

Justice Committee

Criminal Verdicts (Scotland) Bill

Letter from the Cabinet Secretary for Justice to the Convener

On 19 January 2016 I gave evidence to the Justice Committee in relation to the Criminal Verdicts (Scotland) Bill. During that evidence session you asked if figures on the use of the not proven verdict could be made available. In particular you requested statistics on verdicts where a jury sits on a case, and in cases where a single judge sits; and for verdicts in different types and levels of cases, whether summary or solemn.

This information can be found in the tables attached at **Annex A** to **Annex E**.

Table 1 at **Annex A** shows the use of the not proven verdict from 2004-05 to 2013-14. The figures have been broken down by court type.

Table 2 at **Annex B** shows the use of the not proven verdict in 2013-14. The figures have been broken down by court type, and by offence.

Table 3 at **Annex C** shows the percentage use of the not proven verdict in 2013-14. The figures have been broken down by court type, and by offence.

Table 4 at **Annex D** shows the outcome of cases which are proceeded against at court. The figures are broken down by court type. For explanation, "PGNA" refers to those cases where a plea of not guilty is accepted, and cases which are "deserted" are those cases where the trial is permanently abandoned by the Procurator Fiscal. "Charge proved" refers to those cases where a guilty plea has been accepted, or has been reached after trial.

Table 5 at **Annex E** shows the percentage outcome of cases which are proceeded against at court. The figures are broken down by court type.

I hope that you find this information helpful.

Michael Matheson
Cabinet Secretary for Justice

Table 1.

Use of not proven verdict by court type from 2004-05 to 2013-14

Use of the not proven verdict from 2004-05 to 2013-14											
Type of court	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	Total
All court types	791	809	888	922	942	920	895	990	972	1,116	9,245
A:High court	39	55	39	63	66	52	56	42	57	73	542
B:Sheriff Solemn	40	50	144	113	177	190	174	202	220	261	1,571
C:Sheriff Summary	626	623	608	650	596	579	549	596	585	679	6,091
D:Stip Mag	25	30	30	32	24	12	21	24	26	16	240
E:Justice of the Peace	61	51	67	64	79	87	95	126	84	87	801

Table 2.

Use of not proven verdict by main offence and court type in 2013-14

Main crime or offence	A:High court	B:Sheriff Solemn	C:Sheriff Summary	D:Stip Mag	E:Justice of the Peace	Total
All crimes and offences	73	261	679	16	87	1,116
All crimes	70	217	171	3	11	472
Non-sexual crimes of violence	17	118	14	.	.	149
a:Homicide etc.	3	4	.	.	.	7
b:Attempted murder and serious assault	10	94	9	.	.	113
c:Robbery	1	15	2	.	.	18
d:Other non-sexual crimes of violence	3	5	3	.	.	11
Sexual crimes	45	26	20	.	1	92
e:Rape and attempted rape	41	2	.	.	.	43
f:Sexual assault	4	18	12	.	.	34
g:Crimes associated with prostitution	.	.	.	.	1	1
h:Other sexual crimes	.	6	8	.	.	14
Crimes of dishonesty	.	5	34	1	8	48
i:Housebreaking	.	2	4	.	.	6
j:Theft by opening lockfast places	.	.	3	.	1	4
m:Theft of a motor vehicle	.	.	3	.	.	3
o:Other theft	.	2	10	.	4	16
p:Fraud	.	1	6	.	.	7
q:Other dishonesty	.	.	8	1	3	12
Fire-raising, vandalism etc.	.	12	8	.	2	22
r:Fire-raising	.	8	.	.	.	8
s:Vandalism etc.	.	4	8	.	2	14
Other crimes	8	56	95	2	.	161
t:Crimes against public justice	1	5	53	2	.	61
u:Handling offensive weapons	.	36	24	.	.	60

Main crime or offence	A:High court	B:Sheriff Solemn	C:Sheriff Summary	D:Stip Mag	E:Justice of the Peace	Total
v:Drugs	7	15	17	.	.	39
w:Other crime	.	.	1	.	.	1
All offences	3	44	508	13	76	644
Miscellaneous offences	3	42	467	8	36	556
x:Common assault	2	33	261	5	18	319
y:Breach of the peace etc.	.	6	153	3	16	178
z:Drunkenness and other disorderly con	.	.	1	.	.	1
zb:Other miscellaneous offences	1	3	52	.	2	58
Motor vehicle offences	.	2	41	5	40	88
zc:Dangerous and careless driving	.	2	19	2	12	35
zd:Driving under the influence	.	.	19	3	1	23
ze:Speeding	.	.	.	.	3	3
zf:Unlawful use of motor vehicle	.	.	1	.	3	4
zg:Vehicle defect offences	.	.	.	.	1	1
zi:Mobile phone offences	.	.	.	.	14	14
zj:Other motor vehicle offences	.	.	2	.	6	8

Table 3.

Percentage use of not proven verdict by main offence and court type in 2013-14*

Main crime or offence	A:High court	B:Sheriff Solemn	C:Sheriff Summary	D:Stip Mag	E:Justice of the Peace	Total
All crimes and offences	7	23	61	1	8	100
All crimes	15	46	36	1	2	100
Non-sexual crimes of violence	11	79	9	.	.	100
a:Homicide etc.	43	57	.	.	.	100
b:Attempted murder and serious assault	9	83	8	.	.	100
c:Robbery	6	83	11	.	.	100
d:Other non-sexual crimes of violence	27	45	27	.	.	100
Sexual crimes	49	28	22	.	1	100
e:Rape and attempted rape	95	5	.	.	.	100
f:Sexual assault	12	53	35	.	.	100
g:Crimes associated with prostitution	.	.	.	.	100	100
h:Other sexual crimes	.	43	57	.	.	100
Crimes of dishonesty	.	10	71	2	17	100
i:Housebreaking	.	33	67	.	.	100
j:Theft by opening lockfast places	.	.	75	.	25	100
m:Theft of a motor vehicle	.	.	100	.	.	100
o:Other theft	.	13	63	.	25	100
p:Fraud	.	14	86	.	.	100
q:Other dishonesty	.	.	67	8	25	100
Fire-raising, vandalism etc.	.	55	36	.	9	100
r:Fire-raising	.	100	.	.	.	100
s:Vandalism etc.	.	29	57	.	14	100
Other crimes	5	35	59	1	.	100
t:Crimes against public justice	2	8	87	3	.	100
u:Handling offensive weapons	.	60	40	.	.	100
v:Drugs	18	38	44	.	.	100
w:Other crime	.	.	100	.	.	100
All offences	0	7	79	2	12	100

Miscellaneous offences	1	8	84	1	6	100
x:Common assault	1	10	82	2	6	100
y:Breach of the peace etc.	.	3	86	2	9	100
z:Drunkenness and other disorderly con	.	.	100	.	.	100
zb:Other miscellaneous offences	2	5	90	.	3	100
Motor vehicle offences	.	2	47	6	45	100
zc:Dangerous and careless driving	.	6	54	6	34	100
zd:Driving under the influence	.	.	83	13	4	100
ze:Speeding	.	.	.	.	100	100
zf:Unlawful use of motor vehicle	.	.	25	.	75	100
zg:Vehicle defect offences	.	.	.	.	100	100
zi:Mobile phone offences	.	.	.	.	100	100
zj:Other motor vehicle offences	.	.	25	.	75	100

*Please note that these figures may not total 100% due to the rounding process.

Table 4.
Outcome of cases proceeded at court in 2013-14 by court type

Type of court	A:PNGA or deserted	B:Acquitted not guilty	C:Acquitted not proven	D:Charge proved	Total
All court types	9,607	5,316	1,116	105,549	121,588
A:High court	92	223	73	661	1,049
B:Sheriff Solemn	338	543	261	4,228	5,370
C:Sheriff Summary	6,846	3,418	679	55,347	66,290
D:Stip Mag	264	119	16	3,733	4,132
E:Justice of the Peace	2,067	1,013	87	41,580	44,747

Table 5.

Percentage outcome of cases proceeded at court in 2013-14 by court type*

Type of court	A:PNGA or deserted	B:Acquitted not guilty	C:Acquitted not proven	D:Charge proved	Total
All court types	8	4	1	87	100
A:High court	9	21	7	63	100
B:Sheriff Solemn	6	10	5	79	100
C:Sheriff Summary	10	5	1	83	100
D:Stip Mag	6	3	0	90	100
E:Justice of the Peace	5	2	0	93	100

*Please note that these figures may not total 100% due to the rounding process.