

CRIME AND JUSTICE

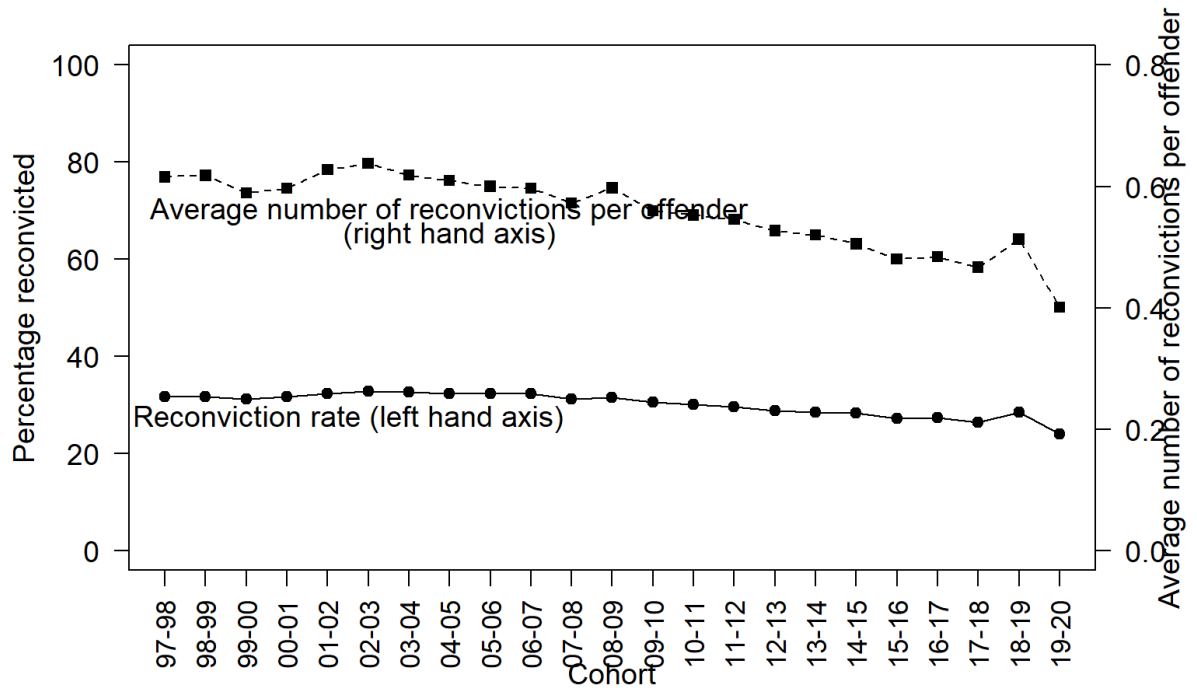
Reconviction Rates in Scotland: 2019-20 Offender Cohort

Statistics are presented on the number of individuals who were released from a custodial sentence or given a non-custodial sentence in 2019-20 and then subsequently reconvicted within a year, along with selected trends. This period partially overlaps with the COVID-19 pandemic, and the effect the pandemic had on an offender being reconvicted depends on when they entered the cohort. For example, if an offender is released from custody and therefore joins the cohort in the middle of 2019-20, then half of their follow up period would be during the COVID-19 restrictions.

The impact that the COVID-19 pandemic has had on these statistics means we would advise heavy caution in using the data presented in this publication. As a result, the data for the 2019-20 cohort is not indicative of longer-term trends. One reason this cohort has been affected by COVID-19 is the change in case processing times during the pandemic, as shown in the [Journey Times](#) publication.

The reconviction rate, which is the percentage of offenders who are reconvicted in a year, was 24.1% in 2019-20. This is a 4.5 percentage point decrease from 28.6% in 2018-19. The average number of reconvictions per offender, a measure of how often offenders are reconvicted, decreased by 22% in the same period from 0.51 to 0.40. See Chart 1 and Table 1.

Chart 1: Reconviction rate and the average number of reconvictions per offender: 1997-98 to 2019-20 cohort



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Key points

- The reconviction rate decreased by 4.5 percentage points over the last year from 28.6% in 2018-19 to 24.1% in 2019-20. The average number of reconvictions per offender decreased by 22% in the same period from 0.51 to 0.40 (Table 1).
- There were decreases in both measures of reconvictions over the past year across almost all the different groupings presented in this bulletin.
- After last year's slight increase, the decrease in the reconviction rate and average number of reconvictions per offender continues the trend seen in most years over the past decade. However, the most recent figures are still lower than those ten years ago. Between 2010-11 and 2019-20, the reconviction rate has fallen by 6.1 percentage points from 30.1% to 24.1%, and the average number of reconvictions per offender has decreased by 27% from 0.55 to 0.40. (Table 1).
- Males are reconvicted more often, on average, than females. In 2019-20, the average number of reconvictions per offender for males was 0.41, which was 13% higher than the value of 0.36 for females (Table 2).
- All age-sex combinations saw a decrease in both measures of reconvictions in the past year (Table 4 **and** Table 5).
- As in previous years, offenders who committed a crime of dishonesty had the highest reconviction rate (40.2% in 2019-20), compared to offenders that committed another type of crime. Offenders who committed a sexual crime had the lowest (10.8% in 2019-20) (Table 6).
- Although lower than other crimes, offenders who committed a sexual crime saw an increase in the reconviction rate from the previous year by 0.2 percentage points (Table 6), the only increase for court disposals in this publication. One potential reason for this increase is that the cohort size for this crime is relatively small, meaning a small change would have a greater effect on percentages compared to larger cohorts.
- 5.5% of offenders with an index domestic abuse crime or offence in 2019-20 were reconvicted for a further domestic abuse crime or offence (Table 8a), and 15.0% were reconvicted for any crime or offence.

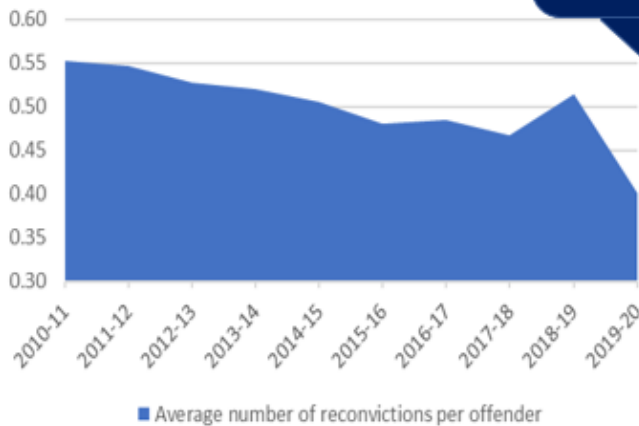
- Offenders released from a custodial sentence had an average number of reconvictions per offender of 0.70 in 2019-20, which was 16% lower than 0.83 in 2018-19 (Table 9). Short custodial sentences have higher reconvictions than longer sentences. This is largely because offenders who are given shorter sentences commit relatively less serious crimes, and tend to commit more of these crimes than those committing more serious crimes. Therefore, they are reconvicted more often. In 2019-20 the average number of reconvictions per offender for custodial sentences of three months or less was 1.08, compared to 0.06 for those over four years (Table 10a).
- Community Payback Orders (CPOs) are the most commonly used community sentence. The reconviction rate was 25.1% in 2019-20, a decrease from the stable rates of previous years. The cohort size for CPOs had its first increase from the previous year since 2014-15, although still the second smallest since 2012-13 (Table 9).
- 15% of individuals given a non-court disposal by the police in 2019-20 (such as a warning or fine) received another non-court disposal within a year (Table 19).

RECONVICTION RATES IN SCOTLAND: 2019-2020 COHORT



RECONVICTIONS HAVE DECREASED OVER MOST OF THE PAST DECADE

Large decrease due to COVID-19 pandemic

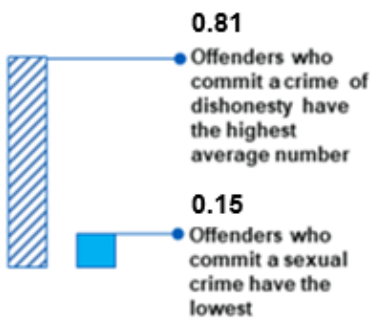


In 2019-20, **24.1%** of offenders were reconvicted within a year

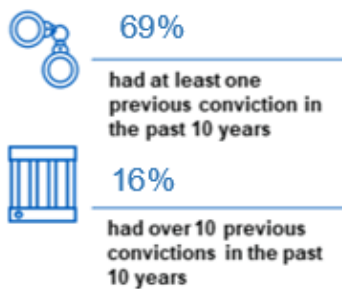


Men are reconvicted more than women:

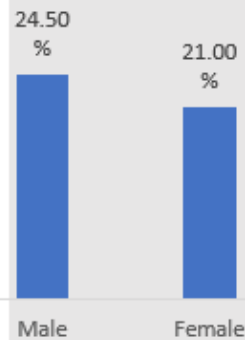
2019-20 cohort: Average number of reconvictions per offender



Of the 33,143 offenders convicted in 2020-21



Reconviction rate



Introduction

The statistics presented in this bulletin are derived from the data used in the Criminal Proceedings in Scotland statistical bulletin. The Criminal Proceedings data are in turn derived from information held on the Criminal History System (CHS) which is maintained by Police Scotland.

Changes made to this year's publication

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

1. The new crime of domestic abuse under the Domestic Abuse (Scotland) Act 2018 came into effect on 1st April 2019, and so this is the first year they can be included as index convictions.
2. Convictions under Coronavirus legislation, that came into force on 6 April 2020, have been included in this bulletin for the first time
 - a. As part of this legislation the maximum available Fiscal Fine that may be offered by COPFS increased from £300 to £500.

Background

This publication presents information on reconvictions and repeat non-court disposals for cohorts of offenders from 1997-98 up to the latest cohort of 2019-20. Cohorts include offenders with an 'index conviction' or 'index non-court disposal' in the particular financial year.

- Section one of this publication presents reconviction statistics for offenders with court convictions.
- Section two covers repeat instances of individuals dealt with outside of court (non-court disposals).
- Section three presents analyses of reconviction rates by local authority.
- Section four looks at the number of previous court convictions for offenders convicted in 2020-21.

Recidivism and reconvictions

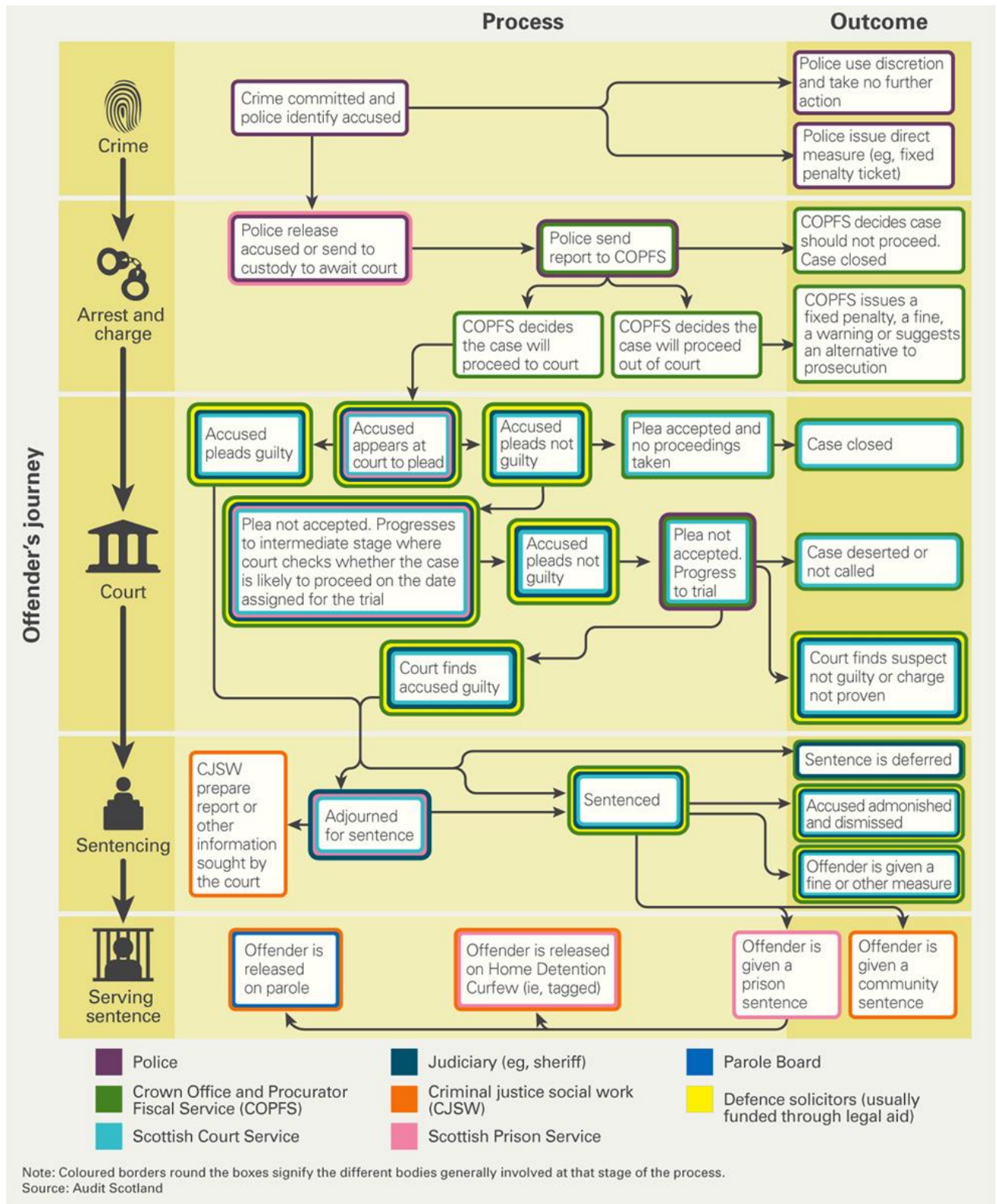
Recidivism is where someone has committed an offence and received some form of criminal justice sanction and goes on to commit another offence. Measuring recidivism is important, as it is one indicator of the effectiveness of the criminal justice system in the rehabilitation of offenders. Reconviction rates are a proxy measure for recidivism, as not all offences committed or recorded by the police will necessarily result in a conviction (see Annex A1).

The Scottish justice system

Scotland's criminal justice system uses a variety of interventions at each stage of the offender's journey. This system is summarised in the Audit Scotland report ([An Overview of Scotland's Criminal Justice System](#)) and is shown in Chart 2. Not all offences reported to the police result in a conviction. Reoffending is not the same as reconviction, as the intervention of the criminal justice system takes place between these two events. Reconvictions can be affected by many different factors that are not necessarily related to the incidence of crime.

Chart 2: An offender's journey through the criminal justice system

Scotland's criminal justice system comprises of many processes and is delivered by a range of bodies and individuals, with different possible outcomes at each stage.



(Source: Audit Scotland 2011 *An overview of Scotland's criminal justice system*)

Note that this does not show Recorded Police Warnings that were introduced in 2016

Index convictions: the reference convictions that reconvictions are measured from

For the majority of the analyses in this bulletin, we measure reconvictions given by a court for a cohort of offenders within a follow-up period of one year after a conviction given by a court. A cohort is defined as all the offenders that may have been released from a custodial sentence (see Annex A7), or given a non-custodial sentence, in a specified financial year. For example, the 2019-20 cohort is the group of offenders who were released from a custodial sentence, or were given a non-custodial sentence, between the 1st April 2019 and the 31st March 2020 (See Annex Table A1 and Annex A5). In this bulletin, for brevity, the cohort may be referred to by its year alone, for example 2019-20.

The “index conviction” is the reference conviction given by a court which is determined by either:

- (a) the estimated release date for a custodial sentence imposed for the conviction, or
- (b) the sentence date for non-custodial sentences imposed for the conviction.

For an individual offender, which conviction had the earliest of these dates in a given financial year is defined as their index conviction.

The crime which resulted in the index conviction is the “index crime”, and the sentence given for the index conviction is the “index disposal”. (See Annex Table A1 and Annex A5 for definitions and more details).

Measures of reconviction: the reconviction rate

The reconviction rate is presented as the percentage of offenders in the cohort who were reconvicted one or more times by a court within a specified follow up period from the date of the index conviction. For most reconviction analyses in this bulletin, the follow-up period is one year, except for Table 14 where a two year follow up period is presented. For example, the 2019-20 reconviction rate is 24.1% (Table 1). This means just under a quarter of offenders were reconvicted at least once in the year period following either a non-custodial conviction or release from a custodial sentence in 2019-20. The definitions in Annex Table A1 provide more details about the terminology used in this publication.

Measures of reconviction: average number of reconvictions per offender

The reconviction rate provides an indication of progress in tackling overall offender recidivism. This measure, however, may not be sensitive enough to detect individual-level progress as a result of interventions and programmes in the criminal justice system. Such programmes may have been successful in

reducing the number of times offenders are reconvicted, but not completely desisting from committing crimes. This bulletin provides a more detailed analysis of reconvictions by also reporting the complementary measure of the average number of reconvictions per offender.

The average number of reconvictions per offender is a measure of the number of times that offenders in a cohort are reconvicted within the follow-up period. It is the mean average, calculated as the total number of reconvictions of all the offenders in the cohort, divided by the total number of offenders in the cohort. For example, the average number of reconvictions per offender for the 2019-20 cohort in one year is 0.40 (Table 1). This means that, on average, offenders have under half a reconviction in a one year follow up period. It should be noted that as this measure is an average, and there may be variation in the number of reconvictions that individual offenders have: for example, any group may include offenders with no reconvictions and offenders with multiple reconvictions.

Repeat non-court disposals

This bulletin also presents the **repeat non-court disposal rate** and the **average number of repeat non-court disposals per individual**. People may be given a non-court disposal, a direct measure issued by the police or Crown Office and Procurator Fiscal (COPFS), rather than the case proceeding to court (see Section 2 for further detail).

The repeat non-court disposal rate is analogous to the reconviction rate, and is the proportion of people who receive a non-court disposal and go on to receive another non-court disposal within a year. The average number of repeat non-court disposals per individual, is analogous to the average number of reconvictions. It is a measure of the number of times that a cohort of individuals receive non-court disposals after being given a non-court disposal.

The cohort for non-court disposals is defined as the group of people who receive a non-court disposal, such as a fine or warning, from the police or COPFS in a given financial year. The first non-court disposal in the year is counted as the **index non-court disposal**, and subsequent non-court disposals given to the individuals within a year are counted as repeat non-court disposals.

Note that court convictions are not included in the repeat non-court disposals, and non-court disposals are not counted towards reconvictions. This is because the court conviction dataset is independent of the non-court disposal dataset. For example, if someone was convicted in court and given a community sentence and were later given a warning by the police, the warning would not be counted as a reconviction. The warning would be counted as an index non-court disposal if it was the first non-court disposal they received in a

financial year. However, it would be counted as a repeat non-court disposal if they had already received another non-court disposal in the financial year.

Data Source: The Scottish Offenders Index

Information on reconvictions presented in this bulletin is derived from the Scottish Offenders Index (SOI), which is derived from a subset of the Criminal Proceedings in Scotland dataset. The SOI contains all convictions in court since 1989 where the main offence involved was either a crime in Groups 1-5 of the Scottish Government's classification of crimes, or some of the offences in Group 6. See Annex D of the Criminal Proceedings Bulletin for further information about these classification groups. Minor offences, such as drunkenness and the majority of vehicle offences, are excluded from the SOI. This data source is also used in Section four to calculate the number and type of previous convictions, which looks back in time at conviction history **before** the index conviction, as opposed to reconvictions which look at convictions after the index conviction.

A separate dataset in the SOI also contains information on non-court disposals given by the police and COPFS since 2008. This contains non-court disposals given for all crimes and offences, including motor vehicle offences.

The court convictions and non-court disposals are held in separate datasets by the Scottish Government and so are independent of each other and analysed separately in this bulletin.

See Annex B1, Annex B3, and Annex 17 for more details.

Impact of COVID restrictions on the Justice system and these statistics

Offenders in the 2019-20 cohort covers reoffending between April 2019 and March 2021, depending on when the offender joined the cohort (see diagram on page 1). This means these figures in part cover the first full year of the COVID-19 pandemic and the impact of this across the justice system. Whilst it is not yet possible to isolate the impact of the pandemic on the data, it is reasonable to conclude that the latest data is predominantly a reflection of the impact of the pandemic across the justice system and should not be interpreted as indicative of longer-term trends. This message applies to all of the statistics presented in this publication, even if not explicitly stated in every instance to avoid repetition.

Whilst this publication focuses predominantly on court and out-of-court measures for dealing with offending, the pandemic affected all parts of the

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

The 2020-21 criminal proceedings publication shows a dramatic decrease in the number of people proceeded against by 46% and the number of convictions by 44% in the first year affected by the COVID-19 pandemic.

This publication focusses on reconvictions within one year of entering the cohort. As this is a time sensitive measure, the [Journey Times](#) publication gives further detail on the impact of COVID on case processing and therefore reconviction rates. Further information on how the COVID-19 pandemic affected the Justice System in Scotland, including information from Police Scotland, Crown Office and Procurator Fiscal Service, courts and prisons is provided in the [Justice Analytical Services monthly data report](#).

Plans for Reconviction statistics post-publication

In recognition that the data will continue to be affected by COVID and the court recovery programme for the foreseeable future, we plan to conduct further work to assess whether the measures used to produce these statistics are still the most appropriate to use for this data. We would welcome feedback from users on this and will provide any relevant updates via our usual channels.

Breaches of criminal law are divided into crimes and offences. This distinction is made only for statistical reporting purposes. Although the breaches allocated under “crimes” can generally be considered to be more serious, there are some “offences” that have more severe punishments associated with them than “crimes”. The Scottish Government has recently consulted about changing the classification of some of these in response to the needs of users, and future publications may reflect the change.

1. Main findings: reconviction rates for court disposals

1.1 Headline figures

(Table 1)

The trends presented in this publication are affected by the COVID-19 pandemic. The number of offenders in the 2019-20 cohort remains unaffected as they were either released from custody or given a non-court disposal by the end of March 2020. However, the impact of the COVID-19 pandemic on the justice system will have affected the number of offenders in this cohort being reconvicted throughout 2020-21. These two observations give an indication of changes in reconviction rates and average number of reconvictions per offender for this cohort.

The reconviction rate, which is the percentage of offenders who are reconvicted in a year, was 24.1% in 2019-20. This is a 4.5 percentage point decrease from 28.6% in 2018-19. The average number of reconvictions per offender, a measure of how often offenders are reconvicted, decreased by 22% in the same period from 0.51 to 0.40. See Chart 1 and Table 1.

Over the longer term, the reconviction rate and average number of reconvictions per offender (Table 1 and Chart 1) have generally decreased over the past decade. However, the decrease seen this year is larger, most likely due to the impacts of the COVID-19 pandemic. Between 2010-11 and 2019-20, the reconviction rate has fallen by 6.1 percentage points from 30.1% to 24.1%, and the average number of reconvictions per offender has decreased by 27% from 0.55 to 0.40. More widely, other measures of crime also show decreases over the same time period, and showing in [Recorded Crime in Scotland, 2020-21](#) and the [Scottish Crime and Justice Survey](#).

The size of the cohort has decreased in the past four years, after increasing in the three years before that. The cohort size marginally decreased by 2.5% from 32,903 in 2018-19 to 32,067 in 2019-20. This is the smallest cohort in the past 23 years, and is 40% lower than the largest cohort of 53,460 in 1997-98. The shrinking cohort reflects the decreases in the number of people convicted seen in the [Criminal Proceedings Statistics](#) since 2015-16. The slight lag in the reconviction cohort compared to the number of people convicted, is likely to be because those given custodial sentences are counted at sentence date in the Criminal Proceedings Statistics, whereas they are counted later in a reconvictions cohort at the estimated time when they are released. The COVID-19 pandemic is expected to have had a negligible effect on the size of the 2019-20 cohort, as any changes to the expected number of individuals

given a non-custodial sentence or released from a custodial sentence due to the pandemic would only occur in the last weeks in March 2020.

1.2 Age and sex

(Table 2, Table 3, Table 4 and Table 5)

Sex

Sex in this bulletin is generally based on a person's physiology as perceived by a police officer, rather than self-identified gender, and is recorded when a person's details are entered into the CHS. Sex may be different to that recorded at birth if a person has a Gender Recognition Certificate. In a small number of records, sex will be recorded as unknown if a clear understanding of the sex of the individual is not known. See Annex A11 and A12 for further details.

Both measures of reconvictions are higher for males than females, as in previous years.

Males make up the vast majority of offenders in each cohort, with males making up 83% of the cohort in 2019-20. Continuing a persistent long-term trend, males have higher reconviction rates and a higher average number of reconvictions per offender than females (Table 2). In 2019-20, the reconviction rate was 24.7% for males and 21.0% for females, and average number of reconvictions per offender was 0.41 for males, and 0.36 for females.

Both measures of reconvictions decreased for males and females over the past year.

Both measures of reconvictions for males and females are lower than they were last year. For males, the reconviction rate decreased by 4.7 percentage points from 29.3% in 2018-19 to 24.7% in 2019-20, and the average number of reconvictions decreased 21% from 0.52 to 0.41 in the same period. For females, the reconviction rate decreased 3.9 percentage points from 25.0% in 2018-19 to 21.0% in 2019-20 and the average number of reconvictions decreased 26% in the past year.

Over the longer-term, reconvictions for males have generally decreased, but are similar for females.

In the past decade, the average number of reconvictions fell by 29% for males from 0.57 in 2010-11 to 0.41 in 2019-20, and the reconviction rate fell by 6.8 percentage points from 31.4% to 24.7% in the same period. For females, the average number of reconvictions was 0.45 in 2010-11, and has fluctuated over the past decade. However, the large decrease in 2019-20 to 0.36 must

be contextualised by the COVID-19 pandemic. The reconviction rate for females was 23.9% in 2010-11 and was slightly lower in 2019-20 at 21.0%.

Age

All age groups showed a decrease in both measures of reconvictions between 2018-19 and 2019-20.

The decreases in the reconviction rate ranged from 2.3 percentage points in the over 40 year olds, to 7.4 percentage points in the under 21s age group (Table 3). The decrease in the average number of reconvictions ranged from 16% in the over 40s to 27% in the under 21s.

Under 21s have some of the highest reconviction levels and the over 40s have the lowest

The reconviction rate for under 21s were the highest of the age groups in 2019-20 (26.3%), and average number of reconvictions was the joint highest (0.45, along with 31 to 40 year olds). Both measures were the lowest for the over 40s (18.7% and 0.31, respectively), as they have been historically. The other age groups (21 to 25, 26 to 30, and 31 to 40) had values closer to the under 21s, with reconviction rates ranging from 25.1% to 26.9%, and average number of reconvictions ranging from 0.41 to 0.43 (Table 3).

Reconvictions for Under 21s have decreased substantially over the past 23 years.

Over time, the average number of reconvictions for under 21s have decreased by approximately half (52%) in 23 years, from a high of 0.93 in 1997-98 to the latest figure of 0.45 in 2019-20. However, between 2011-12 and 2018-19, numbers have been fluctuating (ranging between 0.59 and 0.65) (Table 3).

It should also be noted that the under 21 cohort size decreased substantially in the past 23 years by more than three quarters (79%) from 13,796 in 1997-98 to 2,876 in 2019-20. It has decreased by 65% in the past decade alone from 8,239 in 2010-11. The fall is in part due to dealing with youth offending outside of court and early interventions. In terms of its effect on the national cohort size, in 1997-98 the under 21 cohort represented 26% of the national cohort, compared to 9% in the most recent cohort. This large change in the under 21 cohort size, coupled with the decrease in reconvictions for this group, means that changes in this group are a significant component of the reduction in the overall national reconviction rate.

Reconvictions for the over 21s have fluctuated in recent years, before a decrease in 2019-20

The average number of reconvictions for the 21 to 25 age group is lower than it was a decade ago, with a decrease of 32% from 0.59 in 2010-11 to 0.41 in 2019-20. However, most of that decrease was in the early part of the decade and they fluctuated across 2014-15 to 2019-20, before dropping again in this

first year affected by the COVID-19 pandemic. There was a similar pattern for the 26 to 30 group, with the average number of reconvictions 34% lower than it was a decade ago, with a figure of 0.65 in 2010-11 compared to 0.43 in 2019-20, and the figure fluctuated in the three years before 2019-20.

Before this year's decrease, reconvictions for the over 30s have fluctuated over the past decade. (Table 3). The cohort size for the over 40 group represented 29% of the 2019-20 cohort, compared to 12% of the 1997-98 cohort. As the over 40 group has the lowest reconviction rates of any age group, the increasing cohort size has been a partial component of the reductions seen in the overall national reconviction rate.

Age and sex

Patterns of change in reconvictions (both rates and average numbers) for males of different age groups are generally similar over time (Table 4) to those for all offenders (Table 3), as males comprise the majority of offenders in the cohort (84% in 2019-20) (Chart 3).

Chart 3: Average number of reconvictions per offender, males by age: 1997-98 to 2019-20 cohorts

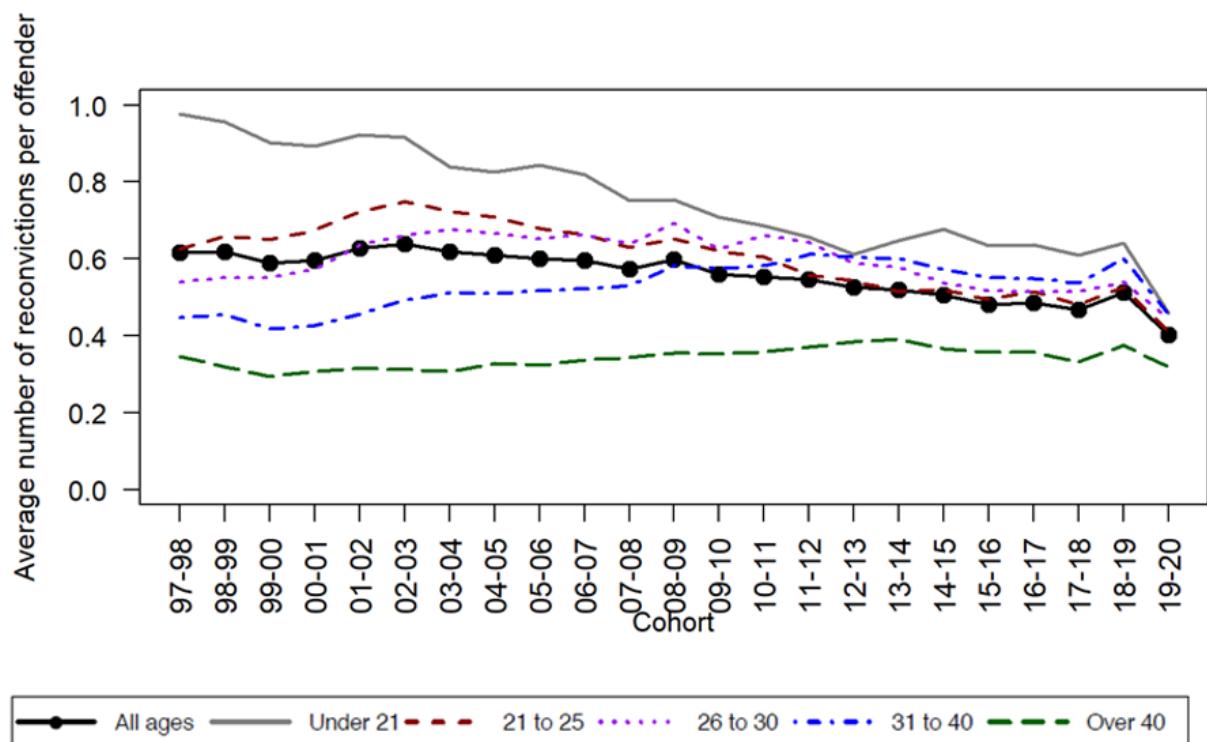
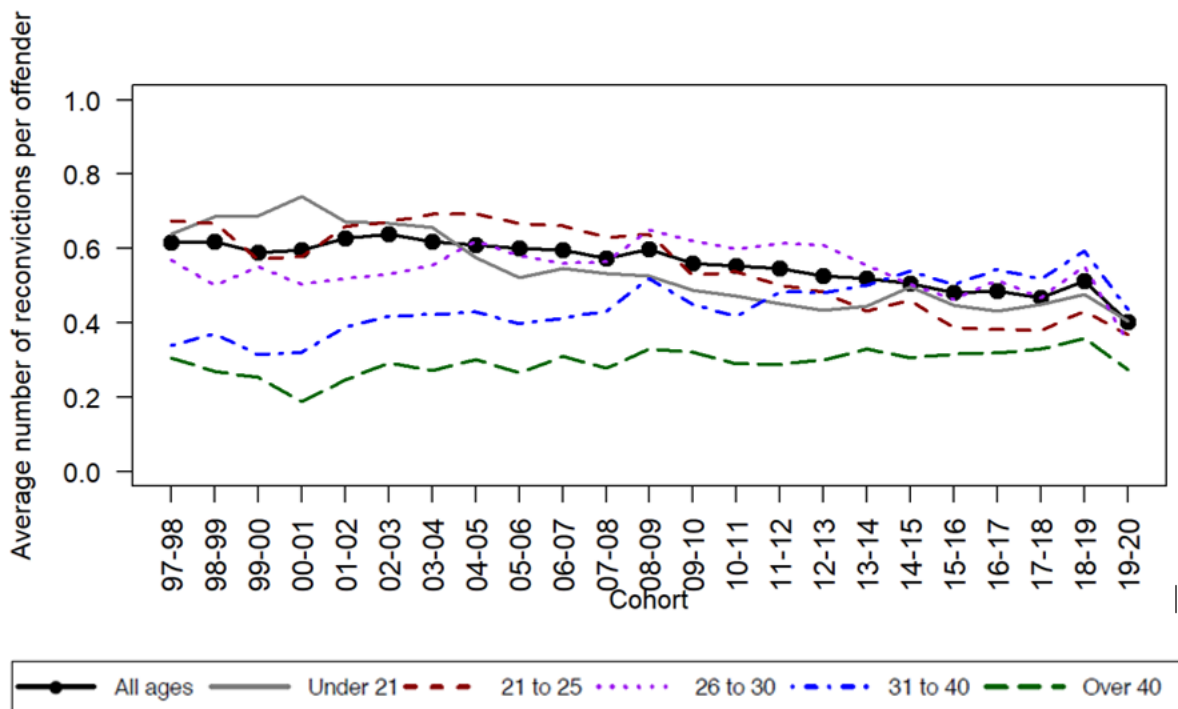


Chart 4: Average number of reconvictions per offender, females by age: 1997-98 to 2018-20 cohorts



All male age groups showed a decrease in both measures of reconvictions between 2018-19 and 2019-20.

The decreases in reconviction rates ranged from 2.2 percentage points in the over 40 age group to 8.5 percentage points in the under 21 age group. The average number of reconvictions for all age groups decreased, with the biggest decrease, in percentage terms, being a 29% decrease in the under 21s from 0.64 to 0.46 (Table 4 and Chart 3).

Historically, the average number of reconvictions used to decrease with age, but in recent years the pattern has changed as the gap has narrowed between the age groups with all but the over 40s having similar average numbers. In 2018-19, under 21s and 31 to 40 year olds had the highest average number of reconvictions of the male age groups (0.46), followed by those aged 26 to 30 (0.45) and those aged 21 to 25 (0.41); with the over 40s having the lowest (0.32) (Table 4 and Chart 3).

All female age groups showed a decrease in both measures of reconvictions in the past year.

The reconviction rate for all female age groups decreased. The decreases in reconviction rates ranged from 1.6 percentage points in the 21 to 25 age group, to 8.8 percentage points in the 26 to 30 age group.

The average number of reconvictions decreased for all female age groups in the past year, with the largest decrease in percentage terms, a 37% drop in the 26 to 30 age group from 0.55 to 0.35 (Table 5).

The pattern of reconvictions across female age groups is slightly different to males.

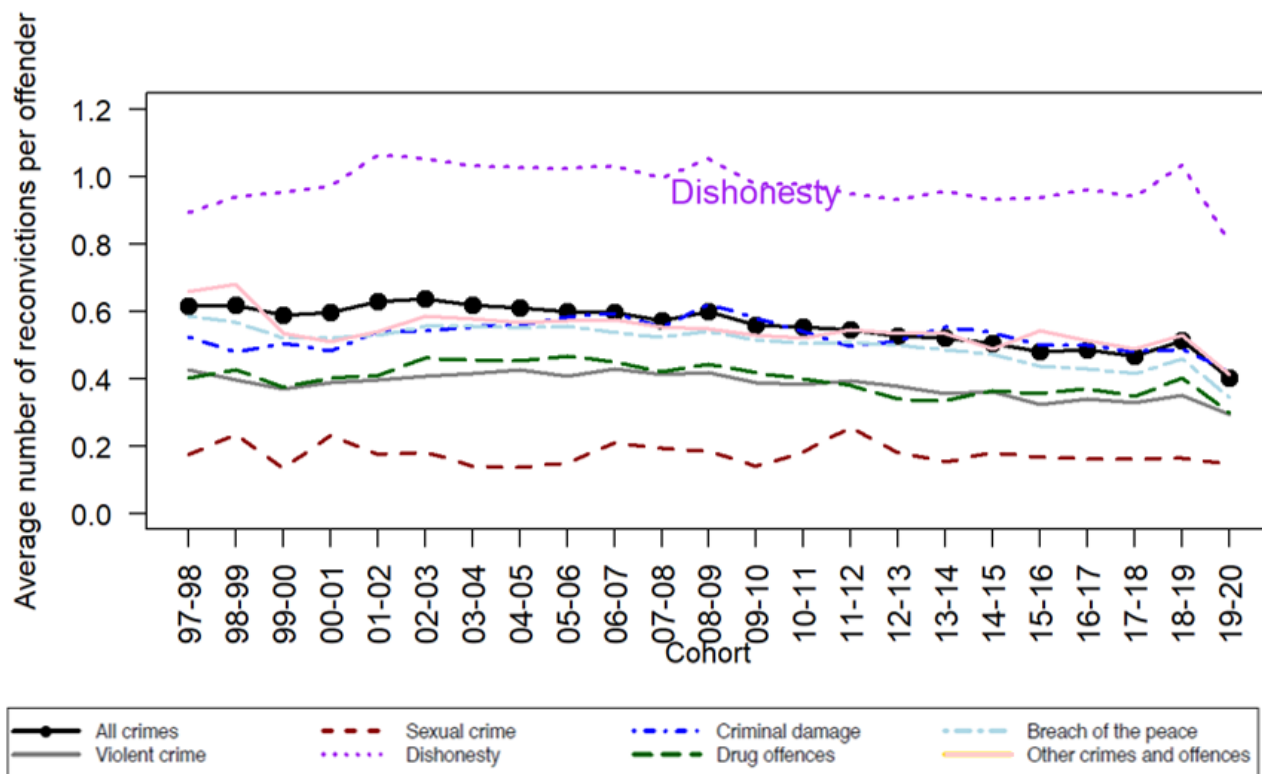
In 2019-20, the age group with the highest average number of reconvictions was the 31 to 40 group (0.44), followed by under 21 (0.40), 21-25 (0.37), and 26 to 30 (0.35). The lowest was the over 40s (0.27) (Chart 6). One notable difference to males regarding the average number of reconvictions is for the under 21 age group, which has always been the highest of the male age groups (Table 4 and Chart 3), but this hasn't been the case for the under 21 female age group since 2002-03 (Table 5 and Chart 4). Another difference is in the 26-30 age group in 2019-20, which is comparable to the highest average number of convictions for males age group, but only over 40s have a lower average for women.

1.3 Index crime

(Table 6 and Table 7)

An “index crime” is the crime which resulted in the “index conviction”, the reference conviction which reconvictions are counted from. If a person was convicted for more than one charge in a set of proceedings, then the crime that was given the most serious disposal is counted as the index crime (see Annex A4). See Annex Table A1 and Annex A5 for definitions.

Chart 5: Average number of reconvictions per offender, by index crime: 1997-98 to 2019-20 cohorts



In general, offenders who were convicted for lower-level index crimes which tend to be committed in higher volumes, are more likely to be reconvicted than those who commit more serious crimes.

Note that different disposals are given for different crimes, which may also affect the likelihood of reoffending.

As has been true since 1997-98, offenders with an index crime of dishonesty (see Annex A17 for crime groupings), have the highest average number of reconvictions per offender and reconviction rate of any of the index crimes (Table 6 and Chart 5). For offenders convicted of crimes of dishonesty in the 2019-20 cohort, the reconviction rate was 40.2%, and an average of 0.81 reconvictions per offender. This compares to offenders with an index crime of a sexual crime, which had the lowest reconviction rate (10.8%) and lowest average number of reconvictions per offender (0.15) of any index crime (Chart 5 and Table 6).

Offenders from the 2019-20 cohort who had index crimes other than sexual crimes or crimes of dishonesty, had an average number of reconvictions per offender ranging between 0.29 for violent crime and 0.42 for criminal damages. The reconviction rates ranged between 18.9% for violent crime, and 27.0% criminal damages (Table 6).

Reconviction rates decreased for almost all categories of index crime over the past year, except sexual crimes.

Crimes of dishonesty and other crimes and offences had the largest decrease in the reconviction rate over the past year, with a 6.0 and 6.2 percentage point decrease respectively. This was followed by drug offences (4.8 percentage point decrease), breach of the peace (4.8 percentage point decrease), criminal damage (3.4 percentage point decrease) and violent crime (3.1 percentage point decrease) (Table 6). In contrast, the reconviction rate for sexual crimes increased by 0.2 percentage points. (Table 6). This increase in rate for sexual crimes goes against trends in 2019-20 of lower reconviction rates, caveated by the COVID-19 pandemic.

The average number of reconvictions decreased for all index crimes in the past year.

The average number of reconvictions decreased for violent crimes, sexual crimes, dishonesty, criminal damage, drug offences, breach of the peace, and other crimes and offences. The largest decrease in percentage terms, was a 26% decrease for drug offences from 0.40 in 2018-19 to 0.30 in 2019-20 (Table 6 and Chart 5).

Over the past decade, trends in reconvictions across crime types have been mixed.

Apart from the rise in 2018-19, violent crime, breach of the peace, and drug offences were on a general downwards trend. It is unclear whether the return to the decrease in reconvictions is indicative of a return to the longer term trend or a result of the COVID-19 pandemic. The other groups have tended to fluctuate from year to year with no clear trend (Table 6 and Chart 5).

Reconviction crime by index crime

Table 7 shows the types of crimes that offenders in the 2019-20 cohort were reconvicted for, by each type of index crime. The majority of offenders in the cohort (over three quarters, 75.9%) were not reconvicted for any crime. For those that were reconvicted, more were reconvicted for breach of the peace than any other type of crime (8.5% of all offenders) and fewer offenders were reconvicted for a sexual crime (0.4% of all offenders).

Table 7 also highlights the degree to which offenders specialise in particular types of crime. Offenders convicted of crimes of violence, dishonesty, drug offences, and breach of the peace were reconvicted for the same type of crime more than other types. Even in the cases where the majority of offenders were reconvicted for the same crime as their index crime, there were still other offenders who were reconvicted for different crimes to their index crimes. This suggests that offenders do not completely specialise on a particular type of crime.

1.4 Domestic abuse index crimes and offences

(Table 8a, Table 8b, Table 8c and Table 8d)

The crimes and offences counted here as domestic abuse index convictions or reconvictions, are crimes and offences marked with the statutory domestic abuse **aggravation** or non-statutory domestic abuse **identifier**.

The statutory domestic abuse aggravation was created by the Abusive Behaviour and Sexual Harm (Scotland) Act 2016 and came into effect on the 24th April 2017 for crimes that took place on or after this date. The statutory domestic abuse aggravation is marked against individual charges and, if proven in court, will be taken into account during sentencing. For example, a common assault offence committed against a partner could be marked with the statutory aggravation. This is the second year that data have been published on this aggravation. Note that the crimes and offences are mostly referred to as “crimes” below for brevity.

Crimes and offences may also be marked with a non-statutory domestic abuse identifier by the police or COPFS. This is used for operational purposes for prosecution, but does not require proof in court and is not taken into account during sentencing. This has been in place since before the introduction of the statutory aggravation, and as such, provides us with longer time series data. We have published this here in recognition of the value of this trend data to users and will assess whether there is a continuing demand for this data in future bulletins, but it will be published in some form.

Crimes and offences with the aggravation are a subset of those with the identifier. For example, a common assault offence committed against a partner could be marked with the statutory aggravation and the identifier, or just the identifier, but not the statutory aggravation alone.

A new standalone crime of domestic abuse was created by the Domestic Abuse (Scotland) Act 2018. This crime covers a course of behaviour which is abusive of a person’s partner or ex-partner. This crime was introduced on 1st April 2019 so this is the first publication that includes this crime as an index offence. Crimes under this legislation are not shown separately but are included within the Non Sexual Crimes of Violence crime category. See Annex B for information on data quality.

Table 8a and Table 8b show the reconviction rate and average number of reconvictions per offender, respectively, for index crimes marked with a statutory domestic abuse aggravation from when it was introduced in 2017-18, to 2019-20. Reconvictions for crimes with a statutory aggravation and reconvictions for any crime (including those with a statutory aggravation) are

presented separately. Index crimes without the aggravation are also included as a comparison.

Tables 8c and 8d is similar to Tables 8a and 8b, but show reconvictions for index crimes with the domestic abuse identifier from 2009-10 to 2019-20. Some of these will also have had the statutory aggravation applied. Reconvictions are also presented separately to show those for crimes with an identifier and reconvictions for any crime (including those with the identifier).

Offenders with a domestic abuse index crime were more likely to be reconvicted for a non-domestic abuse crime than a domestic abuse crime. In 2019-20, 15.0% of offenders with an index crime marked with the statutory domestic abuse aggravation were reconvicted for any crime, compared to 5.5% reconvicted for domestic abuse crimes (Table 8a). Note that the percentage reconvicted for any crime includes those reconvicted for domestic abuse crimes, so the percent reconvicted for non-domestic abuse crimes can be calculated by subtraction, which gives a figure of 9.5% of offenders with a domestic abuse index crime reconvicted for a non-domestic abuse crime.

Reconviction rates for index crimes marked with the identifier were similar to those marked with the statutory aggravation (Table 8c). In 2019-20, 16.7% of offenders with an index crime with a domestic abuse identifier were reconvicted for any crime and 8.1% were reconvicted for a further crime with a domestic abuse identifier.

Reconvictions for index crimes with the statutory domestic abuse aggravation decreased over the past year, but increased for the identifier. There was a slight decrease in the percentage of offenders with an index crime with a statutory domestic abuse aggravation who were reconvicted for a further domestic abuse crime in the past year (Table 8a). This decreased from 7.0% in 2018-19 to 5.5% in 2019-20. There was also a decrease in the average number of reconvictions for a further domestic abuse crime for an index crime with a statutory domestic abuse aggravation from 0.08 in 2018-19 to 0.06 in 2019-20 (Table 8b).

Table 8c shows that those with an index crime marked with a domestic abuse identifier who were reconvicted for a further domestic crime decreased by 1.3 percentage points from 9.4% in 2018-19 to 8.1% in 2019-20. There was also a slight decrease in the average number of reconvictions for those with an index crime marked with a domestic abuse identifier who were reconvicted for a further domestic crime, from 0.11 to 0.10, and this measure has remained steady over the past 10 years (Table 8d).

Additional tables showing reconvictions for domestic abuse offenders with the statutory aggravation and identifier by age, sex, crime, and disposal are published alongside this bulletin.

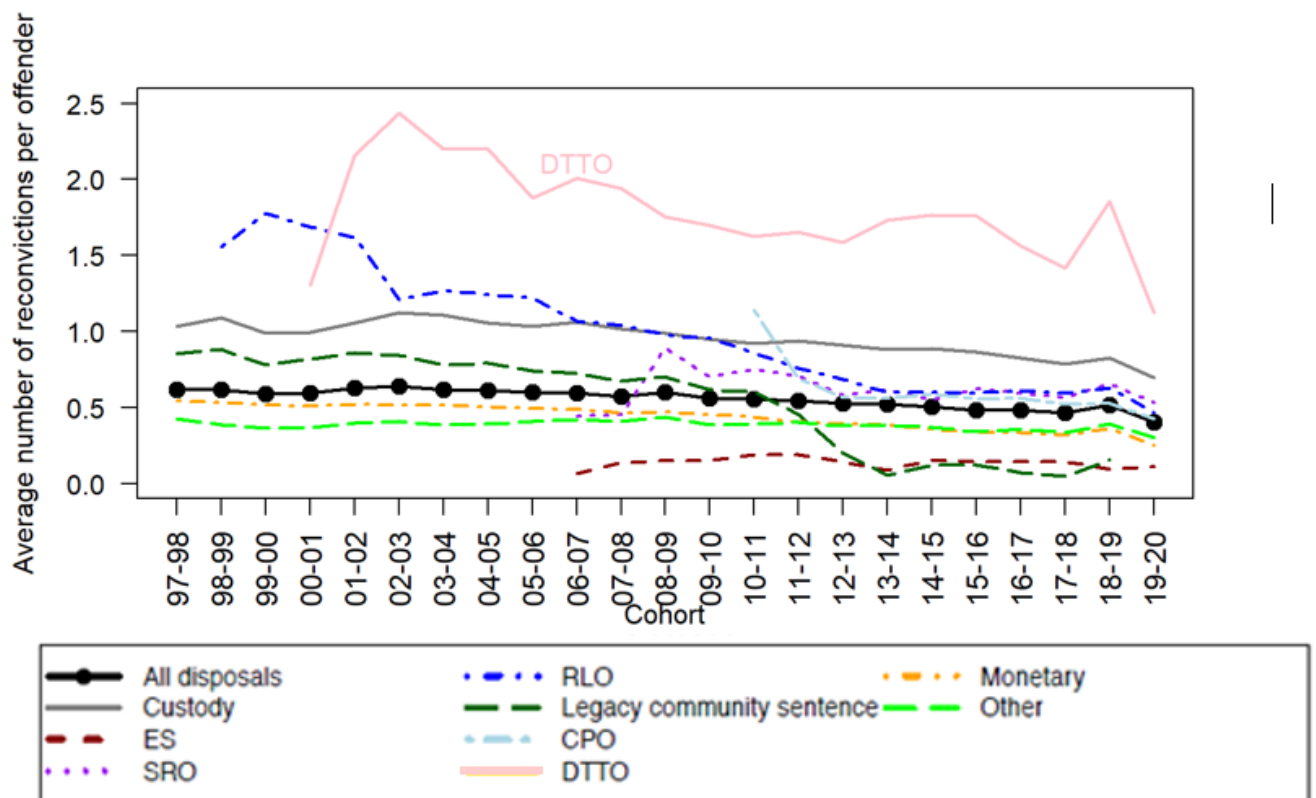
1.5 Index disposal

(Table 9)

The index disposal is the sentence received for an index conviction (see Annex Table A1 and Annex A5 for definitions). If a person is convicted for more than one charge in a set of proceedings, then the charge that receives the most serious disposal is counted as the index disposal (see Annex A4).

A disposal may reduce the likelihood of reoffending as offenders are rehabilitated. However, different disposals are given for different types of crime and differing offending histories and, as seen elsewhere in this bulletin, these factors are also predictors of whether an offender is likely to reoffend or not. These factors should be considered when comparing the effectiveness of different types of sentences. Table 11 gives reconviction rates for different offender characteristics for the disposals.

Chart 6: Average number of reconvictions per offender by index disposal: 1997-98 to 2019-20 cohorts



Custodial sentences

Reconviction rates for Extended Sentences and Supervised Release Orders (SROs) are presented separately from other custodial sentences for interest, as these have a period of supervision after release (Table 9). The custodial sentence category only includes those that were sent to prison or young offenders institutions, plus a small number of Orders for Lifelong Restriction. Note that the SROs and Extended Sentences are included in the custodial sentence length table along with the other custodial sentences (Table 10a).

Offenders released from a custodial sentence in 2019-20 had one of the highest reconviction rates and average number of reconvictions of any disposal.

The reconviction rate for offenders released from custody in the 2019-20 cohort was 39.1%, a 4.9 percentage point decrease on the 2018-19 rate of 44.0%. This decrease in the reconviction rate is the fifth decrease in the last six years. The average number of reconvictions per offender decreased from 0.83 to 0.70 in the past year. (Table 9 and Chart 6). Note that reconviction rates for different lengths of custodial sentences vary considerably which is discussed in the next section of this bulletin.

Extended Sentences are custodial sentences given for sexual crimes, or violent crimes that attract a custodial sentence of four years or more. Extended Sentences have a period of supervision of up to 10 years in the community after the custodial sentence. If offenders breach their licence during the extended part of the sentence, they can be recalled to prison. Reconviction rates for Extended Sentences, like other custodial sentences, are based on the estimated release date from the custodial part of the sentence. We do not have information on the length of the supervision period on our dataset at the moment, just the length of the custodial part of the sentence. The reconviction rates are low compared to other disposals, in part because they are given for more serious crimes that are typically committed less frequently than other crimes.

Reconviction rates for Extended Sentences decreased over the past year, but the average number of reconvictions increased.

Reconviction rates for Extended Sentences decreased between 2018-19 and 2019-20 by 1.2 percentage points from 9.2% to 7.9%. The average number of reconvictions increased by 20% from 0.09 in 2018-19 to 0.11 in 2019-20.

Reconvictions have fluctuated from year to year for Extended Sentences, which in part is probably due to the small cohort sizes and low numbers of reconvictions, where a small change would have a greater effect on percentages compared to larger cohorts (Table 9 and Chart 6).

SROs are given for crimes other than sexual crimes and consist of a custodial sentence of one to four years, followed by a period of supervision of up to a year by a social worker. If the offender breaches the order they can be recalled to prison. As with Extended Sentences, we do not have information on the length of the supervision period in our dataset.

Reconvictions decreased for SROs in the past year. The reconviction rate of SROs decreased by 10.3 percentage points in the past year, from 45.2% in 2018-19 to 34.9% in 2019-20. The average number of reconvictions decreased by 19% from 0.66 to 0.53 in the same period. After an increase in 2018-19, reconvictions in 2019-20 are only slightly less than the years immediately before 2018-19 (Table 9 and Chart 6).

Community sentences: CPOs, DTTOs, RLOs

If an offender fails to comply with a requirement in the order, the court can impose a number of sanctions, including a restricted movement requirement.

CPOs replaced the **legacy community orders** in 2011. There were still a very small number of legacy community orders in 2018-19 as they were given for offences committed prior to February 2011. During the transition from legacy orders to CPOs from 2010-11 to 2013-14, there were changes in the characteristics of offenders that were given these disposal types. Annex D gives a brief overview of the trends during the transitional period. CPOs are the mostly widely used community sentence, with a cohort size of 8,156 in 2019-20, an increase of 648 from 2018-19.

Reconvictions for CPOs decreased in the past year. The reconviction rate of CPOs decreased by 4.7 percentage points in the past year, from 29.8% in 2018-19 to 25.1% in 2019-20. The average number of reconvictions decreased by 19% from 0.53 to 0.43 in the same period and are now at the lowest rate since CPOs were introduced (Table 9 and Chart 6).

A Drug Treatment and Testing Order (DTTO) is a high tariff disposal for people with serious drug use problems. It includes the requirement for regular reviews by the court and that the person consents to frequent random drug tests throughout the lifetime of the order.

Offenders given a DTTO have the highest average number of reconvictions per offender and the highest reconviction rate of any disposal. The high reconvictions are associated with the substance misuse that led to the disposal and should not be interpreted as a particular lack of effectiveness of DTTOs compared to other disposals. The average number of reconvictions per offender decreased by 40% from 1.85 in 2018-19 to 1.12 in 2019-20. The reconviction rate decreased by 8.8 percentage points over the same period from 65.1% to 56.3% (Table 9 and Chart 6).

Over the longer term, average reconvictions and reconviction rates have fluctuated over the decade. Both measures in 2018-19 showed decade-high rates, dropping to an all-time low in 2019-20.

Restriction of Liberty Orders (RLOs) are imposed for periods of up to one year, and involve restricting an individual to a specified place for up to 12 hours per day and/or from a specified place for up to 24 hours.

Reconvictions for RLOs decreased in the past year. The reconviction rate for RLOs decreased by six percentage points from 35.1% in 2018-19 to 29.1% in 2019-20. The average number of reconvictions decreased from 0.63 to 0.47 in the same period.

Over the longer term, reconvictions are now much lower for RLOs than they used to be, with the average number of reconvictions decreasing by 46% over the past decade from 0.86 in 2010-11 to 0.47 in 2018-19. The reconviction rate has also decreased by 16.1 percentage points in the same period. However, prior to 2019-20, reconvictions have been relatively stable in the past five years, with small year to year fluctuations. RLOs have been more widely used over the past decade, with the size of the cohort increasing from 461 in 2010-10 to an all-time high of 2,089 in 2019-20 (Table 9 and Chart 6).

Monetary and other disposals

Reconvictions for monetary disposals continue to be low. The reconviction rate of 16.9% for **monetary disposals** in 2019-20 is a decrease of 4.8 percentage points from 21.7% in 2018-19. The average number of reconvictions decreased by 30% over the same period, from 0.36 to 0.25.

The numbers of offenders with a monetary index conviction has more than halved in the past decade from 18,679 offenders in 2010-11 to 8,938 in 2019-20, continuing the decreasing trend from previous years. This may, in part, reflect the impact of Summary Justice Reform which was designed to take less serious cases out of the court system, and deal with them using non-court disposals (see Section 2). Reconvictions have also fallen for monetary disposals in the past decade, with the average number of reconvictions decreasing by 42% from 0.44 in 2010-11 to 0.25 in 2019-20 (Table 9 and Chart 6).

Reconvictions for Other disposals are similar to monetary disposals. For **Other disposals**, which includes admonishments, cautions, and absolute discharges; the reconviction rate decreased by 3.7 percentage points from 21.9% in 2018-19 to 18.2% in 2019-20. The average number of reconvictions per offender decreased by 23% from 0.39 to 0.30 in the same period.

Over time, reconvictions for Other disposals have been similar over the past decade, with year to year fluctuations. The reconviction rate ten years ago was 21.9% in 2010-11 and the average number of was 0.39 (Table 9 and Chart 6).

1.6 Sentence length of custodial index conviction

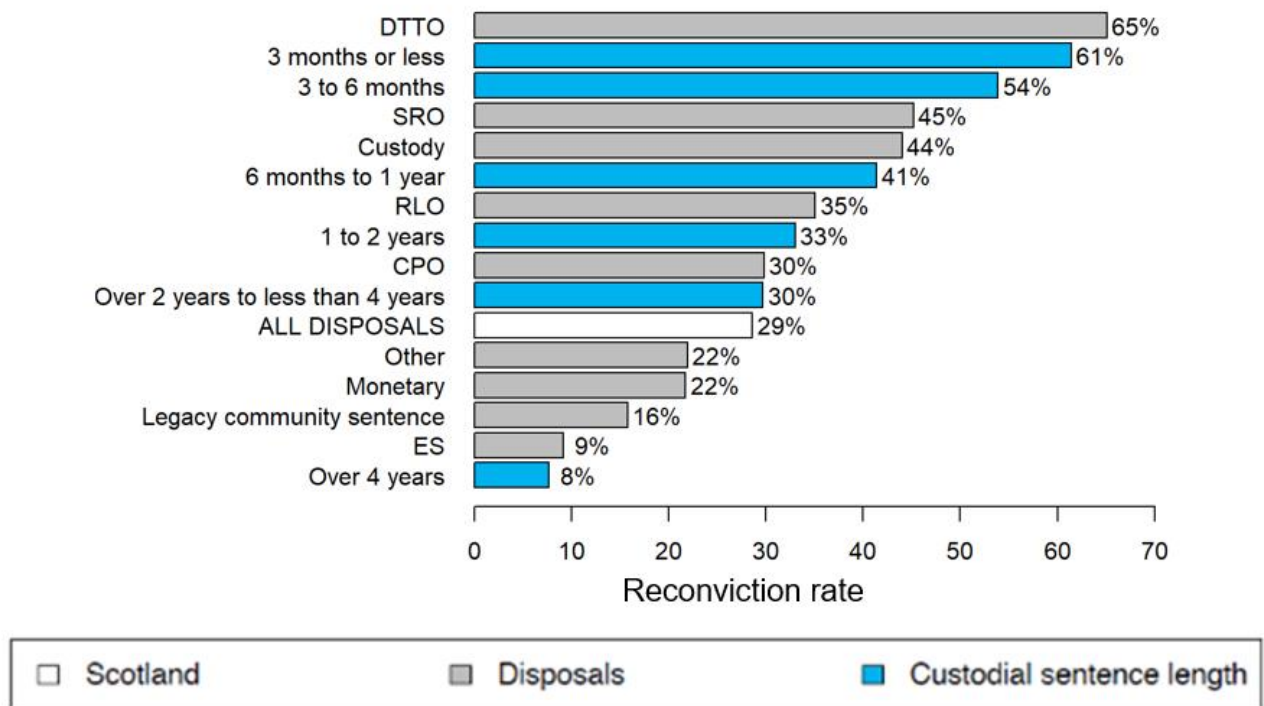
(Table 10a and Table 10b)

Note that Table 10a, which presents reconviction rates by custodial sentence length, includes Extended Sentences and SROs, whereas they are presented separately from other custodial sentences in Table 9. This is because the numbers of SROs are small in each sentence length category and it is difficult to interpret reconviction rates calculated on small groups. SROs will be included in the sentence length categories of below four years. The extended sentences are all in the 4 year and over category.

Short custodial sentences have high reconviction rates and long sentences have low reconviction rates due to association with different types of crime. Offenders who commit relatively less serious crimes but in high volumes are more likely to be reconvicted (see Section 1.3), and these offenders are more likely to get short custodial sentences. In contrast, longer custodial sentences are given to offenders who commit more serious crimes, but these offenders tend to commit these crimes in low volumes, and hence fewer are reconvicted. For example, the reconviction rate for custodial sentences of three months or less in 2019-20 was 54.8%, compared to 4.8% for sentences over four years (Table 10a and Chart 10).

Chart 7 shows how different custodial sentence lengths compare with other disposals. Also compare Table 10a to Table 9.

Chart 7: Reconviction rates for index disposals and sentence lengths for the 2019-20 cohort¹



1. Chart 7 shows reconviction rates for each disposal type. The category, Custody, shows reconviction rates for all offenders discharged from a prison or young offender institutions in 2019-20. SROs and Extended Sentences are presented separately from the Custody category. Custodial sentence lengths includes all custodial sentences (prison, young offender institutions, Extended Sentences, and SROs).

All custodial sentence lengths showed a decrease in reconviction rates and average number of reconvictions in the past year (Table 10a).

Over the past year between 2018-19 and 2019-20, decreases in reconviction rates for different lengths of custodial sentences ranged from 6.7 percentage points for sentences of less than three months, to 2.9 percentage points for both over three months to six month and over four years.

Decreases in average number of reconvictions ranged from 9% for over six months to less than a year, to 28% for over four years.

Over the past ten years, reconviction rates for all sentence lengths have fluctuated with no clear trend (Table 10a). However, the average number of reconvictions has decreased for all sentence lengths. Therefore, although a similar percentage are being reconvicted, they are reconvicted less frequently.

Table 10b shows reconviction rates and average number of reconvictions for all custodial sentences of one year or less from 1997-98 to 2019-20. These combine all the one year or less custodial sentence length reconvictions that are presented in Table 10a. This table has been included in response to user need for these figures due to high interest around the extension of the

presumption against short sentences from three months or less to one year or less. Note that the extension of the presumption against short sentences came into force on 4th July 2019 and only applies to offences committed on or after this date. Therefore, this bulletin only contains partial figures for index convictions after the introduction of the extension.

1.7 Conviction history prior to index conviction

(Table 11)

Conviction history is a strong predictor for the likelihood of reconviction, as reconviction rates increase with increasing numbers of previous convictions. Offenders with more than 10 previous convictions have the highest reconviction rates, whereas offenders with no previous convictions in the past ten years have the lowest reconviction rates. This pattern holds true even when age, sex, or disposal (all of which have an association with the likelihood of reconviction) are taken into account (Table 11).

1.8 Two-year rates

(Table 14)

Reconviction rates in Scotland were reported with a two-year follow-up period before the 2009-10 cohort bulletin. After this point, the focus has been on a follow-up period of one year rather than two years as, in general, the one-year rate tracks the two-year rate, and has the benefit of being more timely.

Using the two-year follow up period there has been a decrease in the reconviction rate every year from 2009-10 onwards (Table 14). For two-year rates in this bulletin, we observe the 2018-19 cohort, where reconviction numbers will only be affected by the pandemic after March 2020. Between 2017-18 and 2018-19, the reconviction rate decreased by 0.1 percentage points from 37.0% to 36.9%. During the same period, the average number of reconvictions also slightly decreased, from 0.87 to 0.85. Over 10 years from 2009-10 to 2018-19, the two-year average number of reconvictions per offender has fallen by 17% from 1.03 to 0.85, and the reconviction rate saw a 4.6 percentage point reduction from 41.5% to 36.9%.

These long term declining trends mirror those seen for the one-year follow up period (Table 1) but as there is a longer follow-up period, the associated values are typically greater, for instance:

- In 2018-19, the two-year reconviction rate was 8.3 percentage points higher than the one-year reconviction rate for 2017-18 (36.9% for the two year compared to 28.6% for the one-year rate).
- The average number reconvictions per offender is 0.85 over two years for the 2017-18 cohort, compared to 0.51 over one year.

2. Main findings: Repeat non-court disposals

Changes were introduced as a result of the Criminal Proceedings Act 2007 and these were collectively known as the Summary Justice Reform. They were designed to take less serious cases out of the justice system at an earlier stage before going to court and improve the efficiency of court processes. These non-court disposal (direct measure) options are used to deal with less serious offences, and include both police and COPFS disposals.

This section provides statistics on the repeat numbers of non-court disposals for individuals within a year after they were given an initial non-court disposal. Two measures are presented, the repeat non-court disposal rate, which is the percentage of individuals who are given a further non-court disposal within a year of receiving a police or COPFS disposal, and the average number of repeat non-court disposals per individual. These measures are analogous to the reconviction rate and average number of reconvictions per offender. This section does not include convictions and reconvictions dealt with in court, as the non-court dataset is independent of the court convictions dataset.

Repeat non-court disposal rates have overall decreased, but less severely than reconviction rates in section 1. Although we are unable to say for certain, this may be due to non-court disposals being less impacted by the pandemic as they were unaffected by court closures and social distance restrictions on court proceedings.

2.1 Police disposals

(Table 15 and Table 19)

The following non-court disposals are available to the police when dealing with a case directly:

- **Anti-Social Behaviour Fixed Penalty Notices (ASBFPNs)** as provided for in the Antisocial Behaviour etc (Scotland) Act 2004 for a range of offences including drunken-related behaviours and playing loud music;
- **Formal Adult Warnings** are for minor offences where a warning letter is issued to the individual and were in force until 11th January 2016, when they were replaced and extended by **Recorded Police Warnings** which cover a wider range of offences.
- Actions which are used specifically for juveniles (aged 8 to 17) such as **Restorative Justice Warnings** and **Early and Effective Interventions (EEl)s**.

There are further options available to the police that we are not able to provide data on, such as conditional offers of a fixed penalty notice for motor vehicle offences. Also note that fixed penalty notices for Covid restriction offences are not included in this publication. More information is available in Annex D of the latest Criminal Proceedings publication.

The repeat non-court disposal rate for all police disposals in 2019-20 was 17% (Table 15).

Repeat non-court disposals for Early and Effective Interventions decreased slightly over the past year.

The repeat non-court disposal rate for Early and Effective Interventions (EEl)s decreased slightly over the past year by 2.5 percentage points from 22.8% in 2018-19 to 20.2 in 2019-20. The average number of repeat non-court disposals per individual decreased slightly from 0.37 to 0.34 (Table 15).

Repeat non-court disposals for Recorded Police Warnings showed a slight decrease over the past year.

The repeat non-court disposal rate for Recorded Police Warnings decreased slightly in the past year from 16.3% in 2018-19 to 15.7% in 2019-20. The average number of repeat non-court disposals per individual also decreased slightly in the past year from 0.22 to 0.21. This is the first decrease since the introduction of Recorded Police Warnings, with rates in 2019-20 like those in 2017-18 (Table 15). The cohort size for 2019-20 is the larger than all previous years.

Repeat non-court disposals for ASBFPNs decreased over the past year.

The repeat non-court disposal rate for ASBFPNs decreased by 0.8 percentage points from 19.4% in 2018-19 to 18.6% in 2019-20. The average number of repeat non-court disposals also decreased slightly over the past year from 0.30 to 0.27 (Table 15). Both measures are back to 2017-18 levels and they are now much lower than they were five or more years ago. It should also be noted that the cohort size is much lower than it was historically, with the cohort size of 6,094 much reduced from its highest level of 48,241 in 2009-10. The decrease in cohort size may be due to Police Scotland issuing revised guidance around the use of ASBFPNs, and there may be some displacement by the use of Recorded Police Warnings in the past year.

Repeat non-court disposal rates for Formal Adult Warnings were low, which are given to a very small number of individuals.

Formal Adult Warnings are now only given to a very small number of individuals. Formal Adult Warnings were replaced by Recorded Police Warnings (for offences prior to 11th January 2016), so they are not directly comparable with previous years (Table 15).

2.2 Crown Office and Procurator Fiscal Service (COPFS) disposals

(Table 16 and Table 19)

These non-court disposals were available to COPFS over the period covered by this bulletin:

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

There are further actions that COPFS can take that are not included in this report, such as diverting cases to social work and other agencies and referrals to the Scottish Children's Reporter Administration (SCRA). More information is available in Annex D of the [Criminal Proceedings](#) publication.

The repeat non-court disposal rate for COPFS disposals was 13% in 2019-20 (Table 16). Between 2009-10 and 2019-20, all COPFS disposals have seen a decrease in the repeat non-court disposal rate and the average number of repeat non-court disposals per individual, with this trend evident in previous publications prior to impacts of the COVID-19 pandemic (Table 16).

Over the past year, all COPFS disposals apart from Fiscal Compensation saw a decrease in measures of repeat non-court disposals.

Of those individuals given a COPFS disposal in 2019-20, those given a **Fiscal Fine** had the highest repeat non-court disposal rate (17.6%). They also had the highest average number of repeat non-court disposals per individual (0.23). Those given a **Fiscal Combined Fine with Compensation** had the next highest repeat non-court disposal rate and average number of repeat non-court disposals per individual, at 15.8% and 0.19 respectively. For both disposals, both of these measures are relatively low compared to other years over the past ten years, with only the repeat non-court disposal rate for Fiscal Combined Fine with compensation in 2017-18 being lower (Table 16).

Individuals given a **Fiscal Fixed Penalty** had the lowest repeat non-court disposal rate (5.1%) and the lowest average number of repeat non-court disposals per individual (0.06). Both of these measures were almost identical to last year (Table 16).

For **Fiscal Compensation Orders**, the repeat non-court disposal rate of 13.9% in 2019-20 was 0.8 percentage points higher than the figure of 13.1% in 2018-19. The average number of repeat non-court disposals increased from 0.16 to 0.18 in the same period. This is the second consecutive yearly

increase in these measures, but latest figures are still relatively low and much lower than they were a decade ago, with the repeat non-court disposal rate 6.1 percentage points lower than it was in 2010-11 and the average number of repeat non-court disposals was 30% lower (Table 16).

Fiscal Warnings have been included from where we have data of sufficient quality from 2011-12 to the latest year of 2019-20. The repeat non-court disposal rate decreased over the past year by 0.4 percentage points from 11.8% in 2018-19 to 11.4% in 2019-20. The average number of repeat non-court disposals was 0.14 in 2019-20, a small decrease from 0.15 in 2018-19 (Table 16).

Fiscal Work Orders (FWOs) were introduced across Scotland in April 2015. The process of recording these disposals is being investigated for the Criminal Proceedings publication. Repeat non-court disposal statistics for FWOs will not be available until this investigation has concluded.

2.3 Characteristics of individuals given non-court disposals

Table 17 shows the repeat non-court disposal rate and average number of repeat non-court disposals from 2008-09 to 2018-19 by sex and Table 18 shows them by age. In Tables 17 and 18, all the types of non-court disposal are combined together. Table 19 shows the percentage of individuals given a repeat non-court disposal in 2018-19 for each type of non-court disposal, by age and sex.

Like reconvictions in court, males and younger people are more likely to receive further non-court disposals than females and older people (Table 17 and Table 18).

16.3% of males who received a non-court disposal in 2019-20 were given another non-court disposal within a year (a 0.7 percentage point decrease from 2018-19), compared to 12.1% of females (a 2.1 percentage point decrease from 2018-19) (Table 17). Note that this gap is larger than reconviction rates for court disposals (Table 2). The figure had been decreasing for males in recent years, and the average number of repeat non-court disposals for males has decreased in the past decade by 42% from 0.38 in 2010-11 to 0.22 in 2019-20. Repeat non-court disposals for females have decreased from a previously relatively stable rate. The average number of repeat non-court disposals for females has decreased over the past decade by 27% from 0.21 to 0.16.

As with reconvictions, under 21s had the highest repeat non-court disposal rate in 2019-20 of 19.5% and over 40s had the lowest with a figure of 11.3% (Table 18). The repeat non-court disposal rate was similar for the over 21 to 40 age groups, ranging from 15.1% to 16.3%. Repeat non-court disposals for

all age groups saw slight decreases between 2018-19 and 2019-20. Both measures of repeat non-court disposals are lower than they were a decade ago, with a notable 40% decrease in the average number of repeat non-court disposals for the under 21 age group.

3. Comparing reconviction rates across local authorities

(Table 12)

Estimating reconviction rates for local authorities

In *Reconviction rates in Scotland*, we historically only published reconviction rates for local authorities based on information for offenders convicted in courts that fall within that local authority area's boundary. This is because it was the only information on local authority that we could obtain. However, the areas that courts serve do not exactly match local authorities; and offenders may be convicted in a court located in a different administrative area to where they live, yet they would be supervised in their area of residence (see Annex A12 and the footnote of Table 12). The characteristics of offenders are also likely to vary across local authority areas, therefore such comparisons between areas should be treated with caution, and it is suggested that a method which takes these factors into account should be employed (see section 3.1).

To improve estimates of reconviction rates for local authorities, we started to collect data on the first half of an offender's home postcode from Police Scotland, for example EH1 or G1. This data can then be used to match an offender to their home local authority. This information will be particularly important for local authorities who use these statistics for planning purposes, such as schemes to reduce reoffending, or estimating the number of offenders that social workers need to supervise in their area. Local authority reconviction rates based on offender postcodes are published for the third time this year, but due to incomplete postcode coverage, we will still publish reconviction rates based on court area until it improves. We recommend that the figures based on court area are still used as the definitive local authority reconviction rates.

Local authority reconviction rates based on court area

Reconviction rates vary across local authority groups (based on the area covered by courts). Note that because some sheriff courts cover more than one local authority, we cannot distinguish between convictions in the different local authorities. Therefore some local authorities are grouped together, so

that there are 24 groups rather than 32 separate local authorities. Index convictions in the High Courts are presented separately from local authority groups. High Court index convictions were included in the local authority where the High Court was located prior to the 2016-17 cohort bulletin so the figures here are not comparable with earlier bulletins (see revisions in Annex B32 for further information).

Table 12 shows that the highest reconviction rate in the 2019-20 cohort was for offenders whose index conviction was given in courts in Falkirk (28.9%). Clackmannanshire had the highest number of reconvictions per offender on average (0.50). Excluding convictions in the High Court, the lowest reconviction rate (17.5%) was given in courts in Angus, and the lowest average number of reconvictions per offender (0.23), was for offenders whose index conviction was given at a court in Na h-Eileanan Siar. These are unadjusted figures which do not take account of underlying differences in population size and the characteristics of offenders in each area (see section 3.1 for comparisons of standardised reconviction rates which take these into account).

Reconvictions tend to fluctuate year to year for local authorities. Smaller local authorities tend to have larger fluctuations as they have small numbers of offenders. Small between-year fluctuations in the numbers of offenders reconvicted may lead to larger changes in the reconvictions in percentage terms compared to local authorities with larger numbers of offenders.

Local authority reconviction rates based on residence

Table 13 shows reconviction rates based on the local authority of offenders' residence. This is achieved by matching the local authority to the first half of offenders' postcodes. The local authority reconviction rates based on postcode are currently labelled as Experimental Statistics: Data being developed, as this analysis was only recently introduced and we did not have postcodes for over a tenth with an index conviction in 2019-20. Postcodes may be missing because offenders have no fixed abode, but it may also be a recording issue.

Custodial sentences have a higher percentage of missing postcodes compared to other sentences. This may relate to the personal circumstances of those given custodial sentences. This is not surprising as many custodial sentences counted here would have been recorded on the CHS before Police Scotland started sending us conviction data with postcode information.

Note that the data quality issues around the recording of postcodes only affects the local authority reconviction rates presented in Table 13 and does not affect any of the other reconviction rates presented in this publication.

Annex Table B1 shows the number and percentage of offenders with missing postcodes in each local authority group, based on the location of the court they were convicted in. It also shows the percentage of offenders living in the local authorities that are covered by the court areas, and the percentages that live in different local authorities to those covered by the court areas. This shows that there are significant percentages of offenders who are convicted in a court that covers a different local authority to where they live. Similar to 2018-19, Stirling had the highest percentage (32%) of offenders living in a different local authority to the court area where they were convicted. Note that percentages may be higher in other local authority groups but this cannot be determined due to the missing postcode data.

The group with missing postcodes had a higher reconviction rate (36.2%) compared to the national rates for Scotland as a whole (24.1%) (Table 13). This suggests that there is possibly some bias in the recording of postcodes.

Annex Table B1 shows there is variation in the percentages of missing postcodes between local authorities, so direct comparisons between local authorities should be treated with caution. The missing data may mean that the reconviction rates are over or underinflated, but we do not have enough information to know fully know the effects of the missing data on the rates. Also, different local authorities may have different mixes of offender characteristics, and small local authorities may experience greater fluctuations, which should be considered when comparing local authorities. The next section discusses these considerations in more detail (although those comparisons of local authorities are based on court area, the same factors would apply here).

4. Number and type of previous convictions: 2011-12 to 2020-21

(Table 20 and Table 21)

This section presents information on previous convictions for those offenders who were convicted on at least one occasion in 2020-21 (Table 20) or in previous years (Table 21). These two tables are compiled on a different basis to the rest of this publication. They look at convictions **before** a reference conviction, whereas reconvictions look at convictions **after** a reference conviction. Specifically, these tables look at the number of offenders convicted at least once in a year and then count the numbers of convictions they had over the previous ten years. If an offender had more than one conviction in the year, then the most recent conviction was counted as the reference conviction, and the earlier convictions were counted as previous convictions. In contrast, the reconviction tables in this publication focus on those with an index conviction in a particular year and then count how many were reconvicted in a year follow up period after that conviction. The most recent cohort here (2020-21) is one year later than the latest reconvictions cohort (2019-20), because there is not a year follow up period here. Note that convictions counted in Table 20 and Table 21 are the same type of those that are counted for reconvictions, which are all crimes in groups 1 to 5 and some offences in group 6 (see Annex B1, Annex B3, and Annex A17 for more details), and non-court disposals are not included.

Of the 21,207 individuals convicted at least once in 2020-21 for a crime or relevant offence, 69% had at least one prior conviction in the previous ten years, whilst 16% had over ten previous convictions (Table 21).

Consistent with the findings of previous Reconviction Rates in Scotland publications, sentencing is influenced by offending history as well as the circumstances of a particular case. Table 20 and Chart 13 show that:

First time offenders tend to get monetary disposals (33% of first time offenders) or other disposal such as caution/admonition (34%). Community sentences account for 27% and custodial sentences for 5% of sentences for first time offenders.

Sporadic offenders with one or two convictions in the past 10 years tend to get community sentences (33%), monetary disposals (31%), or other disposal (26%). Custodial sentences account for 9%.

Those with a several convictions in the past 10 years (between 3 and 10 convictions) are somewhat more likely to get a custodial sentence (23%) than those with fewer previous convictions, although more get community sentences (33%) and a similar number get monetary disposals (23%).

Those with more than 10 convictions in the past 10 years tend to get custodial sentences (44%).

The number of prior convictions for serious offences is strongly linked to the likelihood of getting a custodial sentence: 10% of those with no prior solemn convictions (i.e. in the high or sheriff solemn court) get a custodial sentence, rising to 39% for those with 1 or 2 solemn convictions and 64% for those with 3 to 10 solemn convictions.

Over the past 10 years there has been very little change in the proportion of prolific offenders (Table 21). Fourteen percent of offenders in 2010-11 had had over 10 previous convictions in the previous ten years. This figure has remained relatively constant over the last 10 years, with 16% of offenders in 2020-21 having had over ten previous convictions in the previous ten years.

Tables

The tables accompanying this publication, along with additional datasets that contain supplementary information, can be found on the webpage of this publication under the supporting files menu.

The following symbols are used throughout these tables:

- Nil

* Less than 0.5

n/a Not available

** Rates based on fewer than 10 people and not suitable for

publication

All reconviction rates and percentages are shown in italics.

In Tables 1 to 6, 9-10, 12, and 14, the number of offenders that are reconvicted, and the number of reconvictions, are omitted from the bulletin for clarity. These values are included in the additional datasets which accompany this bulletin.

The definitions of reconviction rate and the average number of reconvictions per offender are described in Annex Table A1.

Annex A – Definitions, counting rules, and pseudo-reconvictions

1.1.1 Background and definitions

A1 Statistics on **convictions** and **reconvictions** do not measure **offending** and **reoffending**, or **recidivism**. Not all offences which are committed are reported to the police, while some of those that are reported and recorded do not result in an offender being identified, charged and eventually being tried in court. For cases which are reported to the Procurator Fiscal, it may be decided to take no proceedings, or to employ some alternative to prosecution such as a warning letter or a fiscal fine. In addition, where persons are prosecuted, the proceedings may end up being dropped. This could be for various reasons, such as witnesses failing to turn up. Convictions and reconvictions are therefore a subset of actual offending and reoffending, and reconviction rates are only a proxy measure of reoffending rates.

A2 Generally, only the initial court sentence is included in the statistics on convictions, so that, for example, a person fined is regarded as fined, even if he or she is subsequently given a custodial sentence in default of payment. Similarly, the offenders released from custody who are included in the analysis in this bulletin will only include those directly sentenced to custody, i.e. persons released after imprisonment for fine default are excluded. Also, no account is taken of the outcome of appeals, or of interim decisions such as deferral of sentence.

Table A1 Definitions

The following terminology is applied throughout the bulletin:

Average number of reconvictions per offender – in a cohort, the total number of reconvictions from a court recorded within a specified follow up period from the date of index convictions, divided by the total number of offenders in the cohort with index convictions from a court. Unless otherwise stated, the average number of reconvictions per offender quoted in this bulletin are for a follow-up period of one year. It should be noted that because this measure is an average, there may be variation in the number of reconvictions of offenders within the group the measure is applied to. For example, the group may include some offenders who have no reconvictions and some offenders with multiple reconvictions. This measures the frequency of reconviction in a cohort.

Average number of repeat non-court disposals per individual - the total number of non-court disposals received by a cohort within a year of the index

non-court disposal, divided by the total number of individuals in the cohort with an index non court disposal. This measures the frequency of the cohort receiving non-court disposals.

Cohort – all offenders who either received a non-custodial conviction or were released from a custodial sentence in a given financial year, from the 1st April to the 31st March the following year. In the analyses for non-court disposals, a cohort is all the individuals who either received a police or COPFS disposal in a given financial year. In this bulletin, for ease of communication, the cohort may be referred to by year alone, for example 2019-20.

Conviction – a formal declaration by the verdict of a jury or the decision of a judge in a court of law that someone is guilty of a criminal offence.

Crime or Offence – an action that is deemed to be illegal under common or statutory law. Contraventions of the law are divided, for statistical purposes only, into crimes and offences. See Annex D of the Criminal Proceedings Bulletin for further information about what are classified as crimes or offences.

Custodial reconviction – a reconviction which resulted in a custodial sentence being imposed.

Date of the index conviction – the sentence date for non-custodial convictions or the estimated date of discharge from custody for custodial convictions.

Date of the index non-court disposal – the date the non-court disposal was imposed.

Disposal – the sentence given for a court conviction, or the action taken in non-court cases.

Domestic abuse crime or offence – a crime or offence, such as common assault, that was domestically aggravated and marked with a domestic abuse identifier on the CHS by the police or COPFS.

Index conviction – the reference conviction which is determined by either: (a) the estimated release date for a custodial sentence imposed for the conviction, or (b) the sentence date for non-custodial sentences imposed for the conviction. Whichever conviction has the earlier of these dates in a given financial year is the index conviction.

Index crime or offence – the main crime or offence of the index conviction.

Index disposal – the type of sentence imposed for the index conviction.

Index non-court disposal – the reference police or COPFS disposal imposed (e.g. a fine), which is the first non-court disposal given to an individual in a given financial year.

Previous convictions – convictions preceding the index conviction.

Pseudo-reconviction – convictions which occur after the index conviction, but relate to offences committed prior to the index conviction.

Recidivism – repeated reoffending after being convicted.

Reconviction – convictions which occur after the relevant date of the index conviction.

Reconviction rate – the percentage of offenders in the cohort with index convictions given by a court who were reconvicted one or more times by a court within a specified follow up period from the relevant date of the index conviction. Unless otherwise stated, the reconviction rates that are quoted in this bulletin are for a follow-up period of one year.

Repeat non-court disposal rate – the percentage of individuals who are given a further non-court disposal within a year of receiving a non-court disposal from the police or COPFS.

Reoffending – the action of committing a further crime or offence after committing a crime or offence.

SOI – The Scottish Offenders Index. This consists of two separate databases. One contains a record of all convictions since 1989 for either a crime in Groups 1-5 or some of the offences in Group 6 in the Scottish Government's classification of crimes. The second database contains a record of all non-court disposals for any crime or offence since 2008.

1.1.2 Counting rules

A3 If more than one set of court proceedings against an offender is disposed of on the same day, then each proceeding will be counted as a separate conviction record in the SOI database.

A4 Where a person is convicted for more than one charge in a single court proceeding, then the main crime/offence which is recorded in the SOI. The main charge is the one receiving the most severe penalty (or disposal) if one or more charges are proved, and is identified using a look-up table which ranks the disposal types in order of importance. For example, custody is ranked higher than a monetary fine, so for a proceeding where there was a mixture of these two types of disposal, the main charge counted for this record

would be the charge associated with the custody disposal rather than the charge related to the monetary disposal.

A5 In order to produce meaningful analysis on reconvictions, a decision is made as to which of an individual's convictions in a series is to be taken as a reference point, known as the index conviction. In this bulletin, the rule for choosing the index conviction is:

- (a) the first date when an individual was estimated to have been released from prison from a custodial sentence, or
- (b) the first occasion in the financial year in question when an individual was given a non-custodial sentence.

Whichever conviction has the earlier of these dates in a given financial year is the index conviction. The crime and sentence linked to this index conviction are referred to throughout this bulletin as the **index crime** and **index disposal**, respectively. In the case of the reconviction rate, the analysis then considers the proportion of these individuals who are reconvicted in court within one year (or two years in Table 14) from the date of sentence or the estimated custody release date, i.e. from the relevant date of the index conviction, whereas the average number of reconvictions per offender considers the number of times offenders are reconvicted in the follow-up period from the index conviction.

A6 Convictions for a crime against public justice, such as committing an offence while on bail, are not considered as index convictions. If the first conviction in the year for a particular offender was for such an offence, their next conviction which wasn't a crime against public justice was taken instead. Where an individual had no further convictions in the year for crimes other than crimes against public justice they are not included in the data set.

A7 For the purposes of the analysis in this bulletin, the date of release for offenders given a custodial sentence has been estimated. This is estimated from their sentence date, the length of sentence imposed, assumptions about time spent on remand and release on parole, and information about whether the offender had been granted bail. The release date estimated by this approach will not always tie in with the actual release date because, for example, the offender may be serving other custodial sentences. However, this is not judged to be significant for the purposes of the current analysis. The main exception to this relates to offenders discharged from life sentences or, for some cohorts, very long determinate custodial sentences – see below.

A8 It is not possible to accurately identify the release date for offenders serving life sentences or, in some instances, very lengthy determinate sentences. However, the number of offenders involved is relatively small (41 offenders received a life sentence in 2019-20: see [Table 10d in Criminal Proceedings in Scotland](#)) and so will not affect the analysis presented in this bulletin significantly. Separate research evidence ([Life Sentence Prisoners in](#)

Scotland, Scottish Office, Machin et al, 1999) shows that just over one quarter of the 491 life sentence prisoners released on licence were reconvicted. However, this figure may not be directly comparable with the reconviction rates presented in this bulletin, as the reconvictions for life sentence prisoners may have been for minor offences which are excluded from analysis in this bulletin, or reconvictions may have occurred more than a year after release from custody.

A9 The crimes and offences counted as domestic abuse index convictions or reconvictions, are crimes and offences marked with a statutory domestic abuse aggravation, or a non-statutory domestic abuse identifier on the CHS. For example, a common assault offence committed against a partner could be marked with the statutory aggravation and a domestic abuse identifier in addition. The statutory domestic abuse aggravation was created by the Abusive Behaviour and Sexual Harm (Scotland) Act 2016 and came into effect on the 24th April 2017 for crimes that took place on or after this date. The statutory domestic abuse aggravation is labelled on individual charges and, if proven in court, will be taken into account during sentencing. They are marked with a non-statutory domestic abuse identifier for operational purposes but does not require proof in court and is not taken into account during sentencing. The statutory aggravation is always applied in conjunction with the identifier, but sometimes the identifier is applied in the absence of the statutory aggravation.

A10 The counting rules for non-court disposals are similar to those for analysing court reconvictions. The first police or COPFS disposal in the financial year in question is counted as the **index non-court disposal**. Further non-court disposals from either the police or COPFS within one year of the index non-court disposal are counted, regardless whether the index non-court disposal was issued by the police or COPFS. The measure does not include activity for those who were then convicted in court within a year.

1.1.3 Data definitions

1.1.4 Sex and gender

A11 'Sex' can be considered to refer to whether someone is male or female based on their physiology, with 'gender' representing a social construct or sense of self that takes a wider range of forms. Throughout this report we refer to 'sex' rather than 'gender' because this better reflects recording practices in relation to this information. In reality it is likely that recording includes a mixture of physiological and personal identity.

A12 Sex in this bulletin is generally identified by a police officer based on how a person presents and recorded when a person's details are entered into the CHS. In most cases this is based on the physiology of a person rather than self-identified gender. It is recorded for operational purposes, such as requirements for searching. A person's sex may only be changed on the CHS

if person has produced a Gender Recognition Certificate, or there has been a data entry error. A small number of records are recorded as 'unknown' where for some reason a clear understanding of the sex of the individual is not known.

A13 The conviction data that feeds into this publication is published first in the Criminal Proceedings Bulletin. During production of the Criminal Proceedings Bulletin we query any unusual sex values with Police Scotland, SCTS, and COPFS. Unusual values may be where sex for the same person has been recorded differently against two different proceedings, or cases such as where a female has been proceeded against for rape or attempted rape. We fix any values that were erroneous with the correct values.

A14 The Scottish Government created a working group on the recording of sex and gender in data to give guidance to public bodies on the collection, disaggregation, and use of data on sex and gender. Guidance has now been published to collect feedback from users.

Age

A15 The age of each person relates to their age at the time that sentence was passed. This also applies to offenders discharged from a custodial sentence, i.e. their age at the date of sentence is taken rather than at the estimated release date.

Geographic data

A16 The areas that courts serve do not exactly match administrative areas for local authorities. For example, Edinburgh Sheriff Court serves the local authority areas of the City of Edinburgh, Midlothian, and East Lothian. As a result, in Table 12, Chart 10 and Chart 11 in this bulletin, local authorities are based on approximate areas. Some local authorities are grouped together so that there are 24 grouped local authorities presented, rather than all 32 being displayed separately. See the footnote of Table 12 for details of the approximations for each administrative area. Convictions in the High Court are also presented separately. Note that offenders may be tried in a court that covers a different local authority to where they live if they commit a crime in a different area. Table 13, shows reconviction rates by the local authority of offenders' residence, which is compiled by using the first half of an offender's postcode to assign them to a local authority. Table 13 is labelled as Experimental Statistics: Data being developed and not National Statistics, as the data quality for this new analysis does not yet meet the standards for National Statistics. Therefore, we recommend that the figures based on court area are still used as the definitive local authority reconviction rates.

Crime groupings

A17 The following list details how crimes and offences, and sentence type have been grouped in this bulletin.

Violent crime

Murder, culpable homicide, attempted murder, serious assault, Domestic Abuse (Scotland) Act, robbery, common assault, , death involving a motor vehicle, other violence.

Sexual crime

Sexual crime includes sexual assault and other sexual crimes.

- Sexual assault includes: rape; attempted rape; contact sexual assault (13-15 yr. old or adult 16+); sexually coercive conduct (13-15 yr. old or adult 16+); sexual offences against children under 13 years; and lewd and libidinous practices.
- Other sexual crimes includes: other sexually coercive conduct; other sexual offences involving 13-15 year old children; taking, distribution, possession etc. of indecent photos of children; incest; unnatural crimes; public indecency; sexual exposure; and other sexual offences.

These are the notifiable crimes for an offender who has been placed on the sex offenders register. The definitions are aligned with the *Criminal Proceedings in Scotland* publication. Sexual crime excludes offences associated with prostitution.

Prostitution

Procuration (excluding homosexual acts); brothel keeping; immoral traffic; offences related to prostitution; procuration of homosexual acts; procuration of sexual services from children under 18; and soliciting services of a person engaged in prostitution

Dishonesty

Housebreaking, theft by opening lockfast places, theft of motor vehicle, other theft, fraud, other crimes of dishonesty and social security offences.

Criminal damage

Fire-raising, vandalism

Drug offences

Illegal importation, supply or possession of drugs, other drug offences

Breach of the peace

Breach of the peace, racially aggravated harassment, racially aggravated conduct, threatening or abusive behaviour, offence of stalking, offensive behaviour at football, and threatening communications (under the Offensive Behaviour at Football and Threatening Communication Scotland Act 2012).

Other crimes and offences

Crimes against public justice, (breach of sexual offender order and breach of sexual harm order are included in crimes against public justice), handling offensive weapons (in possession of an offensive weapon; having in a public place an article with a blade or point, and restriction of weapons), miscellaneous firearm offences,

other crimes and offences (not elsewhere specified, for example coronavirus offences).

Serious violent crime

As per violent crime, but including only those convictions which took place in the high court or a sheriff solemn court.

Serious crime

All convictions which took place in the high court or in a sheriff solemn court, and any other convictions for serious assault, robbery, possession of a firearm with intent to endanger life etc., abduction, attempted rape and indecent assault.

Custody

Custodial sentence to prison, young offender's institution, or child detention, orders for lifelong restriction. Life and indeterminate sentences are excluded. Also includes Supervised Release Orders and Extended Sentences in Table 10a and Table 20.

ES

Extended Sentence

SRO

Supervised Release Order

CPO

Community Payback Order¹

Legacy community order

Probation Order (with or without CSO or RLO), or Community Service Order

DTTO

Drug Treatment and Testing Order

RLO

Restriction of Liberty Order

Monetary

Fine, compensation order

Other

Supervised Attendance Orders, caution, absolute discharge, remit to children's hearing, admonishment, hospital order, guardianship order, finding of insanity, hospital order & restricted order, supervision and treatment order and disposals not elsewhere specified.

¹ Community Payback Orders (CPOs) were introduced by the Criminal Justice and Licensing (Scotland) Act 2010 and came into effect from 1 February 2011. The CPO replaced provisions for Community Service Orders, Probation Orders, and Supervised Attendance Orders.

Police disposals

Anti-Social Behaviour Fixed Penalty Notices (ASBFPNs), Formal Adult Warnings, Restorative Justice Warnings, Early and Effective Interventions (EIs), and Recorded Police Warnings.

Crown Office and Procurator Fiscal Service disposals

Fiscal Fines, Fiscal Compensation Orders, Fiscal Fixed Penalties, Fiscal Combined Fines with Compensation, and Pre-Scottish Justice Reform Fiscal Fixed Penalties.

1.1.5 The effect of pseudo-reconvictions

A18 Pseudo-reconvictions are convictions which occur after the index conviction, but relate to offences committed prior to the index conviction. They can arise in cases where there are several sets of proceedings simultaneously in train against an individual for offences committed on a range of dates.

A19 Pseudo-reconvictions could potentially have the following effects: In theory, they may exaggerate the rate of “real” reconvictions to some extent.

They will complicate comparisons between reconviction rates for different types of disposal as they tend to be less common for offenders who are discharged from a long custodial sentence compared to those given non-custodial sentences.

They will tend to be more significant when considering reconviction rates for groups of offenders with a relatively high frequency of offending, such as younger offenders, or those engaged in acquisitive crime.

Excluding pseudo-reconvictions will not necessarily result in an improved estimate of the reconviction rate, unless one also addresses the issue of offences committed during the follow-up period, but which have a conviction date outside of this period and are therefore currently excluded from the calculation. Excluding both cases is likely to result in a downward bias of the estimate. One year and two year reconviction rates and average number of reconvictions per offender without pseudo-reconvictions were shown in previous publications for the purposes of illustration. The figures up to the latest cohort can be found in the additional datasets which accompany this publication which are found on the [webpage of this publication](#) under the supporting files menu.

Annex B – Sources of information, data quality and confidentiality, and revisions

1.1.6 Sources of information

B1 Information presented in this bulletin is based on data held in the Scottish Offenders Index (SOI), which is derived from the data used in the Criminal Proceedings in Scotland statistical bulletin. The Criminal Proceedings data is in turn derived from information held on the Criminal History System (CHS) which is owned by Police Scotland.

B2 The SOI currently contains a record of criminal proceedings against individuals (excluding companies) in Scottish courts as well as information on non-court disposals. The court convictions and non-court disposals are held in separate datasets by the Scottish Government and so are independent of each other.

B3 The data in the SOI on court convictions currently covers all convictions where a sentence was imposed since the beginning of 1989, and the main offence involved was either a crime in Groups 1-5 or some of the offences in Group 6, in the Scottish Government's classification of crimes (see Annex D of the Criminal Proceedings Bulletin for further information about these classification groups). Minor offences (such as drunkenness, and almost all motor vehicle offences) are not included in the SOI.

B4 The distinction between crimes and offences is made only for statistical reporting purposes. Although the violations allocated under "crimes" tend to be more serious, there are some "offences" that have more severe punishments associated with them. Groups 1-5 of the Scottish Government's classification cover non-sexual crimes of violence, sexual crimes, crimes of dishonesty, fire-raising, vandalism etc. and other crimes. The offences in Group 6 which are included in the court conviction SOI are: common assault, breach of the peace, threatening or abusive behaviour, offence of stalking, offensive behaviour at football and threatening communications (under the Offensive Behaviour at Football and Threatening Communication Scotland Act 2012), racially aggravated harassment or conduct, miscellaneous firearms offences, and social security offences. See Annex A17 for a more detailed list of the types of crimes in the SOI.

B5 The data in the SOI on non-court disposals covers all crimes and offences, including motor offences, where a non-court disposal was given, back to 2008.

B6 Each record on the SOI database includes information on the sex and date of birth of the offender, the dates of conviction and sentence, the main crime or offence involved and details of the sentence imposed. Information is also available on any crimes which were additional to the main crime. Each

offender has a unique reference number, which allows individual convictions for that offender to be linked together. The SOI does not include the name and address of an offender, except the first half of an offender's postcode. A [privacy notice](#) is available on the Scottish Government's website.

B7 All but the most serious offences alleged to have been committed by children under the age of 16 are generally dealt with outside of the courts in the children's hearings system, or by Early and Effective Interventions or other non-court disposals. The SOI does not hold data taken from the children's hearings system.

B8 The SOI currently contains data on 601,100 offenders and 2,280,200 convictions since SOI records began in 1989. Eighty-five percent of the offenders are male and 15 percent are female.

1.1.7 Data quality

B9 The figures in the bulletin have been derived from administrative IT systems which, as with any large scale recording system, are subject to possible errors with data entry and processing. During the production of this bulletin we have put in place processes to ensure that the data are fit for purpose for this publication, which are listed below.

B10 Data standards are adhered to by organisations inputting data to the CHS in terms of the definitions of data items and their corresponding values. These standards are agreed under the Justice Digital Strategy and ensure there is consistency across the justice organisations in the information they collect. Further information on the data standards can be found in the [Integration of Scottish Criminal Justice Information Systems \(ISCJIS\) data sharing manual](#).

B11 The following protocols also ensure consistency in the data collected:

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

B12 The Scottish Government has representation on a data quality group and is kept informed of any data quality issues relating to the CHS. This group meets around three times a year and also has representation from Police Scotland, COPFS, the Scottish Prison Service, and SCTS.

B13 The analyses in this bulletin are based on the data published in the [Criminal Proceedings in Scotland](#) statistical bulletin. The quality assurance for the Criminal Proceedings data are described in the section on **Data quality**:

Data validation during production of the statistical bulletin in Annex B of the bulletin. In summary, the validation processes include automated and manual checks on the data. Any unusual or missing values are referred back to either Police Scotland, the SCTS, or COPFS. The figures are also checked against case processing information published by COPFS and management information provided by SCTS to ensure that the court volumes are consistent. Police Scotland, SCTS, COPFS and policy experts within the Scottish Government are also consulted to give insight on an operational level and provide insight into why any significant changes may have occurred. The figures are also checked by Scottish Government statisticians, who have not been involved in the production process, and they may highlight any issues that may have gone unnoticed.

B14 During the production of this bulletin, the data undergoes processing to calculate the frequency and prevalence of reconvictions. The numbers are manually checked to determine whether there are any unusual values. If so, then the calculations are rechecked. Like the Criminal Proceedings in Scotland publication, the figures in this bulletin have undergone a further round of checks by Scottish Government statisticians, and policy experts within the Scottish Government are again consulted to provide insight and context to any significant changes in the figures.

Postcode data quality

B15 From the 2015-16 cohort publication onwards, we have published reconviction rates for local authorities based on offenders' home postcode (Table 13) alongside the reconviction rates for local authorities based on court location (Table 12).

B16 Previously we could only calculate reconviction rates for local authorities based on the court location of where offenders were convicted, as this was the only geographical information that we had. This approach has limitations, because some court areas cover multiple local authorities and offenders may be convicted for crimes committed in different areas to where they live. In particular, these figures are not fully suitable for local authority community justice partners, who need reconviction figures for local offenders for planning schemes to reduce reoffending, or estimating the number of offenders that social workers need to supervise in their area, for example.

B17 We started receiving data from Police Scotland on the first half of an offender's postcode in 2014, and coverage was high enough from 2015-16 onwards to start using the data. With the first half of an offender's postcode we can match offenders to their home local authority and calculate reconviction rates based on offenders' home local authority.

B18 We are classifying the reconviction rates for local authorities based on the postcode data as Experimental Statistics: Data being developed, as the data are of insufficient quality to be labelled as National Statistics as the rest of the data in this publication are. We did not have postcodes for a fifth of offenders (21%) with an index conviction in 2019-20, and we are unsure of how this may affect the reconviction rates.

B19 Postcodes may be missing because offenders have no fixed abode, or because of recording issues. We are also less likely to have the postcode of offenders released from a custodial sentence, as we would have received their conviction data before we started collecting the postcode. The missing category also includes a small number where postcodes were supplied, but they were not valid postcodes. We are working with Police Scotland to improve the coverage, and as accuracy improves, we will remove the experimental label.

B20 Annex Table B1 shows the percentage of offenders with missing postcodes in each local authority group based on location of the court they were convicted in. It also shows the percentage of offenders living in each local authority that make up the local authority group. This shows that there are significant percentages of offenders who are convicted in a court that covers a different local authority to where they live.

1.1.8 Domestic abuse data quality

B21 A new statutory domestic abuse aggravation was created by the Abusive Behaviour and Sexual Harm (Scotland) Act 2016 and came into effect on the 24th April 2017 for crimes that took place on or after this date. The statutory domestic abuse aggravation is labelled on individual charges and, if proven in court, will be taken into account during sentencing. As this needs to be recorded as part of the court record, the data should be high quality. Any unusual records are queried with SCTS or COPFS during production of the Criminal Proceedings Bulletin.

B22 The domestic abuse identifier is used for operational, rather than statutory purposes. Therefore, it is less clear how the data should be interpreted as the use of the identifier is less defined, and the quality of the data may vary.

B23 A new standalone crime of domestic abuse was created by the Domestic Abuse (Scotland) Act 2018. This crime covers a course of behaviour which is abusive of a person's partner or ex-partner. This crime was introduced on 1st April 2019 so they are included here as index convictions for the first time, but some could be counted as reconvictions. Note that the statutory domestic abuse aggravation is not applied to the standalone domestic abuse crime.

B24 The Domestic Abuse (Scotland) Act 2018 also introduced a statutory aggravation of domestic abuse involving a child, which may be applied to the domestic abuse crime. We will publish reconvictions for the domestic abuse crime and statutory aggravation involving a child in future versions of this bulletin.

1.1.9 Data confidentiality

B25 We have completed a data protection impact assessment to assess and mitigate any privacy issues with the collection, use, and publication of reconviction data.

B26 A privacy notice is available on the Scottish Government's website covering the data used in this publication.

B27 The Scottish Government are legally able to collect the data for this publication as Section 84(1 & 2) of the Police and Fire Reform (Scotland) Act 2012 states that the "Scottish Police Authority must provide Scottish Ministers with reports, statistics or other information relating to the Police Service or functions, and the state of crime".

B28 Court proceedings are held in public and may be reported on by the media, unless the court orders otherwise, for example where children are involved. While our aim is for the statistics in this bulletin to be sufficiently detailed to allow a high level of practical utility, care has been taken to ensure that it is not possible to identify an individual and obtain any private information relating to them.

B29 We have assessed the risk of individuals being identified in the tables in this bulletin and established that no private information can be identified. Where demographic information is provided this is done in wider categories.

B30 Some of the additional data tables we provide alongside this publication have local authority information related to the offender. In the local authority tables, either demographic information is provided or offence-level information is provided, but not a combination of both. The local authority is based on the court of the conviction.

B31 To maintain the security and confidentiality of the data received from the data suppliers, only a small number of Scottish Government statisticians and statistical support officers have access to the datasets outlined in the various stages of processing outlined above. The only personal details received by the Scottish Government in the data extract are those which are essential for the analyses in this bulletin and do not include the names of offenders.

1.1.10 Revisions

B32 The CHS is not designed for statistical purposes. It is dependent on receiving timely information from the SCTS, COPFS, and the police. It should also be noted that some types of outcome are removed from the system after

a prescribed length of time. A pending case on the CHS is updated in a timely manner, but there are occasions when a slight delay may happen. Recording delays of this sort generally affect high court disposals relatively more than those for other types of court. The figures provided in this bulletin reflect the details of court proceedings recorded on the CHS and supplied to the Scottish Government by the end of August 2020. This is to allow later reconvictions in 2019-20 to be captured on the CHS.

B33 The CHS is regularly updated, so subsequent analyses will result in revised figures (shown in Annex Table B2) as late records are added. The first revision of the reconviction rate in the following year's bulletin was typically around 0.4 percentage points higher than the initially published figures. This has improved recently and the revised figure for last year was 0.1 percentage points higher. The first revision of the average number of reconvictions per offender is typically 0.01 to 0.02 higher than the initially published figure.

Table B2: Revisions to reconviction rates

| Cohort | Initial published figures | | 1st revision of published figures | | 2nd revision of published figures | | 3rd revision of published figures | |
|---------|---------------------------|-----------------------------------|-----------------------------------|-----------------------------------|-----------------------------------|-----------------------------------|-----------------------------------|-----------------------------------|
| | Reconv. rate | Av. no. of recon vs. per offender | Reconv. rate | Av. no. of recon vs. per offender | Reconv. rate | Av. no. of recon vs. per offender | Reconv. rate | Av. no. of recon vs. per offender |
| 2006-07 | 32.2 | 0.59 ^{*†} | 32.4 | 0.60 ^{*†} | 32.4 | 0.60 [†] | 32.4 | 0.60 [†] |
| 2007-08 | 30.9 | 0.56 ^{*†} | 31.2 | 0.57 [†] | 31.3 | 0.57 [†] | 31.2 | 0.57 [†] |
| 2008-09 | 31.0 | 0.58 [†] | 31.5 | 0.60 [†] | 31.5 | 0.60 [†] | 31.5 | 0.60 |
| 2009-10 | 30.1 | 0.54 [†] | 30.5 | 0.56 [†] | 30.6 | 0.56 | 30.6 | 0.56 |
| 2010-11 | 28.4 ^x | 0.50 ^{†x} | 30.1 ^x | 0.55 ^x | 30.1 | 0.55 | 30.1 | 0.55 |
| 2011-12 | 29.2 | 0.53 | 29.6 | 0.54 | 29.6 | 0.55 | 29.6 | 0.55 |

| | | | | | | | | |
|-------------|------|------|------|------|------|------|------|------|
| 2012 -13 | 28.6 | 0.51 | 28.9 | 0.53 | 28.9 | 0.53 | 28.9 | 0.53 |
| 2013 -14 | 28.3 | 0.51 | 28.5 | 0.52 | 28.5 | 0.52 | 28.5 | 0.52 |
| 2014 -15 | 28.2 | 0.50 | 28.3 | 0.50 | 28.4 | 0.51 | 28.4 | 0.51 |
| 2015 -16 | 27.0 | 0.47 | 27.2 | 0.48 | 27.3 | 0.48 | 27.3 | 0.48 |
| 2016 -17 | 27.2 | 0.48 | 27.3 | 0.48 | 27.4 | 0.48 | - | - |
| 2017 -18 | 26.3 | 0.46 | 26.4 | 0.47 | - | - | - | - |
| 2018 -19 | 28.3 | 0.50 | 28.6 | 0.51 | - | - | - | - |
| 2019 -20 | 24.1 | 0.40 | - | - | - | - | - | - |

* These figures were not initially published, but it is possible to determine their magnitude retrospectively.

† These figures have been previously reported as the reconviction frequency rate, which was the number of reconvictions per 100 offenders. Therefore these figures are the original figure divided by 100 to get the average number of reconvictions per offender.

X From the 2011-12 bulletin, some new offences that came into effect from 2010 were included in calculations for the reconviction rate and the average number of reconvictions. These offences were not included in calculations in the 2009-10 or 2010-11 cohort bulletins. The increase in the numbers after revision led to a slightly higher increase at the 1st revision for the 2010-11 cohort than it had been in previous and subsequent years.

B34 Prior to the 2016-17 cohort bulletin, High Court convictions were included in the local authority group where High Courts were located. As the appearance of offenders at a particular High Court does not necessarily have any reflection on the local authority they were from, or where the offences were committed, they have been removed from the local authority groups. Removing these slightly elevated the reconviction rates by less than 1 percentage point for the local authority groups where the High Court permanently sits, which are: Aberdeen City and Aberdeenshire, Edinburgh and Midlothian, and Glasgow City; as offenders convicted for more serious offences typically have low reconviction rates. It had little effect on rates for the local authority groups where the High Court periodically sits, which are: Dunbartonshire, East and West; Lanarkshire, North and South; Renfrewshire and East Renfrewshire; Stirling; and West Lothian. The additional tables published alongside this publication present revised reconviction rates for previous cohorts of local authority groups for cohorts prior to 2016-17.

Annex C – Uses and users of reconviction rates and average number of reconvictions per offender

C1 The Scottish Government carried out a user survey for the Reconviction Rates in Scotland statistical bulletin in December 2014. The results of the survey can be found on the [Scottish Government's website](#). Some of the points noted in the survey have been addressed in subsequent bulletins.

C2 Reconviction rates are a helpful tool in supporting policy development. It also informs implementation of the Scottish Government's Justice Strategy, which seeks to prevent and reduce further offending, by addressing the underlying cause, and delivering a decisive shift in the balance between community and custodial sentences. This requires collaboration with a broad range of stakeholders across the justice system, who are looking to safely and effectively manage and support those who have committed offences and help them to reintegrate into their communities, in order to prevent further offending.

C3 Users of information on reconviction rates include:
Scottish Government

Community Justice Scotland

Local Authorities

Scottish Prison Service

Police Scotland

Scottish Courts and Tribunals Service

Scottish Sentencing Council

Risk Management Authority

Parole Board for Scotland

Health boards

Victim Support

Third sector partners

Convention of Scottish Local Authorities (COSLA)

Social Work Scotland

C4 We are made aware of new users, and their uses of this data, on an ongoing basis and we will continue to include their contributions to the development of reconviction statistics in Scotland.

C5 Local authorities find the data useful for identifying local issues and to inform feedback on performance to partners. These data are useful in terms of

providing contextual information to help assess the effectiveness of justice programmes, and for gaining understanding about structural patterns in offending, such as the age-crime curve.

C6 The Scottish Government uses the data for purposes of government. These include developing policies to reduce reoffending, answering parliamentary questions from MSPs from all political parties, and answering freedom of information requests.

Annex D – Transitional period between legacy community orders and Community Payback Orders

D1 CPOs replaced the provisions for the “legacy” community orders of Community Service Orders (CSO), Probation Orders (PO), and Supervised Attendance Orders (SAO) on the 1st February 2011.

D2 There was a transition period between the phasing out of the legacy orders and the establishment of CPOs, due to the different disposals being given for offences committed before or after the 1st February 2011. The first cohort of offenders with an index disposal of a CPO in 2010-11 was therefore very small as they had to commit a crime and also be convicted between 1 February and 31 March 2011.

D3 As CPOs have become established, the number of offenders with an index disposal of a CPO increased from 179 in 2010-11 to more than 9,000 from 2012-13 onwards. The number of those with an index disposal of a legacy order (CSO or PO) decreased from 8,237 to 198 between 2010-11 and 2013-14. There has been a very small number of offenders with an index disposal of a legacy order since 2013-14 which are given for offences committed prior to February 2011 (Table 9).

D4 During the transition from legacy orders to CPOs, there were changes in the characteristics of offenders that were given these disposal types. Therefore, it is difficult to compare the two disposal types in the same year since the introduction of CPOs. Changes in offender characteristics are also likely to be responsible for the decreases in reconvictions of offenders given CPOs and legacy orders during the transition period, as both disposals showed an increase in the proportion of types of offenders that typically have lower reconviction rates (females, older offenders, and offenders with fewer previous convictions). The characteristics of offenders given CPOs as they became fully established is similar to the legacy sentences prior to the introduction of CPOs. See [Annex D of the Reconviction Rates in Scotland: 2013-14 cohort](#) publication for further comparison of the characteristics of offenders given CPOs and legacy orders.

D5 As CPOs have become established, changes in reconvictions for CPOs can be compared over time and CPOs can be compared with legacy orders prior to the introduction of CPOs.

A National Statistics publication for Scotland

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

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The data collected for this statistical bulletin:

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