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## Foreword

by Dr Tapio Lappi-Seppälä

Director, National Research Institute of Legal Policy, Finland.

I am delighted to congratulate the Scottish Consortium on Crime and Criminal Justice Review on your 5th birthday. The report has a lot to say, and it delivers its message in a precise and condensed manner. It also provides an opportunity for a short Scottish-Finnish comparison on issues relevant for both countries.

As the headlines confirm, reported crime has been in decline in practically all offences. This has been the case also in Finland (see Crime and Criminal Justice in Finland 2009, <http://www.optula.om.fi/1284990230726>), together with many other European countries. Homicide provides another point for comparison. Finland and Scotland – two countries with serious alcohol problems and bad drinking habits – rank the highest in West-European homicide statistics. But, as we can read in the crime reports from both countries, lethal violence has also been in decline. Unfortunately, there is still a long way to go before we reach the general Nordic or West-European level.

The use of imprisonment, however, seems to follow different routes in these two countries. While the Finnish imprisonment rates have been in decline since the mid 2000s (and before that all the way from the early 1950s till late 1990s), the Scottish figures were increasing still in 2009/10. Scotland is now one of the top-three countries in Western Europe in this sad list. The other two are England and Wales, and Spain.

There is no reason to assume that increased use of imprisonment explains declining crime in Scotland. In different countries at different times, one may find increasing crime trends with increasing imprisonment trends or declining crime with declining imprisonment, or any other imaginable combination, for that matter. These two factors are not totally independent, but they have much less to do with each other, than is generally assumed. Countries with high incarceration rates, therefore, would act wisely should they try to find means to curb these trends. This was one of the conclusions in the 12th United Nations Congress on Crime Prevention and Criminal Justice in Brazil 2010, and it applies well to Scotland.

The report gives a simple explanation for the increased number of prisoners in Scotland. At the same time as the proportion of offenders receiving custodial sentences is increasing, the length of sentences has become longer. This double change lifted the Scottish incarceration rates from the level of 100 (per 100,000 population) in the early 1990s to the level of around 160. The obvious way to reverse this trend is to reduce either the number of prison sentences, or the length of prison terms (or both).

In this respect the report does give some hope. Scotland recently changed its law so that there is a presumption against prison sentences of three months or less. Clear legislative guidance would make such a change feasible in practice. This was the case in Finland when short prison sentences were replaced by community service orders in the 1990s. What will happen in Scotland remains to be seen. The very latest news looks promising. Although numbers have risen, they have not done so by as much as earlier forecast, and the record numbers seen in July 2009 have not yet been repeated. These figures – especially if they are a sign of a new and sustained trend - indicate that there may still be some hope left.

The new Criminal Justice and Licensing Act passed in June 2010 forms interesting reading in many other respects, too. We all must welcome a reform that excludes children of the age 8-11 from criminal liability. But from a Finnish -- and a wider Scandinavian perspective -- where the age of criminal liability is usually 15 years, one might have expected an even more radical reform. Having said this, the Scottish youth justice system and its welfarist traditions stand out, in many other respects, as system worthy of pride.

Helsinki

April 2011

## Preface

This is the fifth review of crime and justice in Scotland produced by the Scottish Consortium on Crime and Criminal Justice (SCCCJ). The Consortium is an alliance of organisations and individuals committed to better criminal justice policies. It works to stimulate well-informed debate and to promote discussion and analysis of new ideas. It seeks a rational and socially inclusive approach to crime and justice in Scotland which respects individual rights and uses resources to best effect.

Our purpose is to chart the trends in the crime and justice arena and make an assessment of Scotland's situation, in relation to preceding years and also in comparison with other countries. We have drawn on the latest available figures at the time of writing, even though this may result in using information from both 2009/10 and 2008/09, preferring to go for immediacy and relevance, rather than electing to wait for all the information from a particular historic year to become available.

The aim of this fifth review is to give an overview of crime and justice policies at present and, by making comparisons with data from our earlier reviews, to indicate how Scotland fares and what is changing. There are no precedents for evaluating policies on crime and justice as a whole and no agreed set of indicators as to what should be measured and judged when policy is being assessed. Our task is to bring together the relevant data and help construct a description of the criminal justice landscape in Scotland as we see it.

From the publication of the first review, we have made an assumption that politicians and policymakers in the crime and justice field draw up their policies and allocate resources with the aim of reducing crime, promoting a sense of safety and security and enabling courts to impose sanctions that are proportionate, effective and command public confidence. These objectives must be delivered within a framework of fairness, respect for human rights obligations, humanity and accountability. The need to use resources to best effect is an overarching objective.

A second assumption we make, and indeed a principle we would urge, is that of 'parsimony' in intervention. As a society we should intervene and disrupt the minimum necessary to achieve the desired outcome. Our respect for individuals and their rights must be weighed against the evidenced effectiveness of punishments and deprivation of liberty. This is also consistent with our first assumption – that of rational policies based on using our limited resources in the most effective way.

The information comes from a range of official sources. We have not carried out any new research. Therefore our assessment of progress on the indicators we have chosen is based on information that is available from official statistics, academic research or other well-founded reports. The interpretation and commentary on the information comes from the expertise of Consortium members.

<sup>1</sup> Not all agencies publish their statistics at the same time but most of the data we are using covers the period April 2009 to March 2010.

## Our framework

In our earlier reviews we set out a group of indicators that seemed to us, taken together, to give a basis for making an assessment of the progress of the system as a whole. They are:

- **Levels of crime** – is crime reducing and within the overall figures what is the picture for violent crime?
- **Detection of crime** – are the police clearing up more crimes?
- **Policies to support victims** – does the system take an adequate and individualised approach to caring for the victims of crime?
- **The sanctions system** – are the penalties proportionate and well-administered; do they contribute to the reduction of crime and are they as rehabilitative as it is possible for sanctions to be?
- **Reforms to the system** – do they increase public involvement, aim to raise public confidence and represent a sensible use of scarce resources?
- **Dealing with children in trouble** – how far are the principles of the United Nations Convention on the Rights of the Child embedded and observed in the system?
- **Human rights and accountability** – is the treatment of individuals and groups in accordance with Scotland's domestic and international obligations on human rights?
- **Substance misuse** – what progress is being made in tackling the problems which lie at the root of much crime and violence?
- **Public attitudes** – is the public confident that their interests are properly reflected in policy and how safe do they feel?
- **Use of resources** – is public money allocated on the basis of knowledge about the best return for money spent?

Our experience of using this framework suggests that it covers many of the elements that fit together into an overall response to crime and

justice in any society and enable us to make a broad assessment of the road Scotland is taking and the changes that are taking place.

I am grateful to members of the Consortium for their help in the preparation of this Review. In particular I would wish to thank Niall Campbell, Prof Fergus McNeil, Mary Munro, Dr Nancy Loucks, Dr Bruce Ritson and John Scott for their contributions. I also want to thank Helen Rolph for her support in the production of this document. The Consortium welcomes comment on this Review and suggestions for future publications.

Professor Alec Spencer

Convenor

Scottish Consortium on Crime and Criminal Justice

September 2011

## Main Points

In June 2010 the Scottish Parliament passed the Criminal Justice and Licensing (Scotland) Act<sup>2</sup>. This is a significant piece of legislation and impacts on the criminal justice system in many ways (it contains 206 Sections and is over 240 pages long). Five aspects deserve particular mention:

- The establishing of a *Scottish Sentencing Council* to provide sentencing guidelines and advice<sup>3</sup>.
- The introduction of a generic *Community Payback Order* replacing many of the current community penalties under one single order<sup>4</sup>.
- The introduction of a *Presumption against short periods of imprisonment*, currently set at 3 months or less<sup>5</sup>.
- The minimum age for the *Prosecution of children* for a criminal offence is raised from 8 to 12 years of age<sup>6</sup>.
- The *Committal of children and young persons*, or use of 'unruly certificates', is abolished<sup>7</sup>.

<sup>2</sup> *Criminal Justice and Licensing (Scotland) Act 2010*. 2010 asp 13 [CJ&L(S)A], <sup>3</sup> CJ&L(S)A Sections 1 to 13, <sup>4</sup> CJ&L(S)A Section 14, <sup>5</sup> CJ&L(S)A Section 17, <sup>6</sup> CJ&L(S)A Section 52, <sup>7</sup> CJ&L(S)A Section 64.

These provisions make significant progress towards a fairer and more just way in dealing with offenders. Their impact has yet to be seen.

Alcohol and its abuse remain a significant problem and challenge facing Scotland. While the attempted introduction of 'minimum pricing' as a measure to begin to tackle this problem was welcome, the politicising and opposing of it when so strongly supported by the evidence and practitioners from health and criminal justice, was not.

## Headlines

- **Homicide** last year saw the welcome reduction in the number of homicides in Scotland, down to 78 cases. While this is still high in comparison to other European countries, it is the lowest number recorded for about 35 years.
- **Crime** in general fell by 10%, its lowest for 30 years.
- **Violence** (non-sexual) was also generally down by about 11%.
- **Rape and attempted rape** increased by about 3% last year, while the clear up rate by the police fell by 4% over the same period.
- **Vandalism** fell by 15%.
- **Thefts of motor vehicles** went down by 19%.
- **Handling offensive weapons** reduced by 22%.
- **Prison population** despite crime falling rose again to 7,964, the highest on record.
- **The female prison population** rose by a further 3% last year, and is double that of 10 years ago.

The level of crime in Scotland for the third year in a row has fallen. Crime has reduced in Scotland and to levels last seen in 1980.

Yet the numbers being imprisoned continues to rise. Undoubtedly, prison has a part to play in public protection, and to a lesser extent in deterrence, but research shows that increasing length of sentences is not a cost effective way of reducing crime and there is evidence to show that there is little to link the level of crime with rates of imprisonment<sup>8</sup>. However, in Scotland, we choose to imprison at a rate well above all our comparable western European counterparts and prison population projections point to this trend continuing, though last year's growth was lower. It is to be hoped that changes made under the Criminal Justice and Licensing (Scotland) Act will begin to ameliorate this situation.

To underpin the direction of change, additional resources will be required for the new Community Payback Order (CPO). Within a tough financial climate resources for community disposals have been maintained at current levels, while a significant reduction to the Scottish prisons capital budget and a smaller reduction to their operational budget has been imposed. It remains to be seen whether the new CPO will become the principal disposal as intended.

Although the level of recorded crime continues to fall, and the number of people convicted of a crime is at its lowest (with exception of 2001/2) for many years the prison population continues to rise. The average length of a determinate sentence passed by the courts increased to 281, days contributing to the continuing rise in prison population.

<sup>8</sup> For example, see Tapio Lappi-Seppälä, *Penal Policy in Scandinavia examining Prison Rates and Crime Rates 2007*; and previously 'In Finland: penal policy and incarceration rates', University of Chicago, 2002.

## 1. Crime and offence levels

Figure 1: Crimes and offences recorded by the police, 1970 to 1994 then 1995-96 to 2009-10

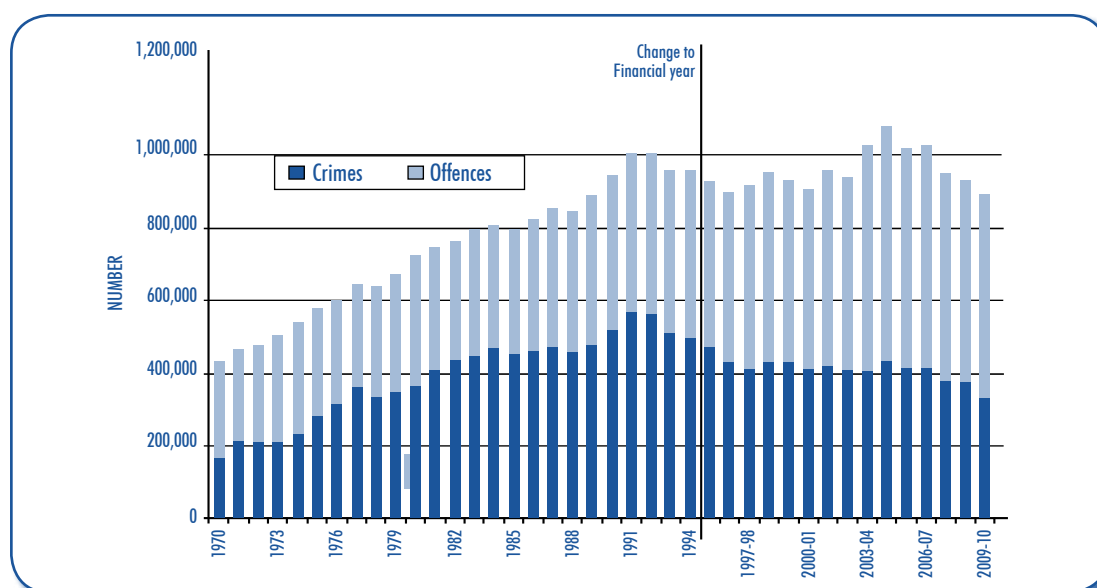


FIGURE 1

Source: (copied) *Recorded Crime in Scotland, 2009/10. Statistical Bulletin, Crime and Justice Series, Scottish Government, Edinburgh, 7 September 2010.*

### Crime

The level of crime is an important indicator of the success of a government's overall policies—criminal, social and economic. Whilst it is not possible to measure the actual level of crime because many crimes are not reported to the police, it is usual to regard the number of crimes recorded by the police as a reasonable indicator of the level of crime<sup>9</sup>. The term 'crime' is generally used for more serious incidents, the less serious are termed 'offences'.

Recorded crime in Scotland, which had been relatively stable since the start of the millennium, has shown a marked decrease over the last three years<sup>10</sup>. Last year there was a 10% decrease (377,433 to 338,028). This follows an 8% reduction in recorded crime in 2007/08 followed by a further 2% reduction in 2008/09. In total a 19.4% fall in recorded crime over three years. This is a significant reduction and crime is now at its lowest level since 1980.

Crimes involving violence cause the most concern and the most harm. Overall, the number of non-sexual crimes of violence recorded by the police decreased by 11% last year to 11,201. Over the three year period 2006/07 to 2009/10 this amounted to a 20.5% reduction in violent crime. The number of serious assaults etc<sup>11</sup> also fell by 14% last year (to 5,700) and decreased by 24% over the last three years. Robberies showed an even larger reduction of 16% last year (to 2,496) and a huge 30% reduction over the last three years. Other non-sexual crimes of violence remained fairly static, with a 1% decrease last year, but with no significant change over the last three year period.

Crimes of indecency rose by 2% last year (6,331 to 6,458 in 2009/10), with all categories showing a slight increase. Recorded cases of rape and attempted rape rose by 3% to 996 in 2009/10, although there had been progress with a 14% reduction over the previous two years.

<sup>9</sup> Recorded crime covers only those incidents reported to the police or coming to police attention in some way. Many incidents occur every day that could be defined as crimes (such as teenagers fighting each other). Whether they are so defined, and then reported, and then recorded by the police as crimes, depends on a wide range of factors. However, the more serious an incident is, the more likely it is that it will be reported and recorded.

<sup>10</sup> Recorded Crime in Scotland, 2009/10. Statistical Bulletin, Crime and Justice Series, Scottish Government, Edinburgh, 7 September 2010.

<sup>11</sup> 'Serious assault etc.' includes: murder, attempted murder, culpable homicide and serious assault.

The statistics on crimes of dishonesty are also interesting. These crimes have consistently declined since their peak in 1991 (430,153) to the current level of 153,256 (2009/10) a 64% fall over 19 years. Crimes of dishonesty, which gradually rose to a peak in 1991, have fallen to numbers not seen since 1976. They are now 40% less than they were then. Since 1991 housebreaking has fallen by a massive 80%, with a 7% drop last year. Similarly, theft by opening a lock-fast place (OLP) decreased 27% last year, and thefts from motor vehicles (OLP) fell by 25%. Since 1991 such thefts (which were then listed under one heading) has fallen by 85%. Shoplifting fell by 5% last year.

Theft of motor vehicles, which fell by 19% to 9,304 in 2009/10, was at its lowest figure for many decades.

Handling an offensive weapon fell by 22% last

year. Drug crimes, which peaked in 2005/06, went down by 7% in 2009/10.

Vandalism also fell by 15% in 2009/10 to levels experienced before 2001/02.

## Crime figures by police force area

Figure 2: Table showing crimes recorded by police force area and changes between 2006/7 and 2009/10

Region	2006/07 Recorded crimes per 10,000 inhabitants	2007/08 Recorded crimes per 10,000 inhabitants	2008/09 Recorded crimes per 10,000 inhabitants	2009/10 Recorded crimes per 10,000 inhabitants	% 1 year Change	% Overall
Central	741	686	652	562	-14%	-24%
Dumfries	645	566	505	464	-8%	-28%
Fife	844	704	665	581	-13%	-31%
Grampian	750	669	648	567	-12%	-24%
Lothian	858	786	758	692	-9%	-19%
Northern	610	565	561	490	-13%	-20%
Strathclyde	877	825	810	725	-10%	-17%
Tayside	747	683	656	570	-13%	-24%

FIGURE 2

Sources: Table 5 in Recorded Crime in Scotland, 2006/07, 2007/08, 2008/09 and 2009/10 Statistical Bulletins, Crime and Justice Series, Scottish Government, Edinburgh, published September 2007, 2008, 2009 and 2010. [SCCCJ 2011]



When broken down by police force area, the figures show all eight forces recorded decreases in crime. Central turned in the largest reduction, of 14% over the year, with Fife reducing recorded crime by 31% over the three year period 2006/07 to 2009/10.

During 2009/10 the average level of recorded crime in Scotland was 651 per 10,000 population, down 16% from 730 in 2008/09. Only two force areas exceeded this: Strathclyde with 725 and Lothian and Borders with 692.

**Figure 3: Number of crimes recorded by the police, [rate per 10,000 population] for selected crimes, by council area, 2009-10 (highest and lowest areas)**

Crime	Place with lowest rate of selected crime	Rate per 10,000	Place with highest rate of selected crime	Rate per 10,000	Scotland average per 10,000
Serious Assault	Aberdeenshire	3	Glasgow City	24	10
Offensive Weapons	Aberdeenshire	4	Glasgow City	35	14
Domestic Housebreaking	Eilean Siar	3	Edinburgh City of	62	32
Vandalism	Eilean Siar	87	North Ayrshire	233	165
All Crime Overall	Eilean Siar	245	Glasgow City	1,039	651

FIGURE 3

Source: Table 8, Recorded Crime in Scotland, 2009/10. Statistical Bulletin, Crime and Justice Series, Scottish Government, Edinburgh, 7 September 2010. [SCCCJ 2011]

In 2009/10 the average number of crimes recorded by the police per 10,000 population for non-sexual crimes of violence was 22 (two

fewer than last year). The table below sets out the seven council areas which were higher than the national average.

**Figure 4: Rates of non-sexual crimes of [violence per 10,000 population] for council areas above national average, 2009/10**

Council area	rate per 10,000
Glasgow City	52
West Dunbartonshire	32
Renfrewshire	30
North Ayrshire	27
North Lanarkshire	27
Inverclyde	26
Edinburgh, City of	25

FIGURE 4

Source: Table 7, Recorded Crime in Scotland, 2009/10. Statistical Bulletin, Crime and Justice Series, Scottish Government, Edinburgh, 7 September 2010 [SCCCJ 2011]

## Sources other than police records

The police statistics measure how many incidents come to their attention. However, many incidents are not reported and another way of estimating the amount of criminal activity is by asking the public what they have experienced.

The Scottish Crime and Victimization survey used to be carried out at regular intervals and the last, for 2005/06 was published in September 2007. However, since 2008/09 a new style of survey has been undertaken. The second such survey, the "2009/10 Scottish Crime and Justice Survey: Main Findings", published in November 2010, was based on 16,000 face-to-face interviews with adults (aged 16 or over) throughout Scotland. The Scottish Crime and Justice Survey (SCJS) aims to be a large-scale annual survey measuring people's experience and perceptions of crime in Scotland.

## The Scottish Crime and Justice Survey Main Findings suggest that:

- Crime has decreased by just under 10% (from 1,045,00 in 2008/09) to 945,000 crimes<sup>15</sup> in 2009/10. (This is in line with the 10% reduction in Recorded Crime in Scotland as recorded by the police).
- The risk of being a victim of crime in Scotland fell to 19.3% (from 20.4% in 2008/09). This is 2.2% lower than in England and Wales, but violent crime in Scotland is 28% of the total, compared with 22% south of the border.
- 37% of all crime was reported to the police.

## The survey found:

- 72 % were property crimes (679,000):
  - 32% vandalism
  - 16% other household theft,

including bicycle theft  
14% personal theft (excluding robbery)  
7% motor vehicle theft  
3% housebreaking

- 28% were violent crimes of assault or robbery (266,000):
  - 26% assault (including 2% serious assault)
  - 2% robbery
- In violent crime, victims said that 62% of offenders were under the influence of alcohol and 26% under the influence of drugs. 30% of victims had also consumed alcohol immediately before the incident.
- Males aged 16-24 were at the greatest risk of being a victim of crime.
- Victims reported that the offender(s) had something they used or threatened to use as a weapon in 30% of violent crime. In 42% of these cases the victim reported that the offender(s) had a knife. This represents 3% of all crime (as measured by SCJS).
- Card fraud had been experienced by 4.3% of adults and identity theft by 0.6%, in the preceding 12 months. However just over half of adults worried about card or bank fraud (57%) and identity theft (50%), though 17% thought that fraudulent use of their credit or bank details, or identity theft (12%), might occur in the next 12 months.

The overall risk of being a victim of crime is lower in 2009/10 than in 2008/09. The risk of crime (measured as the proportion of adults who were the victim of crime) was 19.3% in 2009/10. This is lower than the 2008/09 figure of 20.4%.<sup>16</sup>

<sup>12</sup> Matthew Brown & Keith Bolling, BMRB Social Research. "2006 Scottish Crime and Victimization Survey: Main Findings". Scottish Government Social Research. Edinburgh, October 2007. <http://www.scotland.gov.uk/Publications/2007/10/12094216/13>

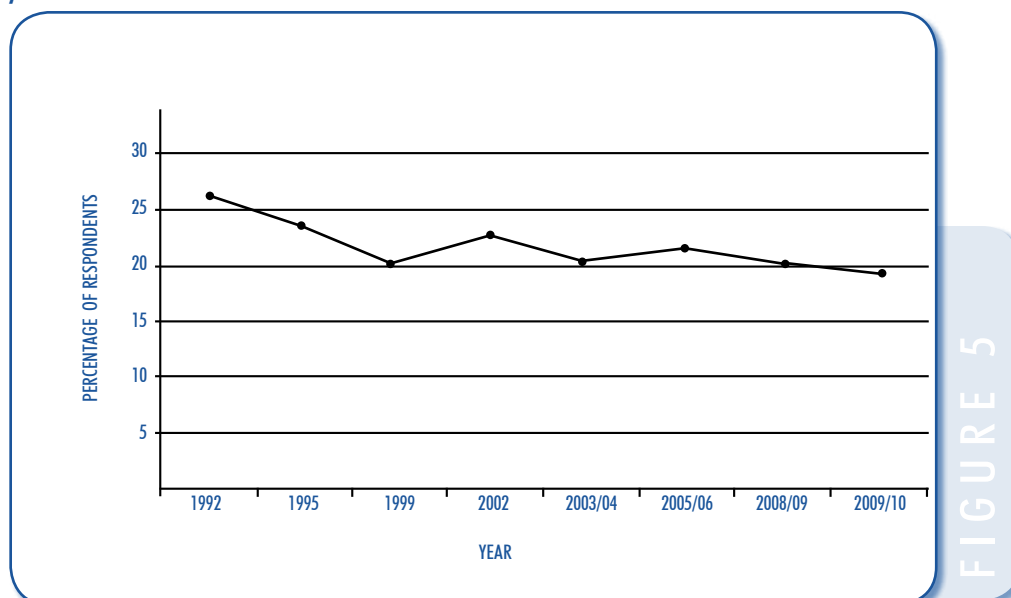
<sup>13</sup> 2008/09 Scottish Crime and Justice Survey: First Findings. (2009) Pat MacLeod, Leon Page, Andrea Kinver and Aibek Iliasov, TNS-BMRB; Mandy Littlewood and Rachel Williams. Scottish Government Social Research, published in October 2009.

<sup>14</sup> 2009/10 Scottish Crime and Justice Survey: Main Findings. (2010) Leon Page, Pat MacLeod, Andrea Kinver, Aibek Iliasov and Patricia Yoon, TNS-BMRB. Scottish Government Social Research, published in November 2010.

<sup>15</sup> 67% of crimes, as measured by the SCJS in 2009/10, were classified as comparable with police recorded crime. Full details are provided in Annexes 2 to 5 of the Survey.

<sup>16</sup> This data is used to inform the Scottish Government National Indicator (SGNI) of the target to "Reduce overall crime victimisation rates by 2 percentage points by 2011". The base line data is set at 20.4% for the year 2008/09.

Figure 5: Proportion of Scottish Crime Survey respondents who were a victim of one or more crimes as measured by the survey 1992 to 2009/10



Source: [www.scotland.gov.uk/About/scotPerforms/indicators/victimisationRates](http://www.scotland.gov.uk/About/scotPerforms/indicators/victimisationRates), (copied); data from Scottish Crime Surveys. “National Indicator: Reduce overall crime victimisation rates by 2 percentage points by 2011”.

## Offences 2009/2010

The number of offences – the term used mainly for actions connected with motoring, low-level assaults and breach of the peace – increased by 1% last year to 563,735 recorded offences, largely due to a substantial increase in the number of other miscellaneous offences recorded, in particular consumption of alcohol in designated places.

## 2. Homicide rates

Homicide rates are often regarded as a useful indicator of levels of violence in any society, since the figures for murders are held to be especially accurate and unlike the statistics for other types of crime they can more reliably be compared across countries.

In 2009-10 there were 78 cases recorded as homicide by the police<sup>17</sup>, (homicide includes murder and culpable homicide<sup>18</sup>). These cases resulted in the death of 79 victims, 20 fewer than

in 2008-09. The number of homicide victims per million population has fallen from 22 in 2007-08, 19 in 2008-09 to 15 in 2009-10. Although homicide rates in Scotland remain high, it is at its lowest level since around 1975<sup>19</sup>.

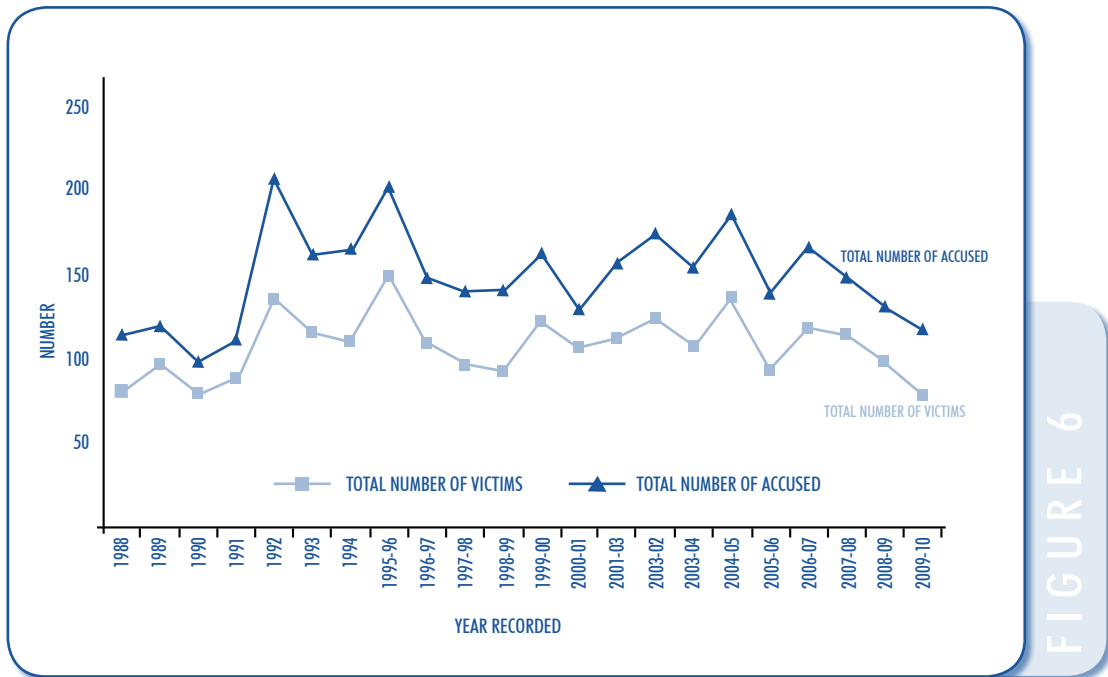
The largest decrease in the number of homicide cases between 2008-09 and 2009-10 was in Strathclyde, from 59 to 43. Fifty-five per cent of homicide cases recorded in 2009-10 took place in the Strathclyde Police Force area. Twenty cases occurred in Glasgow city.

<sup>17</sup> *Homicide in Scotland, 2009-10. Statistics Release, Scottish Government, Edinburgh, 13 December 2010. (Table 1)*

<sup>18</sup> *The initial classification of a case as homicide is made by the police; this will generally be murder. This classification may be altered as a result of decisions taken in the course of criminal proceedings. Some cases initially classified as homicide will, on the basis of criminal proceedings, no longer be classified as such at a later date. This happens in cases where it is found that a homicide had not in fact taken place at all, for example where the main accused person is found guilty of a lesser offence, such as serious assault; or where the decision has been made not to proceed with the case, for example if it is concluded that the victim committed suicide. [5.6] A homicide case is included against the year in which it is recorded by the police. This is not necessarily the year in which the offence took place, the year in which the accused is brought to trial for the crime, or the year in which the case is finally disposed of by the courts. [5.4] Causing death by dangerous driving and causing death by careless driving while under the influence of drink or drugs are excluded. In 2009-10 there were 26 such crimes recorded by the police in Scotland. [5.1]. Notes to Homicide in Scotland, 2009-10.*

<sup>19</sup> *Similar levels of homicide were recorded during the period 1969 to 1986, with higher figures from 1976, and generally sustained reductions prior to 1969.*

Figure 6 Number of homicide victims and accused, 1998-1994 and 1995-96 to 2009-10



Note: The data excludes the case of the Lockerbie disaster (1988) in which 270 victims were killed, but includes the 17 victims of the Dunblane tragedy (1996). The data sets changed from calendar to financial years between 1994 and 1995-96.

Source: Abstracted from: Homicides in Scotland, Government Statistics series from 1997 to 2009-10, published 1998 to 2010 [SCCCJ 2011].

Of the 78 homicides recorded:

- 43 took place in Strathclyde (down from 59 in the previous year).
- 12 took place in Lothian and Borders (up from seven the previous year).
- Seven took place in Tayside (the same as in the previous two years).
- Five took place in Grampian (down from eight the previous year).
- Five took place in Fife (the same as in the previous year).
- No case was recorded in Dumfries and Galloway.

The homicide rate for men was 21 victims per one million (28 the previous year) compared with 10 per million (10 last year) for women.

The age group with the highest rate of victims at 45 per million was men aged 21 to 30

(compared with 61 per million for that age group last year). Homicide levels have fluctuated greatly over preceding years. (figure 6) They were consistently lower in the years between 1930 and 1960 and then gradually increased reaching a peak in 1995-96. Since then they have fluctuated in the range between 93 and 137 victims annually. Only in the last two years have we seen significant year on year reductions. Over the last five years the annual average was 101. In the five years preceding (2000-01 to 2004-05) the average number of victims was 118.

Nearly half (49%) of the total of 118 persons accused in homicide cases in 2009-10 were reported to have been drunk or under the influence of drugs at the time. Of these, 33% were drunk, 4% were on drugs and 12% were both drunk and on drugs; 16% were reported not to have been under the influence of drink or drugs. In 35% of homicide cases it was not known if the accused was drunk or under the influence of drugs.

FIGURE 6

Seven victims (all males) were reported to have been killed in drug-related homicide cases in 2009-10. "Drug-related" covers a murder motivated by a need to obtain drugs or money for drugs, a killing of a consumer or supplier of drugs or a murder as a consequence of rivalry within the drugs trade.

In 44% of homicides (35 victims) a sharp instrument was used. Whilst this figure is down from 58% in 2008-09, it still remains, by a factor of three, the most common method of killing. The two next most common method of killing was hitting and kicking and use of a blunt instrument (both with 10 victims each). There were two homicide victims of shootings. The second most common method of killing for female victims was strangulation/asphyxiation (seven victims). The most common was with a sharp instrument (eight victims).

For 78% (61) of the homicide victims recorded in 2009-10, the main accused was known to them either as an acquaintance (53%), a partner (17%) or a relative (9%). 15 (19%) victims were killed by a stranger.

For homicides recorded in the last ten years, 41% of female victims aged between 16 and 70 were killed by their partner (6% for male victims). The majority, 60%, of male victims aged 16 to 70 were killed by an acquaintance (21% for female victims). 8% of male victims and 16% of female victims were killed by a stranger <sup>20</sup>.

## International comparisons

Comparing official crime rates across countries is very difficult because of the wide variations in what is classed as a crime, and differences in reporting practices. However, the homicide figures are deemed to be broadly comparable. The European figures published in 2010 give comparative homicide rates averaged for 2006 – 2008. Scotland's figure is 2.14 per 100,000 which places it as the second highest in Western Europe, just behind Finland and only below Lithuania and Estonia of the Eastern European states. The only good news is that the most recent figure (2009-10) of 1.53 per 100,000 would move Scotland down the table by five or six places. (The three year average would be about 1.87).

**Figure 7: Comparative Homicide Rates Across European Countries (2006-08)**

Country	Comparative homicide rate per 100,000 population 2006-2008
Lithuania	8.76
Estonia	6.60
Finland	2.34
Bulgaria	2.27
<b>Scotland</b>	<b>2.17</b>
Romania	2.08
Czech Republic	2.03
Ireland (Eire)	2.00
Belgium	1.97
Slovakia	1.68
Northern Ireland	1.52
Hungary	1.52
Portugal	1.46
France	1.37
England and Wales	1.35
Poland	1.29
Denmark	1.22
Italy	1.13
Sweden	1.06
Greece	1.04
Spain	1.02
Netherlands	1.02
Germany	0.84
Slovenia	0.78
Austria	0.61

Source: Eurostat (2010) Statistics in focus: Crime and Criminal Justice 58/2010 Cynthia Tavares and Geoffrey Thomas. Luxembourg: European Communities. [SCCCJ 2011]

<sup>20</sup> Homicide in Scotland 2009-10 op. cit.

### 3. Crimes solved

Police performance is often judged by how many crimes are solved of all those reported. In that respect the picture continues to be positive. Clear-up rates remain at 49%, the same as last year, which was an all time high.

For specific crimes:

- The clear-up rate for non-sexual crimes of violence continues to rise, to 67% in 2009/10 from 64% in 2008/09; robbery which has the lowest rate of clear up remained at 46%.
- For crimes of dishonesty the clear up rate decreased last year from 39% to 38%

- The clear-up rate for crimes of indecency has fallen to 66% in 2009/10, to rates not seen since the mid 1980's. This is a reduction of 2% since 2008/09, and clear up rates for rape and attempted rape fell by 4% since last year to 57%. This should be an area for concern, particularly since reporting of such offences rose by 3% over the same period.

The clear-up rate in Scotland, however, is higher than in England and Wales. Statistics relating to England and Wales show a figure called the sanction detection rate for 2009/10 of 28% per cent for all crimes and offences, with varying rates for offences such as violence against the person (44%), sexual offences (30%) and robbery (20%).

Figure 8: Clear up rates for crimes recorded by the police by crime group, 1976 to 1994 then 1995-96 to 2009-10

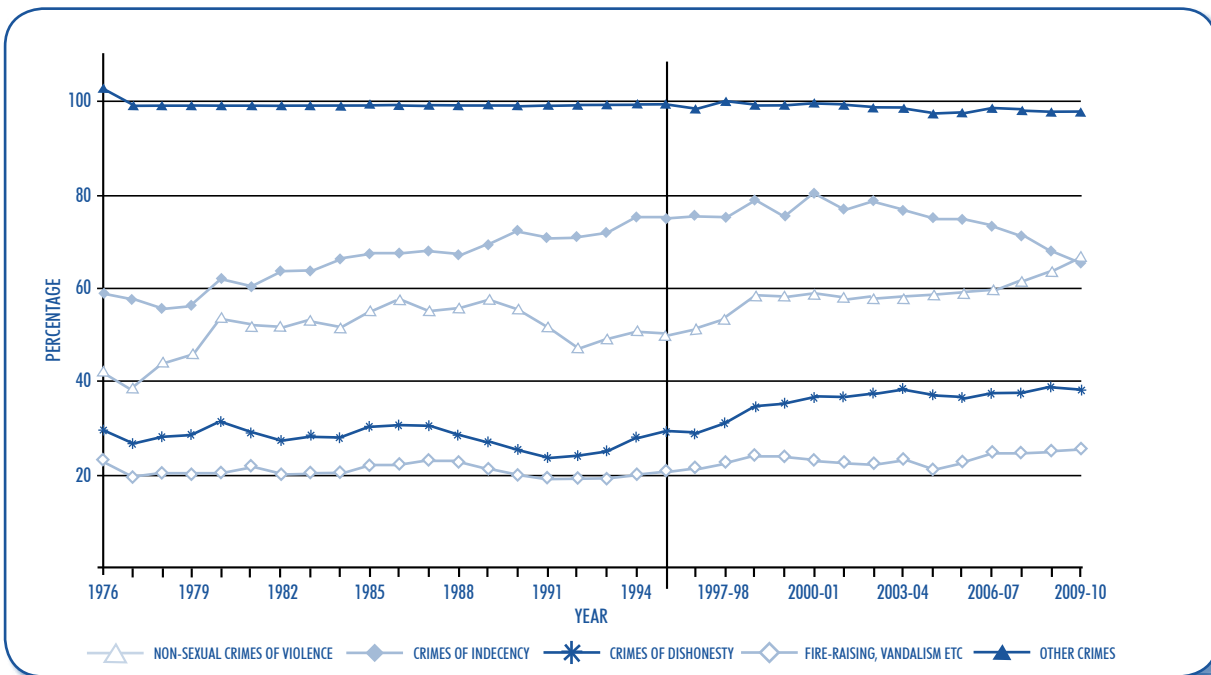


FIGURE 8

Source: (copy) Recorded Crime in Scotland, 2009-10. Statistical Bulletin, Crime and Justice Series. Scottish Government, Edinburgh, 7 September 2010 at page 7.

### Supporting victims of crime

“Over the past several years there has been increasing recognition of the important role victims play in the criminal justice system and the requirement to provide support mechanisms that take their needs and concerns into account. In Scotland steps to improve services for victims

have been guided by the general principles set out in the Scottish Strategy for Victims (2001). These principles include ensuring the availability of emotional and practical support, information about the criminal justice process and progress with the individual cases as well as providing for increased participation in the criminal justice system by victims.<sup>23</sup>”

<sup>23</sup> Box 5:1 Victims and the criminal justice system – at page 66, 2009/10 Scottish Crime and Justice Survey: Main Findings. (2010) Leon Page, Pat MacLeod, Andrea Kinver, Aibek Iliasov and Patricia Yoon, TNS-BMRB. Scottish Government Social Research, published in November 2010.



The Scottish Crime and Justice Survey therefore examined aspects of support and advice. Published in November 2010, the survey found that:

- 90% of victims said that they or another household member did not need or want any support or advice.
- Victims received advice and support in 6% of crime, but 9% would have liked to have received advice and support.
- Advice and support was received in 9% of violent crime and 5% of property crime. Victims would have liked advice and support for 17% of violent crime and 6% of property crime.
- Where advice and support was provided by police liaison officers, 72% of victims were satisfied, while 10% reported dissatisfaction.
- Where advice and support was provided by Victim Support Scotland, 67% of victims were satisfied, while 1% reported dissatisfaction.

## 4. The sanctions system

The main features of the activities of the courts in 2009/10 were <sup>24</sup> :

- A total of 137,000 persons were proceeded against, a decrease of 3% on last year and 8% since 2007/08.
- 88% had at least one charge proved against them or a plea of guilty accepted.
- The total number of people convicted was 120,772 persons, a decrease of 4% and nearly 10% since we reported on the 2007/08 figures.
- The number of people convicted of a non-sexual crime of violence fell by 8% from 2008/09.
- The number convicted of a sexual crime fell by 12% from 947 to 836. However,

convictions for rape and attempted rape and for indecent assault rose by 32% and 8% respectively.

- The number convicted of drug crimes rose by 5%.
- The number of persons convicted for all crimes and offences per 1,000 of the population fell slightly to 29 last year, but has been remarkably stable for the past ten years with a figure between 27 and 32.
- The number of men convicted per 1,000 of the male population was 49.
- The number of women convicted per 1,000 of the female population was nine.
- An interesting change noted was that for the first time the peak age for convictions of men rose from 18 to 20 years old (at 125 per 1,000 population), while for women the age group, which has traditionally been higher, remained at last year's higher level of the 26 – 30 year age group (21 per 1,000 population).

The majority (60%) of all convictions resulted in a financial penalty. Excluding cases where a company was fined, the average value of the 71,372 fines imposed by courts in 2009/10 was £217. The average value of the 1,037 compensation orders imposed was £386.

In 2009/10 there were 15,733 custodial sentences, down 7% from 2008/09. 70% of all custodial sentences were for six months or less (including 38% for three months or less). The average length of determinate custodial sentences in 2009/10 was 281 days, (just over nine months), and three weeks longer than in 2008/09. For crimes of handling an offensive weapon, the average sentence last year was 274 days.

The number of community sentences was 16,264, 9% down on last year. Community sentences mainly comprised sentences of a probation order (8,823) or a community service order (5,459).

<sup>24</sup> *Criminal Proceedings in Scotland 2009/10. Statistical Bulletin, Crime and Justice Series. Scottish Government, Edinburgh, 25 January 2011.*

Of all those sentenced by the courts:

- 13% received a sentence of custody.
- 13% were given a community sentence.
- 60% were fined or required to pay compensation, showing a continued trend downwards in the use of the fine.
- 14% were given other sentences, such as cautions, or discharges.
- 56% of serious assault convictions.
- 49% of housebreaking convictions.
- 32% of handling an offensive weapon convictions.
- 26% of shoplifting convictions.

Between 2008/09 and 2009/10 there have been changes in the balance of offences coming before the courts.

Compared with the year before **more people** were convicted of:

- Rape and attempted rape (up 32% from 41 to 54).
- Offences relating to drugs (up by 5% from 7,300 to 7,662).

**Fewer people** were convicted of:

- Serious assault and attempted murder (down 12% from 1,706 to 1,501).
- Robbery (down 5% from 561 to 533).
- Lewd and indecent behaviour (down 12% from 336 to 295).
- Handling an offensive weapon (down 19% from 3,541 to 2,855).
- Theft of/from a motor vehicle (down by 17% from 850 to 707).
- Shoplifting (down by 3% from 8,287 to 8,076).
- Vandalism (down by 12% from 4,131 to 3,629).

Custody was the outcome for:

- 72% of robbery convictions.

Most cases are dealt with by the lower courts. District and Justices courts dealt with 50,382 cases, 42% of all persons with a charge proved (a 5% increase from last year); and the Sheriff summary courts with 65,419 (or 54%) of the number of persons with a charge proved (5% down from last year). Sheriff solemn cases accounted for 4,213 (3%) and the High Court for 741 (1%) of persons with a charge proved.

## Diversion from prosecution

Diversion from prosecution is used when the accused person admits the offence and the Procurator Fiscal decides it is in the public interest not to prosecute but to take some other action that is more likely to solve the underlying problem that led to the person committing the offence and thus reduce harm in the future. Although previously its use has remained fairly stable, a range of measures are now possible and, by way of illustration, the statistics provided by the Government have now changed from *Criminal Proceedings in Scottish Courts* to *Criminal Proceedings in Scotland*<sup>25</sup> to reflect the broader use of 'disposals' by the Crown Office and Procurator Fiscal Service (COPFS) as well as the more traditional use by the police.

<sup>25</sup> *Criminal Proceedings in Scotland 2009/10. Statistical Bulletin, Crime and Justice Series. Scottish Government, Edinburgh, 25 January 2011.*



Figure 15: Cases of 'Diversion' 2007/08 to 2009/10

Diversion	2007/08	2008/09	2009/10
Police warning	n/a	n/a	12,600 <sup>26</sup>
Police conditional offers made (motor vehicle offences)	219,700	207,800	216,400
Police anti-social behaviour fixed penalty notices	n/a	48,400	61,000 <sup>27</sup>
Procurator Fiscal conditional offers of fixed penalties (motor vehicle offences)	15,400	18,000	18,500 <sup>28</sup>
Fiscal warnings	24,500	15,000	14,400
Fiscal fines	18,900	38,200	35,600 <sup>29</sup>
Other non-court action	9,800	8,900	8,400

FIGURE 15

Source: Criminal Proceedings in Scottish Courts, 2007/08, 2008/09 and Criminal Proceedings in Scotland 2009/10. Statistical Bulletin, Crime and Justice Series. Scottish Government, Edinburgh, 25 January 2011. [SCCCJ 2011]

## 5. Imprisonment as a sentence

In 2010 Scotland continued to make a greater use of imprisonment than ever before. In 2009/10 the average daily prison population in Scotland reached a new high of 7,964<sup>30</sup>, compared with 7,835 in 2008/09, the highest annual figure ever recorded.

The prison population is often expressed as a rate per 100,000 of the population. In Scotland we now imprison 154.1 per 100,000 of our population.

However, there continue to be sharp differences between men and women. The number of women in prison has increased disproportionately by 106% compared to the rise in male prisoners of 33% over the last ten years (2000/01 to 2009/10). The average daily population of women in prison in 2009/10 was 424.

The average daily number of prisoners on remand fell by 9% to 1,522, past the peak of the

last three years. The average daily number of young offenders (aged under 21) remanded in custody similarly fell by 9% to 305.

The number of people in prison, who were there because they were recalled whilst on supervision or licence, continued to increase (a 4% rise to 621), which has grown nearly three-fold over the ten year period from 2000/01.

The average daily number of very short term prisoners, that is those sentenced to less than six months, continued a gradual fall, by 12% to 439. However, medium term sentences have risen: sentences in the six months to two years range increased 13% to 1,768 in 2009/10, the highest recorded, reflecting a 67% rise over the decade; while sentences of two years and less than four years increased by 10% last year to 1,211, also the highest on record. The number of long-term prisoners, those sentenced to four years or more remained roughly the same.

<sup>26</sup> This includes Police Formal Adult Warnings (FAWs), restorative justice warnings, warning letters and other police warnings. Of the 8,200 Formal Adult Warnings 29% were for shoplifting; 18% for drunkenness; 14% for common assault; and 12% for breach of the peace.

<sup>27</sup> Of the 61,000 persons receiving ASBFPN, 96% were in three main offence groups: 26,000 were for consuming alcohol in a public place, 19,600 for a breach of the peace and 12,800 for urinating/defecating in circumstances causing annoyance to others.

<sup>28</sup> Including 31% for speeding offences and 21% for documentation offences.

<sup>29</sup> The main areas of offences given fiscal fines were: 9,100 for mostly TV licensing; 7,900 for drug crimes; 3,900 for consuming alcohol in a public place; 3,500 for breach of the peace; and 3,500 for shoplifting.

<sup>30</sup> Prison Statistics Scotland, 2009/10. Statistical Bulletin. Crime and Justice Series Scottish Government, Edinburgh, 20 December 2010.

Figure 9: Table showing recent growth in prison population, year on year from 2003/04 to 2009/10 with imprisonment rates per 100,000 population and further impact of the use of Home Detention Curfew (HDC)<sup>31</sup>

Year	Prisoner Population <sup>32</sup>	Percentage Change	Rate per 100,000 Population	On Home Detention Curfew	Combined Total	Combined Rate per 100,000 Population
2003/04	6,606		130.6			
2004/05	6,776	+2.6%	133.4			
2005/06	6,856	+1.2%	134.6			
2006/07	7,187	+4.8%	140.5	221	7,408	144.8
2007/08	7,377	+2.6%	143.4	309	7,686	149.4
2008/09	7,827	+6.1%	151.4	371	8,198	158.6
2009/10	7,964	+1.8%	154.1	382	8,346	161.5

FIGURE 9

Source: Population and HDC data from Scottish Prison Service Annual Reports and Prison Statistics Scotland [SCCCJ 2011]. Over the past ten years (2000/01 to 2009/10) the average daily prison population has increased overall by 36%.

Figure 10: Chart showing Average Daily Prison Population from 1950 with Home Detention Curfew Numbers added from 2006/07<sup>33</sup>

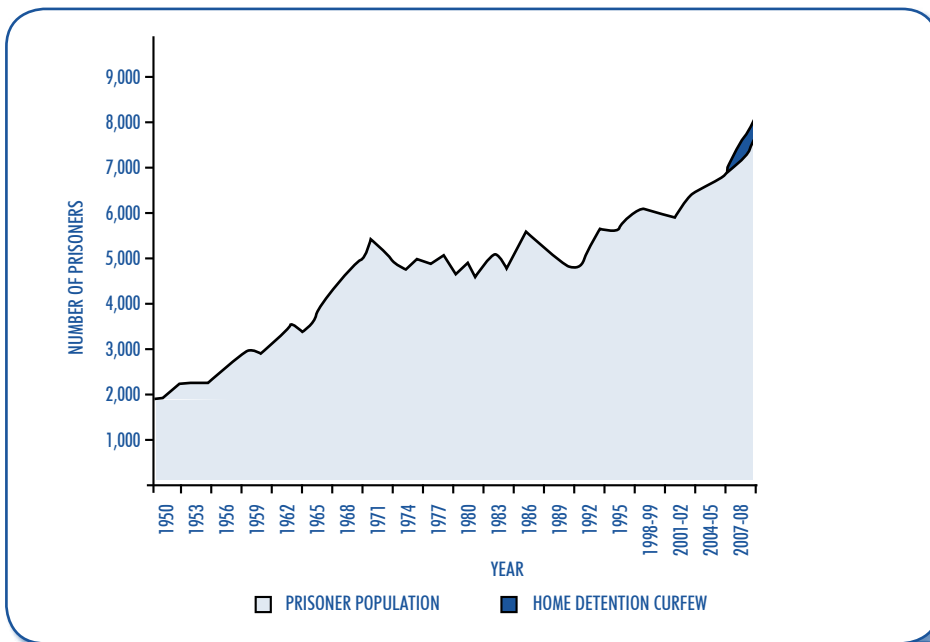


FIGURE 10

Source: data from Scottish Prison Statistics and SPS Annual Reports [SCCCJ 2011]

<sup>31</sup> Home Detention Curfew: "From July 2006, prisoners became eligible for early release from custody on Home Detention Curfew (HDC). ... This allows short term prisoners assessed as presenting a low risk of reoffending, to be released on licence between two weeks and four months early. The maximum period was extended to six months in April 2008, and the scheme extended to certain categories of long-term prisoners. Offenders are subject to electronically monitored restrictions on their movements for up to 12 hours per day for the remainder of their sentence. The primary aim of HDC is to facilitate reintegration of prisoners back into the community prior to final release. However, releasing prisoners early on HDC has also resulted in some degree of reduction in the average daily prison population." (Notes and definitions section, paragraph 40, in Prison Scotland Statistics 2009/10).

<sup>32</sup> These figures differ very slightly from those previously published due to cleansing of data.

<sup>33</sup> Sources: Data extracted from Prison Statistics Scotland series and Scottish Prison Service Annual Reports and Accounts 2006-07 to 2009-10. [SCCCJ 2011]

**Two welcome trends** noted last year continued to improve:

First: the number in prison on any one day for not paying a fine continues to go down, from 46 in 2006/07 to nine last year. The number of people, who went through the prison system because they had not paid their fines fell, to 1,153 last year. Ten years ago, in 2000/01 it was at 7,003. The value of average fine outstanding was £536 and the length of the average sentence imposed was 15 days.

Second: there has been a further reduction in the use of prison for children, through the use of unruly certificates. In 2009/10 the number halved to five, with all of the male children admitted being aged 15. The average time in prison also halved to six days. A provision in the Criminal Justice and Licensing (Scotland) Act 2010 should see this practice ended during 2010/11.

**Offenders from the cities of Glasgow and Dundee** represent a disproportionately large group in the prison population. While the imprisonment rate on 30 June 2009 (with 8,183 in prison) was 191 per 100,000 for the 16+ age group in Scotland, there were 351 per 100,000 from Glasgow. These 1,725 prisoners represented 21% of the prison population while Glasgow has 11% of the total Scottish population over 16 years of age. Similarly, Dundee City sent 351 per 100,000 to prison (of its 16+ age group). In 2009/10, 20,371 people were released from prison. One fifth of these went back to an address in the Glasgow City Community Justice Authority area.

Country	Prison Population on	Prison Population Rate per 100,000 national population	% Change
Spain	April 2010	166	↑ 4%
<b>Scotland</b>	<b>June 2009</b>	<b>158</b>	<b>↑ 5%</b>
England and Wales	April 2010	156	↑ 3%
Luxembourg	June 2010	139	↓ 5%
Italy	April 2010	111	↑ 22%
Portugal	May 2010	108	↑ 5%
Austria	May 2010	103	↑ 10%
Greece	December 2009	102	↓ 6%
France	July 2008	96	↑ 6%
Belgium	March 2009	94	↑ 2%
Netherlands	April 2010	94	↓ 5%
Ireland (Eire)	May 2010	93	↑ 27%
Germany	November 2009	87	↓ 3%
Northern Ireland	April 2010	80	↑ 2%
Switzerland	September 2009	79	↑ 5%
Sweden	October 2009	78	↑ 6%
Denmark	May 2010	71	↑ 15%
Norway	May 2010	71	↑ 5%
Finland	December 2009	60	↓ 10%

## International Comparisons

Imprisonment rates are usually measured per 100,000 of the general population. Scotland finds itself second from the top of West European imprisonment rates with a rate of 158 in 2009. [Note: the figures are taken from Prison Scotland Statistics and use data from the International Centre for Prison Studies at King's College, London. The information is not completely comparable, as it uses a spread of data from July 2008 to June 2010].

## What HM Inspector of Prisons had to say

The new Chief Inspector of Prisons, Brigadier Hugh Monro, published his first report in July 2010<sup>34</sup>, covering the period 2009–10. He concluded: "By and large I have been impressed by Scotland's prisons." "They are safe and well managed." He noted that major redevelopment of four of Scotland's largest prisons over the last four years had greatly improved conditions for prisoners and staff alike. However, he did note that slopping out still exists at one prison – Peterhead.

Like his predecessor, as HM Inspector of Prisons, he was concerned that overcrowding remained an enduring problem for a number of establishments. He was also worried about the high rates of positive drug testing. On admission to prison 56% of prisoners tested positive.

Rehabilitation work in prison is important but Brigadier Monro was concerned that offender management was not integrated with community based local services. This lack of integration and follow up meant that it was impossible to assess the effectiveness of rehabilitation work in prison. Brigadier Monro emphasised the importance of family access and contact for maintaining family links and creating a favourable context for avoiding reoffending on release.

Against this background, Brigadier Monro identified the following issues as of special interest for his future work: staff training, the smuggling of illegal items into prison, addictions, the development of a family strategy, community partnerships and preparations for release.

## The impact of imprisonment on families

The 2010 report from the Consortium highlighted the impact of imprisonment on children and families for the first time. Awareness of the extent of this impact is gradually growing, with a family member's imprisonment affecting families well beyond the prison term.

In summary, families experience the immediate effects of arrest and imprisonment and it is particularly traumatic where children and families witness this. Families may face a loss of income through loss of the wage-earner, welfare benefits, costs of maintaining contact with the prisoner or responsibility for debts and compensation. Loss of housing is not unusual, particularly if the tenancy is in the name of the person in custody. Children often experience a 'grief response', manifesting itself in poor school performance, acting out, substance misuse or mental ill-health. Children may be bullied and families targeted as a result of the offence, but shame and stigma are likely to prevent families from seeking help with any of these difficulties.

The issues families face cross over a number of areas. This means that no one agency has responsibility for them, which can make coordinated support for children and families in this situation very difficult. Further, the Scottish Government has no specific statutory responsibility to support families when someone goes to prison. In practice, more comprehensive support therefore falls to the voluntary sector through organisations such as Families Outside, Circle, the Lighthouse Foundation, Scottish Families Affected by Drugs, and HOPE.

In saying this, a number of significant discussions have taken place in the last year. An alliance of five UK and Scottish national organisations (Action for Children, Barnardo's, Children in Scotland, Families Outside and Scotland's Commissioner for Children and Young People) collaborated to submit amendments to the Criminal Justice and Licensing Bill and to the Children's Hearings Bill to draw attention to the needs of children of offenders. One amendment, for example, was for the courts to take into account the impact of their decisions on children, commensurate with Article 3.1 of the UN Convention of the Rights of

<sup>34</sup> Abstracts from: *Annual Report 2009-2010, HM Chief Inspector of Prisons for Scotland, Scottish Government Criminal Justice Directorate, Edinburgh, September 2010. SG/2010/120.*

the Child. The South African Constitutional Court made such a ruling in the case of *S v M* in 2007.

Parliament rejected all of the proposed amendments. However, the amendments attracted enough interest for a cross-party debate in Parliament on children affected by imprisonment. This debate too had no measurable result but nevertheless attracted attention to the issue, interestingly closing with a response from the Minister for Children and Early Years, rather than from his Criminal Justice colleagues.

The debate around the use of prison visitors' centres has become more prominent in recent months. Unlike in England and Wales, where such centres have long been a required part of all new-build prisons, Scottish prisons have only three visitors' centres, and the Scottish Prison Service has taken a stance against developing more. HM Chief Inspector of Prisons for Scotland has come out strongly in favour of these centres as a vital means of supporting the families of prisoners, and Cabinet Secretary for Justice, Kenny MacAskill, also expressed his support for this model. The publication *Prison Visitors' Centres: An ongoing debate*<sup>35</sup> outlined the arguments for and against these centres, concluding that families need independent advocacy to cope with their family member's imprisonment. Response to these calls for independent hubs for support has been slow but is gradually gaining momentum.

Despite its opposition to visitors' centres in principle, the Scottish Prison Service (SPS) has progressed the furthest of the statutory sector in its response to children and families of prisoners. In recent years it has developed Good Practice Guidance, currently being audited for compliance. This guidance requires each prison to have a Children & Families Development Group to address the requirements of the guidance and develop local practice. The SPS is also revisiting the questions it asks regarding families on its Core Screen (a needs assessment of each prisoner conducted during their first week of custody). Within individual Community Justice Authorities, key agencies such as the police, courts and social work teams are being encouraged to embed these families within their own remits and responsibilities, including specific policy and practice regarding staff training and how to identify and respond to families' needs.

Beyond the criminal justice sector, responses to the recent Government consultations on child poverty, school exclusions and literacy (namely the Play, Talk, Read campaign) highlighted opportunities to support children and families affected by imprisonment through existing legislation and practice. The Additional Support for Learning Act, the Getting It Right for Every Child agenda and the Curriculum for Excellence are but a few potential pathways for support for this group that need to be explored further in the next year.

<sup>35</sup> *Families Outside (2010) 'Prison Visitors' Centres: An ongoing debate'. In Brief 5. Edinburgh: Families Outside.*

## 6. The other penalties – trends

Whilst 13 out of every 100 convictions led to a prison sentence, 87 did not. Fourteen were given a Community sentence, up one from last year, and 59 received a financial penalty (down three). Most of the remaining fourteen were mainly admonishments. About 1.5% of financial penalties are compensation orders. The volume of community sentences rose by 7% and prison by 1%.

A range of community penalties are available to the courts: probation orders, community service orders, supervised attendance orders, drug treatment and testing orders and restriction of liberty orders. Some of these orders, for example probation, can include conditions such as attendance on treatment programmes. The new Community Payback Order, which came into effect from 1 February 2011 will provide for a range of up to nine new requirements within the order:

- (a) an offender supervision requirement,
- (b) a compensation requirement,
- (c) an unpaid work or other activity requirement,
- (d) a programme requirement,
- (e) a residence requirement,
- (f) a mental health treatment requirement,
- (g) a drug treatment requirement,
- (h) an alcohol treatment requirement,
- (i) a conduct requirement.

A low level unpaid or activity requirement may be given without a supervision requirement, but for all others, supervision will be part of the order.

Figure 12: Changes in use of community sanctions between 2007/08 and 2009/10

Order	2007/08	2008/09	2009/10	% change on 2008/09
Community Service Orders	6,202	6,437	6,429	- 0.1%
CSO's successfully completed	64.6%	64.5%	69.6%	
Probation Orders	8,706	9,179	8,838	- 3.7%
PO's successfully completed	58.4%	57.1%	57.0%	
Supervised Attendance Orders	4,438	4,306	3,859	- 10.4%
SAO's successfully completed	56.7%	60.7%	64.6%	
Drug Treatment and Testing Orders	601	752	739	- 1.7%
DTTO's successfully completed	37.3%	39.7%	44.1%	
Diversion from Prosecution	956	962	1,053	+ 9.5%
DfP's successfully completed	85.6%	81.0%	72.5%	

FIGURE 12

Source: Criminal Justice Social Work Statistics, 2009/10. Crime and Justice Series Statistical Bulletin. Scottish Government, 21 December 2010. Table 1 and various. [SCCCJ 2011]

The general decline in the number of social work disposals in 2009-10 is in contrast to the upward trend in recent years. However, the national statistics conceals significant variations at local level – with quite different local trends and patterns probably reflecting differences in resources and practices. For example, the overall national decline in SAOs is attributable largely to recent changes in practice in Glasgow’s Stipendiary Court.

Given the Government’s emphasis on seeking to reduce the prison population by promoting the new Community Payback Order, the overall decline in social work disposals might seem concerning. However, the decline in the total numbers of social work disposals only represents a problem for the Government’s reform programme if their ‘share’ of all disposals is

declining while the prison ‘share’ of disposals is rising. This does not appear to be the case. It may be that reductions in crime and in the numbers of cases coming to court for sentence (for example due to the increased use of diversion from prosecution), could account for the reduction in demand for social work disposals.

Clearly it remains important to ensure that social work disposals (and in particular the new CPO) are appropriately resourced, promoted and targeted, in order to contribute to reducing Scotland’s over-reliance on imprisonment, but other ‘upstream’ diversion measures, and the appropriate use of non-supervisory sanctions (fines, admonitions, etc.), also remain important to that end. In this respect, the long term (and continuing) decline in the use of fines probably represents a more significant problem.

**Figure 13: Orders brought back to court for breach proceedings**

Order	2007/08	2008/09	2009/10	% change on 2008/09
Community service orders	2,161	2,113	2,186	+ 3.5%
Probation orders	3,400	4,053	4,146	+ 2.3%
Supervised attendance orders	1,311	2,208	1,615	- 26.9%
Drug treatment and testing orders	209	218	196	- 10.1%

FIGURE 13

Source: Criminal Justice Social Work Statistics, 2009/10. Crime and Justice Series Statistical Bulletin. Scottish Government. [SCCCJ 2011]

**Figure 14: Changes in the use of community sanctions over period 2001/02 to 2009/10. Rate per 10,000 population in Scotland**

Order	2001/02	2003/04	2005/06	2007/08	2009/10
Community service orders	18.1	20.7	16.4	16.9	17.3
Probation orders	19.6	21.6	23.2	23.7	23.8
Supervised attendance orders	7.2	8.4	10.6	12.1	10.4
Drug treatment and testing orders	n/a	1.2	1.7	1.6	2.0

FIGURE 14

Source: Criminal Justice Social Work Statistics reports from 2001/02 to 2009/10. [SCCCJ 2011]



## 7. Human rights and accountability

### Cadder – The Right of Access to a Solicitor

The most significant human rights development in the past year came when the United Kingdom Supreme Court considered the case of *Cadder*<sup>36</sup>. In 2009, Peter Cadder was convicted of two assaults and a breach of the peace at Glasgow Sheriff Court following an incident in the city in May 2007. His conviction relied in part on confession evidence given in a police interview conducted without a lawyer present.

He argued that the procedure in Scottish criminal law, which allows police to question people without legal representation for up to six hours before an arrest, contravened his human rights. This was based on the results of a 2008 case at the European Court of Human Rights in Strasbourg in which it was held that access to a lawyer during criminal proceedings was part of the fundamental right to a fair trial under Article 6 of the European Convention on Human Rights (“ECHR”).

In 2008, the European Court of Human Rights, examining the case of *Salduz v Turkey*, decided that suspects should have access to a lawyer from their first interrogation, unless there were compelling reasons not to grant access. That decision had been considered in Scotland at the end of 2009 when a bench of seven Judges held that other safeguards available in Scotland meant that access to a solicitor was not an essential aspect of a fair trial.<sup>37</sup> In *Cadder* the Supreme Court decided that these other safeguards were laudable but beside the point. They held that our denial of access to a solicitor was contrary to the ECHR.

As a consequence of the decision the Scottish Government introduced emergency legislation the very next day. The Criminal Procedure (Detention, Legal Assistance and Appeals) Act<sup>38</sup> went through Holyrood [the Scottish Parliament] in an afternoon, prompting much criticism. It

doubled the permitted time-limit for detention to 12 hours, with a further extension to 24 hours also possible in appropriate cases. It also introduced restrictions on appeals, including restrictions for those complaining of a miscarriage of justice through the Scottish Criminal Cases Review Commission. Even the Commission criticised this step and the way it was taken<sup>39</sup>.

It was argued that the Act went much further than required to deal with the implications of *Cadder*. Indeed it was argued that precautionary measures introduced by the Lord Advocate in June 2010 should have been allowed to continue in order to ensure proper parliamentary scrutiny of the Government’s legislative reaction to the Supreme Court’s decision. In the aftermath of the decision the Advocate General for Scotland held a short consultation about the manner in which the Crown were held to account in relation to human rights issues. He considered the advice of an Expert Group and reported thereafter.<sup>40</sup> Amendments were suggested to the Scotland Act although the detail of these was not available for Parliamentary scrutiny. The Lord Advocate made representations to the Scotland Bill Committee at Holyrood which some think may dilute the human rights protections currently available to people in Scotland, in particular by restricting the right of appeal to the Supreme Court.<sup>41</sup> A further consultation was announced to deal with matters<sup>42</sup>.

### Prisoners’ Voting Rights

The issue of prisoners’ voting rights resurfaced as the UK Government had continued to delay implementation despite the clear direction from the Council of Europe and the European Court of Human Rights. In November 2010, in the case of *Greens and M.T. v. the United Kingdom*, the Grand Chamber of the European Court of Human Rights held, unanimously, that there had been a violation of Article 3 of Protocol No. 1 (right to free elections) to the ECHR and no violation of Article 13 (right to an effective remedy) of the Convention.

<sup>36</sup> [http://www.supremecourt.gov.uk/decided-cases/docs/UKSC\\_2010\\_0022\\_Judgment.pdf](http://www.supremecourt.gov.uk/decided-cases/docs/UKSC_2010_0022_Judgment.pdf)

<sup>37</sup> <http://www.scotcourts.gov.uk/opinions/2009HCJAC97.html>

<sup>38</sup> <http://www.scottish.parliament.uk/s3/bills/60-CriminalProcedure/index.htm>

<sup>39</sup> <http://www.journalonline.co.uk/News/1008973.aspx>

<sup>40</sup> <http://www.oag.gov.uk/oag/223.81.html>

<sup>41</sup> <http://www.scottish.parliament.uk/s3/committees/scotBill/or-11/sb11-0602.htm#Col476>

<sup>42</sup> <http://www.oag.gov.uk/oag/262.102.html>



The case concerned the continued failure to amend the legislation imposing a blanket ban on voting in national and European elections for convicted prisoners in detention in the UK. The Court found that the violation was due to the United Kingdom's failure to execute the Court's Grand Chamber judgment in *Hirst v. UK* No. 2 delivered on 6 October 2005, in which it had also found a violation of Article 3 of Protocol No. 1.

Applying its pilot judgment procedure, the Court gave the UK Government six months from the date when *Greens and M.T.* becomes final to introduce legislative proposals to bring the disputed law/s in line with the Convention. The Government is further required to enact the relevant legislation within any time frame decided by the Committee of Ministers, the executive arm of the Council of Europe, which supervises the execution of the Court's judgments<sup>43</sup>.

The UK Government allowed a free vote at Westminster on the issue in February 2011 and an overwhelming majority voted to defy the European Court. Although some change seems inevitable, and welcome, there is significant momentum at present for an unhelpful confrontation in relation to our international human rights commitments.

## 8. Substance misuse and crime

Alcohol and illicit drug misuse make an enormous contribution to crime in Scotland. The Chief Constable of Strathclyde Police recently stated "Most violence in the West of Scotland was linked to alcohol"<sup>44</sup>. He also identified the move toward buying alcohol from off-licenses and drinking at home may have shifted the locus away from pubs, where there was an element of supervision and control, to a domestic environment. Alcohol consumption remains very high in Scotland as detailed in *Alcohol Statistics Scotland 2011*<sup>45</sup>. 27% of men and 10% women report drinking above the recommended weekly

limits. Young people continue to drink most and are particularly prone to binge drinking. Alcohol, therefore, remains Scotland's favourite drug.

### Alcohol and crime

A recent review using multiple criteria and combining personal and social damage concluded that alcohol, heroin and cocaine, in that order, were the most damaging. Alcohol headed the list principally because of the damage that it caused to society and to those around the drinker<sup>46</sup>. Alcohol is a major factor in a very large proportion of crimes. Alcohol related crime alone is estimated to cost the Scottish economy £700 million per year<sup>47</sup>.

Many of the offences where alcohol plays a significant part involve violence or public order and one in six deaths on British roads is caused by drink driving<sup>48</sup>. There were 8,504 drink-driving offences in Scotland in 2008/9 a decline of 13% from the previous year. It is well known that alcohol is a significant factor in all violent crime, including two thirds of homicide cases<sup>49</sup>. Seventy per cent of assaults presenting in Accident and Emergency wards may be alcohol related (QUIS 2006 – ibid footnote 50) and in 62% of violent crime, victims said that the offenders were under the influence of alcohol<sup>50</sup>.

### Prison population

Offenders are predominantly young, male, and from deprived backgrounds. Young males and binge drinkers are most likely to offend. There are significantly higher levels of reported alcohol misuse in remand and short stay prisoners, groups who hitherto have received little or no assistance with their problem.

Statistics from the *Scottish Prison Survey 2009* show that 45% of prisoners may be dependent on alcohol or drink in a harmful way. The comparable figure for all adult males in Scotland is 14%. Half of prisoners in Scotland

<sup>43</sup> [http://cmiskp.echr.coe.int/tkp197/view.asp?item=1&portal=hbkm&action=html&highlight= greens&sessionid=68075438&skin=hudoc-en](http://cmiskp.echr.coe.int/tkp197/view.asp?item=1&portal=hbkm&action=html&highlight=greens&sessionid=68075438&skin=hudoc-en)

<sup>44</sup> Stephen House, reported on *Scottish Television (STV)*, 26 November 2010.

<sup>45</sup> Published by NHS National Services Scotland, *Statistics Publication*, 22 February 2011.

<sup>46</sup> Nutt. D. King. L. Phillips. *D. Lancet* 2010; 376;1558-65

<sup>47</sup> *Societal costs of Alcohol Misuse in Scotland in 2007*, University of York 2010.

<sup>48</sup> *Road Casualties in Great Britain 2007*

<sup>49</sup> *Homicide in Scotland, 2009-10. Statistics Release, Scottish Government, Edinburgh, 13 December 2010.*

<sup>50</sup> *2009/10 Scottish Crime and Justice Survey: Main Findings.*(2010) Leon Page, Pat MacLeod, Andrea Kinver, Aibek Iliasov and Patricia Yoon, TNS-BMRB. Scottish Government Social Research, published in November 2010.

reported being drunk at the time of their offence. This rises to 77% of young offenders. There has been a rise in a proportion of young offenders who believe that alcohol has contributed to their offending: 48% in 1979, 58% in 1996 and 80% in 2007. (The McKinlay Report: Alcohol & Violence Among Young Male Offenders (1979-2009) SPS Research 2009 <http://www.sps.gov.uk/publications>). The "Alcohol and Offender Criminal Justice Research Programme 2010" showed that 71% of prisoners reported drinking in a hazardous way and 47% were drinking in a harmful way, possibly with dependency.

## Recovery programmes

Each step in the offender pathway can provide an opportunity for effective interventions, which could aid recovery from an alcohol problem.

This extends from first contact with the police, for example arrest referral schemes, through police custody, the courts, prison or community justice settings. In the past these opportunities have not been seized but there are signs that suitable training for front line workers in the skill of recognition and brief intervention and/or referral to specialist help could ensure early intervention and prevent further alcohol related offending. There are plans to undertake a pilot project to evaluate the effectiveness of brief intervention in prison settings. (*"Prison Health Needs Assessment for alcohol problems"* (2010) Parkes T Macaskill S et al. NHS Scotland.) ([www.healthscotland.com/topic/health/alcohol/offendersPHNAA.aspx](http://www.healthscotland.com/topic/health/alcohol/offendersPHNAA.aspx))

There has been a welcome increase in investment in alcohol services in recent years and it is hoped that offenders who are a "hard to reach" group with a high prevalence of alcohol problems will benefit from this. Appropriate services should be available not only in prison, but also more importantly within the community. At present Criminal Justice Social Work statistics <sup>51</sup> show over 11% of conditions attached to probation orders mentioned alcohol treatment or education. The combined action of Community Justice Authorities, social work, voluntary sector and NHS initiatives could ensure that the link between custody and re-entering into the

community where so many people with alcohol problems come to grief would be resolved. This should be facilitated by the imminent change in the organisation of prison health services, which will soon be under the management of the NHS.

## Prevention of Alcohol Related Crime.

It is not possible to consider alcohol related crime in Scotland without regard to the culture of excessive drinking that has arisen in recent decades. There is overwhelming evidence that the level of *per capita* consumption in the population is closely related to the level of harm experienced. The Scottish Government has recognised the damaging effect that alcohol is having on the quality of life for many people in Scotland and as one part of its alcohol framework introduced the Alcohol Scotland Bill 2010. This bill aims to reduce the unacceptable levels of harm in Scotland which are related to alcohol use and was passed in November 2010. The new measures will restrict alcohol promotions on off-sales premises; ban quantity discounts; introduce a "challenge 25" age verification scheme; pave the way for a social responsibility levy on those who profit from the sale of alcohol. These measures will aim to reduce availability and help to reduce public disorder related to alcohol. Sadly, one of the key elements of the bill, the introduction of a minimum price for alcohol, was defeated. Authorities commonly observed that the sale of very cheap alcohol fuelled excessive drinking and harm. An opportunity for reducing the level of crime in Scotland was therefore lost.

## Illicit Drug Use in Scotland

Although the level of use of illicit drugs has not changed significantly in recent years it remains high even on the basis of self reporting as demonstrated in the January 2011 Scottish Crime and Justice Survey of drug use in Scotland. *"This report identifies the extent of self-reported illicit drug use ever, in the last year and in the last month and examines the experience of first drug use and drug use in the last month by adults aged 16 or over."* <sup>52</sup>

The overall survey is the result of interviews and

<sup>51</sup> Source: *Criminal Justice Social Work Statistics, 2009/10. Crime and Justice Series Statistical Bulletin. Scottish Government, 21 December 2010. Table 11.*

<sup>52</sup> 2009/10 Scottish Crime and Justice Survey: Drug Use. Pat Mcleod, Leon Page. TNS BRMB. Scottish Government Social Research 2011. <http://www.scotland.gov.uk/Publications/2011/01/21134813/0>

self-reporting from a total of 16,036 individuals (the number of people responding to the drugs section was 13,418). The report provides data for a useful baseline of illicit drug use in Scotland. From the executive summary, self reported drug use was summarised as<sup>53</sup>:

- One in four (25.2%) adults had taken one or more illicit drug *at some point in their lives*, even if it was a long time ago.
- 7.2% of adults had used one or more illicit drug in the *last year*, i.e. the 12 months prior to interview.
- 4.2% had used one or more illicit drug in the *last month*, i.e. the month prior to interview.

The survey notes that “Cannabis was by far the drug most commonly reported as used in any time period. 22.9% of adults had taken cannabis *at some point in their lives*, 6.1% of adults reported using cannabis in the *last year* and 3.6% reported using cannabis in the *last month*.”

“The next most common drugs that adults reported they had ever taken were amphetamines (7.6%), ecstasy (7.4%), cocaine (6.7%) and poppers (6.6%). Cocaine and ecstasy were the next most commonly reported drugs used after cannabis in the *last year* (2.1% and 1.9% respectively) and in the *last month* (0.7% each).”

Overall, illicit drug use is relatively common in the population, particularly amongst the young, and cannabis remains far and away the most frequently reported drug in this category. There have been fluctuations in the reported prevalence of drug misuse in recent years, but with little overall change. It is noteworthy that only 1% of adults interviewed reported taking heroin or methadone at some point in their lives and 0.5% had taken opiates either in the last year or in the last month. Heroin and methadone misuse, which figures so prominently in the prison population, is not widely used in the general population.

Victims of crime are significantly more likely than average to report using illicit drugs in the last year. Those people living in the most deprived

areas of Scotland were much more likely to report having used drugs in the last year than adults living elsewhere in Scotland (10.8% compared with 6.6% respectively). Those who had used illicit drugs in the previous months had found them relatively easy to obtain.

## Conclusions

Drug misuse remains a major factor in Scotland’s crime statistics. Seizures of illicit drugs have some impact on availability but users do not report a lot of difficulty in obtaining supplies. The underworld economy in drug trafficking continues to thrive and treatment and rehabilitation initiatives meet with limited success. It may be time to yet again reconsider our current strategy for prevention. It is also very clear that drug misuse and alcohol related crime tend to cluster in areas of deprivation which suggests that it is impossible to separate off the problems of substance misuse from those of socioeconomic deprivation and the political challenges which this presents.

## Victim Perspectives on Alcohol and Drugs

Victims were asked whether they thought the offender(s) was under the influence of alcohol or drugs at the time of the offence. For crimes involving force or violence or threats of force or violence, they were also asked if they themselves had taken any alcohol or drugs immediately before the incident took place. The estimates (shown below) may not reflect fully the proportion of violent crimes involving alcohol accurately for two reasons: Victims may not be aware that the offender(s) was under the influence of alcohol or drugs. Alternatively, victims may presume that the offender(s) was under the influence of either when they were not; victims may be reluctant to admit that they were under the influence of either alcohol or drugs to an interviewer and, in the case of drugs, they may be reluctant to admit they had taken an illegal substance.

The 2009/10 Scottish Crime & Justice Survey shows:

- “In 62% of violent crime measured by the SCJS 2009/10<sup>54</sup>, the victim said the offender(s) was under the influence of

<sup>53</sup> 2009/10 Scottish Crime and Justice Survey: Drug Use – *op. cit* at Executive Summary page 1.

<sup>54</sup> , 2009/10 Scottish Crime and Justice Survey: Main Findings.(2010) Leon Page, Pat MacLeod, Andrea Kinver, Aibek Iliasov and Patricia Yoon, TNS-BMRB. Scottish Government Social Research, published in November 2010, at page 51.

alcohol. This was a higher proportion than found in the BCS in England and Wales in 2009/10 where the victim reported that the offender(s) was under the influence of alcohol in 50% of violent crime<sup>55</sup>.

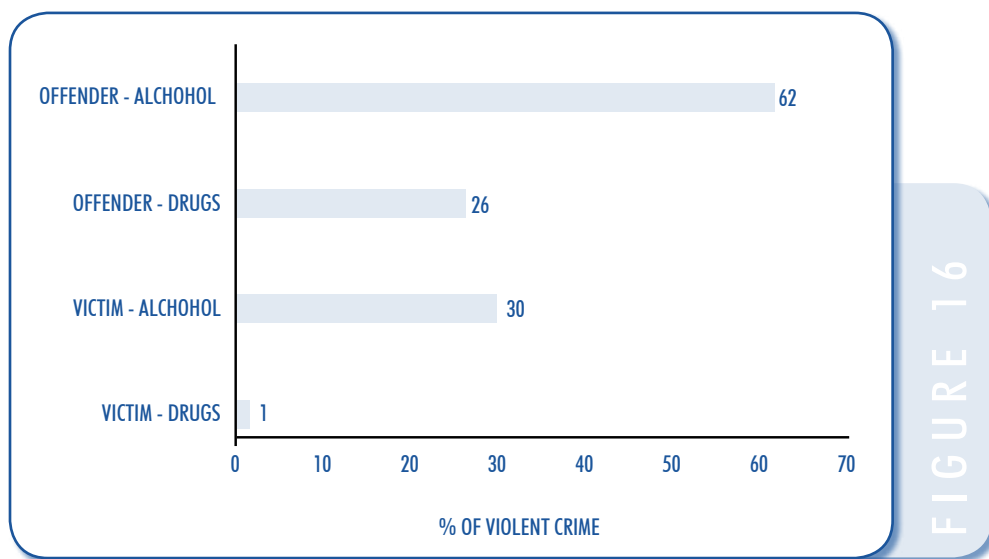
- “Victims reported that the offender(s) was under the influence of drugs in just over one in four (26%) violent crimes. Once again this was higher than the equivalent figure from the BCS for England and

Wales for the same period (20% of violent crime)<sup>56</sup>.”

- “In three in ten (30%) violent crimes, the victim said that they had consumed alcohol immediately before the incident”.

- “Victims said they had taken drugs immediately before the incident in one per cent of violent crime”.

Figure 16: Alcohol or drug related violent crime (SCJS 2009/10) Violent Crime (base: 493)



Source: 2009/10 Scottish Crime and Justice Survey: Main Findings.(2010) Leon Page, Pat MacLeod, Andrea Kinver, Aibek Iliasov and Patricia Yoon, TNS-BMRB. Scottish Government Social Research, published in November 2010, at page 52.

## 9. Public attitudes to crime and confidence in the system

It is an interesting social phenomenon that we are prepared to believe things in general are worse, while our own experience might be different. For example, people repeat mantras like ‘the health service is getting worse’, but relate their own good experience. This also appears to apply to crime. Whether this is fuelled by the media is a separate debate. Adults were more than twice as likely to believe that the crime rate had increased in Scotland as a whole (52%) than they were to believe it had increased in their local area (25%) [i.e. from personal experience]<sup>55</sup>.

The Scottish Crime and Justice Survey of 2009/10 measured the percentage of people who perceived there to have been a lot or a little less crime, or that it had stayed the same over the last two years. It found that 71% of adults perceived the crime rate in their local area to have stayed the same (61%), reduced a little (8%) or reduced a lot (2%) in the past two years<sup>56</sup>. This is a 6% improvement from the baseline of 65% in 2005/06. 8% thought there was a lot more crime in the local area compared with 13% in 2006. This is shown in the figure below.

<sup>55</sup> 2009/10 Scottish Crime and Justice Survey: Main Findings.(2010) Leon Page, Pat MacLeod, Andrea Kinver, Aibek Iliasov and Patricia Yoon, TNS-BMRB. Scottish Government Social Research, published in November 2010. (Chapter 6 from page 84).

<sup>56</sup> The November 2010 SCJS results are used to monitor one of the Scottish Government National Indicators: that of “Increase positive public perception of the general crime rate in local area”.

Figure 17: Perception of how crime rates have changed in local area over the past 2 years

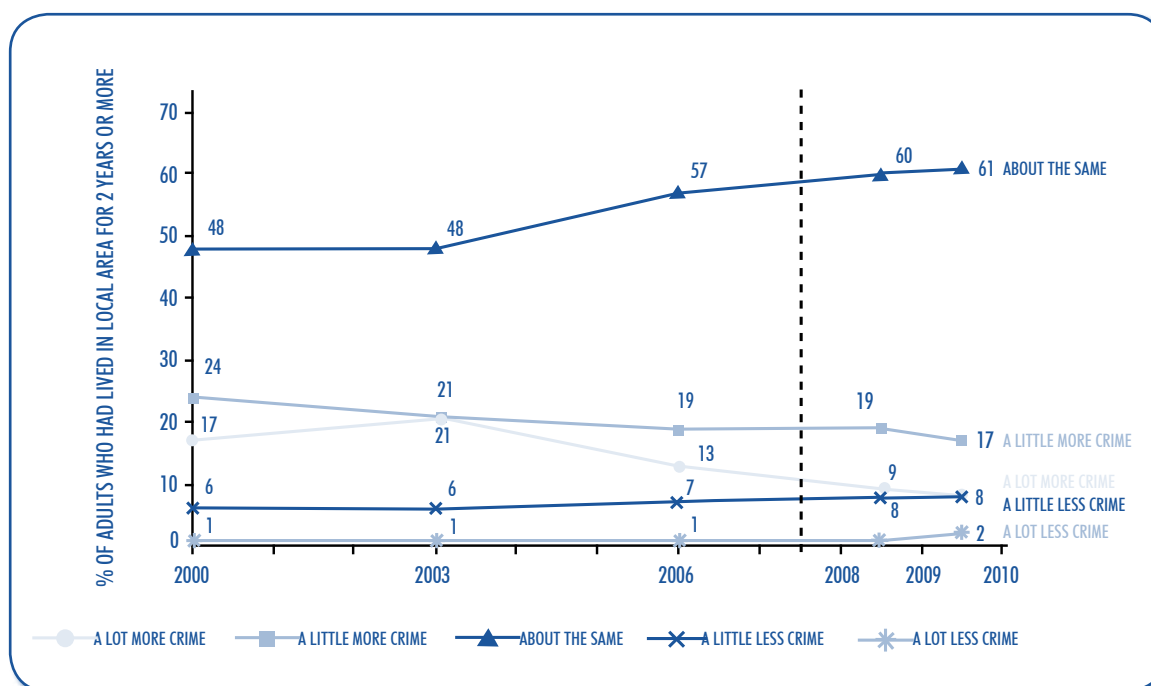


FIGURE 17

Note: The dashed line indicates a break in the survey methodology, moving to a rolling reference period, increased sample size and continuous fieldwork (section 1.1)

Source: (copy) 2009/10 Scottish Crime and Justice Survey, page 88.

The crimes adults thought were likely to happen to them in the next 12 months were:

- Fraudulent use of credit card or bank details (17%).
- Damage to vehicles (13%).
- Identity theft (12%).

The perceived risk was around twice the actual risk for most crimes, except for card fraud (4 times), housebreaking (9 times), robbery (20 times), and identity fraud (20 times) where the difference between perceived and actual risk was even greater.

Looking at what adults worried about most, the same four crimes figured top of the list:

- Fraudulent use of credit card or bank details (58%).
- Identity theft (50%).
- Damage to vehicles (42%).
- Home damaged by vandals (25%).

In the last decade since 2000, the largest decrease in worry about crimes was by women worrying about being sexually assaulted which decreased from 41% to 26% in 2009/10.

Feelings of safety: The question “how safe do you feel walking alone in your local area after dark” has been commonly used to measure public anxiety about crime. In Scotland 67% of adults said they felt safe (very 32%; fairly 35%). However 21% said they felt a bit unsafe and 12% of adults said they felt very unsafe.

## Re-offending

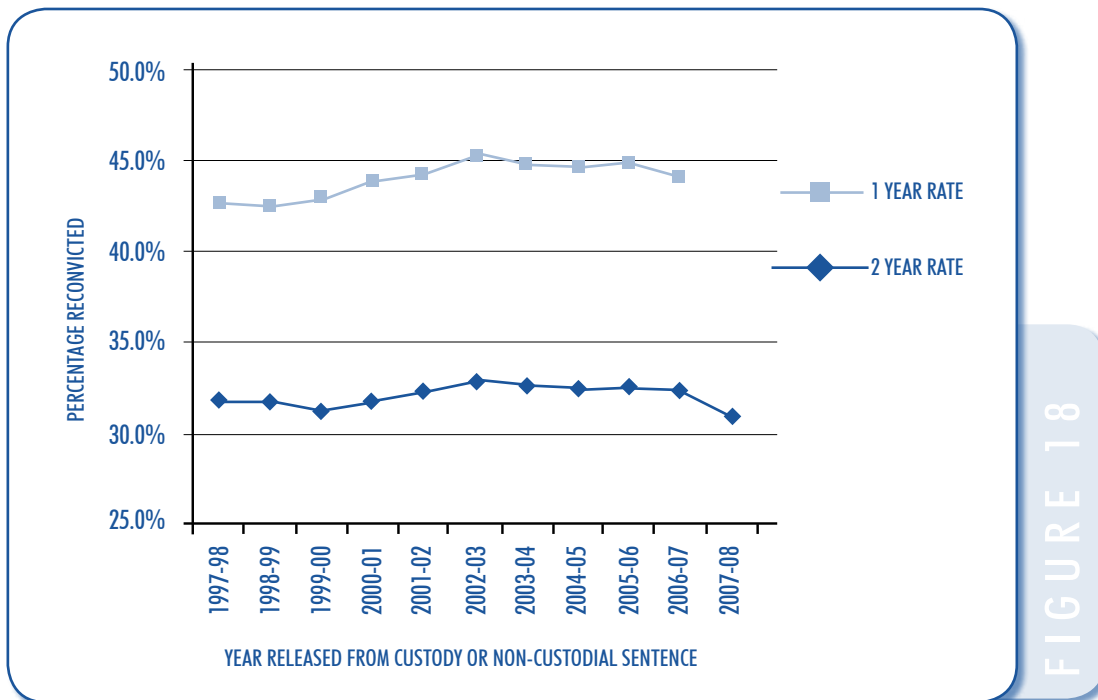
Reconviction rates for offenders released from custody or given a non-custodial sentence peaked at 45.2% for the 2002-03 cohort. Those in the cohort (released from custody or given a non-custodial sentence in a specific year) are monitored to see if they are re-convicted. After one year, some will have re-offended, and after two years, some more. The one year figure was at 32.5%, but last year for the most recent cohort, those in 2007-08 year group, their reconviction rate fell by over 1.5%. The two

year figures for the 2006-07 group also fell, but by a smaller amount, just under 1%. However, adding the growth figure (between the first and second years) from the 2006-07 cohort, to the most recent cohort would predict a reconviction rate of 42.5%, a significant improvement.

The reconviction rate is one of the Scottish Government National Indicators with a target to

reduce overall reconviction rates by 2 percentage points by 2011. However, there is a difference between prison and community sentences. Prison has a 62% reconviction rate, probation 58% while Community Service Orders currently lead (non-financial) community based penalties with 42% reconvictions.

Figure 18: Reconviction Rates for Offenders in Scotland: 1997-98 to 2007-08 cohorts



Source: Data from Reconviction Rates in Scotland: 2006-07 and 2007-08 Offender Cohorts. [SCCCJ 2011]. Statistical Bulletin. Crime and Justice Series. Scottish Government, Edinburgh, 31 August 2010; and previous statistical bulletins.



## 10. Final Thoughts

Although the level of recorded crime continues to fall, and the number of people convicted of a crime is at its lowest (with exception of 2001/2) for many years, the prison population continues to rise. Against the background of falling crime it might have been expected that the use of imprisonment would have, as a minimum, stabilised or even fallen in line with crime rates. However, the average length of a determinate sentence passed by the courts increased to 281 days contributing to the continuing rise in prison population. This sentencing drift has contributed to the rise in prison population<sup>57</sup> - and continues to do so, year on year. The average daily population is expected to rise to 9,400 by

2016<sup>58</sup>, and 9,600 by 2018-19, with a further 370 on Home Detention Curfew (HDC).

The analysis of the data is complex. Since 1980 crime rose by 50% to 1992 and then gradually fell back (see figure 19 below). This is generally supported by victim surveys. The numbers convicted by the courts have fallen by nearly 50%. Of those (fewer number) who are convicted, the numbers sent to custody have increased by nearly 60%. Whereas in 1980 10,641 (4.3%) of the 246,263 where a charge was proved were sent to custody, in 2009/10 16,854 (13.4%) of the 125,430 were imprisoned – an increase of 311% in the proportion imprisoned. Coupled with the lengthening prison sentences the prison population rises relentlessly.

Figure 19: Graph showing the relative increase or decrease, indexed to 1980, of the level of crime, the number of cases proved in court (convictions), the numbers of persons sent to custody and the ratio between convictions and custodial disposals.

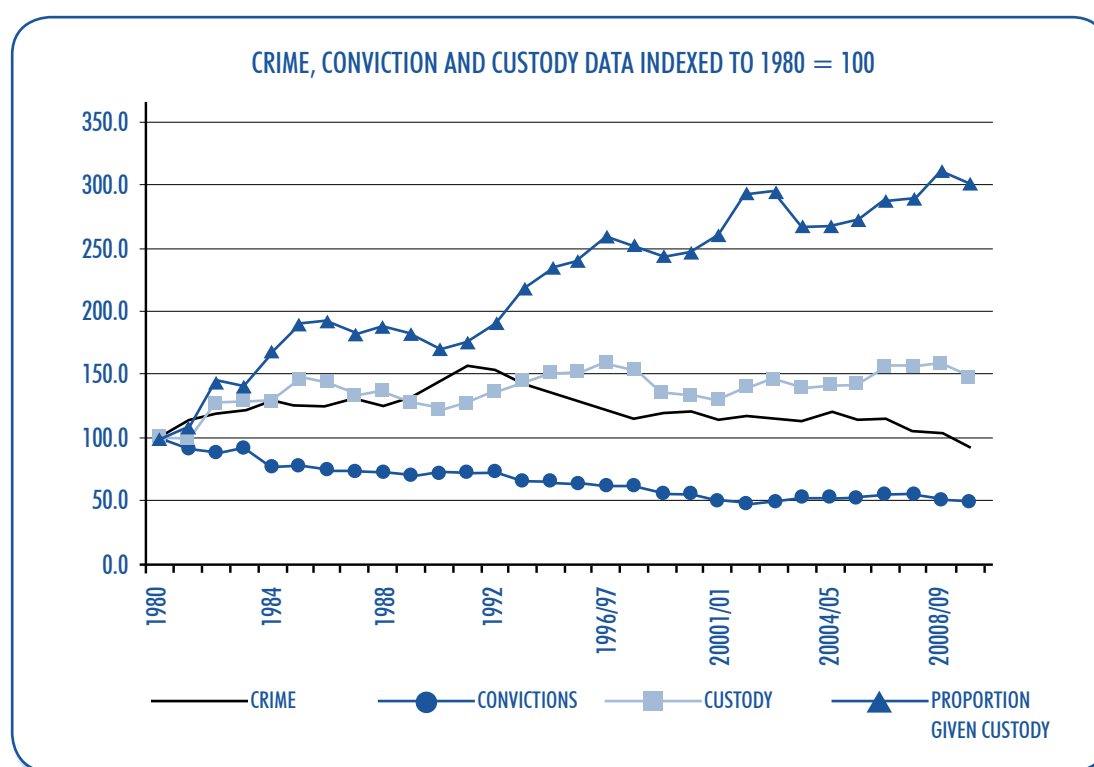


FIGURE 19

Sources: Data from Recorded Crime figures, Criminal Proceedings in Scottish Courts, and Prison Statistics [SCCCJ 2011].

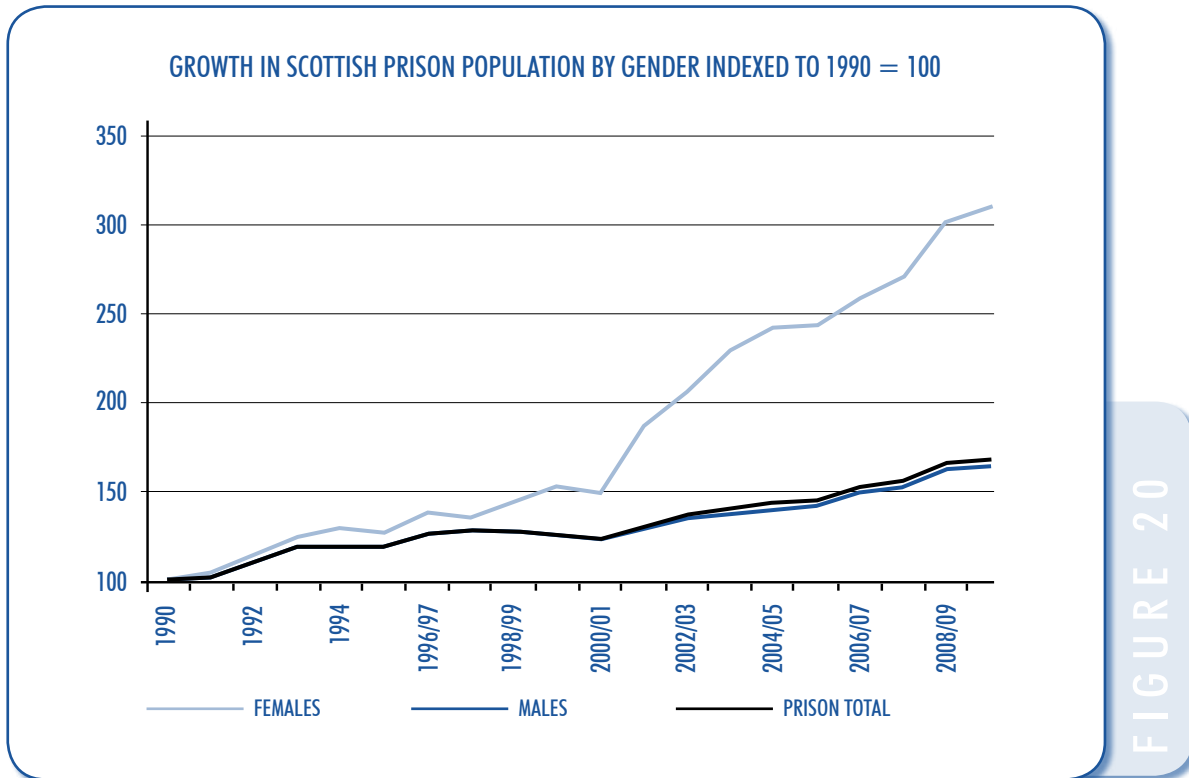
<sup>57</sup> Of the 15,712 persons who received a custodial sentence in 2009/10, 15661 were determinate. The average increase in sentence length from last year was 21 days which gives an extra total of 328,881 days imprisonment. This represents an additional 900 years. Assuming only 50% of sentence is served this would result in requiring an extra 450 places in prison. Over the last 4 years, the average length of sentence has increased from 201 days in 2006/07 to 281 last year, a 40% increase. Comparing the current figures with the sentence length from 2006/07 shows an increase of 1.25m days, or 1,716 extra prisoner places.

<sup>58</sup> Scottish Prison Population Projections: 2009-2010 to 2018-2019. Statistics Publication Notice, Crime and Justice Series, Scottish Government, January 2010.

Despite commitments by successive governments to reduce the number of females in prison, the number continues to rise, and last year rose by 3%. Figure 20 is a graph showing the growth of the prison population over 20 years broken down by gender.

Over the last ten years, the number of women in prison has doubled compared with a 31% rise for men over the same ten year period (from 1999/2000 to 2009/10).

Figure 20: Graph showing the growth in the Scottish prison population indexed to 1990 broken down by gender.



Source: *Prison Statistics Scotland, 2009/10*. Statistical Bulletin. Crime and Justice Series Scottish Government, Edinburgh, 20 December 2010, and previous Prisons Statistics bulletins. [SCCCJ 2011]



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