals	62,829	59,108	60,099	67,319	12
Fiscal Fine	38,419	36,057	35,604	42,173	18
Fiscal Fixed Penalty	18,092	18,592	20,357	21,064	3
Fiscal Combined Fine and Compensation	1,405	2,030	2,195	2,712	24
Fiscal Compensation	1,992	1,985	1,838	1,321	-28
Fiscal Fixed Penalties (Pre-SJR codes) ¹	2,921	444	105	49	-53

1. Number of pre-Summary Justice Reform procurator fiscal fixed penalty codes. It is known that this category contains both fiscal fines and fixed penalties, however it is not possible to separate the numbers of each.

Table 25 Males given fiscal fines, by main crime/offence and age, 2011-12

Main crime or offence	Number				Per cent			
	Under 21	21-30	Over 30	Total	Under 21	21-30	Over 30	Total
All Crimes and offences¹	5,284	10,145	12,997	28,426	100	100	100	100
All crimes	3,127	5,367	5,417	13,911	59	53	42	49
Non-sexual crimes of violence	1	1	1	3	*	*	*	*
Homicide	-	-	-	-	-	-	-	-
Serious assault and attempted murder	-	-	-	-	-	-	-	-
Robbery	-	-	-	-	-	-	-	-
Other violence	1	1	1	3	*	*	*	*
Crimes of indecency	3	13	15	31	*	*	*	*
Rape and attempted rape	-	-	-	-	-	-	-	-
Sexual assault	-	-	-	-	-	-	-	-
Offences associated with prostitution	1	5	11	17	*	*	*	*
Other indecency	2	8	4	14	*	*	*	*
Crimes of dishonesty	506	961	1,745	3,212	10	9	13	11
Housebreaking	-	-	-	-	-	-	-	-
Theft by opening a lockfast place	7	2	2	11	*	*	*	*
Theft from a motor vehicle	-	-	-	-	-	-	-	-
Theft of a motor vehicle	-	-	-	-	-	-	-	-
Shoplifting	295	651	1,388	2,334	6	6	11	8
Other theft	165	231	287	683	3	2	2	2
Fraud	25	54	39	118	*	1	*	*
Other dishonesty	14	23	29	66	*	*	*	*
Fire-raising, vandalism, etc	159	145	69	373	3	1	1	1
Fire-raising	-	-	2	2	-	-	*	*
Vandalism, etc	159	145	67	371	3	1	1	1
Other crimes	2,458	4,247	3,587	10,292	47	42	28	36
Crimes against public justice	61	90	88	239	1	1	1	1
Handling an offensive weapon	-	-	-	-	-	-	-	-
Drugs	2,397	4,157	3,499	10,053	45	41	27	35
Other crime	-	-	-	-	-	-	-	-
All offences	2,157	4,778	7,580	14,515	41	47	58	51
Miscellaneous offences	2,090	4,190	6,679	12,959	40	41	51	46
Common assault	288	500	425	1,213	5	5	3	4
Breach of the peace	698	1,020	1,090	2,808	13	10	8	10
Drunkenness	25	104	168	297	*	1	1	1
Urinating etc	82	189	174	445	2	2	1	2
Alcohol byelaw offences	647	913	1,674	3,234	12	9	13	11
Litter offences	179	343	426	948	3	3	3	3
Communications act offences	64	932	2,450	3,446	1	9	19	12
Other	107	189	272	568	2	2	2	2
Motor vehicle offences	67	588	901	1,556	1	6	7	5
Dangerous and careless driving	-	-	-	-	-	-	-	-
Drink/drug driving	-	-	-	-	-	-	-	-
Speeding	-	3	4	7	-	*	*	*
Unlawful use of vehicle	65	580	880	1,525	1	6	7	5
Vehicle defect offences	1	1	1	3	*	*	*	*
Other	1	4	16	21	*	*	*	*

1. Excludes a small number of records where age and/or gender are unknown.

Table 26 Females given fiscal fines, by main crime/offence and age, 2011-12

Main crime or offence	Number				Per cent			
	Under 21	21-30	Over 30	Total	Under 21	21-30	Over 30	Total
All Crimes and offences¹	1,058	4,868	7,796	13,722	100	100	100	100
All crimes	371	1,065	1,727	3,163	35	22	22	23
Non-sexual crimes of violence	-	-	-	-	-	-	-	-
Homicide	-	-	-	-	-	-	-	-
Serious assault and attempted murder	-	-	-	-	-	-	-	-
Robbery	-	-	-	-	-	-	-	-
Other violence	-	-	-	-	-	-	-	-
Crimes of indecency	-	11	8	19	-	*	*	*
Rape and attempted rape	-	-	-	-	-	-	-	-
Sexual assault	-	-	-	-	-	-	-	-
Offences associated with prostitution	-	9	7	16	-	*	*	*
Other indecency	-	2	1	3	-	*	*	*
Crimes of dishonesty	217	621	1,078	1,916	21	13	14	14
Housebreaking	-	-	-	-	-	-	-	-
Theft by opening a lockfast place	1	1	-	2	*	*	-	*
Theft from a motor vehicle	-	-	-	-	-	-	-	-
Theft of a motor vehicle	-	-	-	-	-	-	-	-
Shoplifting	177	519	964	1,660	17	11	12	12
Other theft	26	63	64	153	2	1	1	1
Fraud	12	33	45	90	1	1	1	1
Other dishonesty	1	5	5	11	*	*	*	*
Fire-raising, vandalism, etc	22	20	21	63	2	*	*	*
Fire-raising	-	-	-	-	-	-	-	-
Vandalism, etc	22	20	21	63	2	*	*	*
Other crimes	132	413	620	1,165	12	8	8	8
Crimes against public justice	13	7	24	44	1	*	*	*
Handling an offensive weapon	-	-	-	-	-	-	-	-
Drugs	119	406	596	1,121	11	8	8	8
Other crime	-	-	-	-	-	-	-	-
All offences	687	3,803	6,069	10,559	65	78	78	77
Miscellaneous offences	676	3,672	5,811	10,159	64	75	75	74
Common assault	112	158	161	431	11	3	2	3
Breach of the peace	139	268	369	776	13	6	5	6
Drunkenness	2	6	17	25	*	*	*	*
Urinating etc	7	12	9	28	1	*	*	*
Alcohol byelaw offences	70	154	191	415	7	3	2	3
Litter offences	85	205	266	556	8	4	3	4
Communications act offences	237	2,817	4,721	7,775	22	58	61	57
Other	24	52	77	153	2	1	1	1
Motor vehicle offences	11	131	258	400	1	3	3	3
Dangerous and careless driving	-	-	-	-	-	-	-	-
Drink/drug driving	-	-	-	-	-	-	-	-
Speeding	-	1	1	2	-	*	*	*
Unlawful use of vehicle	10	128	257	395	1	3	3	3
Vehicle defect offences	1	-	-	1	*	-	-	*
Other	-	2	-	2	-	*	-	*

1. Excludes a small number of records where age and/or gender are unknown.

Table 27 Males given fiscal fixed penalties by main crime/offence and age, 2011-12

Main crime or offence	Number				Per cent			
	Under 21	21-30	Over 30	Total	Under 21	21-30	Over 30	Total
Total¹	932	4,701	11,066	16,699	100	100	100	100
Serious Driving Offences	-	1	-	1	-	*	-	*
Speeding	186	1,503	4,433	6,122	20	32	40	37
Signal and Direction Offences	130	501	1,318	1,949	14	11	12	12
Lighting, Construction & Use Offences	144	318	533	995	15	7	5	6
Documentation Offences	204	811	1,754	2,769	22	17	16	17
Other Motor Vehicle Offences ²	264	1,562	3,023	4,849	28	33	27	29
Non-Motor Vehicle Offences ³	4	5	5	14	*	*	*	*

1. Excludes a small number of records where age and/or gender are unknown.

2. Contains a number of other offences, however around one-third of fixed penalties given for this group were for mobile phone offences and one-third for seatbelt offences.

3. Contains bicycle offences and roadworks offences.

Table 28 Females given fiscal fixed penalties by main crime/offence and age, 2011-12

Main crime or offence	Number				Per cent			
	Under 21	21-30	Over 30	Total	Under 21	21-30	Over 30	Total
Total¹	160	1,302	2,896	4,358	100	100	100	100
Serious Driving Offences	-	-	-	-	-	-	-	-
Speeding	43	480	1,241	1,764	27	37	43	40
Signal and Direction Offences	25	194	464	683	16	15	16	16
Lighting, Construction & Use Offences	11	48	81	140	7	4	3	3
Documentation Offences	41	275	601	917	26	21	21	21
Other Motor Vehicle Offences ²	40	305	508	853	25	23	18	20
Non-Motor Vehicle Offences ³	-	-	1	1	-	-	*	*

1. Excludes a small number of records where age and/or gender are unknown.

2. Contains a number of other offences, however around one-third of fixed penalties given for this group were for mobile phone offences and one-third for seatbelt offences.

3. Contains bicycle offences and roadworks offences.

Notes on Statistics Used in this Bulletin

Annex A - Data Sources

Court proceedings, Police disposals and COPFS disposals

A1. Statistical information in the Scottish Government Criminal Proceedings Database is derived from data held on the Criminal History System (CHS) at the Scottish Police Services Authority (SPSA). The CHS is maintained by SPSA on behalf of the eight Scottish police forces who own the majority of the data on the system.

Bail and undertakings

A2. The source of the statistical data on bail orders and undertakings is also the SPSA CHS. SPSA create a statistical extract each day, which picks up records of any bail orders or undertakings granted three days before, which are still associated with live pending cases on the SPSA database. For example, the extract run at the start of a Thursday will pick up any bail orders or undertakings granted on the Monday of that week which a) have been recorded on the database by the start of Thursday, and b) which are associated with pending cases still live at the start of Thursday.

Other

A3. [Chart 2](#) uses a range of summary data collected from the Crown Office and Procurator Fiscal Service, Scottish Government Recorded Crime data and information on police conditional offers made for motor vehicle offences, based on figures provided by police force traffic departments, and information derived from CHS.

A4. The population figures used as denominators in [Table 5](#) are the relevant mid-year estimates prepared by the National Records of Scotland (NRS).

Annex B - Data Quality, Revisions and Data Processing

Data quality

B1. The data collected are subject to the errors which may arise in any large scale recording system, however effort has been made to clean up records for which key information is incongruent or missing (such as checking against case extract information provided by the Crown Office and Procurator Fiscal Service (COPFS)).

B2. It is known that there may be times when the police report an offence to the procurator fiscal but, when the facts and circumstances are examined by the procurator fiscal, they decide to libel an alternative charge which may be less serious in nature and penalty. There are rare occasions when such decisions are made but unfortunately the charge is not then updated on the computerised records. Changes such as this have been made where observed; however, it is likely that some other occurrences exist which have not been amended. There is nothing to suggest that the scale of this issue is large enough to alter the overall trends reported.

B3. Information on the outcomes of court proceedings is publicly available. However, 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 glean any private information relating to them.

B4. The police record very detailed information on statutory offences but this does not always correspond exactly to the categories used by Scottish Government. The most important example of this, in numerical terms, is an offence under section 41(1)(a) of the Police (Scotland) Act 1967, which relates to "any person who assaults, resists, obstructs, molests or hinders a constable". The Scottish Government classification divides this into 3 categories - resisting arrest, serious assault and common assault, but this distinction is not made by the courts. The majority of such cases are thought to have been classed as common assault, and all the offences under this [sub]section have been so classified. Additional information on the number of such offences (and against other Emergency Workers) has been published alongside this bulletin as background data.

B5. Following the introduction of computerisation of case recording to the sheriff courts, some difficulties were experienced by police force records offices in distinguishing court types when recording disposal information on the CHS database. Where possible those cases where the court type was incorrect have been identified and appropriate changes made to the data held in the Scottish Government Criminal Proceedings Database.

B6. There was a technical issue which resulted in the loss of information relating to companies in the criminal proceedings database between 2008 and 2011. This issue has now been resolved. Partial information for companies is available for 2011-12 with full information expected for 2012-13 onwards.

B7. Information on the number of **cases** which received a highest disposal of fiscal fine, fixed penalty, compensation order and combined fiscal fine and compensation order are

presented on the [Crown Office website](#); and have been reported in [Table 1](#). The number of **people** who received these disposals as identified by CHS are also presented in that table and have been validated against the Crown Office case-level data using an intermediate data extract of Crown Office 'closed case' data.

B8. The way that Crown Office disposals are recorded in CHS was altered after summary justice reform. Previously, CHS did not consistently record when a procurator fiscal fine or fixed penalty had been issued, and when it was recorded, it was not possible to derive the relative numbers of each. CHS began to record fiscal fines and fixed penalties consistently under separate codes following summary justice reform. During the transition to the use of the new codes however, in 2008-09 and 2009-10, CHS continued to record, respectively, 2,700 and 500 pre-SJR codes representing a combination of procurator fiscal fines or fixed penalties, although it is not possible to separate the numbers of each. These numbers are now much lower.

B9. It is not currently possible to extract information on some of the other COPFS disposals, e.g. warnings and no actions, from CHS.

Revisions

B10. The CHS, which holds information on the outcome of court proceedings, is not designed for statistical purposes. It is dependent on receiving timely information from the courts and police force records offices, while some types of outcome, e.g. acquittals, are weeded after a prescribed length of time. A pending case on the CHS is updated in a timely manner but there are occasions when slight delays happen. Recording delays of this sort generally affect high court disposals relatively more than those for other types of court, as the most complex and lengthy trials are held in the high court.

B11. The figures given in this bulletin reflect the details of court proceedings as recorded on the CHS and as provided to the Scottish Government up to the end of August 2012. Any subsequent updates on court disposals made will be incorporated into future bulletins and therefore some figures for 2011-12 (in particular those relating to the high court) are likely to be subject to minor revisions.

B12. These recording delays mean that figures for 2011-12 should be considered provisional as future bulletins may provide updates. We estimate that the 2010-11 bulletin contained a small undercount of around 150 people with a charge proved in 2010-11, around 0.1 per cent of all people with a charge proved. Since the 2010-11 bulletin was published, a small number of high court cases have been added to the court proceedings database.

B13. In all matters relating to revisions, these statistics comply with Scotland's Chief Statistician's current revisions policy:

<http://scotland.gov.uk/Topics/Statistics/About/CPSONRevisionsCorrections/Q/EditMode/on/ForceUpdate/on>

Data processing - Bail orders

B14. Difficulties with the supply of consistent bail data due to the move to a new version of the CHS in October 2007 have now been resolved, allowing provision of offence level breakdowns again from 2009-10. However, due to these difficulties, processing of the 2008-09 bail data was carried out in isolation from bail data from previous years.

Data processing - Breach of social work orders

B15. In bulletins since 2007-08, [tables 1 to 12](#) have been amended compared to previous years, with people having a charge proved for breach of a social work order (for example breaches of community service orders, probation orders and supervised attendance orders) excluded from the totals. Analysis has shown that the number of people with a charge proved for breaching a social work order fell by 39 per cent between 2006-07 and 2007-08 from 4,900 to 3,000. Analysis found that this sharp fall is likely to be due to a change in recording practices rather than a true fall in actual numbers.

B16. In 2006-07 and previous years, a breach of social work order had, by necessity, been recorded as a crime on its own, with no link to the previous crime which led to the imposition of the order in the first place. This was because it was not operationally possible for cases to be re-opened if a breach of the original community sentence occurred. However, the introduction of new IT systems within the courts meant that breaches could be recorded within the original case. Therefore, because (generally) only the initial outcome is included, the change in recording practice produced a fall in the numbers of breach of a social work order identified.

B17. The data that inform these statistics are collated and shared via an existing automated process from the CHS. Therefore, there was no cost to the data provider in 2011-12.

Annex C - Understanding the Statistics in this Bulletin

C1. Individual offenders may be proceeded against on more than one occasion; on each occasion they may be proceeded against for more than one charge. The units of analysis used in this bulletin are:

(a) the ***person or company proceeded against or convicted***

People are counted once for each occasion on which they are proceeded against. If a person is proceeded against more than once on the same day, each proceeding will be counted separately. The statistics are therefore not directly comparable with statistics on direct sentenced receptions to penal establishments or with social work authorities' statistics on community sentences. References to "people" include companies, unless otherwise stated.

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 severest penalty if one or more charges are proved. If more than one charge receives the same (or a combined) penalty, then the main charge is the one judged by the police (who provide the information) to be the most serious. If no charge is proved then the one reaching the furthest stage in proceedings is the main one. A ***person with a charge proved*** is defined to be one who had a plea of "guilty" accepted, or who was proved guilty of at least one charge as a result of a trial. Throughout this bulletin, the terms "person with a charge proved", "people convicted" and "convictions" are used interchangeably.

(b) ***individual offender***

In the period covered by this bulletin, each offender convicted of a crime or offence will have been recorded by SPSA (generally) under a unique reference number. This enables all such convictions to be linked together, so that analysis of the number of convictions per offender in any given year, or the number of their previous convictions, can be derived.

(c) ***individual offences***

In addition to analysing people convicted by the main charge involved, data in relation to individual offences which are proved are also available.

C2. 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 (or a Supervised Attendance Order is imposed) 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. Interim decisions such as deferral of sentence are also excluded.

C3. A court can impose more than one penalty in appropriate cases. For example, a fine or an order to find caution can be imposed in addition to a more severe penalty. Equipment used in the commission of a crime or offence may also be forfeited. However, the main additional punishments are generally disqualification from holding or obtaining a driving

licence and the endorsement of a driving licence. The main charge in such cases is almost always either a motor vehicle offence or the theft of a motor vehicle.

C4. In the court proceedings statistics, the reference year used is the year in which the person's case is disposed of. If a person pleads to, or is convicted for, a charge in 2008-09, but is not sentenced until 2009-10, all events are recorded as occurring in 2009-10. The age of each person is calculated as at the date of sentence or acquittal.

C5. Many offences are dealt with by means other than prosecution in court, for example through the use of procurator fiscal direct measures such as fiscal fines and compensation orders, or by police warnings and fixed penalties. Data on a range of these disposals are extracted from CHS and added to this bulletin using the same person, main charge and main penalty bases described above for court disposals.

C6. 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 and prior to the end of the previous sentence period imposed). They also include any element imposed for the offence being aggravated by prejudice, under the terms of the Offences (Aggravation by Prejudice) (Scotland) Act 2009.

C7. The Stipendiary Magistrates court in Glasgow generally hears less serious cases than the sheriff court and may impose up to twelve months imprisonment or a fine up to £10,000.

Comparisons with other sources

C8. The figures in this bulletin that relate to community payback orders are derived from the Criminal History System, and are a count of the number of people issued with CPOs, based on sentencing date. Details of CPOs have been published on a quarterly basis by the Scottish Government (available online at:

<http://www.scotland.gov.uk/Topics/Statistics/Browse/Crime-Justice/Datasets/CPOs>).

These quarterly figures are based on monthly extracts from the Scottish Court Service's management information system, and are a count of the number of CPOs issued, based on the date recorded by the court service. As a result, it is expected that the two sets of published figures will not be identical, with the figures herein likely to be higher.

C9. COPFS publish annual figures relating to the number of cases processed each year (available online at: <http://www.copfs.gov.uk/About/corporate-info/Caseproclast5>).

Unless otherwise specified, the figures contained in this bulletin are based on the number of people recorded on CHS. As individual cases can each involve more than one person, it is likely that the figures herein will be higher.

C10. Court proceedings statistics are not directly comparable with the recorded crime statistics as a person may be proceeded against for more than one crime involving more than one victim and there is the possibility that the crime recorded by the police may be altered in the course of judicial

proceedings. A crime may be recorded by the police in one year and court proceedings concluded in a subsequent year.

C11. Court custodial disposals are counted differently from the direct sentenced prison receptions (excluding fine default receptions) published in the Scottish Government [Prison Statistics](#) publications. Most of this difference is because a person given consecutive custodial sentences for several separate sets of charges from the same court on the same day is counted as two custodial sentences in the court statistics, but only one direct sentence reception.

Annex D - Definitions, Classifications and Notation

D1. The measures available to a court in sentencing a convicted person depend on whether the accused is an adult (21 or over), a young offender (aged 16 but less than 21) or a juvenile (under 16 or under 18 with a current supervisory requirement from a children's hearing). In some cases, the court may obtain evidence on whether the accused is suffering from a mental disorder. The measures available to courts in 2011-12 included:

Custodial sentences

- a. Imprison the offender (or sentence a young offender to a Young Offenders' Institution (YOI)) or, if the offender has been released on licence/under supervision following a previous conviction, recall to prison or YOI.
- b. Issue an Order for Lifelong Restriction (OLR). 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. Sentence a young offender under 18 years of age convicted of murder to detention for an indeterminate period (*the effect of these sentences is normally detention in a young offenders institution*).
- d. Sentence a juvenile to a specified period of detention in a place and on such conditions as Scottish Ministers may direct.

(The Crime and Disorder Act 1998 introduced provisions to allow courts to impose additional post-release supervision on licence where they consider that any existing supervision after the offender's release from custody would not be enough to protect the public from serious harm from the offender. These "extended sentences" can be imposed in indictment cases on sex offenders or on violent offenders who would have received a determinate sentence of four years or more.)

Community sentences

- e. Impose a probation order with or without various conditions including a requirement to do unpaid work (for offences committed prior to 1 February 2011).
- f. Impose a community service order requiring the offender to undertake unpaid work (for offences committed prior to 1 February 2011).
- g. Impose a 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 (for offences committed prior to 1 February 2011).
- h. Impose a 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.

- i. Impose a drug treatment and testing order (DTTO): a measure introduced by the Crime and Disorder Act 1998 and rolled out in phases from 1999 onwards. It is now available to the high court and all sheriff courts, together with the Glasgow Stipendiary Magistrates Court. In addition, a new model for DTTOs has been rolled out to at least one local authority and this can be issued from lower courts and for less serious offenders.
- j. Impose a [community payback order](#) (for offences committed after 1 February 2011).

Financial penalties

- k. Fine the offender.
- l. Impose a compensation order requiring the offender to compensate the victim for any resulting injury, loss, damage, alarm or distress.

Other sentences

- m. Order an absolute discharge (with no conviction recorded in summary procedure) or, following a deferral of sentence, make no order.
- n. Admonish the offender or make an order to find caution (the overwhelming majority of these are admonishments).
- o. Remit the disposal of 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).
- p. Make a guardianship order if the accused is suffering from mental disorder (with no conviction recorded in summary procedure).
- q. Make a compulsion order if the accused is suffering from mental disorder (with a conviction recorded), for a period of six months with regular reviews.

D2. The range of options available to the police for minor offences includes:

- a. Anti-social behaviour fixed penalty notices (ASBFPNs) of £40, can be issued for eleven crime/offence types to people aged 16 or over. Payment of the penalty involves no admission of guilt.
- b. Formal adult warnings (FAWs) are issued for minor offences, commonly including street drinking, drunk and incapable, urinating, minor theft by shoplifting, assault, breach of the peace and vandalism.
- c. Restorative justice warnings are issued to juvenile offenders for minor offences when there have been no previous offences or referrals to the Children's Reporter, and a range of other criteria are met.
- d. Warning letters can be issued to juvenile offenders for minor offences by the police or the Children's Reporter (however it is not possible to identify the issuing authority in the CHS data).

- e. A small number of other types of police warnings have been identified in the CHS database, including prostitute warnings, verbal warnings and community warning notices.

D3. When a report is submitted by the police to the procurator fiscal, prosecution in court is only one of a range of possible options for dealing with people who have been charged. This bulletin presents information on the following options, all non-convictions:

- a. Fiscal fines of up to £300 for summary offences. Available to fiscals before SJR, but cannot be separately identified in CHS until after SJR.
- b. Fiscal fixed penalties (mainly) for motor vehicle offences. Available to fiscals before SJR, but cannot be separately identified in CHS until after SJR.
- c. Fiscal compensation orders of up to £5,000 payable to the victim. Only available after SJR, for personal injury, loss, damage, alarm or distress.
- d. Combined fiscal fine and fiscal compensation order.

Notation

D4. The following symbols are used throughout the tables in this bulletin:

- Nil
- * Less than 0.5
- n/a Not available

D5. The percentage figures given in tables and charts have been independently rounded, so they may not always sum to the relevant sub-totals or totals.

Classification of crimes and offences

D6. Contraventions of the law are divided, for statistical purposes only, into crimes and offences. The classification of crimes and offences used by the Scottish Government for criminal statistics contains over 300 codes. These are grouped in this bulletin as shown in the following table.

CRIMES	
<u>NON-SEXUAL CRIMES OF VIOLENCE</u>	(Also referred to as Violence)
Homicide	Comprises murder and culpable homicide (including the statutory crimes of causing death by dangerous or careless driving or causing death by careless driving while under the influence of drink or drugs, or when driving illegally).
Serious assault and attempted murder	Sometimes referred for short in the text as “serious assault”.
Robbery	Includes offences involving intent to rob.
Other violence	Includes threats, extortion and cruel and unnatural treatment of children.

<p><u>CRIMES OF INDECENCY</u> Rape and attempted rape Sexual assault</p> <p>Offences associated with prostitution</p> <p>Other indecency</p>	<p>(Also referred to as Indecency)</p> <p>-</p> <p>Includes: Contact sexual assault (13-15 yr old or adult 16+), Other sexually coercive conduct (adult 16+), Sexual offences against children under 13, Sexual activity with children aged 13-15, Other sexual offences involving children aged 13-15, Lewd and libidinous practices</p> <p>Includes: Soliciting services of person engaged in prostitution, Brothel keeping, Immoral traffic, and Procuration</p> <p>Includes: Incest, Unnatural Crimes, Public indecency, Sexual exposure, and other sexual offences</p>
<p><u>CRIMES INVOLVING DISHONESTY</u> Housebreaking Theft by opening a lockfast place Theft from a motor vehicle Theft of a motor vehicle Shoplifting Other theft Fraud</p> <p>Other dishonesty</p>	<p>(Also referred to as Dishonesty)</p> <p>Includes business as well as domestic premises.</p> <p>-</p> <p>-</p> <p>-</p> <p>-</p> <p>Includes theft of pedal cycles.</p> <p>Includes statutory fraud, except social security benefit fraud.</p> <p>Includes forgery, reset and embezzlement.</p>
<p><u>FIRE-RAISING, VANDALISM ETC</u> Fire-raising Vandalism</p>	<p>-</p> <p>Includes malicious mischief, vandalism and reckless conduct with firearms.</p>
<p><u>OTHER CRIMES</u> Crimes against public justice Handling an offensive weapon Drugs Other crime</p>	<p>Includes perjury, contempt of court, bail offences and failing to appear at court.</p> <p>Comprises carrying offensive weapons, restriction of offensive weapons legislation.</p> <p>Includes importation, possession and supply of controlled drugs.</p> <p>Includes conspiracy and explosives offences.</p>
<p><u>OFFENCES</u> <u>MISCELLANEOUS OFFENCES</u> Common assault Breach of the peace, etc.</p> <p>Drunkenness</p> <p>Other offence</p>	<p>Also sometimes termed petty assault or minor assault.</p> <p>Includes breach of the peace, threatening or abusive behaviour, stalking, and offensive behaviour at football and threatening communications (Offensive Behaviour at Football and Threatening Communications Act 2012)</p> <p>Includes offences of being drunk and incapable, being drunk in charge of a child, being disorderly on (or in attempting to enter) licensed premises and being drunk inside (or in attempting to enter) a sports ground.</p> <p>Includes offences against local legislation, Revenue and Excise Acts, Licensing Acts,</p>

MOTOR VEHICLE OFFENCES**Dangerous and careless driving****Drink/drug driving**

-

Comprises driving or in charge of motor vehicle while unfit through drink or drugs, blood alcohol content above limit and failing to provide breath, blood or urine specimens.

Speeding**Unlawful use of vehicle**

-

Comprises driving while disqualified, without a licence, insurance, test certificate, vehicle tax and registration and identification offences.

Vehicle defect offences

Comprises construction and use and lighting offences.

Other vehicle

Includes parking, record of work offences, neglect of traffic directions, failing to stop after accident and mobile phone offences and the small number of motorway and clearway offences.

D7. While data was being collated for this bulletin a small number of amendments were made to the criminal proceedings classification groupings to increase consistency with the recorded crime groupings.

- Last year's 'prostitution' category has been relabeled as 'offences associated with prostitution', and now includes crimes such as soliciting services of person engaged in prostitution, brothel keeping, immoral traffic and procurement (which were previously included in 'other indecency').
- Theft from a motor vehicle is now reported as a distinct category, rather than being included in 'other theft' as last year.
- Theft from an ATM is now included within 'fraud', in line with police recording practice.

In addition, work was carried out to improve the consistency with which charge codes that relate to more than one offence are treated. This work has resulted in some small adjustments to the previously published numbers of people with charges proved within some crime groups, mostly affecting the 'rape and attempted rape' crime group.

Annex E – Legislative and policy changes

Legislative changes

E1. On 6 October 2010, section 38 of the [Criminal Justice and Licensing \(Scotland\) Act 2010](#) was implemented. This introduced a new offence to combat threatening or abusive behaviour. Unlike the common law offence of breach of the peace, where it is necessary to show a “public element” to the conduct, there is no requirement in the new offence to demonstrate that the offending behaviour was in a public place.

E2. Community Payback Orders (CPOs) were also introduced by the [Criminal Justice and Licensing \(Scotland\) Act 2010](#) and came into effect from 1 February 2011. A CPO can only be imposed in respect of offence(s) committed on or after 1 February 2011. The CPO replaces provisions for community service orders, probation orders and supervised attendance orders, and the former community reparation order. Other existing court orders including drug treatment and testing orders and restriction of liberty orders remain unchanged.

A CPO can consist of one or more of the following nine requirements at commencement:

- Offender supervision,
- Compensation,
- Unpaid work or other activity,
- Programme,
- Residence,
- Mental health treatment,
- Drug treatment,
- Alcohol treatment,
- Conduct.

In addition, after the original imposition of the order, if an offender has failed to comply with one or more of the requirements in the order, a further requirement can be imposed, namely a restricted movement requirement. Every order must contain either (or both) of an unpaid work or other activity requirement and an offender supervision requirement. An unpaid work or other activity requirement can only be issued to offenders aged 16 or over. A court must impose an offender supervision requirement if the offender is under 18 years of age at the time the order is imposed and/or if at least one of the requirements compensation, programme, residence, mental health treatment, drug treatment, alcohol treatment or conduct have been imposed.

E3. The [Sexual Offences \(Scotland\) Act 2009](#) was implemented on 1 December 2010, making 2011-12 the first full year of data since the change. The act replaces a number of common law crimes such as rape, lewd and libidinous practices and sodomy with new statutory sexual offences. The act also created a number of new 'protective' offences which criminalise sexual activity with children and mentally disordered people. Protective offences are placed into categories concerning young children (under 13) and older children (13-15 years). The new legislation only applies to offences committed on or after 1 December 2010, with any offences committed prior to this date recorded using the previous legislation. The new legislation may result in some increases in Group 2 crime, though the more

noticeable effect was a change the distribution of these crimes among the sub classifications. For example, some crimes previously categorised as lewd and libidinous practices are now classified as sexual assault. The crime categories within the 'crimes of indecency' grouping have been updated to reflect the current legislative position.

E4. In order to more closely align these criminal proceedings statistics with recorded crime statistics, some crime/offence groups have been amended. Last year's 'Prostitution' category has been relabeled as 'Offences associated with prostitution', and now includes crimes such as soliciting services of person engaged in prostitution, brothel keeping, immoral traffic and procurement (which were previously included in 'other indecency'). Theft from a motor vehicle is now reported as a distinct category, rather than being included in 'other theft' as last year. Finally, theft from an ATM is now included within 'Fraud', in line with police recording practice.

E5. Section 3 of the [Offensive Behaviour at Football and Threatening Communications \(Scotland\) Act 2012](#) made offensive behaviour at regulated football matches the eleventh offence for which a fixed penalty notice (ASBFPN) can be issued. This provision came into force on 1 March 2012 and so has had no effect on the statistics reported herein. Tables 20 and 21 of future iterations of this bulletin will be amended to incorporate this additional offence.

E6. In February 2011 COPFS carried out a review of the impact of the supreme court's ruling in *Cadder v HMA*. At the time of the ruling in October 2010, COPFS estimated that there were 3471 cases where the issue of the admissibility of evidence from police interviews had been raised by the defence. Over the three months after the judgment a total of 867 cases could not proceed or could not continue as a direct result of *Cadder*. The vast majority of cases affected were summary prosecutions, although 9 high court cases and 51 sheriff and jury cases were not able to continue as a result of *Cadder*. In addition, 3 summary appeals were conceded by the Crown. The details of the review were published on the COPFS website: <http://www.copfs.gov.uk/News/Releases/2011/02/Crown-review-cases-after-Cadder-V-HMA>

Summary Justice Reform

E7. The summary (i.e. non-jury) criminal justice system in Scotland has undergone an extensive and far-reaching programme of reform. Summary justice reform focused on all aspects of the summary criminal justice system and intended to create a system that is fair, effective, efficient and quick. 2008-09 was the first full year across which many aspects of summary justice reform were implemented.

E8. At an overall level, for example, the continued reduction in the number of people proceeded against in court since 2007-08 is consistent with the principal aim of the reforms – that fewer cases go to court needlessly and more are dealt with by non-court actions, where it is appropriate to do so. Similarly, the number of criminal reports received by the procurator fiscal has fallen year-on-year since 2006-07.

E9. A range of measures were implemented as part of the Anti-Social Behaviour (Scotland) Act 2004 and 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. Anti-Social Behaviour Fixed Penalty Notices 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 of the Peace (JPs).
- Reforms to summary criminal legal aid.

E10. The provisions of the 2007 act were 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/JP Courts was rolled-out on a sheriffdom-by-sheriffdom basis and completed in February 2010.

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