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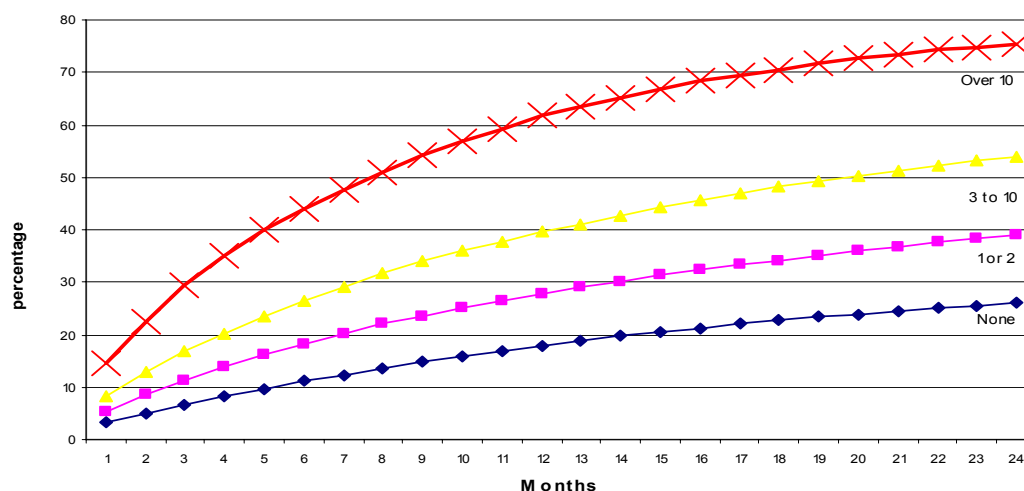
RECONVICTIONS OF OFFENDERS DISCHARGED FROM CUSTODY OR GIVEN NON-CUSTODIAL SENTENCES IN 2003-04, SCOTLAND

1. Introduction

1.1 This bulletin presents information on the reconviction rates of offenders in Scotland and provides an update to the statistics published in June 2005 and October 2006. Reconviction rates are broken down by the age and sex of offenders; by sentence type and the main crime for which they were convicted; by their previous conviction history; and by geographical area. A comparison of the corresponding two year reconviction rates of the offender cohorts from 1995-96 to 2003-04 is made and finally, estimates are made of the impact of “pseudo reconvictions” on the calculated reconviction rates.

1.2 The analysis presented in this bulletin relates to the 46,918 individual offenders for whom convictions data are recorded on the Scottish Offenders Index and who were released from custody or who were given non-custodial sentences in 2003-04. Detailed technical and other background notes on the analyses presented in the bulletin are given in the Annex.

Chart 1: Reconviction rates of offenders discharged from custody or given non-custodial sentences in 2003-04 by number of previous convictions



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2. Key Points

Of the cohort of 46,918 offenders who were discharged from a custodial sentence (5,832) or given a non-custodial sentence (41,086) in 2003-04:

- Eighty-four per cent were male, 24 per cent were aged under 21, 33 per cent had no previous convictions and 17 per cent had over 10 previous convictions (Table 1).
- Twenty-two per cent were reconvicted within 6 months, 33 per cent within one year and 45 per cent within two years (Table 2).
- Males were more likely to be reconvicted than females for all age groups: 46 per cent of males and 38 per cent of females were reconvicted within two years. Males (15 per cent) were nearly twice as likely as females (8 per cent) to receive a custodial reconviction within two years. However, for those persons who are reconvicted at least once within two years, there was little difference between the sexes in the average number of convictions they acquired (Tables 2 & 3).
- Reconviction rates for males decreased by age: 56 per cent of male offenders aged under 21 were reconvicted within two years compared with 36 per cent of those aged over 30. However for females, those aged 21-25 were more likely to be reconvicted than any other age group with 45 per cent being reconvicted within 2 years. Females aged over 30 were much less likely to be reconvicted than younger females (Table 2).
- The likelihood of reconviction increased markedly with the number of previous convictions: 26 per cent of offenders with no previous convictions were reconvicted within two years compared with 75 per cent of offenders with over 10 previous convictions. Of those with over 10 previous custodial convictions, 62 per cent received a further custodial reconviction within two years (Table 4).
- Those discharged from a custodial sentence (64 per cent) or given probation (61 per cent) were on average more likely to be reconvicted within two years than those given community service (39 per cent) or a monetary penalty (41 per cent). However, once the age, sex and number of previous convictions of offenders are taken into account, these differences are less pronounced (Tables 6 & 8).
- For those offenders in the 2003-04 cohort, the younger the offender was at their first conviction the more likely they were to be reconvicted. Almost three quarters (72 per cent) of those offenders aged under 16 at their first conviction are reconvicted within two years compared to just 22 per cent of those aged over 30 at their first conviction.
- Those offenders whose index conviction was for a crime of dishonesty had the highest two year reconviction rate (57 per cent) whilst the lowest was for sexual crime (16 per cent) (Table 6).

A comparison of two-year reconviction rates for the 2003-04 cohort of offenders with those for the corresponding offender cohorts from 1995-96 to 2002-03 shows that:

- The overall reconviction rate was the same for the 2003-04 cohort as it was for the 1995-96 cohort (45 per cent) although the rate did fluctuate in the intervening years. The reconviction rate for males (who make up the majority of the cohort) has remained broadly stable at about 46 per cent, but the female rate rose from 33 to 38 per cent over the same period. This increase is most evident in the rates for female offenders aged between 21 and 30 (Table 12).
- For those with an index disposal of community service, the reconviction rate fell from 49 per cent for the 1995-96 cohort to 39 per cent for the 2003-04 cohort. The corresponding rate for custodial disposals fell by 1 percentage point and probationary index disposals fell by 3 percentage points (Table 13).

3. Background and Methodology

3.1 The information presented in this bulletin is based on data held in the Scottish Offenders Index (SOI). This database contains statistical information on each conviction in Scottish courts for all offences classified as crimes within the Scottish Government's classification of crimes and offences plus the offences of simple assault, breach of the peace, racially aggravated harassment, racially aggravated conduct, miscellaneous firearm offences and social security offences. Conviction records for individual offenders can be linked by a system of unique reference numbers to enable statistical analysis of their conviction histories, in this case their reconviction outcomes. Further background details on the coverage, definitions and limitations of the SOI and on the methodology used in the analysis presented in this bulletin are given in the Annex.

3.2 The SOI currently contains data on almost 430,000 offenders and approaching 1,500,000 convictions since SOI records began in 1989. Of these offenders, 82 per cent were male. Over half (57 per cent) of the convictions recorded on the SOI are accounted for by the 14 per cent of offenders who each had 6 or more convictions. Only 16 per cent of male offenders and 6 per cent of female offenders present on the SOI had received one or more custodial convictions in the period since 1989, whereas 80 per cent of males and 66 per cent of females had received more than one fine or other monetary penalty. The majority of offenders were dealt with by sheriff summary courts or by the district courts; only 11 per cent of offenders had been convicted in the High Court or in a sheriff solemn court. More information on the profile of offenders covered by the SOI is given in Tables A1 and A2 in the Annex.

3.3 Definitions

The analysis presented in this bulletin focuses on the cohort of offenders who were either discharged from a custodial sentence in 2003-04 or who were given a non-custodial sentence in 2003-04. The following terminology is applied throughout the bulletin:

Index conviction – for each offender in the 2003-04 cohort, this is the conviction which resulted in a non-custodial sentence being imposed or the one which had originally led to a custodial sentence being served.

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

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

Index crime – the main offence for which the offender was convicted.

Previous convictions – all convictions preceding the relevant date of the index conviction.

Reconvictions – all subsequent convictions after the relevant date of the index conviction.

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

Rates of reconviction – the percentage of offenders with index convictions in 2003-04 who were reconvicted one or more times within a specified follow up period, for example two years, from the relevant date of the index conviction.

3.4 One particular group of reconvictions included in the general analysis presented in this bulletin are **pseudo reconvictions**. These are convictions which take place after the relevant date of the index conviction but which relate to offences committed prior to that date. So while they represent actual reconvictions as defined in section 3.3, they are “pseudo” reconvictions in the sense that the offending behaviour involved could not be said to have been influenced by the sentence imposed for the index conviction. As the data held on the SOI does not contain actual offence dates it is not generally possible to separately identify “pseudo” from “real” reconvictions. However, the effect of pseudo reconvictions on overall reconviction rates can be estimated for the majority of the offenders (87 per cent), and this is described further in Section 8.

3.5 It is important to note that information on **convictions** and **reconvictions** is not the same thing as information on **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 a report being sent to the Procurator Fiscal. 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. Where persons are prosecuted, the proceedings may end up being dropped, e.g. where witnesses fail to turn up, or the accused may be acquitted. Convictions and reconvictions can therefore only ever be a subset of actual offending and reoffending, and reconviction rates only a proxy measure of reoffending rates.

3.6 This analysis of reconviction is an update of the analysis published previously, in June 2005 and October 2006. The findings re-emphasise the picture painted by the previous reports. This bulletin contains additional information on reconviction rates by Community Justice Authority area.

3.7 The Scottish Prison Service also publishes annual return to custody information by gender, type of offender, age of offender, type of offence, length of time in prison prior to release and the time between release and subsequent return for those offenders who return to prison within the follow up period. This information can be accessed via their website at www.sps.gov.uk.

4. Characteristics of the 2003-04 cohort

4.1 Table 1 below provides some background information on this cohort of 46,918 offenders. Of this total, 84 per cent were male; 24 per cent were aged under 21; 25 per cent had a violent crime and 24 per cent had a breach of the peace as their index crime; 33 per cent had no previous convictions while 17 per cent had over 10; and 76 per cent had no previous custodial convictions while 4 per cent had over 10.

Persons released from a custodial sentence or given a non-custodial sentence in 2003-04 **Table 1**
Numbers and percentage by age, sex, index disposal, index crime and number of previous convictions⁽¹⁾

	Total number	Percentage
Persons (=100%)	46,918	100
Age		
Under 21	11,324	24
21 to 25	10,326	22
26 to 30	7,247	15
Over 30	18,021	38
Sex		
Males	39,451	84
Females	7,467	16
Index disposal in 2003-04		
Discharged from custody	5,832	12
Community Service	2,518	5
Probation	4,468	10
Monetary	26,707	57
Other	7,393	16
Index crime		
Violent crime	11,783	25
Sexual crime	466	1
Dishonesty	10,882	23
Criminal damage	3,520	8
Drugs offences	5,522	12
Breach of Peace	11,422	24
Other crimes and offences	3,323	7
Number of previous convictions		
None	15,586	33
1 or 2	10,796	23
3 to 10	12,778	27
Over 10	7,758	17
Number of previous custodial convictions		
None	35,810	76
1 or 2	4,554	10
3 to 10	4,494	10
Over 10	2,060	4
Number of previous community convictions⁽²⁾		
None	31,743	68
1 or 2	9,429	20
3 to 10	5,480	12
Over 10	266	1

1. Convictions since start of 1989

2. Convictions resulting in probation or community service

5. Analysis of Reconviction Rates

5.1 Overall reconviction rates

Of the 46,918 offenders with an index conviction in 2003-04, Table 2 shows that 22 per cent were reconvicted within 6 months, 33 per cent within one year, 45 per cent within two years. The proportion of offenders who received a custodial reconviction was 6 per cent within 6 months rising to 14 per cent after 2 years.

Persons released from a custodial sentence or given a non-custodial sentence in 2003-04 Table 2
Percentage reconvicted within 6 months to 2 years, by sex and age

Sex by age	Total number (=100%)	Percentage reconvicted within:			Percentage with a custodial reconviction within:		
		6 months	1 year	2 years	6 months	1 year	2 years
Persons	46,918	22	33	45	6	10	14
under 21	11,324	29	41	54	7	10	15
21 to 25	10,326	25	36	49	8	13	17
26 to 30	7,247	24	36	48	8	12	17
over 30	18,021	16	24	35	5	7	11
Male Persons	39,451	23	34	46	7	11	15
under 21	9,818	30	42	56	7	11	16
21 to 25	8,774	25	37	50	9	13	18
26 to 30	5,987	25	36	49	9	14	19
over 30	14,872	16	25	36	5	8	12
Female Persons	7,467	19	27	38	3	5	8
under 21	1,506	21	30	40	4	6	8
21 to 25	1,552	24	33	45	5	8	12
26 to 30	1,260	19	31	44	4	6	8
over 30	3,149	15	21	30	2	4	5

5.2 Reconviction rates by sex and age

Male offenders are more likely to be reconvicted than females, 46 per cent of males were reconvicted within two years compared to 38 per cent of females. This difference applied across all age groups. However, for those persons who are reconvicted within two years, there was little difference between the sexes in the average number of reconvictions acquired.

5.3 For male offenders, the overall reconviction rate decreases with age. 56 per cent of those males aged under 21 were reconvicted within 2 years compared with 36 per cent of those aged over 30. Females aged 21-25 were more likely to be reconvicted than any other female age group, with 45 per cent being reconvicted within 2 years. Females over 30 were the group least likely overall to be reconvicted within 2 years (30 per cent). For custodial reconvictions, offenders aged in their twenties were more likely to receive a custodial reconviction compared with younger and older offender age groups.

Persons released from a custodial sentence or given a non-custodial sentence in 2003-04
Percentage reconvicted within 2 years, by sex, age and number of convictions

Table 3

Sex by age	Total number (=100%)	Persons with following number of convictions within 2 years:					Average number of reconvictions ⁽¹⁾
		None	1 or 2	3 to 10	Over 10	1 or more	
Persons	46,918	55	29	15	1	45	2.6
under 21	11,324	46	33	20	1	54	2.8
21 to 25	10,326	51	30	18	1	49	2.7
26 to 30	7,247	52	32	16	*	48	2.5
over 30	18,021	65	25	9	*	34	2.2
Male Persons	39,451	54	30	15	1	46	2.6
under 21	9,818	44	34	21	1	56	2.8
21 to 25	8,774	50	31	18	1	50	2.7
26 to 30	5,987	51	32	17	*	49	2.6
over 30	14,872	64	26	9	*	35	2.3
Female Persons	7,467	62	25	12	1	38	2.6
under 21	1,506	60	26	14	1	41	2.8
21 to 25	1,552	55	25	18	1	44	3.0
26 to 30	1,260	56	30	13	*	43	2.4
over 30	3,149	70	22	8	*	30	2.2

1. Average for offenders who had at least one reconviction within 2 years.

5.4 Reconviction rates by number and type of previous convictions

Table 4 shows that the likelihood of reconviction increased markedly with the number of previous convictions held by the offender at the time of their index conviction. Three quarters of those offenders with over 10 previous convictions were reconvicted within two years compared with only 26 per cent of offenders with no previous convictions. Similarly, 62 per cent of those offenders with over 10 previous custodial convictions were given a further custodial conviction within two years compared to 7 per cent of those with no previous custodial convictions.

Persons released from a custodial sentence or given a non-custodial sentence in 2003-04
Percentage reconvicted within 6 months to 2 years, by number and type of previous convictions⁽¹⁾

Table 4

Number and type of previous convictions	Total number (=100%)	Percent reconvicted within:			Percentage with a custodial reconviction within:		
		6 months	1 year	2 years	6 months	1 year	2 years
All offenders	46,918	22	33	45	6	10	14
Number of previous convictions							
None	15,586	11	17	26	1	2	4
1 or 2	10,796	18	27	39	2	4	7
3 to 10	12,778	26	39	54	7	11	16
Over 10	7,758	44	61	75	22	32	43
Number of previous custodial convictions							
None	35,810	17	26	37	2	4	7
1 or 2	4,554	30	43	58	11	16	24
3 to 10	4,494	41	58	73	22	32	43
Over 10	2,060	54	71	84	36	49	62
Number of previous community convictions⁽²⁾							
None	31,743	16	24	34	2	4	7
1 or 2	9,429	32	45	60	11	16	23
3 to 10	5,480	44	60	75	21	31	42
Over 10	266	61	74	89	32	41	56

1. Convictions since start of 1989.

2. Convictions resulting in probation or community service.

5.5 The length of time to reconviction is also likely to be shorter for those offenders with higher numbers of previous convictions. Sixty-one per cent of offenders with over 10 previous convictions are reconvicted within 1 year compared to less than 40 per cent for all other groups. This is further illustrated by Chart 1 on page 1 which shows the reconviction rates in each month of the first two years following the offender's index conviction. The reconviction rates for offenders with over 10 previous convictions are significantly higher than the other groups from month 1.

5.6 For those offenders who had at least one reconviction within two years, the average number of reconvictions rose from 2.0 for those with no previous convictions to 3.4 for those with over 10 previous convictions.

Persons released from a custodial sentence or given a non-custodial sentence in 2003-04
 Percentage reconvicted within 2 years, by number and type of previous convictions⁽¹⁾ and number of reconvictions

Table 5

Number and type of previous convictions	Total number (=100%)	Percentage with following number of reconvictions within 2 years:					Average number of reconvictions ⁽³⁾
		None	1 or 2	3 to 10	Over 10	1 or more	
All offenders	46,918	55	29	15	1	45	2.6
Number of previous convictions							
None	15,586	74	20	6	*	26	2.0
1 or 2	10,796	61	28	10	*	38	2.1
3 to 10	12,778	46	36	17	0	53	2.4
Over 10	7,758	25	37	36	2	75	3.4
Number of previous custodial convictions							
None	35,810	63	27	10	*	37	2.2
1 or 2	4,554	42	36	21	1	58	2.7
3 to 10	4,494	27	38	34	1	73	3.2
Over 10	2,060	16	32	48	3	83	4.1
Number of previous community convictions⁽²⁾							
None	31,743	66	26	9	*	35	2.1
1 or 2	9,429	40	37	22	1	60	2.7
3 to 10	5,480	25	36	37	2	75	3.4
Over 10	266	11	30	55	5	90	4.3

1. Convictions since start of 1989.

2. Convictions resulting in probation or community service.

3. Average for offenders who had at least one reconviction within 2 years.

5.7 *Reconviction rates by index disposal and index crime*

Those offenders who were discharged from a custodial sentence (64 per cent) or given probation (61 per cent) were on average more likely to be reconvicted within two years than those given a monetary penalty (41 per cent) or community service (39 per cent). Offenders discharged from custody were much more likely to acquire a custodial reconviction: 43 per cent were given a further custodial sentence within two years compared to 10 per cent of those given a non-custodial sentence as their index disposal. Of those offenders with at least one reconviction within two years, those who were discharged from custody (3.3) or given probation (3.0) have a greater number of reconvictions on average than those given community service (2.2), a monetary penalty (2.3) or another form of disposal (2.3).

Persons released from a custodial sentence or given a non-custodial sentence in 2003-04
 Percentage reconvicted within 2 years, by index disposal and crime in 2003-04

Table 6

Index disposal and crime in 2003-04	Total number (=100%)	Percentage reconvicted within:			Percentage with a custodial reconviction within:		
		6 months	1 year	2 years	6 months	1 year	2 years
All offenders	46,918	22	33	45	6	10	14
Index disposal in 2003-04							
Discharged from custody	5,832	35	50	64	22	33	43
Community Service	2,518	19	28	39	3	6	10
Probation	4,468	36	49	61	12	17	25
Monetary	26,707	20	30	41	3	5	8
Other	7,393	15	22	33	3	5	8
Index crime in 2003-04							
Violent crime	11,783	16	25	37	4	7	11
Sexual crime	466	6	10	16	1	2	3
Dishonesty	10,882	34	46	57	14	19	26
Criminal damage	3,520	20	30	42	4	6	10
Drugs offences	5,522	18	29	42	4	6	10
Breach of Peace	11,422	21	31	43	5	7	11
Other crimes and offences	3,323	22	34	46	6	10	15

Persons released from a custodial sentence or given a non-custodial sentence in 2003-04
 Percentage reconvicted within 2 years, by index disposal and crime in 2003-04 and number of reconvictions

Table 7

Index disposal and crime in 2003-04	Total number (=100%)	Percentage with following number of reconvictions within 2 years:					Average number of reconvictions ⁽¹⁾
		None	1 or 2	3 to 10	Over 10	1 or more	
All offenders	46,918	55	29	15	1	45	2.6
Index disposal in 2003-04							
Discharged from custody	5,832	36	32	30	2	64	3.3
Community Service	2,518	61	28	11	*	39	2.2
Probation	4,468	39	34	27	1	62	3.0
Monetary	26,707	59	29	12	*	41	2.3
Other	7,393	67	23	9	*	32	2.3
Index crime in 2003-04							
Violent crime	11,783	63	26	10	*	36	2.2
Sexual crime	466	84	14	2	*	16	1.6
Dishonesty	10,882	43	30	26	1	57	3.2
Criminal damage	3,520	58	28	14	0	42	2.5
Drugs offences	5,522	58	32	10	*	42	2.0
Breach of Peace	11,422	57	30	13	*	43	2.4
Other crimes and offences	3,323	54	32	14	1	47	2.4

1. Average for offenders who had at least one reconviction within 2 years.

5.8 The comparison of reconviction rates across disposals is complicated by a number of issues. Pseudo reconviction rates can have a differential effect across different types of disposal and this is discussed further in Section 8. In addition, the characteristics of offenders receiving different disposals are likely to be different. Indeed, the risk of re-offending is often taken into account at the time of sentence. The issue of offender characteristics is considered in Table 8.

Persons released from a custodial sentence or given a non-custodial sentence in 2003-04
 Percentage reconvicted within 2 years, by index disposal in 2003-04 age, sex and number of previous convictions⁽¹⁾

Table 8

Index disposal in 2003-04 by age	Total number (=100%)	Males				Total number (=100%)	Females			
		Number of previous convictions					Number of previous convictions			
		None	1 or 2	3 to 10	Over 10		None	1 or 2	3 to 10	Over 10
All	39,451	28	39	53	75	7,467	20	37	56	76
under 21	9,818	45	62	78	92	1,506	29	52	76	96
21 to 25	8,774	21	39	61	82	1,552	20	47	67	82
26 to 30	5,987	16	30	49	74	1,260	19	39	56	77
over 30	14,872	11	24	42	70	3,149	12	26	47	71
Discharged from custody	5,460	20	38	60	81	372	18	50	69	86
under 21	843	48	64	79	93	56	33	71	91	100
21 to 25	1,451	17	39	66	84	101	25	67	72	91
26 to 30	1,133	12	26	52	78	75	0	75	55	84
over 30	2,033	8	22	47	77	140	8	22	62	81
Community service	2,183	28	39	46	69	335	11	31	55	52
under 21	609	47	60	66	100	54	25	62	50	100
21 to 25	527	21	39	55	76	63	3	38	75	33
26 to 30	322	5	27	45	71	49	13	30	50	80
over 30	725	6	23	34	60	169	7	14	47	44
Probation	3,567	43	56	65	80	901	37	52	68	77
under 21	957	61	80	86	91	183	53	67	88	100
21 to 25	752	42	54	75	87	228	27	61	71	76
26 to 30	584	19	38	59	81	164	31	56	61	84
over 30	1,274	18	32	48	74	326	26	31	63	70
Monetary	22,922	28	38	51	70	3,785	20	38	55	76
under 21	5,883	43	61	77	93	755	29	52	69	83
21 to 25	5,207	21	38	59	78	759	23	48	71	88
26 to 30	3,349	17	31	48	70	636	20	37	60	77
over 30	8,483	11	24	41	66	1,635	12	28	45	70
Other	5,319	25	33	45	66	2,074	16	29	44	69
under 21	1,526	42	52	79	84	458	25	39	66	100
21 to 25	837	17	33	51	78	401	15	33	50	73
26 to 30	599	15	22	40	68	336	18	33	45	66
over 30	2,357	10	24	36	59	879	10	21	37	69

1. Convictions since the start of 1989.

5.9 Once the age, sex and particularly the number of previous convictions of offenders are taken into account, the differences observed in average reconviction rates for different types of index disposal are found to be less significant. These factors are all strongly associated with the likelihood of reconviction. Table 8 shows that for all types of disposal, and for all sex and age groups, the percentage of offenders with over 10 previous convictions who were reconvicted within two years – typically over 70 per cent - were all fairly similar. This was also broadly the case for offenders with smaller numbers of previous convictions. In other words, the number of previous convictions held by an offender appeared to be the dominant factor in terms

of the likelihood of reconviction. The main exception to this pattern was for offenders with no, or only one or two, previous convictions who were given probation. These offenders, particularly those in the younger age groups, had higher reconviction rates than offenders of the same age and with a similar previous conviction history who had other types of index disposal, even compared with those discharged from custody.

5.10 Reconviction rates also vary according to the index crime. Table 6 on page 10 shows that those offenders with a sexual crime as their index crime had the lowest reconviction rate on average (16 per cent reconvicted within two years) although this is based on a particularly small number of offenders (466). Those with a crime of dishonesty as their index crime had the highest reconviction rate (57 per cent reconvicted within two years). Many offenders acquire convictions for a variety of crimes. For example, Table 9 shows that, with the exception of those convicted of fraud, between 17 and 29 per cent of offenders with an index conviction in 2003-04 in the dishonesty crime categories were reconvicted for a violent crime within two years. Conversely, offenders convicted for certain categories of crime are more likely to be reconvicted for the same type of crime: the percentage reconvicted within two years for the same type of crime as the index crime was highest for prostitution offences (60 per cent), shoplifting (47 per cent), breach of the peace (30 per cent) and housebreaking (27 per cent).

Persons released from a custodial sentence or given a non-custodial sentence in 2003-04
Percentage reconvicted within 2 years for selected crimes, by index crime, in 2003-04

Table 9

Index crime in 2003-04	Total number (=100%)	Percentage with a reconviction within 2 years for:											Serious violent crime ⁽²⁾	Serious crime ⁽²⁾
		Any crime	Same crime category	Violent crime	Sexual crime	Prostitution	House breaking	Dishonesty ⁽¹⁾	Criminal damage	Drug offences	Breach of the peace			
All offenders	46,918	45	21	23	*	*	4	17	6	10	22	3	7	
Violent Crime														
Serious assault and homicide	1,240	35	4	24	*	*	2	7	5	5	16	4	7	
Robbery	494	59	8	33	*	*	8	29	6	13	24	11	16	
Simple Assault	9,808	37	16	24	*	*	2	8	6	6	21	3	5	
Other Violence	241	34	2	20	-	1	1	14	4	7	16	3	5	
Crimes of indecency														
Sexual Assault	125	14	-	7	2	-	-	2	2	1	7	-	-	
Other indecency	341	17	4	6	5	-	1	3	2	1	5	*	3	
Prostitution	65	83	60	32	2	60	6	28	2	17	22	3	9	
Crimes of dishonesty														
Housebreaking	1,288	70	27	28	1	*	27	43	10	17	25	6	21	
Theft OLP	599	67	20	29	1	-	13	44	9	17	23	6	17	
Theft of motor vehicle	730	60	17	29	1	-	12	33	12	11	25	6	13	
Shoplifting	3,697	69	47	25	*	*	8	55	6	17	21	4	9	
Other Theft	2,036	55	18	23	*	*	8	34	5	13	19	4	9	
Fraud	1,147	27	6	10	*	*	2	15	2	5	9	1	3	
Other Dishonesty	1,385	42	8	17	*	*	9	24	4	11	14	4	9	
Criminal damage														
Fireraising	125	38	2	28	1	-	1	6	13	3	26	6	10	
Malicious & reckless conduct	3,395	43	11	26	*	*	3	11	11	7	25	3	6	
Other														
Handling offensive weapons	2,127	48	11	24	*	*	3	14	7	12	23	4	7	
Crimes against public justice	1,109	45	14	20	*	-	5	17	5	13	17	4	9	
Drugs	5,522	43	20	15	*	*	2	12	3	20	15	2	6	
Breach of peace	11,422	44	30	26	*	*	2	9	7	7	30	3	5	
Other crime	22	18	9	-	-	-	-	5	14	5	14	*	*	

1. Excluding housebreaking.

Chart 2a: Reconviction rates of offenders discharged from custody or given non-custodial sentences in 2003-04 by index crime

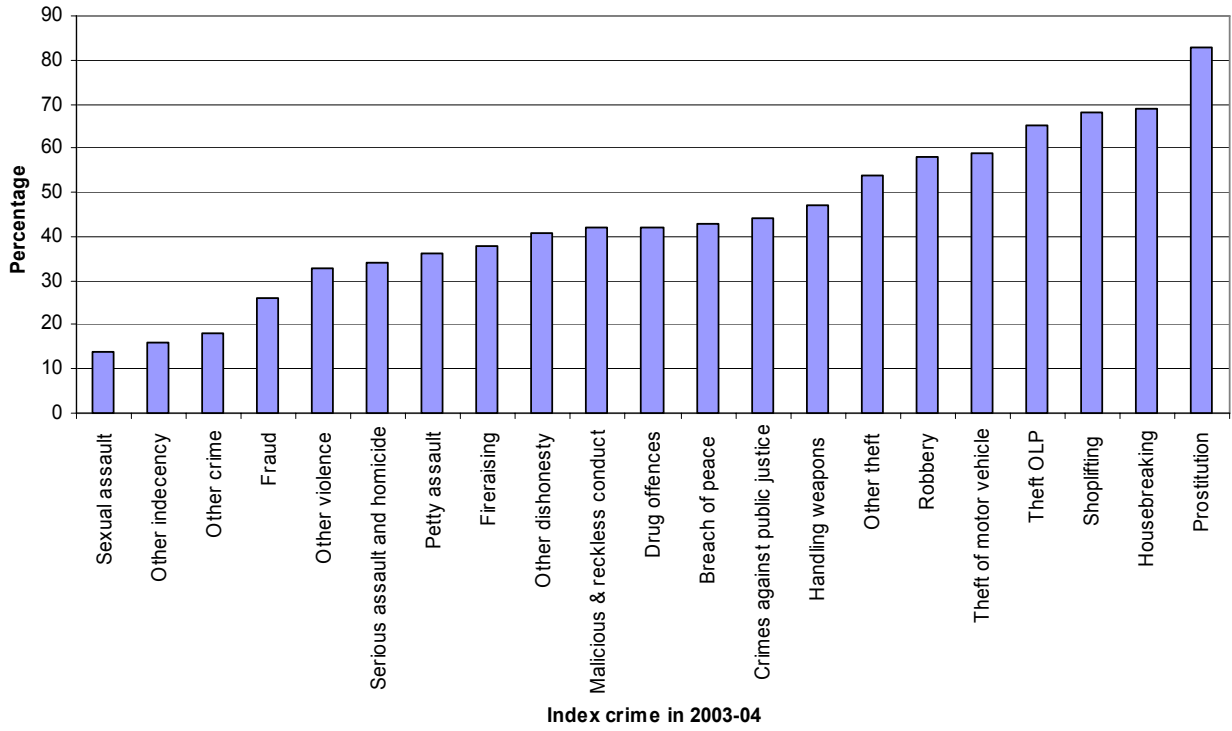
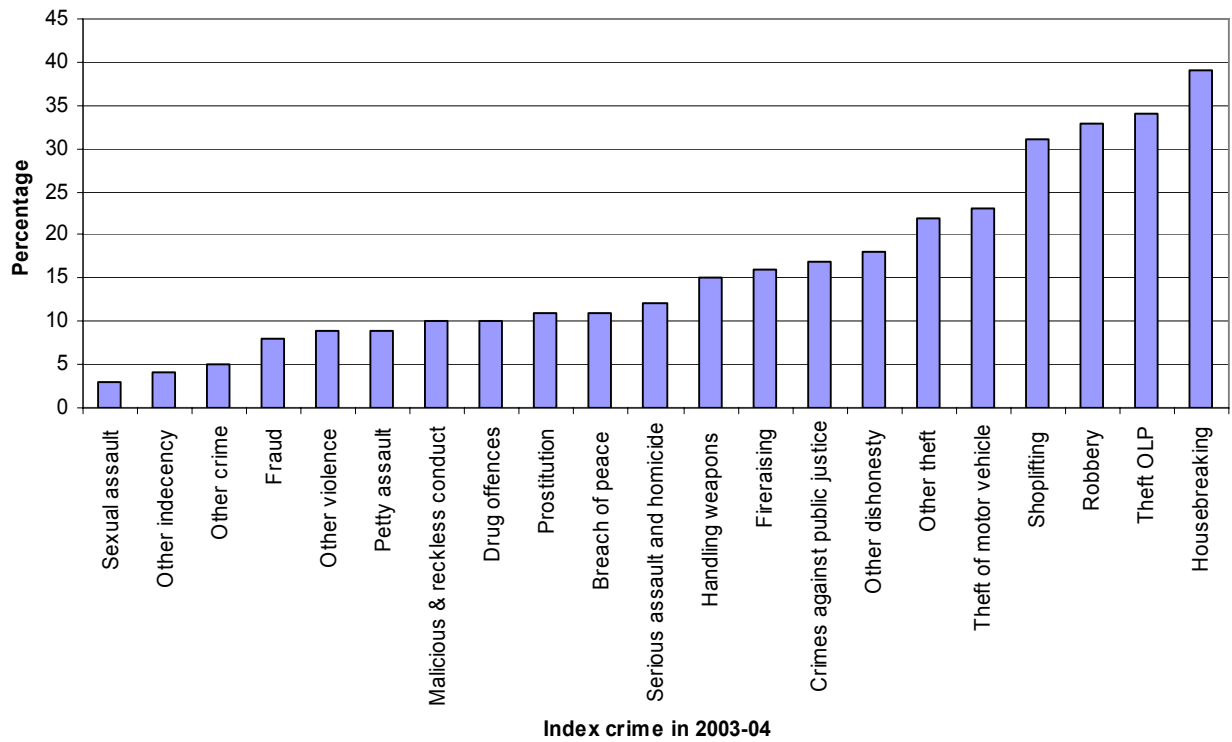


Chart 2b: Custodial reconviction rates of offenders discharged from custody or given non-custodial sentences in 2003-04 by index crime



5.11 Reconviction rate by age at first conviction

The younger an offender is at the time of their first conviction, the more likely they are to be reconvicted. Almost three quarters (72 per cent) of those offenders aged under 16 at their first conviction are reconvicted within two years of their index conviction in 2003-04. This compares to just 22 per cent of those offenders in the 2003-04 cohort who were aged over 30 at their first recorded conviction. Of all those offenders in this cohort, 14 per cent receive a custodial reconviction within two years. This increases significantly to 43 per cent for those who received their first conviction when they were under 16. As noted at point 16 of the annex, convictions for those aged under 16 will generally have involved the more serious types of offence.

Persons released from a custodial sentence or given a non-custodial sentence in 2003-04

Table 10

Percentage reconvicted within 6 months to 2 years, by sex, number of previous convictions and age at first conviction⁽¹⁾

Sex and number of previous convictions by age at first conviction	Total number (=100%)	Percentage reconvicted within:			Percentage with a custodial reconviction within:		
		6 months	1 year	2 years	6 months	1 year	2 years
All offenders	46,918	22	33	45	6	10	14
Under 16	442	42	55	72	21	30	43
16-18	18,427	32	46	60	10	15	22
19-20	6,494	21	32	45	5	8	11
21-25	7,974	17	26	38	4	7	10
26-30	4,278	16	24	34	5	7	9
Over 30	9,303	10	15	22	2	3	5
Males	39,451	23	34	46	7	11	15
Under 16	420	42	55	72	22	31	44
16-18	16,437	33	47	61	11	16	23
19-20	5,540	20	32	45	5	8	12
21-25	6,452	17	26	38	5	7	11
26-30	3,322	16	24	35	5	7	10
Over 30	7,280	10	15	22	2	3	5
Females	7,467	19	27	38	3	5	8
Under 16	22	41	55	77	18	23	36
16-18	1,990	27	38	51	6	9	13
19-20	954	26	35	48	4	6	9
21-25	1,522	18	27	38	3	5	7
26-30	956	15	23	33	3	4	6
Over 30	2,023	10	14	21	1	2	3
No previous convictions	15,586	11	17	26	1	2	4
Under 16	64	25	38	55	5	11	22
16-18	4,095	22	34	48	2	4	8
19-20	2,171	12	21	31	1	1	3
21-25	2,863	8	13	20	1	1	2
26-30	1,300	7	11	17	1	1	2
Over 30	5,093	4	7	11	0	1	1
1 or 2 previous convictions	10,796	18	27	39	2	4	7
Under 16	57	42	54	70	16	26	42
16-18	3,923	26	38	51	4	7	11
19-20	1,635	19	30	42	2	4	6
21-25	1,810	14	21	33	2	3	5
26-30	1,130	12	19	29	1	2	4
Over 30	2,241	9	15	23	1	2	3
3 to 10 previous convictions	12,778	26	39	54	7	11	16
Under 16	124	40	52	67	23	29	41
16-18	5,840	32	46	62	9	14	21
19-20	1,815	24	36	50	5	8	13
21-25	2,192	22	34	49	5	7	12
26-30	1,341	18	29	43	5	7	11
Over 30	1,466	19	28	42	4	6	9
Over 10 previous convictions	7,758	44	61	75	22	32	43
Under 16	197	50	62	81	27	39	52
16-18	4,569	47	64	77	25	35	47
19-20	873	40	59	75	20	30	41
21-25	1,109	38	55	71	17	26	35
26-30	507	41	56	69	21	30	36
Over 30	503	39	52	67	16	23	33

1. Convictions recorded since 1989.

5.11 The age of the offender at the time of their first conviction also affects the number of reconvictions they are likely to accrue in the follow up period. Thirty-nine per cent of those offenders aged under 16 at the time of their first conviction have 3 or more reconvictions within two years of their index conviction in 2003-04. Of those offenders with at least one reconviction, the average number of reconvictions decreases markedly with age at first conviction. Offenders who were under 16 at the time of their first conviction have on average 3.3 reconvictions within two years of their index conviction in 2003-04, decreasing steadily to 2.0 for those over 30 at the time of their first conviction.

5.12 Taking the number of previous convictions into account as well as the offender's age at the first of those convictions, those offenders who are youngest at the time of their first conviction and have the most previous convictions have the highest reconviction rates. For example, 81 per cent of offenders who have over 10 previous convictions and were under 16 at the time of their first conviction are reconvicted within two years of their index conviction in 2003-04.

Persons released from a custodial sentence or given a non-custodial sentence in 2003-04 **Table 11**
Percentage reconvicted within 2 years, by sex, age at first conviction⁽¹⁾ and number of reconvictions

Sex by age at first conviction	Total number (=100%)	Percentage with the following number of reconvictions within 2 years:				Average number of reconvictions ⁽²⁾
		None	1 or 2	3 to 10	Over 10	
All offenders	46,918	55	29	15	1	2.6
Under 16	442	28	33	38	1	3.3
16-18	18,427	40	35	24	1	2.9
19-20	6,494	55	32	12	*	2.3
21-25	7,974	62	28	10	*	2.2
26-30	4,278	66	26	8	*	2.1
Over 30	9,303	78	17	4	*	2.0
Males	39,451	54	30	15	1	2.6
Under 16	420	28	33	38	1	3.3
16-18	16,437	39	36	25	1	2.9
19-20	5,540	55	33	11	*	2.2
21-25	6,452	62	28	10	*	2.2
26-30	3,322	65	26	8	*	2.1
Over 30	7,280	78	18	4	*	2.0
Females	7,467	62	25	12	1	2.6
Under 16	22	23	32	45	-	3.3
16-18	1,990	49	30	20	1	2.9
19-20	954	52	30	17	1	2.6
21-25	1,522	62	25	12	1	2.5
26-30	956	67	25	8	*	2.1
Over 30	2,023	79	16	4	*	2.0

1. Convictions recorded since 1989.

2. Average for offenders who had at least one reconviction within two years.

6. Changes in reconviction rates over time

6.1 The analysis in this section compares two-year reconviction rates for the 2003-04 cohort of offenders with those for the corresponding cohorts from 1995-96 onwards. When considering trends over time in reconviction rates, it should be borne in mind that these will be affected by changes in criminal justice policy and practice. For example, the increased use of alternatives to prosecution such as fiscal fines in the last 10-15 years will, other things being equal, tend to reduce reconviction rates; while increases in police clear up rates may act to increase reconviction rates. In addition, this analysis is based on unadjusted reconviction rates. It is important to note that reconviction rates may also be affected by the characteristics of each cohort group (e.g. age, sex, index crime, index disposal etc).

6.2 Table 12 shows that the overall reconviction rate has, apart from a slight dip for the 1997-98 to 1999-00 cohorts, been relatively stable at around 44 to 45 per cent. A slight decrease in the reconviction rate for offenders ages under 21 was generally offset by slight increases in the rates for older offenders. The reconviction rate for males in previous cohorts was generally similar to the 46 per cent recorded for the 2003-04 cohort. The reconviction rate for females increased from the 33 per cent recorded for the 1995-96 cohort to 38 per cent for the 2003-04 cohort, mainly reflecting increases in the rates for offenders ages between 21 and 30.

6.3 For those with an index disposal of community service, the reconviction rate fell from 49 per cent for the 1995-96 cohort to 39 per cent for the 2003-04 cohort (Table 13). The corresponding rates for custodial index disposals dropped slightly from 65 to 64 per cent with a slightly larger drop for probationary index disposals from 64 to 61 per cent.

6.4 Table 13 also shows that the two year reconviction rate for those offenders with an index crime of violence decreased from 38 per cent in the 1995-96 cohort to 34 per cent in the 1998-99 and 1999-00 cohorts and rose slightly to 37 per cent in the 2003-04 cohort. The corresponding rates for breach of the peace fell by 3 percentage points between the 1995-96 and 2003-04 cohorts whilst the rate for drug offences increased slightly from 40 to 42 per cent across the period. The rate for those offenders with an index crime of dishonesty has also increased from 49 per cent in the 1995-96 cohort to 57 per cent in the 2003-04 cohort.

Persons released from a custodial sentence or given a non-custodial sentence, 1995-96 to 2003-04
Percentage reconvicted within 2 years by sex and age

Table 12

Sex by age	Persons reconvicted within 2 years										Percentage with custodial reconviction within 2 years									
	1995-96	1996-97	1997-98	1998-99	1999-00	2000-01	2001-02	2002-03	2003-04	1995-96	1996-97	1997-98	1998-99	1999-00	2000-01	2001-02	2002-03	2003-04		
Persons	45	44	43	42	43	44	44	45	45	14	14	13	14	15	15	15	15	14		
under 21	58	56	54	54	54	55	54	54	54	18	17	17	17	18	18	17	16	15		
21 to 25	47	47	46	46	48	48	49	51	49	16	16	15	17	18	19	19	19	17		
26 to 30	43	44	42	42	44	44	46	47	48	15	15	14	15	16	17	18	18	17		
over 30	33	33	32	32	31	33	33	35	35	9	9	9	9	10	10	11	11	11		
Male persons	46	46	44	44	44	45	46	47	46	15	15	15	15	16	17	17	17	15		
under 21	60	59	56	56	56	56	56	57	56	20	19	18	18	19	19	18	17	16		
21 to 25	48	48	47	47	49	49	50	52	50	17	17	17	18	20	20	21	21	18		
26 to 30	45	45	43	42	44	45	47	48	49	16	16	15	16	18	18	20	20	19		
over 30	34	34	33	33	32	34	34	36	36	10	10	10	10	11	12	12	12	12		
Female persons	33	34	34	34	35	37	36	38	38	5	5	6	6	7	7	8	8	8		
under 21	40	38	39	40	40	44	41	39	40	4	4	7	8	10	10	9	9	8		
21 to 25	36	37	39	39	41	44	43	45	45	8	7	7	8	8	9	11	11	12		
26 to 30	35	38	37	37	40	39	40	42	44	6	8	7	6	8	7	8	9	8		
over 30	27	27	27	27	26	28	29	31	30	4	4	4	3	4	4	5	6	5		

Persons released from a custodial sentence or given a non-custodial sentence, 1995-96 to 2003-04
 Percentage reconvicted within 2 years by index disposal and crime

Table 13

Index disposal and crime	Percentage reconvicted within 2 years:								
	1995-96	1996-97	1997-98	1998-99	1999-00	2000-01	2001-02	2002-03	2003-04
All	45	44	43	42	43	44	44	45	45
Index disposal									
Discharged from custody	65	64	62	61	61	62	63	64	64
Community Service	49	47	44	42	42	43	42	42	39
Probation	64	60	59	59	59	60	61	63	61
Monetary	42	42	40	40	40	41	40	41	41
Other	34	34	33	31	32	33	33	33	33
Index crime									
Violent crime	38	38	36	34	34	36	35	37	37
Sexual crime	16	15	15	19	17	19	17	17	16
Dishonesty	49	51	51	52	54	56	57	58	57
Criminal damage	41	43	39	37	40	40	43	43	42
Drugs offences	40	39	39	39	39	39	39	42	42
Breach of Peace	46	45	43	43	42	42	42	43	43
Other crimes and offences	48	45	43	44	43	43	44	46	46

7. Geographic analysis

7.1 The analysis in this section compares two year reconviction rates for the 2003-04 cohort of offenders across approximate Local Authority areas, Community Justice Authorities and Police Forces. Whilst this approach provides a useful estimate for these areas, it is important to note that an offender may not always be supervised in the area in which they are convicted and, additionally, that subsequent reconvictions may have occurred in different areas. The characteristics of offenders are also likely to vary across these areas.

Persons released from a custodial sentence or given a non-custodial sentence in 2003-04

Table 14

Percentage reconvicted within 6 months to 2 years by approximate Community Justice Authority and Local Authority Areas⁽¹⁾

Community Justice Authority by approximate Local Authority Area ⁽¹⁾	Total number (=100%)	Percent reconvicted within:			Percentage with a custodial reconviction within:		
		6 months	1 year	2 years	6 months	1 year	2 years
Northern	6,753	23	32	43	5	8	11
Aberdeen City and Aberdeenshire ⁽²⁾	3,437	24	33	45	5	8	12
Eilean Siar	165	22	32	44	4	9	13
Highland	2,182	23	33	44	5	8	11
Moray	722	21	32	41	4	6	10
Orkney Islands	88	18	27	34	3	5	7
Shetland Islands	159	14	19	33	3	4	6
Tayside	4,491	23	34	45	6	9	14
Angus	1,080	21	33	43	4	7	11
Dundee City	2,345	25	35	47	6	9	15
Perth and Kinross	1,066	22	32	43	6	9	14
Fife & Forth Valley	5,055	25	35	47	7	9	14
Clackmannanshire	496	29	41	53	5	8	12
Falkirk	1,404	26	37	48	8	11	15
Fife	2,199	24	34	45	7	10	15
Stirling	956	22	35	47	5	8	11
Lothian & Borders	6,520	19	29	41	6	10	14
East Lothian	433	17	27	37	3	6	10
Edinburgh and Midlothian ⁽³⁾	4,242	20	29	41	7	10	15
Scottish Borders	815	18	28	42	5	9	13
West Lothian	1,030	18	27	39	6	9	12
North Strathclyde⁽⁴⁾	4,420	21	32	44	7	10	15
Argyll & Bute	710	16	25	36	5	6	9
East & West Dunbartonshire	1,129	22	34	46	6	10	15
East Renfrewshire and Renfrewshire ⁽⁵⁾	1,534	21	32	44	6	10	15
Inverclyde	1,047	23	33	45	9	13	17
Lanarkshire	5,441	21	31	44	5	9	13
North and South Lanarkshire ⁽⁶⁾	5,441	21	31	44	5	9	13
South West Scotland	5,281	23	34	46	8	12	17
Dumfries & Galloway	1,300	25	35	47	8	12	17
East, North and South Ayrshire ⁽⁷⁾	3,981	23	34	46	8	12	17
Glasgow⁽⁴⁾	8,959	23	34	47	8	11	17
Glasgow City ⁽⁸⁾	8,959	23	34	47	8	11	17
Scotland⁽⁹⁾	46,918	22	33	45	6	10	14

1. Approximate areas are based on the court of the offenders index conviction.

Some sheriff Court boundaries include more than one local authority area.

2. Aberdeen City and Aberdeenshire (Aberdeen, Banff, Stonehaven and Peterhead Sheriff Courts).

3. City of Edinburgh and Midlothian (Edinburgh Sheriff Court).

4. Parts of East Dunbartonshire and Argyll & Bute are also served by Glasgow Sheriff Court as well as the Sheriff Courts in North Strathclyde. However, since this analysis is based on an approximation of court areas, East Dunbartonshire and Argyll & Bute have been included with North Strathclyde whilst Glasgow Sheriff Court is included with Glasgow CJA area.

5. Renfrewshire and East Renfrewshire (Paisley Sheriff Court).

6. North and South Lanarkshire (Airdrie, Hamilton and Lanark Sheriff Courts).

7. East, North and South Ayrshire (Kilmarnock and Ayr Sheriff Courts).

8. Includes the Stipendiary Magistrates court.

9. Includes High Court and Remit to High.

7.2 The 2003-04 cohort can be grouped into approximate local authority areas based on the court of their index conviction, as in Table 14. This shows that the highest reconviction rate was for offenders whose index conviction was heard at a court in the Clackmannanshire area: over half of such offenders were reconvicted within two years. By contrast, the lowest reconviction rates were for offenders whose index conviction was received at a court in the Orkney Islands or Shetland Islands, around a third of such offenders were reconvicted within two years. (It should be noted, however, that the number of offenders in these areas are relatively small).

7.3 These approximate Local Authority areas can also be grouped into Community Justice Authority areas. Table 14 shows that the highest two year reconviction rate is for offenders whose index conviction was heard at a court either in Fife and Forth Valley or Glasgow areas (47 per cent). The area with the lowest reconviction rate was Lothian & Borders (41 per cent).

7.4 Table 15 illustrates the variation in reconviction rates by police force area of index conviction. The two year reconviction rates for Central (48 per cent) and Dumfries & Galloway (47 per cent) were all slightly above the Scottish average (45 per cent). In contrast, the rates for Grampian (44 per cent), Lothian & Borders (41 per cent) and Northern (43 per cent) were all below the Scottish average.

7.5 Offenders whose index conviction was recorded in the Dumfries & Galloway police force area have the highest rate of custodial reconvictions within two years (17 per cent) whilst the lowest rate is for those whose index conviction was recorded in the Northern police force area (11 per cent).

**Persons released from a custodial sentence or given a non-custodial sentence in 2003-04
Percentage reconvicted within 6 months to 2 years by police force of index conviction**

Table 15

Police Force of Index Conviction	Total number (=100%)	Percentage reconvicted within:			Percentage with a custodial reconviction within:		
		6 months	1 year	2 years	6 months	1 year	2 years
All	46,918	22	33	45	6	10	14
Central	2,856	26	37	48	6	9	13
Dumfries & Galloway	1,300	25	35	47	8	12	17
Fife	2,199	24	34	45	7	10	15
Grampian	4,159	23	33	44	5	8	12
Lothian & Borders	6,520	19	29	41	6	10	14
Northern	2,594	22	31	43	5	7	11
Strathclyde	22,801	22	33	45	7	11	15
Tayside	4,491	23	34	45	6	9	14

8. The effect of “pseudo reconvictions”

8.1 As noted in section 3.4, pseudo reconvictions are defined to be convictions which occur after the relevant date of the index conviction but which relate to offence(s) committed prior to that date. For example, this can arise in cases where there may be several sets of proceedings in train against an individual for offences committed on a range of dates. Pseudo reconvictions will therefore exaggerate the rate of “real” reconvictions to some extent. They will also complicate comparisons between reconviction rates for different types of disposal as they will tend to have less impact on the reconviction rates for offenders who are discharged from a custodial sentence relative to those given non-custodial sentences. Pseudo reconvictions will also 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 particular kinds of crime. Unless otherwise specified, all of the reconviction rates quoted in this bulletin include pseudo reconvictions. This should therefore be borne in mind when making comparisons between the reconviction rates for different types of disposal and offender.

8.2 Since the Scottish Offenders Index does not generally contain information on offence dates, the precise extent of pseudo reconvictions remains unknown. However, it is possible to estimate their impact by making use of the fact that the police case reference numbers associated with most convictions recorded in the Strathclyde Police Force Area, and increasingly in other police force areas, contain the month and year that the offence was recorded. (More recently it has also been possible to obtain actual offence date). This information can be used to derive a proxy for the date of offence (on the assumption that in the majority of such cases it will be close to the date the actual offence was committed). This proxy (or where available, actual) offence date for a reconviction can then be compared with the relevant date of the index conviction to determine whether or not it is a pseudo reconviction.

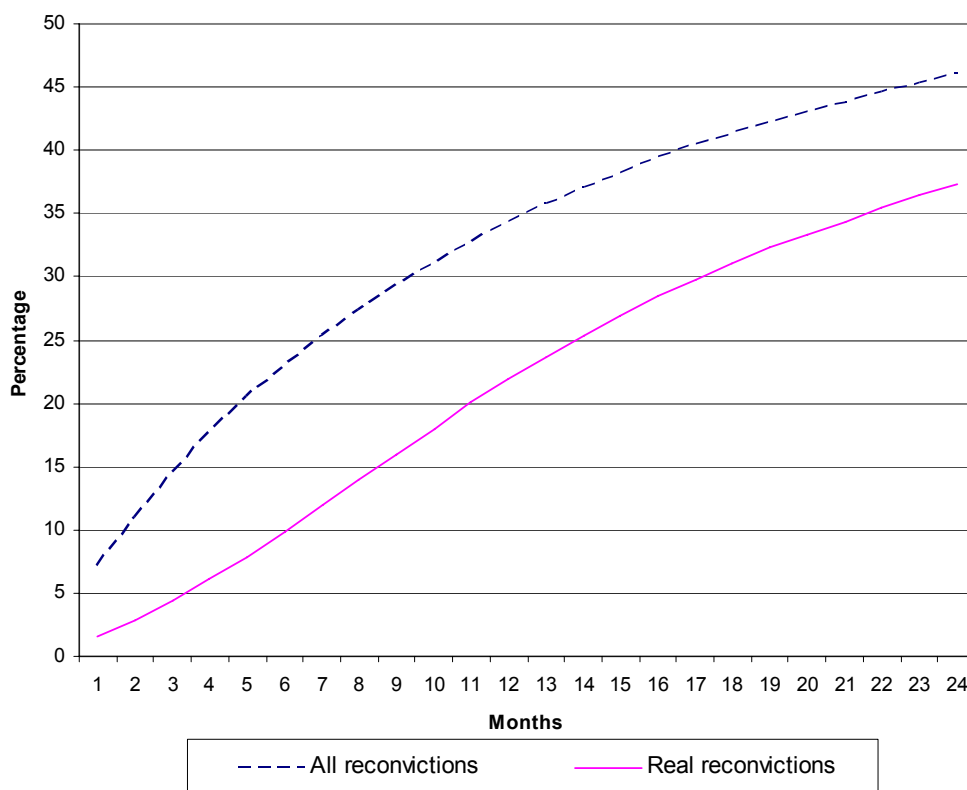
8.3 For 40,648 (87 per cent) of the cohort of offenders with an index conviction in 2003-04, offence dates for their convictions can be derived in the way described above. The profile of this subset of offenders, by sex, age, index disposal, index crime and number of previous convictions, is very similar to that of the cohort as a whole. It features the same gender split; the same proportion who were discharged from a custodial sentence, received a community sentence or probation; who had 1 or 2 previous convictions; and who had violent crime, sexual crime, dishonesty and drugs offences as their index crime. Therefore the fact that this is based on a subset of the 2003-04 is not judged to bias significantly this approach to estimating the effect of pseudo reconvictions.

8.4 Just under a quarter (23 per cent) of this subset of the 2003-04 cohort of offenders were reconvicted within two years for offences committed prior to the relevant date of their index conviction, i.e. had at least one pseudo reconviction within this period. However, just over 80 per cent of these offenders also had “real” reconvictions, i.e. in respect of offences committed after the relevant date of their index conviction. The overall two-year reconviction rate for this subset of the cohort was 46 per cent (slightly higher than the 45 per cent for the cohort as a whole). However, excluding pseudo reconvictions gives a “real” reconviction rate of 37 per cent. The average estimated effect of pseudo reconvictions is therefore 9 percentage points. Chart 3 illustrates the effect of excluding pseudo reconvictions over a 2-year follow-up period.

Age, sex, index disposal and index crime in 1999	Total cohort		Cohort subset ⁽¹⁾		
	Overall rate of reconviction	Overall rate of reconviction	"Real" rate of reconviction	Estimated effect of pseudo reconvictions	Rate of pseudo reconvictions
All offenders	45	46	37	9	23
Age					
under 21	54	55	44	11	30
21 to 25	49	50	41	9	25
26 to 30	48	49	39	10	24
over 30	35	36	29	7	16
Sex					
Males	46	47	38	9	23
Females	38	39	31	8	20
Index disposal in 2003-04					
Discharged from custody	64	66	58	8	31
Community Service	39	42	32	10	21
Probation	61	63	52	11	36
Monetary	41	42	33	9	21
Other	33	34	28	6	14
Index crime in 2003-04					
Violent crime	37	37	30	7	16
Sexual crime	16	19	14	5	7
Dishonesty	57	60	50	10	33
Criminal damage	42	42	35	7	20
Drugs offences	42	43	32	11	21
Breach of Peace	43	44	35	9	21
Other crimes and offences	46	48	36	12	26

1. Offenders for whom the month and year of the offence(s) they are convicted for can be proxied by information embedded within the associated police case reference number.

Chart 3: Reconviction rates of offenders discharged from custody or given non-custodial sentences in 2003-04 (subset of data)



8.5 As reconviction rates vary with type of crime, age and other factors, so might the effect of pseudo reconvictions. This is explored further in Table 16. In general, those groups of offenders who tend to have higher reconviction rates also have higher rates of pseudo reconvictions, though the effect of these is generally offset by higher rates of “real” reconvictions.

8.6 The estimated effect of pseudo reconvictions on the reconviction rates for those discharged from a custodial sentence in 2003-04 was 8 percentage points whereas for offenders whose index conviction involved a community service or probation disposal the effect was 10 and 11 percentage points respectively. This will partly reflect the fact that the follow up time for reconvictions for the former group is taken from their estimated date of release from custody rather than the date they were originally sentenced to custody. Offenders released from custody, particularly those who have served relatively long sentences, might be expected to have fewer subsequent pseudo reconvictions.

8.7 The estimated effect of pseudo reconvictions ranged from 5 percentage points for those whose index crime was a sexual crime to 12 percentage points for other crimes and offences.

8.8 A comparison of the estimated effect of pseudo reconvictions on the two-year reconviction rates for each of the 1995-96 to 2003-04 cohorts of offenders is given in Table 17. There is in general little variation between the different cohorts.

Persons released from a custodial sentence or given a non-custodial sentence, 1995-96 to 2003-04 Table 17
 Estimated impact of pseudo reconvictions on percentage reconvicted within 2 years⁽¹⁾ Percentage points

Age, sex, index disposal and index crime	Offender cohort								
	1995-96	1996-97	1997-98	1998-99	1999-00	2000-01	2001-02	2002-03	2003-04
All offenders	9	9	8	10	12	9	10	10	9
Age									
Under 21	11	11	10	11	12	12	11	11	11
21-25	10	10	9	10	12	11	10	10	9
26-30	10	10	9	10	11	10	10	10	10
Over 30	7	8	7	7	7	7	8	7	7
Sex									
Males	9	10	8	10	11	9	9	10	9
Females	8	8	9	9	10	9	9	9	8
Index disposal									
Discharged from custody	9	8	8	10	10	10	9	9	8
Community sentence order	12	10	11	9	11	10	10	10	10
Probation	12	12	11	12	13	12	13	12	11
Monetary	10	10	9	10	10	9	10	9	9
Other	8	8	6	7	8	8	8	7	6
Index crime									
Violent crime	8	7	6	6	6	7	8	8	7
Sexual crime	2	3	3	5	4	3	2	2	5
Dishonesty	11	10	10	11	13	12	11	11	10
Criminal damage	8	10	7	9	10	8	9	9	7
Drug offences	9	11	10	10	12	10	10	11	11
Breach of the peace	9	9	9	9	10	9	10	9	9
Other crimes and offences	9	10	10	11	11	11	12	12	12

1. Based on the subsets of offenders for whom the month and year of the offence(s) they are convicted for can be proxied by information embedded within the police case reference number.

Endnote

The statistics on reconvictions which are presented in this bulletin represent only a selection of those which can be derived from the information held on the Scottish Offenders Index. Work is being developed on producing predicted reconviction rates and career paths of offenders. Comments and suggestions for further analysis are welcomed. These should be directed to the enquiry point given at the end of this bulletin.

Annex: Notes on Statistics Used in this Bulletin

Data sources

1. The information presented in this bulletin is based on data held in the Scottish Offenders Index (SOI). This database, which is in turn derived from information held on the police operational computer at the Scottish Criminal Record Office (SCRO), currently contains a record for each set of criminal proceedings against individuals (excluding companies) in Scottish courts. The data currently covers all convictions where sentence was imposed in the period beginning 1989 and the main offence involved was a crime in Groups 1-5 of the Scottish Government's classification of crimes and offences or the offences of simple assault, breach of the peace, racially aggravated harassment or conduct, miscellaneous firearms offences and social security offences.

2. Each record on the SOI database includes information on the sex and age of the offender, the dates of conviction and sentence, the main offence involved and details of the sentence imposed. Information is also available on any offences which were additional to the main offence involved. Each offender has a unique reference number, which allows individual convictions for that offender to be linked together. (It should be noted that the SOI is a purely statistical database; names and other personal information of offenders are not held).

3. Summary profiles of the offenders and convictions covered in the SOI are given in Tables A1 and A2.

Counting rules and data definitions

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

5. 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 subsequently goes to prison in default of payment. Similarly, the offenders released from prison who are included in the analysis in this bulletin will only include those directly sentenced to prison, 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.

6. Where a person is convicted for more than one charge, then it is the main offence which is recorded in the SOI. The main offence is taken to be the charge receiving the severest penalty. If more than one charge receives the same (or a combined) penalty, then the main offence is the one judged by the police (who provide the information) to be the most serious. In the analysis of reconvictions presented in this bulletin, where an offender was sentenced for a court or bail-related offence and other offences on the same day, then the most serious of the latter is taken as being the main offence (even where the court or bail offence had attracted the heaviest penalty).

7. Additional information is also available (in analysis data sets separate to the SOI) of court disposals in relation to individual offences. These analysis data sets were created only relatively recently, and as the information on the source SCRO database is constantly updated, they differ marginally from the coverage of the SOI, e.g. to reflect the outcome of appeals. However, these differences are not judged to be significant for the purposes of the statistical analysis presented in this bulletin.

8. The police record very detailed information on statutory offences but this does not always correspond exactly to the Scottish Government classification of crimes and offences. The most important example in numerical terms is an offence under Section 41(1)(a) of the Police (Scotland) Act 1967. This offence relates to "any person who assaults, resists, obstructs, molests or hinders a constable..". Scottish Government classification divides this into 3 categories - resisting arrest, serious assault and simple assault, but this distinction is not made by the courts. The majority of such cases are thought to have been classed as simple assault, and all the offences under this subsection have been so classified from 1988 onwards. Only a minimal number of cases are affected by other instances of this type of problem.

9. The Criminal Justice (Scotland) Act 1995 led to a change in the way in which offending while on bail is treated in the statistics on convictions. Offenders convicted of offending while subject to a bail order issued prior to 1 April 1996 will, if the main result related to the bail re-offending offence, have this classified as the main offence in the conviction record in the SOI. Where the bail order was issued after 1 April 1996, the main offence will be the offence committed while on bail as the aggravation applies to that offence and is not now separately categorised. The effect of the 1995 legislation was therefore to decrease the number of persons with a main offence classified as "bail re-offending" category, with consequent rises in the figures for other categories.

10. In order to analyse reconvictions, a decision has to be made as to which of an individual's convictions in a series is to be taken as a reference point, or index conviction. That is, the conviction before which all convictions are counted as previous convictions, and after which are counted as reconvictions. In this bulletin, the rule for choosing the index conviction is the first occasion in the year in question on which an individual was given a non-custodial sentence, or the first date at which an individual was estimated to have been released from prison from a custodial sentence, whichever occurred first. This is defined to be the offender's index conviction. The crime and sentence involved in this index conviction are referred to throughout this bulletin as the index crime and index disposal respectively. The analysis then considers the proportion of these individuals who are reconvicted within 1 and 2 years from the date of sentence or the estimated prison release date, i.e. from the relevant date of the index conviction. Convictions for a court or bail related offence, are not considered as index convictions. If the first conviction in the year for a particular offender was for such an offence, their next non-court related conviction was taken instead. Where an individual had no further convictions in the year for non-court related crimes they are not included in the data set.

11. Where there is a choice of more than one index conviction for an individual, i.e. where they received more than one sentence disposal on the same day, then the one selected is by reference to a) the most severe form of sentence, and then b) the most serious main offence.

12. Crimes and offences and sentence type have been grouped in this bulletin as follows.

Crime category	Crimes and offences included
Violent crime	Murder, culpable homicide, attempted murder, serious assault, robbery, simple assault, other violence.
Sexual crime	Rape, attempted rape, indecent assault, lewd and libidinous practices, other indecency, breach of a sex offender order. Excludes prostitution offences.
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.
Other crimes and offences	Crimes against public justice, handling offensive weapons, miscellaneous firearm offences, prostitution offences, other crimes and offences (not elsewhere specified).
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.

Sentence category	Sentences included
Custody	Custodial sentence to prison, young offender's institution or child detention, excluding life and indeterminate sentences.
Community service orders	Community service order (CSO), supervised attendance order.
Probation	Probation (with or without CSO or RLO), restriction of liberty order (RLO) and drug treatment and testing order (DTTO).
Monetary	Fine, compensation order, caution.
Other	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.

13. 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 rather than estimated release date is taken.

14. Information on actual dates of release for prisoners is not currently available for matching with the conviction data held on the Scottish Offenders Index. For the purposes of the analysis in this bulletin, the date of release for offenders given a custodial sentence has therefore been estimated from their date of sentence, 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 inevitably not always tie in with the (unknown) actual release date because the offender may be serving other custodial sentences for example, or because the sentence may have been backdated. However, this is not judged to be significant for the analysis purposes here. The main exception to this relates to offenders discharged from life sentences or, for some cohorts, very long determinate custodial sentences - see note 18 below.

Limitations of reconviction analysis

15. While virtually all convictions since 1989 for all crimes, simple assault, breach of the peace, racially aggravated harassment and conduct, miscellaneous firearm offences and social security offences are covered by the SOI, other types of conviction are not. These include:

- convictions for motor vehicle and most minor statutory and common law offences
- convictions in courts outwith Scotland
- convictions prior to 1989
- any relevant convictions not recorded on SCRO by the end of July 2007

16. All but the most serious of offences alleged to have been committed by children under the age of 16 are generally dealt with by the children's hearings system. The SOI does not currently hold information on offenders' juvenile offending history.

17. Since the SOI does not hold information on the actual dates offences were committed, some reconvictions will be for crimes or offences committed prior to the date of the index conviction. These "pseudo reconvictions" will therefore inflate the apparent reconviction rate, particularly in cases where an offender pleads not guilty.

18. It is not possible using the method described at note 14 above to identify from the data those offenders released in 2003-04 from serving life sentences or, in some instances, very lengthy determinate sentences. This category of offender will therefore not have been available for possible selection for the set of index convictions in each cohort year. However, the number of offenders involved is relatively small (only around 50 offenders receive such sentences each year) 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 a quarter of the 491 life sentence prisoners released on licence were reconvicted.

Notation

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

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

Profile of offenders on Scottish Offenders Index with at least one conviction since 1989

Table A1

		Sex of offender		
		Male	Female	Total ⁽¹⁾
	Number of offenders	351,719	77,751	429,560
	Number of convictions received in 1989-2003			
All Convictions	None			
	1 or 2	67	78	69
	3 to 10	26	18	24
	over 10	7	4	7
Sentences				
Custodial convictions	None	84	94	86
	1 or 2	10	4	9
	3 to 10	5	2	4
	over 10	2	*	1
Convictions resulting in probation⁽²⁾	None	86	86	86
	1 or 2	11	11	11
	3 to 10	3	3	3
	over 10	*	*	*
Convictions resulting in community service	None	86	92	87
	1 or 2	13	8	12
	3 to 10	1	*	1
	over 10	*	*	*
Convictions resulting in a monetary penalty	None	20	34	22
	1 or 2	57	54	57
	3 to 10	21	11	19
	over 10	2	1	1
Convictions resulting in another sentence	None	68	54	66
	1 or 2	29	41	31
	3 to 10	3	5	3
	over 10	*	*	*
Court Procedure				
Convictions in solemn proceedings	None	87	95	89
	1 or 2	11	5	10
	3 to 10	1	*	1
	over 10	*	-	*
Convictions in summary proceedings	None	3	2	3
	1 or 2	65	77	67
	3 to 10	25	17	24
	over 10	7	4	6
Type of crime (main offence)				
Convictions for serious crime	None	86	94	88
	1 or 2	13	6	11
	3 to 10	1	*	1
	over 10	*	-	*
Convictions for serious violent crime	None	94	98	94
	1 or 2	6	2	5
	3 to 10	*	*	*
	over 10	-	-	-
Convictions for violent crime	None	59	68	60
	1 or 2	36	30	34
	3 to 10	6	3	5
	over 10	*	*	*
Convictions for sexual crime⁽³⁾	None	97	100	98
	1 or 2	3	*	2
	3 to 10	*	-	*
	over 10	*	-	*
Convictions for prostitution	None	100	98	100
	1 or 2	*	1	*
	3 to 10	*	1	*
	over 10	*	*	*
Convictions for housebreaking	None	91	98	92
	1 or 2	7	2	6
	3 to 10	2	*	1
	over 10	*	*	*
Convictions for dishonesty	None	65	51	63
	1 or 2	27	40	29
	3 to 10	7	7	7
	over 10	2	2	2
Convictions for criminal damage	None	82	92	84
	1 or 2	17	8	16
	3 to 10	1	*	1
	over 10	*	*	*
Convictions for drug offences	None	82	88	83
	1 or 2	15	11	15
	3 to 10	2	1	2
	over 10	*	*	*
Convictions for breach of the peace	None	58	73	61
	1 or 2	34	24	32
	3 to 10	8	3	7
	over 10	*	*	*

1. Includes a small number of offenders where sex was not known.

2. Includes probation, restriction of liberty orders and drug treatment and testing orders.

3. Does not include prostitution.

**Offenders on Scottish Offenders Index with at least one conviction since 1989
Number of convictions since 1989**

Table A2

	Sex of offender		
	Male	Female	Total ⁽¹⁾
Total number (=100%)	351,719	77,751	429,560
Number of convictions held by offender:			
1 or 2	67	78	69
3 to 5	17	12	17
6 to 10	8	5	8
11 to 20	5	3	4
Over 20	2	2	2
Total number (=100%)	1,248,086	200,296	1,448,474
Number of convictions held by offender:			
1 or 2	24	36	25
3 to 5	18	18	18
6 to 10	18	15	18
11 to 20	19	16	19
Over 20	21	16	20

1. Includes a small number of offenders where sex was not known.

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