

THE OFFENDING BEHAVIOUR OF THOSE SENTENCED TO THE ORDER FOR LIFELONG RESTRICTION



ACKNOWLEDGEMENTS

The Risk Management Authority (RMA) would like to acknowledge the contribution of the Development team in producing this research.



Dr Rebecca Wagstaff (Research Officer)

Rebecca has a degree in Speech and Language Therapy and moved to Scotland to complete an MSc in the Psychology of Language. Rebecca has experience of working in the third sector and as a research assistant, and recently completed a PhD. She joined the RMA in 2020.



Katie Barr (Research Officer)

Katie joined the RMA in 2020 as a Research Officer. Previously, Katie was a qualified Social Worker and Mental Health Officer, working in both Canada and Scotland. Katie has worked in areas relating to mental health, sexual health and domestic abuse.



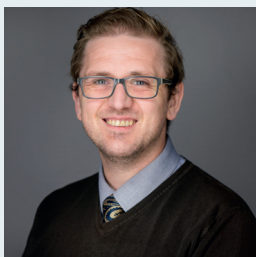
Emily West (OLR Case Worker)

Emily joined the RMA in December 2020 as an OLR Case Worker, working across the OLR Team and the Development Team. After completing her MSc in forensic psychology in 2019, she worked within the addictions field, as well as supporting females within the criminal justice system. She has experience in providing support to individuals in recovery, as well as supporting victims of crimes with Victim Support Scotland and supporting families affected by drugs and alcohol through voluntary work completed over her undergraduate and masters degrees.



Rachel Webb (Development Lead)

With an MSc in Forensic Psychology, Rachel leads on a number of development projects relating to the RMA's strategic aims. Rachel has published work on the Order for Lifelong Restriction (OLR), Internet Offending, Trauma and the use of the LS/CMI in Scotland. Rachel joined the RMA in 2015 as an Order for Lifelong Restriction (OLR) Case Worker.



Geoff Tordzro-Taylor (Head of Development)

Geoff joined the RMA in 2017, working on training initiatives and standards and guidelines. He qualified as a Chartered Psychologist and Registered Forensic Psychologist in 2019. As Head of Development, Geoff has strategic responsibility for research, development and evaluation functions.

Thanks are also extended to: the RMA staff who helped to review and provide feedback on the report and Neil Ferguson at Form By Thought (formbythought.com) for his design work.

CONTENTS

| | | |
|-----------|---|-----------|
| 1. | Introduction and Background | 11 |
| 1.1 | Introduction to this Project..... | 11 |
| 1.2 | Background..... | 11 |
| 1.2.1 | History of the OLR..... | 11 |
| 1.2.2 | The OLR Process..... | 13 |
| 1.2.3 | The application of the OLR..... | 14 |
| 1.2.4 | Unique and important features of the OLR..... | 15 |
| 1.3 | Project Aims..... | 16 |
| 2. | Method | 17 |
| 2.1 | Ethics..... | 17 |
| 2.2 | Participants..... | 17 |
| 2.3 | Procedure..... | 18 |
| 2.4 | Data Analysis..... | 20 |
| 3. | The Offending Behaviour of those sentenced to the Order for Lifelong Restriction | 22 |
| 3.1 | Overall Offending History and Demographic Information..... | 22 |
| 3.1.1 | Age Groups..... | 24 |
| 3.1.2 | Nature and Pattern of Overall Offending..... | 26 |
| 3.2 | Index Offending..... | 33 |
| 3.2.1 | Index Offending – Frequency..... | 33 |
| 3.2.2 | Index Offending - Nature..... | 34 |
| 3.2.3 | Index Offending - Duration..... | 37 |
| 3.3 | Previous Offending..... | 39 |
| 3.3.1 | Previous Convictions – Frequency..... | 39 |
| 3.3.2 | Age at First Conviction..... | 43 |
| 3.3.3 | Previous YOI or Adult Imprisonment..... | 44 |
| 3.3.4 | Previous Convictions – Nature..... | 45 |
| 3.4 | Alleged Offending..... | 54 |
| 3.4.1 | Alleged Offending – Frequency..... | 54 |
| 3.4.2 | Alleged Offending - Nature..... | 55 |
| 3.4.3 | Influence of Allegations on Risk Rating..... | 63 |
| 3.5 | Self-Reported Incidents..... | 64 |
| 3.5.1 | Self-Reported Incidents – Frequency and Nature..... | 64 |
| 3.6 | Behaviour In Custody..... | 72 |
| 3.6.1 | Behaviour in Custody – Frequency..... | 72 |
| 3.6.2 | Behaviour in Custody – Nature..... | 73 |
| 3.7 | Discussion..... | 76 |

CONTENTS (CONTINUED)

| | | |
|-----------|--|------------|
| 4. | The Offending Behaviour of Individuals subject to an OLR with Convictions for IPV | 80 |
| 4.1 | Overall Offending History and Demographic Information..... | 80 |
| 4.1.1 | Years OLR Imposed | 81 |
| 4.1.2 | Age Groups..... | 81 |
| 4.1.3 | Risk Rating | 83 |
| 4.1.4 | Nature and Pattern of Overall IPV Offending | 84 |
| 4.2 | Index IPV Offending..... | 91 |
| 4.2.1 | Index IPV Offending – Frequency..... | 91 |
| 4.2.2 | Index IPV Offending – Nature..... | 92 |
| 4.3 | Previous IPV Convictions | 94 |
| 4.3.1 | Previous IPV Offending – Frequency..... | 94 |
| 4.3.2 | Previous IPV Offending – Nature..... | 94 |
| 4.4 | Alleged and Self-Reported Offending..... | 96 |
| 4.4.1 | Alleged Offending – Nature..... | 96 |
| 4.4.2 | Self-Report Incidents – Nature | 97 |
| 4.5 | Discussion | 98 |
| 5. | The Offending Behaviour of Young People made Subject to an OLR | 103 |
| 5.1 | Overall Offending and Demographic Information..... | 103 |
| 5.1.1 | Age Groups..... | 103 |
| 5.1.2 | Years OLR Imposed | 105 |
| 5.1.3 | Risk Rating | 107 |
| 5.1.4 | Nature and Pattern of Overall Offending..... | 108 |
| 5.2 | Index Offending..... | 112 |
| 5.2.1 | Index Offending – Frequency | 112 |
| 5.2.2 | Index Offending – Nature | 114 |
| 5.3 | Previous Offending | 117 |
| 5.3.1 | Previous Offending – Frequency..... | 117 |
| 5.3.2 | Age at First Conviction | 120 |
| 5.3.3 | Previous YOI or Adult Imprisonment..... | 121 |
| 5.3.4 | Previous Offending - Nature | 122 |
| 5.4 | Alleged and Self-Reported Offending..... | 125 |
| 5.4.1 | Alleged Offending – Frequency..... | 125 |
| 5.4.2 | Alleged Offending – Nature..... | 128 |
| 5.4.3 | Self-Reported Incidents - Frequency..... | 132 |
| 5.4.4 | Self-Reported Incidents - Nature..... | 132 |
| 5.5 | Discussion | 134 |

CONTENTS (CONTINUED)

| | | |
|-----------|--|------------|
| 6. | The Offending Profile of Individuals made Subject to an OLR with Index Offending of an 'Other' Nature | 138 |
| 6.1 | Demographic and Overall Group Information | 139 |
| 6.1.1 | Age Groups | 140 |
| 6.1.2 | Years OLR Imposed | 141 |
| 6.1.3 | Risk Rating | 143 |
| 6.2 | Index Offending | 144 |
| 6.2.1 | Index Offending – Frequency | 144 |
| 6.3 | Previous Offending | 145 |
| 6.3.1 | Previous Offending – Frequency | 145 |
| 6.3.2 | Age at First Conviction | 148 |
| 6.3.3 | Previous YOI or Adult Imprisonment | 149 |
| 6.3.4 | Previous Offending – Nature | 150 |
| 6.4 | Alleged and Self-Reported Offending | 154 |
| 6.4.1 | Alleged Offending – Frequency | 154 |
| 6.4.2 | Alleged Offending – Nature | 157 |
| 6.4.3 | Self-Reported Incidents - Frequency | 160 |
| 6.4.4 | Self-Reported Incidents - Nature | 162 |
| 6.5 | Discussion | 163 |
| 7. | The Offending Profile of Individuals made Subject to an OLR with No Previous Convictions | 166 |
| 7.1 | Demographic and Overall Group Information | 166 |
| 7.1.1 | Age Groups | 166 |
| 7.1.2 | Years OLR Imposed | 168 |
| 7.1.3 | Risk Rating | 169 |
| 7.2 | Index Offending | 170 |
| 7.2.1 | Index Offending - Frequency | 170 |
| 7.2.2 | Index Offending - Nature | 173 |
| 7.3 | Alleged and Self-Reported Offending | 177 |
| 7.3.1 | Alleged Offending - Frequency | 177 |
| 7.3.2 | Alleged Offending - Nature | 180 |
| 7.3.3 | Self-Reported Incidents – Frequency & Nature | 183 |
| 7.4 | Discussion | 185 |

CONTENTS (CONTINUED)

| | | |
|------------|--|------------|
| 8. | The Offending Profile of Individuals Subject to an OLR according to the Risk Rating | 188 |
| 8.1 | Demographic and Overall Group Information | 190 |
| 8.1.1 | Age Groups..... | 191 |
| 8.1.2 | Years OLR Imposed | 192 |
| 8.2 | Overall Offending..... | 193 |
| 8.2.1 | Overall Offending - Nature | 193 |
| 8.2.2 | Overall Offending – Duration | 197 |
| 8.3 | Alleged and Self-Reported Offending..... | 200 |
| 8.3.1 | Alleged Offending - Frequency | 200 |
| 8.3.2 | Alleged Offending – Nature..... | 203 |
| 8.3.3 | Self-Reported Incidents - Frequency..... | 207 |
| 8.3.4 | Self-Reported Incidents - Nature..... | 209 |
| 8.4 | Discussion | 209 |
| 9. | General Discussion | 212 |
| 9.1 | Summary of Pattern and Nature of Offending..... | 213 |
| 9.1.1 | The OLR Population as a Whole | 213 |
| 9.1.2 | Individuals Subject to an OLR with Convictions for IPV | 216 |
| 9.1.3 | Young People Subject to an OLR | 216 |
| 9.1.4 | Individuals Subject to an OLR with Index Offending of an 'Other' Nature | 218 |
| 9.1.5 | Individuals Subject to an OLR with No Previous Convictions | 219 |
| 9.1.6 | Individuals Subject to an OLR according to Risk Rating | 220 |
| 9.2 | General Discussion of Findings..... | 221 |
| 9.2.1 | Young People..... | 223 |
| 9.2.2 | Allegations | 225 |
| 9.2.3 | Net-widening..... | 227 |
| 9.3 | Limitations | 228 |
| 9.4 | Future Directions..... | 230 |
| 9.4.1 | OLR Population | 230 |
| 9.4.2 | Non – OLR Population | 230 |
| 9.4.3 | Experience of the OLR..... | 231 |
| 9.4.4 | Young People..... | 231 |
| 9.4.5 | Allegations..... | 232 |
| 9.4.6 | Net-widening..... | 232 |
| 9.4.7 | Current RMA Research Plans..... | 232 |
| 9.5 | Conclusion..... | 233 |
| 10. | References | 234 |
| 11. | Appendices | 238 |

ACRONYMS

| | |
|-------------|--|
| AIR | Annual Implementation Report |
| CJ(S)A | Criminal Justice (Scotland) Act 2003 |
| HM Advocate | Her Majesty's Advocate known as the Lord Advocate |
| ICO | Interim Compulsion Order |
| IIOC | Indecent Images of Children |
| IPV | Intimate Partner Violence |
| LS/CMI | Level of Service/Case Management Inventory |
| NDPB | Non-Departmental Public Body |
| OLR | Order for Lifelong Restriction |
| RAO | Risk Assessment Order |
| RAR | Risk Assessment Report |
| RMA | Risk Management Authority |
| RMP | Risk Management Plan |
| RoSH | Risk of Serious Harm |
| S&G | Standards and Guidelines |
| SOPO | Sexual Offences Prevention Order |
| SPS | Scottish Prison Service |
| UNCRC | United Nations Convention on the Rights of the Child |

GLOSSARY OF TERMS

High Court of Justiciary (High Court)

The High Court of Justiciary is Scotland's supreme criminal court. The OLR can be imposed on individuals convicted at the High Court. The Criminal Justice (Scotland) Act 2003 amended Section 195 (1) requires Sheriffs to remit any case in the Sheriff court where it is considered that the risk criteria may be met to the High Court of Justiciary.

Intimate Partner Violence (IPV)

Intimate partner violence (IPV) refers to abuse or violence which occurs between partners or ex-partners. As a term, it can be used interchangeably with domestic abuse (domestic abuse is most often perpetrated by partners/ex-partners), domestic violence and partner abuse. For the purposes of this report, the terminology 'intimate partner violence' has been adopted.

Lead Authority

The Lead Authority has responsibility for the risk management of the individual who is subject to an OLR. The Lead Authority is dependent on the location of the individual subject to an OLR. In custody, the Lead Authority is Scottish Ministers, in the community it is the appropriate Local Authority and in secure care settings the Lead Authority is Hospital Managers.

Multi-agency

Multi-agency work is a form of collaboration which may involve personnel from the prison, police, social work, health services (including forensic services), voluntary and third sector organisations, and housing organisations. The aim is to ensure that the appropriate range of services are available to support holistic risk management.

Multi-disciplinary

Multi-disciplinary working involves personnel from a range of differing disciplines and professional backgrounds working collaboratively to design and implement an RMP. Multi-disciplinary working helps to ensure that the management and support of the individual is planned and delivered in line with current evidence and knowledge gathered from across multiple fields of learning and practice.

Non-Departmental Public Body (NDPB)

A public organisation that is self-governing but accountable to and funded by government. An NDPB is not part of the Scottish Government or the Scottish Administration. They carry out administrative, commercial, executive or regulatory functions on behalf of Government; and operate within a framework of governance and accountability set by Ministers.¹

¹ Definition taken from [Public bodies in Scotland: guide - gov.scot \(www.gov.scot\)](http://www.gov.scot)

Order Lifelong Restriction (OLR)

A unique sentence providing for the lifelong management of violent and sexual offenders. It was introduced into legislation by Section 1 of the Criminal Justice (Scotland) Act 2003. Where an OLR is imposed, the individual will be subject to a Risk Management Plan approved by the RMA for the rest of their life regardless of whether the individual is in custody, the community, in secure care or within the mental health system. An OLR has a punishment part which must be served before an individual can be considered for release. Release (or discharge) into the community will not be granted until the Parole Board for Scotland are satisfied that the risk that the individual would pose in the community is manageable.

Risk

Risk is the potential for an adverse event to lead to a negative outcome, and by assessing risk we seek to estimate how likely the event is to occur and the nature and seriousness of its impact. In this context the 'adverse event' is offending behaviour and the negative outcome is the degree and nature of harm that it causes.

Risk Assessment Order (RAO)

Issued by the High Court for an individual who is being considered for an Order for Lifelong Restriction. Risk assessment orders are set out in Section 1 of the Criminal Justice (Scotland) Act 2003; becoming Section 210B of the Criminal Procedure (Scotland) Act 1995.²

Risk Assessment Report (RAR)

A report prepared by a Risk Assessor accredited by the RMA and produced for the Court on someone subject to a Risk Assessment Order. Risk assessment reports are set out in Section 1 of the Criminal Justice (Scotland) Act 2003; becoming Section 210C of the Criminal Procedure (Scotland) Act 1995.³

Risk Criteria

The risk criteria is defined in Section 210E of the Criminal Justice (Scotland) Act 2003 as follows:

"the nature of, or the circumstances of the commission of, the offence of which the convicted person has been found guilty either in themselves or as part of a pattern of behaviour are such as to demonstrate that there is a likelihood that he, if at liberty, will seriously endanger the lives, or physical or psychological well-being, of members of the public at large"

Risk Factors

Circumstances, events or considerations that increase the likelihood of offending. Risk factors may be static or dynamic, and intrinsic to the individual or situational in nature.

² Accessible at [Criminal Justice \(Scotland\) Act 2003 \(legislation.gov.uk\)](https://legislation.gov.uk)

³ Accessible at [Criminal Justice \(Scotland\) Act 2003 \(legislation.gov.uk\)](https://legislation.gov.uk)

Risk Management Authority (RMA)

A Non-Departmental Public Body established in 2005 by the Criminal Justice (Scotland) Act 2003;⁴ and sponsored by the Scottish Government Community Justice Division. The RMA has a wide range of legislative duties which focus on protecting the public by ensuring that effective risk assessment and risk management practices are in place to reduce the risk of serious harm posed by violent and sexual offending. Within this remit, the RMA has specific responsibility to oversee the risk assessment and management processes supporting the OLR sentence. This includes the accreditation of risk assessors to carry out duties on behalf of the High Court, and the approval of RMPs for those subject to an OLR.

Risk Management Plan (RMP)

A plan prepared by the lead authority for the individual sentenced to an OLR. It is required by law and is evaluated against the Standards and Guidelines for Risk Management by the RMA. It is based on a formulation of risk, and includes preventative, restrictive, supportive and contingency strategies. These strategies should link identified risks to actions, detail those responsible for those actions, and set appropriate review periods. Risk Management Plans are set out in Section 6 of the Criminal Justice (Scotland) Act 2003.⁵ Section 26B of the Prisoners and Criminal Proceedings (Scotland) Act 1993 also references risk management plans when stating that 'The Parole Board shall, whenever it is considering the case of a person in respect of whom there is a risk management plan, have regard to the plan'.

Risk of Serious Harm (RoSH)

The Framework for Risk Assessment, Management and Evaluation (FRAME; RMA, 2011)⁶ defines risk of serious harm as follows:

'There is a likelihood of harmful behaviour, of a violent or sexual nature, which is life threatening and/or traumatic and from which recovery, whether physical or psychological, may reasonably be expected to be difficult or impossible' (p. 25).

⁴ Accessible at [Criminal Justice \(Scotland\) Act 2003 \(legislation.gov.uk\)](https://legislation.gov.uk)

⁵ Accessible at [Criminal Justice \(Scotland\) Act 2003 \(legislation.gov.uk\)](https://legislation.gov.uk)

⁶ Available from [FRAME - RMA - Risk Management Authority](#)

1. INTRODUCTION AND BACKGROUND

1.1 Introduction to this Project

The aim of this project was to explore the patterns of offending of those who have been made subject to the OLR since its implementation in 2006. Broadly this will, through the presentation and consideration of information relating to individuals' convicted and alleged offending, provide a detailed offending profile of those subject to an exceptional sentence.

The background section immediately following this introduction provides a brief history of the OLR, followed by detail regarding the process and application of the OLR along with information regarding the unique and important features of it. This chapter then closes with an overview of the aims of this project and the knowledge gaps it aims to fill.

Chapter 2 provides detail of the methods applied across the project.

Chapter 3 presents information relating to the pattern and nature of offending of the whole population of individuals made subject to the OLR from its implementation in 2006 to 31st March 2021. A consideration of these findings is presented in the discussion section at the close of the chapter.

Chapters 4-8 are each concerned with a specific subgroup of the population of individuals made subject to an OLR. These subgroups are:

- individuals convicted of IPV
- young people made subject to the OLR
- individuals whose index offence was of an 'other' nature
- individuals who had no previous convictions prior to their index offending
- individuals according to their level of risk

Each chapter follows the same structure, moving through a presentation of the findings before concluding with a discussion of those findings.

Chapter 9 provides a general discussion of findings, consideration of each of the subgroups included in this study, and limitations and future directions.

1.2 Background

1.2.1 History of the OLR

In 1999, the UK government created the MacLean Committee on Serious Violent and Sexual Offenders. The Committee was established to review and offer recommendations in relation to the sentencing of serious violent and sexual offenders. The Committee had a wide remit which included the following:

"To consider experience in Scotland and elsewhere and to make proposals for the sentencing disposals for, and the future management and treatment of serious sexual and violent offenders who may present a continuing danger to the public"... (Scottish Executive, 2000, p.1).

The Committee were asked to consider the supervision and treatment needs of those convicted of serious sexual and violent offences and offer recommendations regarding how such needs could be met. The Committee reported in 2000 and offered numerous recommendations, including the introduction of a new sentence, the Order for Lifelong Restriction (OLR), and the creation of a Risk Management Authority (RMA), who would have

legislative responsibilities relating to the OLR and best practice regarding risk assessment and management. Those two recommendations, alongside a number of other provisions, were formally introduced through the Criminal Justice (Scotland) Act 2003.⁷

The RMA have a range of legislative duties in relation to the OLR, which includes accrediting experienced risk assessors to undertake risk assessments, preparing and issuing guidelines relating to the assessment and minimisation of risk and evaluating Risk Management Plans (RMPs) for approval. Essentially, the RMA have oversight of the risk assessment and management process relating to the OLR. However, the RMA also undertake a wide array of duties in the promotion of effective practice such as undertaking research, providing advice to Scottish Ministers and delivering education and training.

To date, there are only a small number of publications on the OLR. Fyfe and Gailey (2011) examined the implementation of the OLR in the early years and offered questions to be considered in future years. Gailey, Martin and Webb (2017) examined the application of the OLR and the profile of those subject to the OLR using data from the Level of Service Case Management Inventory (LS/CMI; Andrews, Bonta & Wormith, 2004). The LS/CMI assessment system was introduced in 2011, five years after the introduction of the OLR. As such, Gailey et al. (2017) examined a proportion but not the full cohort of those subject to the OLR at the time of publication. A paper by van Zyl Smit and Morrison (2020) examined the implementation of life sentences including the OLR and a thesis by Ferguson (2021) offered a critical analysis of the OLR.

The publications mentioned above also made recommendations regarding the application of the OLR. Gailey et al. (2017) proposed that consideration should be given to a 'presumption against' young people below the age of 21 being considered for an OLR. It was also proposed that consideration should be given to a review mechanism which could enable the High Court to revoke the OLR at a suitable point of time – dependent on the individual evidencing that they have effectively reduced their risk over a reasonable period of time spent in the community (Gailey et al., 2017). Van Zyl Smit and Morrison (2020) detail many of those subject to the OLR remain in prison beyond their punishment part as they are still considered to pose a risk that is not manageable in the community. The authors highlight that individuals subject to the OLR must be given sufficient support to demonstrate that the risk they pose has been reduced. Lastly, Ferguson (2021) proposed several recommendations which included amending Section 210B so that in instances where the index offence is of 'other' type, the individual must have been previously convicted of a violent, sexual or life endangering offence. Furthermore, it was recommended that allegation information should solely be used to establish patterns of behaviour and inform risk management. This would require Section 210C to be amended and Section 210C(2)(c) would be repealed as this allows allegation information to be used to inform opinion of risk.

⁷ Accessible at [Criminal Justice \(Scotland\) Act 2003 \(legislation.gov.uk\)](https://legislation.gov.uk)

1.2.2 The OLR Process

Following conviction, if a judge considers at their own instance, or on the motion of the prosecutor, that the risk criteria may be met, they may issue a Risk Assessment Order (RAO). Section 210B⁸ of the Criminal Procedure (Scotland) Act 1995, as amended by the Criminal Justice (Scotland) Act 2003,⁹ enables the High Court to make an RAO. These orders are available to the High Court of Justiciary (High Court) in cases where a person is convicted of an offence, aside from murder, that is:

- a sexual offence
- a violent offence
- an offence which endangers life; or
- an offence the nature of which, or the circumstances of the commission of which, are such that appears to the Court that the person has the propensity to commit any of the foregoing types of offence.

Whilst the High Court is required to make an RAO if it considers that the risk criteria may be met, an alternative is available in instances where the individual concerned is deemed by the Court to be mentally disordered. Specifically, in such instances, the Court can make an Interim Compulsion Order (ICO) and similar to the RAO, a risk assessor accredited by the RMA will be commissioned to compile a Risk Assessment Report (RAR).

The risk criteria is defined in Section 210E of the 1995 Act:¹⁰

...the nature of, or the circumstances of the commission of, the offence of which the convicted person has been found guilty either in themselves or as part of a pattern of behaviour are such as to demonstrate that there is a likelihood that he, if at liberty, will seriously endanger the lives, or physical or psychological well-being, of members of the public at large.

Once an RAO has been made, the High Court will appoint a Risk Assessor accredited by the RMA to undertake a RAR, which is a report on the risk that the individual being at liberty presents to the safety of the public. In completing the RAR, the assessor must have regard to the RMA's Standards and Guidelines for Risk Assessment (2018).¹¹

In line with these Standards and Guidelines (2018)¹¹ a RAR will include the following:

- A detailed review of information gathered from a range of sources
- The use of appropriate risk assessment tools
- An analysis of past and current offending in terms of its pattern, nature, seriousness and likelihood
- An offence analysis examining how, why and when offending occurs
- A formulation which offers an understanding of the interaction and role of risk factors and protective factors
- An evaluation of the current level of risk of serious harm
- An outline of any limitations and case specific issues
- Appendices that contain documents referred to in other sections. Assessors should attach paperwork for any assessment tools that were used to inform the opinions presented in the RAR.

⁸ Accessible at [Criminal Procedure \(Scotland\) Act 1995 \(legislation.gov.uk\)](https://legislation.gov.uk)

⁹ Accessible at [Criminal Justice \(Scotland\) Act 2003 \(legislation.gov.uk\)](https://legislation.gov.uk)

¹⁰ Accessible at [Criminal Procedure \(Scotland\) Act 1995 \(legislation.gov.uk\)](https://legislation.gov.uk)

¹¹ Available from: [Risk Assessment - RMA - Risk Management Authority](#)

The RAR will assist the judge in making an informed decision regarding whether an OLR should be imposed. As summarised by Ferguson (2021), the judge will consider the risk criteria to be met if, on the basis of the RAR and any other available information, the judge views that it is more likely than not that the individual will commit a serious offence of a violent or sexual nature. If the risk criteria are, on the balance of probabilities, deemed to be met then an OLR must be imposed. The only exception to this is where an individual meets the criteria for an interim compulsion order, in which the case the judge will impose this or an OLR.

1.2.3 The application of the OLR

The OLR is an indeterminate sentence which provides for lifelong management of those subject to the sentence. Every individual sentenced to an OLR will have an RMP as detailed by Section 6 of the Criminal Justice (Scotland) Act 2003.¹² The OLR sentence itself is comprised of a minimum period of imprisonment which is referred to as the 'punishment part'. The punishment part is derived from a judicial calculation based on the index offence. The individual will not be eligible for parole until the punishment part has been served. The punishment part can broadly be considered to reflect the severity of the index offence however it does not include a period of time for the protection of the public (Gailey et al., 2017). Once the punishment part has elapsed, the individual is eligible for Parole and it is for the Parole Board for Scotland to determine whether the degree of risk is such that the individual can be released from custody and managed in the community. The Parole Board for Scotland will only release someone when they are satisfied that imprisonment is no longer necessary for the protection of the public. Essentially, any time spent in custody beyond the punishment part will be for the purposes of public protection. Whilst individuals will be eligible for parole once their punishment part has expired, it is typically the case that individuals will be required to evidence progression through the custodial estate, for example, progressing from closed conditions to National Top End¹³ and the Open Estate¹⁴. As the individual progresses through these settings, they may well be tested in conditions of lower security. However this journey is individual and not necessarily linear, and some individuals may be returned to increased security conditions (i.e. National Top End or closed conditions).

The individual will also be subject to an RMP for the rest of their life; the first of which must be submitted by the Lead Authority¹⁵ to the RMA within nine months of the OLR being imposed. The RMP will provide an assessment of risk, the measures which are to be taken for the minimisation of risk and how these measures should be co-ordinated. The plan will evolve as the individual's risks and needs change. The RMP is intended to protect the public but also ensure that the individual has an opportunity to reduce their risk and achieve release (Gailey et al., 2017). When considering release the Parole Board must have regard to the risk management plan (Prisoners and Criminal Proceedings (Scotland) Act 1993, Section 26B¹⁶). The phrase "have regard to" involves a greater degree of consideration than an obligation simply to "consult", but it does not mean "follow" or "slavishly obey", although when departing

¹² Accessible at [Criminal Justice \(Scotland\) Act 2003 \(legislation.gov.uk\)](https://legislation.gov.uk)

¹³ A 'top-end' facility is part of a closed prison that is able to provide access to work placements and special escorted leave but not home leave.

¹⁴ Open Estate refers to any prison which holds low supervision prisoners and who are eligible for temporary release.

¹⁵ The Lead Authority has responsibility for the risk management of the individual subject to the OLR. The Lead Authority depends on the location of the individual, in custody it will be Scottish Prison Service on behalf of Scottish Ministers, in secure care it will be hospital managers and in the community it will be the Local Authority.

¹⁶ Accessible at [Prisoners and Criminal Proceedings \(Scotland\) Act 1993 \(legislation.gov.uk\)](https://legislation.gov.uk)

from the plan there must be clear reasons given (Paul Hutton v. Parole Board for Scotland and Others, 2021).

Once released, the individual will be subject to licence for the rest of their life. Supervision in the community may be lessened if appropriate but supervision may increase, or an individual may return to custody if the conditions for release are breached, and an assessment deems that the individual presents a serious risk to public safety.

1.2.4 Unique and important features of the OLR

As detailed by Gailey et al. (2017), there are a number of features which separate Scottish policy from other international models at the time the sentence was recommended and implemented. Some of these have already been discussed above, such as the fact that the sentence can only be imposed following consideration of a risk assessment report which is conducted by an assessor accredited by an independent body (the RMA). Similarly, another important aspect is that the approval of RMPs for those subject to the sentence and the monitoring of the implementation of RMPs are the responsibility of the RMA, who also sets standards for risk assessment and management against which practice is to be judged.

One of the unique features of the OLR is that the index offence which triggers an RAO, and therefore consideration for an OLR, may not necessarily be a serious violent or sexual offence. The legislation allows consideration of offences where the nature or circumstances of the offence are such that it appears to the Court that the person has a propensity to commit a sexual offence, a violent offence or an offence which endangers life. As outlined by Ferguson (2021), the purpose of the OLR is to prevent serious offences from occurring and the sentence does not have to be imposed for such an offence being committed. There has been concern that this creates a risk of net widening where OLRs could be imposed solely if there is a potential for future risk (van Zyl Smit & Morrison, 2020).

The OLR can be described as a risk-based sentence which is not imposed for the crime committed but instead, imposed based on the characteristics of the individual and other indicators of risk including prior offences (Ferguson, 2021). In preparing the RAR, the legislation allows the assessor to consider and include 'allegation information' relating to matters that have not been proven in court. The legislation – Section 210C of the Criminal Procedure (Scotland) Act 1995, as amended by the Criminal Justice (Scotland) Act 2003 – outlines:¹⁷

Where the assessor, in preparing the risk assessment report, takes into account any allegation that the person has engaged in criminal behaviour, the report is to—

- (a) list each such allegation;
- (b) set out any additional evidence which supports the allegation; and
- (c) explain the extent to which the allegation and evidence has influenced the opinion included in the report under subsection (3) below.

The fact that someone may be sentenced to an OLR based on what they may do in future and informed by what they may or may not have done, are contentious features of the OLR that sets it apart from other sentences (Gailey et al., 2017).

¹⁷ Accessible at [Criminal Procedure \(Scotland\) Act 1995 \(legislation.gov.uk\)](https://legislation.gov.uk)

The MacLean Committee recommended that the OLR is applicable irrespective of age or gender (Scottish Executive, 2000). Whilst the majority of individuals likely to receive the OLR would be adults, it would be possible for a young person to receive an OLR (Scottish Executive, 2001). However, in the White Paper titled 'Serious Violent and Sexual Offenders', it was detailed that it was viewed that the OLR would rarely be imposed on young people, particularly those under the age of 21, given the pattern of behaviour required to warrant its imposition (Scottish Executive, 2001). However, as explored later, this projection has not proved to be entirely accurate, particularly in the early years of the sentence. It was also projected that it was unlikely to be considered for women which has proved to be a more accurate prediction.

A central feature of indeterminate sentences is that they allow for detention or imprisonment for a longer period of time than what would be given on the basis of the index offence alone (Ferguson, 2021). The very nature of an OLR being imposed demonstrates that lifelong efforts will be required to manage risk however those subject to the OLR should have the opportunity to demonstrate their capacity to change and reduce risk. However, Gailey et al. (2017) suggested that the motivation to achieve this may be impacted by a feeling of hopelessness when the outcome for the individual or involved agencies will remain lifelong risk management.

1.3 Project Aims

As has been outlined within the previous paragraphs, the primary aim of the OLR is the protection of the public. It is considered an exceptional sentence which is to be used where no other sentence would suffice; a sentence designed for those whose pattern of behaviour indicates the need for 'concerted lifelong efforts' to manage the risk of life-endangering harm that they pose to the public at large (Gailey et al, 2017). Unlike any other sentence, the OLR is imposed in relation to an individual's risk, not for the crime committed. And, whilst as Ferguson (2021) discusses, consideration of the MacLean Committee's terms of reference, the recommendations of the Committee, the white paper titled 'Serious Violent and Sexual Offenders (Scottish Executive, 2001) and the criteria for an RAO all show a similar focus on violent and sexual crimes, a history of violent or sexual offending is not necessarily required for the imposition of an OLR.

At present, relatively little is known about the population of individuals who have been made subject to the OLR. This study is the first in a series of research publications aiming to provide insight into the OLR as a sentence and the individuals subject to it. It will not (and nor has been designed to), in isolation, provide a complete understanding of this complex population. What it does however aim to do is provide a comprehensive overview of the offending characteristics of both the population as a whole, and defined subgroups within it. More specifically, the study aims to:

- Examine the offending behaviour characteristics of those subject to the OLR, including the pattern and nature of offending, by examining index and previous offending.
- Explore whether the OLR has been imposed in line with the description of the MacLean Committee, in addition to exploring whether there are indications of the OLR having unintended net-widening consequences.

2. METHOD

The project focused on individuals sentenced to the OLR between the first year of the OLR's existence and the end of the 2021 financial year, i.e. 2006 – March 31, 2021.

The primary data source was the RAR. Data was gathered by reading individuals' RARs and coding information relating to number and nature of index offences, previous offences, intimate partner violence, allegations, duration of offending, self-reported unsubstantiated offences, and the nature of an individual's behaviour in custody. Where RARs were unclear or contained contradictory information, other documents were permitted to be used so long as they were from the period of assessment: between the RAO being issued and the OLR sentence being imposed. Therefore, RMPs, appeal judgements, or annual review documents, all of which are created after the imposition of the OLR, were not used, though sentencing statements and court minutes from the original trial and sentencing were permissible. In all cases, the RAR was prioritised as the first and best source of information.

2.1 Ethics

As a result of the RMA's remit and legislative functions, documents such as RARs and RMPs can be used as sources of data where processing is necessary for the performance of a task carried out in the public interest. In this instance, it is considered that it is in the public interest to have a greater understanding of the OLR and those subject to it. A research proposal was submitted to the RMA's Board for review and feedback.

2.2 Participants

A total of 222 RARs were initially considered. Of these, researchers removed seven RARs where the sentence was successfully appealed. Of the remaining eligible RARs ($n = 215$), 13 were removed due to difficulty in coding them reliably, resulting in 202 RARs being included in the study, including those of individuals who have died. Therefore, 202 RARs were examined for 202 individuals – 200 of whom are male, and two of whom are female. The two female individuals are transgender, and transitioned subsequent to sentencing, so were recorded as male at the time.

Exclusion criteria included: unclear number and type of index offences, and contradictory information regarding the majority of index and previous offending that required the researcher to make assumptions without enough information to verify whether these were likely to be correct. Researchers never made assumptions about what a conviction might have been from a given description of offending behaviour; convictions were required to be stated clearly in the RAR. While researchers did not make assumptions about convictions or allegations, they often had to piece together timelines of events, or the number of convictions and allegations from information scattered throughout the RAR; the limitations of this are detailed in the Limitations section.

2.3 Procedure

Two researchers read and coded the majority of the RARs, with a third researcher undertaking coding for 18 RARs. Coding took place over a period of 18 months. The researchers held weekly meetings to discuss subjective or difficult areas within the RARs and, in all such instances, consensus was able to be reached. To ensure consistency across coders, a codebook was developed and maintained (a process which included, for example, updating the codebook in response to outcomes from the aforementioned meetings), as well as a log of any decisions made. RARs varied in quality and level of detail, particularly when comparing early OLR cases with more recent ones. The Limitations section and Appendix 1 provide further information on varying RAR quality, changes in Risk Level definitions, and decisions regarding vague or subjective information in RARs.

Convictions were coded using the exact conviction name and by counting the number of each conviction. Convictions were sorted into four categories/types:

- Sexual
- Violent
- Intimate Partner Violence (IPV)
- 'Other'

These categories were created for the purpose of this project. A list of which offences were included under each category is included in Appendix 2. Intimate Partner Violence (IPV) included any offence where the victim was an intimate partner or ex-partner. Within this category, whether the IPV was of a violent, sexual, or 'other' nature was captured.¹⁸ All IPV convictions were logged in two places. Firstly, the exact conviction was logged under 'sexual', 'violent', or 'other' as appropriate (e.g., a conviction for 'assault' against a partner would be logged as 'assault', in the violent category). Then, because the conviction was 'violent', and against an intimate partner, it was also logged under IPV, as a violent offence.

Examples of offences which fell under the category of 'other' included convictions such as theft, housebreaking, vandalism, or white collar crime.

The offending categories were static and did not change depending on the context of an individual offence. For example, a conviction of "assault" was always categorised as violent, even if the motivation appeared to be sexual. Breach of the Peace, which is a broad conviction that can fall into both 'violent' or 'other' categories, was consistently categorised as 'violent'. This was in order to avoid making assumptions about the motivations of the offender or harm caused by an incident. Similarly, Conspiracy was categorised as 'other', as this can relate to a conspiracy to commit violent, sexual, or 'other' crimes depending on the circumstances, and consistently categorising it under violent or sexual risked misrepresenting the individual's offence type in some cases.

¹⁸Please note that convictions relating to the Domestic Abuse Act were categorised under 'violent'.

Allegations were counted and coded more broadly under sexual, violent, or 'other' categories, without recording a specific offence the person was alleged to have committed. This was because allegation information often did not specify an exact offence but rather described an individual's behaviour. Also logged was whether any of these allegations involved an intimate partner. Allegations were defined as any non-convicted offending behaviour that met at least one of two criteria: it was listed in the Allegation Information table in the RAR's appendix, or it involved the police. It was not always possible to differentiate between previous convictions and charges that did not lead to conviction; in these cases, the researchers would code offending behaviour as an allegation unless the RAR author made clear that the individual was convicted of the offence. There is therefore a risk that the number of allegations is inflated, and that convictions are under-counted. See the Limitations section and Appendix 1 for details on this process and the decision-making behind it.

With regards to allegations, the MacLean Committee recommended that:

The sentencing of serious violent and sexual offenders should be informed by a formalised, multi-disciplinary risk assessment based on the circumstances of the current case and much fuller information regarding the antecedents of the offender and the nature of any previous offences, including unproven allegations of criminality (Scottish Executive, 2000, p.39).

Consequently, within the Standards and Guidelines for Risk Assessment (RMA, 2018),¹⁹ it is outlined that assessors are able to consider unproven offending (allegations) and are required to elaborate on how and when this is relevant to their risk rating. The definition of 'allegation' utilised within this project had the potential to be broader than that considered by the assessor. In that, the researchers may have logged an instance of behaviour which met the criteria for 'allegation' within this study but was not listed as such by the assessor within the Allegation Information table in the RAR's appendix. Allegations were only marked as having had an influence on the risk rating where this was clearly outlined by the assessor.

Duration of offending refers to the time between an individual's first conviction and the date the RAO was made. RARs rarely stated the date of conviction for index offences, and therefore the researchers used the date of the RAO as the date of conviction for index offending. While this is imperfect, as the RAO was not always made on the date of conviction, it was deemed to be the closest verifiable date to an individual's conviction date. Relatedly, duration of offending measured the time between the first offence and the RAO: it did not take account of the number of offences during that time. For example, if an individual had a total of two convictions (one index and one previous), three years apart, they were coded as having an offending duration of three years, even if they were not consistently offending for that entire period. Similarly, someone who had consistently acquired convictions over a three-year period was also coded as having an offending duration of three years.

¹⁹ Available from [Risk Assessment - RMA - Risk Management Authority](#)

Self-reported incidents were defined as offences the individual reported to the assessor, but for which there was no corroborating information. For example, several individuals claimed to have been involved in gang fights in their youth, though their self-report was the only source of information about this. These were not coded as Convictions or Allegations, and instead were coded as Self-Reported incidents. These were counted and categorised as sexual, violent, or 'other'. As with alleged offending, whether any self-reported instances of offending involved an intimate partner was also logged.

Behaviour in Custody involved coding sexual, violent, or 'non-sexual, non-violent' episodes of behaviour in custody that were documented in governors' reports or other prison records, or were told to the assessor by prison staff during interview. Unlike the other variables, Behaviour in Custody does not count the total number of incidents but rather captures the presence of each category of behaviour, and whether the victim was another imprisoned person or a staff member, or if there was no victim (e.g., failing a drugs test would be a behaviour categorised as 'other' and which had no clear victim). Where a particular behaviour in custody met the definition of an Allegation, or the individual was convicted of an offence in relation to the behaviour, this was captured as both a Behaviour in Custody and an Allegation or Conviction. For example, someone who was convicted of assaulting prison staff would have this counted as both a conviction and the presence of violent behaviour in custody against a staff member.

2.4 Data Analysis

Data was stored and processed in Excel and analysed in IBM SPSS Statistics for Windows, Version 24.0 (IBM Corp, 2016). This project was concerned with the whole population of individuals made subject to an OLR, such that the use of inferential statistics was not considered appropriate (for discussion relating to this point, please see Alexander, 2015 and Gibbs et al., 2012). As the name would suggest, inferential statistics is a means through which to make inferences about a population from a sample drawn from it. There are – as Alexander (2015) discusses – conditions under which inferential statistics could be considered meaningful for whole population data if that population was considered to be part of a wider population (whether that be future cases for example, or extending across geographical areas) however given the unique nature of the OLR as a sentence, that was not the case here. It is acknowledged that, as already outlined, some data points were missing due to difficulties in reliably coding information from 13 RARs. As Alexander (p. 1) outlines, "...missing data can rarely, if ever, be ruled out..." and, given the low number of RARs which could not be utilised, it was considered reasonable to consider the group under consideration (i.e., the group of 202 individuals) as a whole population.

The first research question examining the offending behaviour of the population of individuals made subject to an OLR was explored through analysing the overall number and duration of index and previous offences, as well as the presence and number of alleged and self-reported offences and reported incidents in custody (behaviour in custody). In all instances – i.e., convicted, alleged and self-reported offending, as well as behaviour in custody, the nature of offending was also considered. Further, the nature of previous offending was considered in relation to the nature of index offending (and vice versa), with a similar process adopted to examine the nature of non-IPV convictions in those convicted of IPV.

2. METHOD

As outlined within Section 2.3, IPV was defined as any offence where the victim was a current or former partner. In the case of convicted offending, the method of collection adopted meant that, when it came to analysing the data, IPV of each type (i.e. 'sexual', 'violence' or 'other') could be totalled in two primary ways. Specifically, each type of IPV could either be counted under the standalone category of IPV or could be incorporated into the general 'sexual'/ 'violent'/ 'other' categories (as appropriate) such that, for example, the general 'sexual' offending tally would also include sexual offending involving an intimate partner. Additionally, the data could be 'double counted' such that it was counted *both* in the IPV category *and* in the general 'sexual'/ 'violent'/ 'other' (as appropriate) category. In general, the first option was adopted, with IPV offending counted *only* within the standalone IPV category – and, by extension, excluded/removed from the general 'sexual'/ 'violent'/ 'other' totals. There were however occasions where 'double counting' was required/preferable – all such occasions are clearly marked next to the respective finding.

The case was slightly different for alleged and self-reported IPV. Due to the lesser degree of detail collected, IPV could not be disentangled from overall alleged/self-reported offending of each general type. In other words, alleged and self-reported IPV were always 'double counted' such that, for example, any allegation of sexual offending involving an intimate partner would appear both in the 'sexual offending' and 'IPV' totals. And, from the somewhat reverse perspective, each general category (i.e., 'sexual', 'violent' and 'other') of alleged or self-reported offending will, where IPV was present, include IPV of that nature.

To address the second research question regarding whether the OLR has been imposed in line with the description of the MacLean Committee, and potential net-widening, data from a number of subgroups was considered. In all instances, the same basic premise was followed, with the pattern and/or nature of offending analysed and compared (in each instance) with the remaining OLR population (e.g., the subgroup of young people compared with the remainder of the OLR population).

3. THE OFFENDING BEHAVIOUR OF THOSE SENTENCED TO THE ORDER FOR LIFELONG RESTRICTION.

Presented within this chapter is information relating to the pattern and nature of offending behaviour exhibited by the entire population of individuals made subject to an OLR between December 2006 and the 31st March 2021.

The chapter opens with a presentation of the general behaviour and patterns of offending of individuals subject to the OLR, divided across six sub-sections. This will explore, amongst other factors, elements such as the nature of index offending and patterns of previous convictions in relation to different index offence types. This chapter closes with consideration of the data presented and the patterns evident within in.

3.1 Overall Offending History and Demographic Information

From the introduction of the sentence in 2006 to March 2021, 222 OLRs have been imposed. When considering the average number per year, data from 2021 ($n = 3$) were necessarily removed as it covers only part of the year. Additionally, the years 2006 and 2007 were combined and counted as one. This latter decision was made in light of the fact that, due to the point at which the sentence was introduced, 2006 also does not represent a full calendar year. Furthermore, given that the first OLR made was imposed at the end of 2006, it felt appropriate to combine that OLR with the data from 2007, rather than exclude it entirely. Thus, with that in mind, removing the three OLRs from 2021 left a total of 219 OLRs which, spread across 14 years, rounds to an average of 15.6 OLRs per year.

Across the whole group of 222 OLRs, seven (3.15%) have been successfully appealed, at time of publication. Across the group, 13 OLRs were necessarily removed due to difficulties in coding the RARs reliably. This left a group size of 202 individuals in total.

For context, a breakdown of the total number of OLRs imposed per calendar year, the number successfully appealed, the number necessarily removed, and the number included in this analysis is presented in Figure 1. An illustration of the number of OLRs from each calendar year included within this analysis is provided in Figure 2. Please note that the numbers provided for 2021 only represent OLRs imposed up to the 31st March of that year.

3. THE OFFENDING BEHAVIOUR OF THOSE SENTENCED TO THE OLR

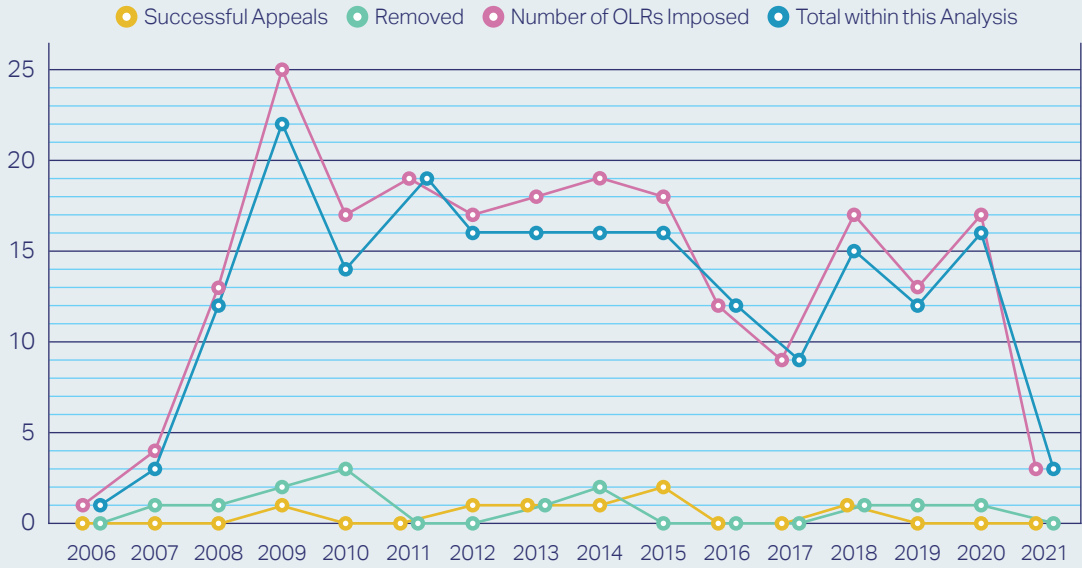


Figure 1. Per calendar year, the total number of OLRs imposed, the number successfully appealed, and the number necessarily removed

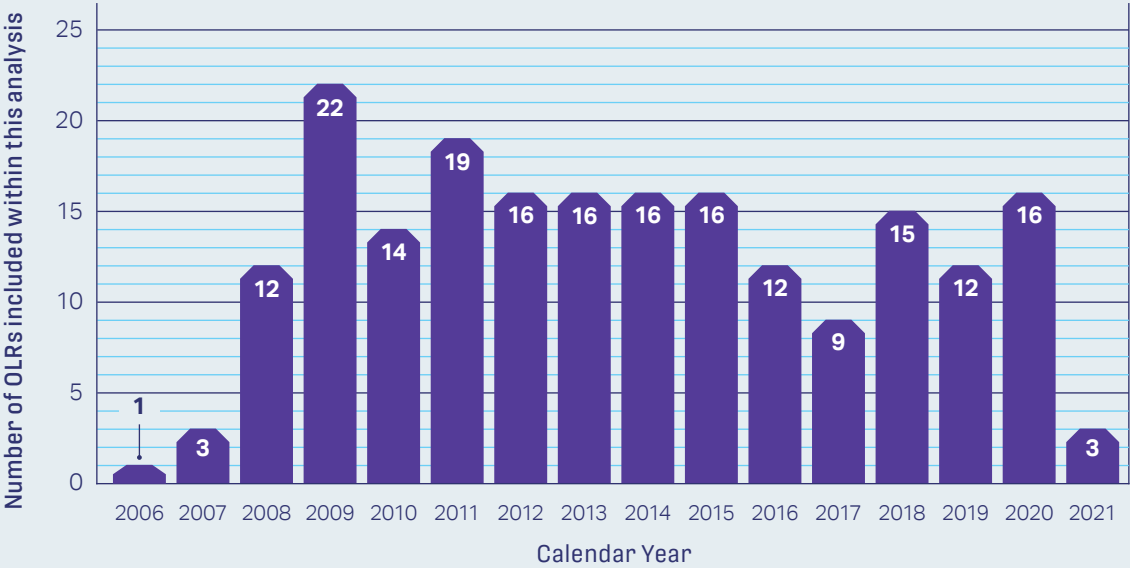


Figure 2. The total number of OLRs included within this analysis, per calendar year

Of the 202 individuals included within the analysis, the vast majority – 92.6% ($n = 187$) were assigned a risk rating of 'high' (for full detail, see Figure 3 – please note that no individuals subject to an OLR had been assigned a risk rating of 'low').

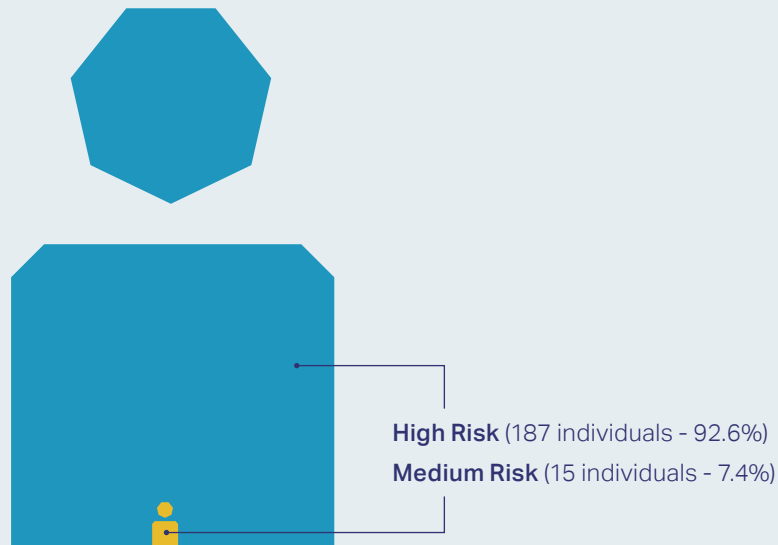


Figure 3. The number and percentage of individuals assigned each risk rating

3.1.1 Age Groups

All age categories were represented across the data. The age of individuals at OLR imposition ranged from 16-68 years, with an average age of 37.4 years ($SD = 11.6$). As can be seen in Figure 4, the greatest number of individuals clustered within the 31-40 age bracket ($n = 70$), with individuals aged under 18 occupying the lowest percentage ($n = 2$).

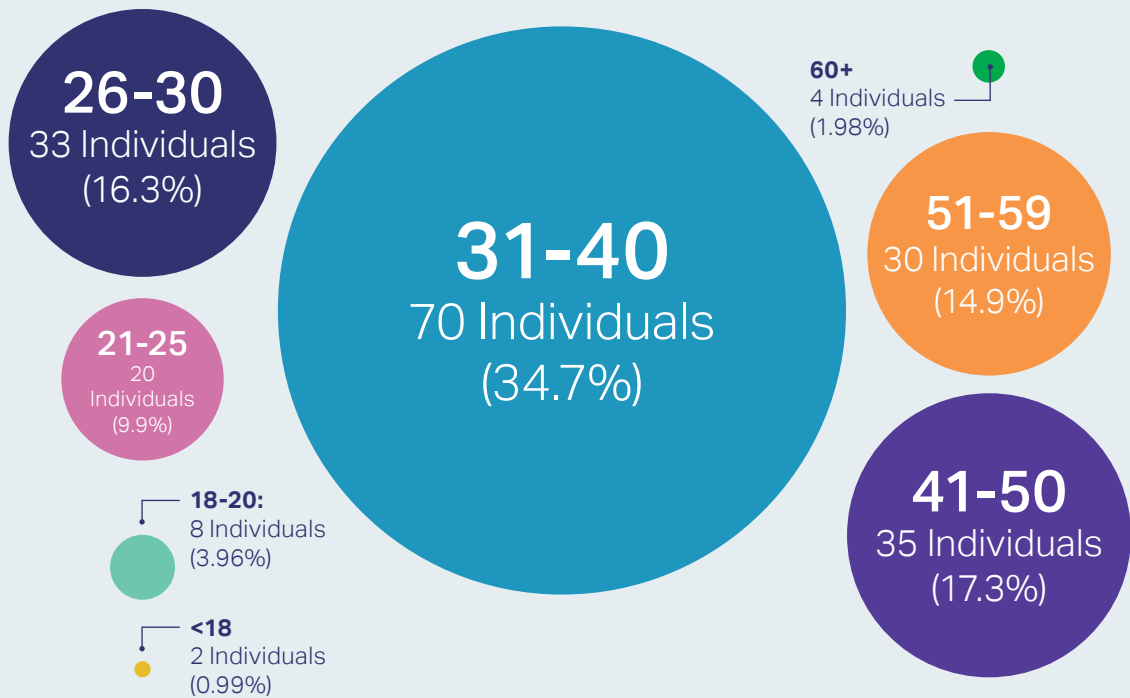


Figure 4. The age of individuals made subject to the OLR from 2006 – March 2021

3. THE OFFENDING BEHAVIOUR OF THOSE SENTENCED TO THE OLR

An illustration of the age distribution of individuals, per calendar year, is provided in Table 1 (please note that data from the years 2006 and 2007 have been combined, and the data from 2020 and 2021 separately combined).

As can be seen, an individual under the age of 18 has been made subject to the OLR in two separate years: 2008 and 2010. The 18-20 age-group is slightly larger in number ($n = 8$) and the year of imposition spans a greater period, with the earliest OLR imposed in 2008, and the latest in 2014 (please note that the characteristics of these two subgroups combined – i.e., individuals under the age of 21 – is considered in greater depth in Chapter 5). With the exception of one year – 2008 – the percentage of individuals in the <18 and 18-21 categories consistently occupy the lowest, or joint lowest, percentage of the group per year. To also consider the opposite end of the age spectrum, a small number of individuals aged 60+ ($n = 4$) have been sentenced to the OLR since its inception, appearing sporadically across the entire period of the sentence (i.e., 2006-2021). As might be expected, across all but a few years individuals aged 31-40 have formed the highest percentage of the group, with the majority typically clustering between the ages of 26-59.

Table 1. The age distribution and proportions per calendar year of individuals made subject to an OLR

| | < 18 n % per year | 18-20 n % per year | 21-25 n % per year | 26-30 n % per year | 31-40 n % per year | 41-50 n % per year | 51-59 n % per year | 60+ n % per year | Total (per Year) |
|---------------|----------------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|---------------------------|------------------------|
| 2006- 2007 | 0 0% | 0 0% | 0 0% | 1 25% | 1 25% | 0 0% | 1 25% | 1 25% | 4 |
| 2008 | 1 8.33% | 3 25% | 0 0% | 2 16.7% | 4 33.3% | 2 16.7% | 0 0% | 0 0% | 12 |
| 2009 | 0 0% | 2 9.09% | 3 13.6% | 4 18.2% | 7 31.8% | 5 22.7% | 1 4.55% | 0 0% | 22 |
| 2010 | 1 7.14% | 1 7.14% | 2 14.3% | 2 14.3% | 3 21.4% | 2 14.3% | 3 21.4% | 0 0% | 14 |
| 2011 | 0 0% | 0 0% | 6 31.6% | 2 10.5% | 6 31.6% | 1 5.26% | 4 21.1% | 0 0% | 19 |
| 2012 | 0 0% | 1 6.25% | 2 12.5% | 4 25% | 3 18.8% | 4 25% | 1 6.25% | 1 6.25% | 16 |
| 2013 | 0 0% | 0 0% | 5 31.3% | 3 18.8% | 4 25% | 2 12.5% | 2 12.5% | 0 0% | 16 |
| 2014 | 0 0% | 1 6.25% | 1 6.25% | 1 6.25% | 9 56.3% | 2 12.5% | 2 12.5% | 0 0% | 16 |
| 2015 | 0 0% | 0 0% | 0 0% | 1 6.25% | 9 56.3% | 4 25% | 2 12.5% | 0 0% | 16 |
| 2016 | 0 0% | 0 0% | 0 0% | 5 41.7% | 2 16.7% | 4 33.3% | 1 8.33% | 0 0% | 12 |
| 2017 | 0 0% | 0 0% | 0 0% | 2 22.2% | 3 33.3% | 1 11.1% | 3 33.3% | 0 0% | 9 |
| 2018 | 0 0% | 0 0% | 0 0% | 5 33.3% | 3 20% | 5 33.3% | 2 13.3% | 0 0% | 15 |
| 2019 | 0 0% | 0 0% | 0 0% | 0 0% | 5 41.7% | 1 8.33% | 4 33.3% | 2 16.7% | 12 |
| 2020- 2021 | 0 0% | 0 0% | 1 5.26% | 1 5.26% | 11 57.9% | 2 10.5% | 4 21.1% | 0 0% | 19 |

3.1.2 Nature and Pattern of Overall Offending

Nature of Overall Offending

Across the group of individuals made subject to an OLR, 89.6% ($n = 181$) had offending of a violent nature within their overall offending history (i.e., offending of a violent nature was present either in form of a previous conviction(s), an index conviction, or both). A similar percentage (87.6% - $n = 177$) had offending of an 'other' nature, with IPV²⁰ ($n = 91$) and offending of a sexual nature ($n = 122$) standing at just under and slightly over 50%, respectively (see Figure 5).

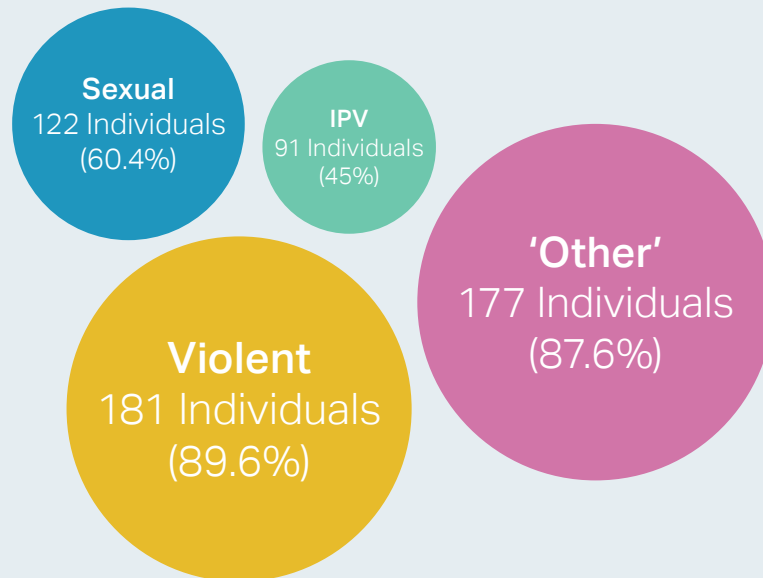


Figure 5. The number and percentage of individuals with each offending type within their overall offending history (NB: percentages may total more than 100% due to overlap)

The nature of individuals' IPV – i.e., whether it was of a sexual, violent, or 'other' nature – will be considered in detail in the following chapter. For information at this point, a table detailing the nature of individuals' offending with IPV double counted – such that, for example, IPV offences of a sexual nature appear both under 'IPV' and under 'sexual' offending – is presented below (see Table 2).

²⁰ Intimate Partner Violence (IPV) included any offence where the victim was an intimate partner or ex-partner. Within this category, whether the IPV was of a violent, sexual, or 'other' nature was captured. Please note that convictions relating to the Domestic Abuse Act were categorised under 'violent'. For full detail, please refer to Section 2.3 and Section 2.4.

3. THE OFFENDING BEHAVIOUR OF THOSE SENTENCED TO THE OLR

Table 2. *The number of individuals with each offending type within their overall offending history, with IPV both single and double counted*

| | IPV Single Counted n % of whole population | IPV Double Counted n % of whole population | Difference* n % of whole population |
|---------|--|--|---|
| Sexual | 122 (60.4%) | 136 (67.3%) | 14 (6.93%) |
| Violent | 181 (89.6%) | 186 (92.1%) | 5 (2.48%) |
| IPV | 91 (45%) | 91 (45%) | N/A |
| 'Other' | 177 (87.6%) | 178 (88.1%) | 1 (0.5%) |

*This figure represents the number of individuals with offending of that nature solely against an intimate partner, and no other victims.

The difference in the number of individuals with sexual and violent offending when IPV is double counted highlights those whose sexual or violent offending exclusively involved an intimate partner. That is to say, the increase in numbers indicates there were some individuals who solely committed violent ($n = 5$) and sexual ($n = 14$) offences against partners and no other victims. Further, one individual had offending of an 'other' nature solely against an intimate or ex-partner.

The vast majority of individuals made subject to an OLR had an offending history encompassing more than one offending type ($n = 190, 94.1%$) - i.e., some combination of sexual, violent, IPV and 'other' offending.

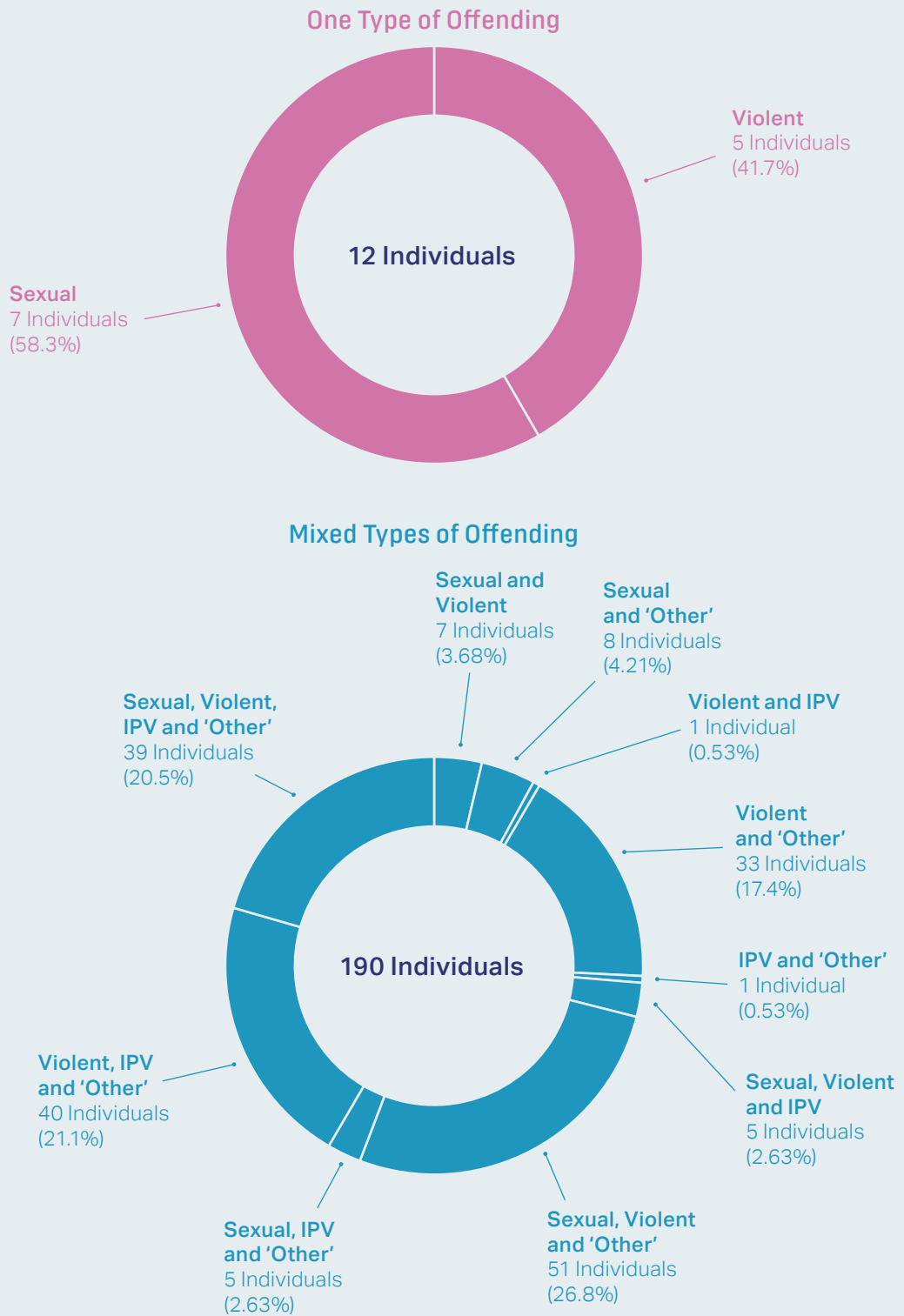


Figure 6. The nature of individuals' offending behaviour when comprised of one type (n = 12) or mixed types (n = 190) of offending

3. THE OFFENDING BEHAVIOUR OF THOSE SENTENCED TO THE OLR

Of the small subgroup of individuals who had offending of solely one type, the nature of that offending – as illustrated in Figure 6 – was sexual in just over half of instances, and violent in just under half.

As can be seen in Figure 6, the majority of individuals (140 individuals, or 73.7%) with offending of a mixed nature had convictions for offending of three or more types. Most common was the combination of ‘sexual, violent and ‘other’” offending ($n = 51$, 26.8%), with that same combination but further including IPV not far behind ($n = 39$, 20.5%). Interestingly, combinations of ‘violent and ‘other’” offending were also relatively common, both alone ($n = 33$, 17.4%) and in addition to IPV ($n = 40$, 21.1%).

Duration of Overall Offending

Utilising the data with IPV double counted²¹ detail regarding the duration of individuals’ convictions,²² according to their nature (sexual, violent, and IPV), is presented in Table 3. The data is divided according to four main categories: solely index offending, one previous conviction, duration known and duration unknown. ‘Duration known’ and ‘duration unknown’ cover individuals who have multiple convictions – either across their index and previous convictions, or solely across their previous convictions – the duration of which has either been able to be established or not, respectively. Please note that ‘solely index offending’ means that the individual had one conviction date for offending of that nature. That does not mean necessarily that they only have one conviction for that offending type, but that any such convictions were made on one conviction date.

²¹ The data did not allow for separation of the duration of non-IPV offending from IPV offending. Thus, the data outlining the duration of sexual and violent offending presented here includes any convictions that involved an intimate partner, of either a sexual, violent, or ‘other’ nature respectively, and were thus classed as IPV. The figure concerned with the duration of IPV encompasses all IPV, whether that be IPV of a sexual, violent, or ‘other’ nature.

²² Please note that this duration of overall convicted offending reflects the dates at which individuals have received a conviction. A *single conviction date* however does not necessarily translate to a single conviction. For example, if an individual was convicted of multiple offences at a single court appearance, one conviction date is logged. Elsewhere in the chapter, when considering the number and nature of convictions, each of those individual convictions, made at the same court appearance, is logged separately. Because the exact conviction date was not always obtainable for index offending, the date used for this calculation was the date at which the RAO was made, in order to ensure consistency.

Table 3. The number of individuals with each offending type within their overall offending history, with IPV both single and double counted.

| | Solely Index Offending n % per nature of offending | One Previous Conviction n % per nature of offending | Duration Known n % per nature of offending | Duration Unknown n % per nature of offending | Total n |
|---------|--|---|--|--|------------|
| Sexual | 64 (47.1%) | 8 (5.88%) | 57 (41.9%) | 7 (5.15%) | 136 |
| Violent | 8 (4.3%) | 16 (8.6%) | 124 (66.7%) | 38 (20.4%) | 186 |
| IPV | 17 (18.7%) | 19 (20.9%) | 44 (48.4%) | 11* (12.1%) | 91 |

*This figure includes one individual whose IPV offending spanned index and previous convictions, the index of which was solely of an 'other' nature. Because duration information was not gathered for 'other' offences, the data has been logged as 'unknown'.

Detail regarding the exact time period across which convictions had been received of those in the 'duration known' subgroup, according to the nature of offending (sexual: $n = 57$; violent: $n = 124$; IPV: $n = 44$), is presented in Figure 7, Figure 8 and Figure 9.

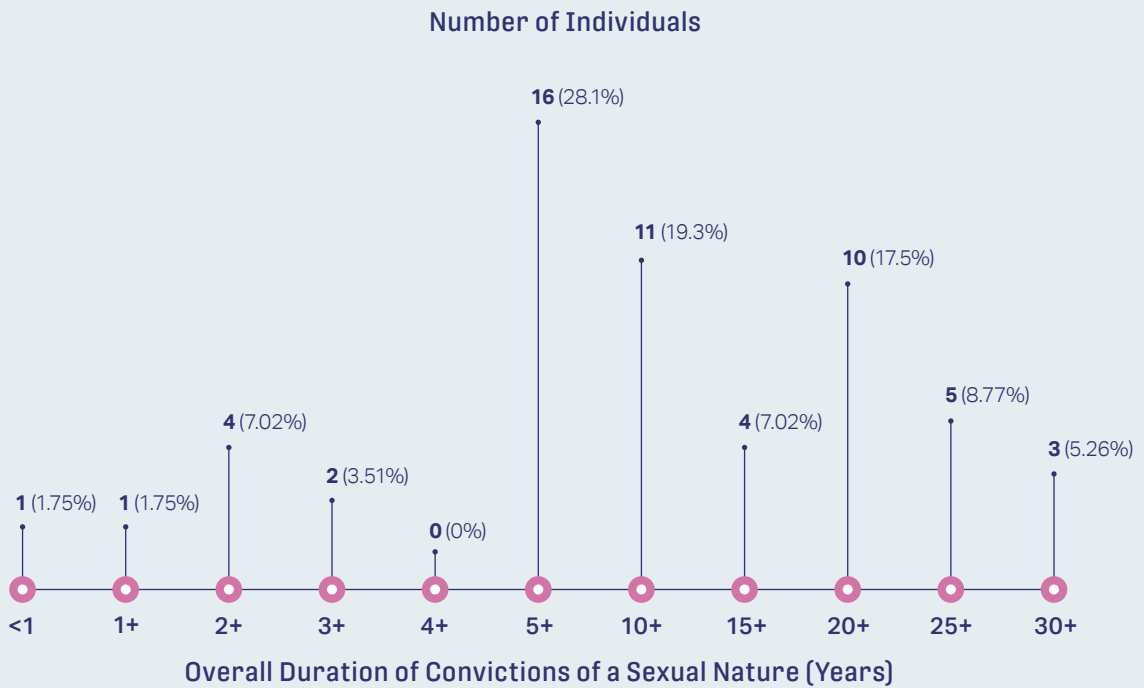


Figure 7. Duration of convictions (where known) for individuals convicted of sexual offending ($n = 57$)

3. THE OFFENDING BEHAVIOUR OF THOSE SENTENCED TO THE OLR

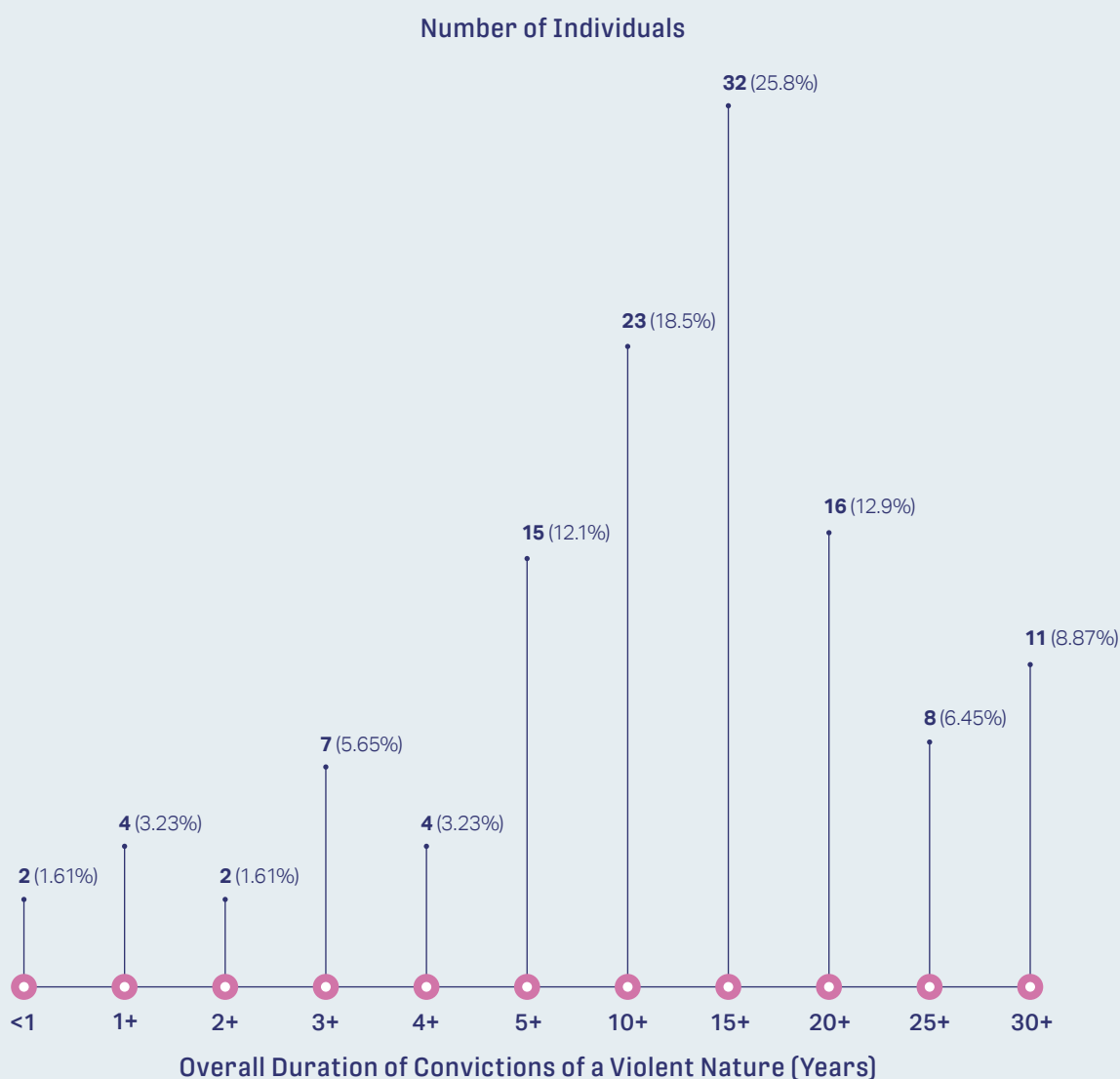


Figure 8. Duration of convictions (where known) for individuals convicted of violent offending ($n = 124$)

When considering 'duration known', across all offence types the pattern which emerges is broadly similar, with a majority of individuals having convictions spanning across a period of five years or more. What is interesting to observe within that however is the slight divergence seen in IPV offending, with no individuals having convictions spanning more than 25 years – a contrast to sexual and violent offending against non-partners.

Looking at the broader picture however – i.e., including individuals in the 'solely index offending', 'one previous conviction' and 'duration unknown' subgroups, more divergence, according to the nature of offending, is evident. Specifically, the percentage of individuals with 'solely index offending' was much greater when the nature of that offending was sexual, as compared with both violent offending and IPV. Albeit to a lesser degree, in some contrast the somewhat reverse pattern was seen when looking at the number of occasions upon which the duration of offending was unknown. In that instance, convictions of a violent nature were more likely to have occurred over an 'unknown' period than both other offending types.

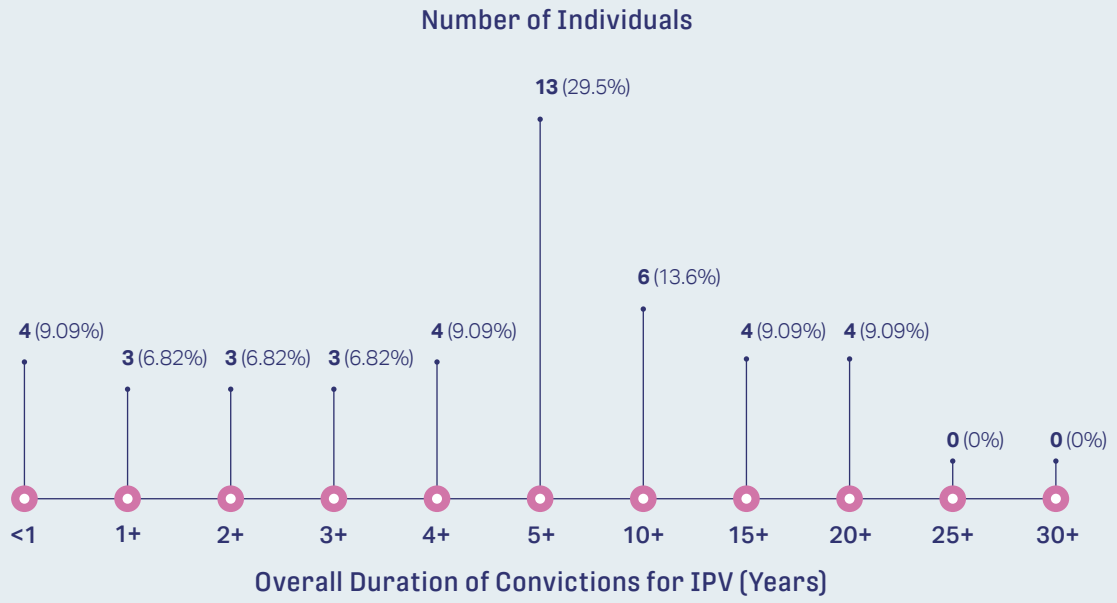


Figure 9. Duration of convictions (where known) for individuals convicted of IPV offending (n = 44)

3.2 Index Offending

Of interest within this section is individuals' index offending. The section proceeds largely in accordance with that just gone; namely, through frequency, nature and pattern of offending.

3.2.1 Index Offending – Frequency

As can be seen illustrated in Figure 10, just over a third of the group had a single index offence, with the remainder of the group having multiple offences.

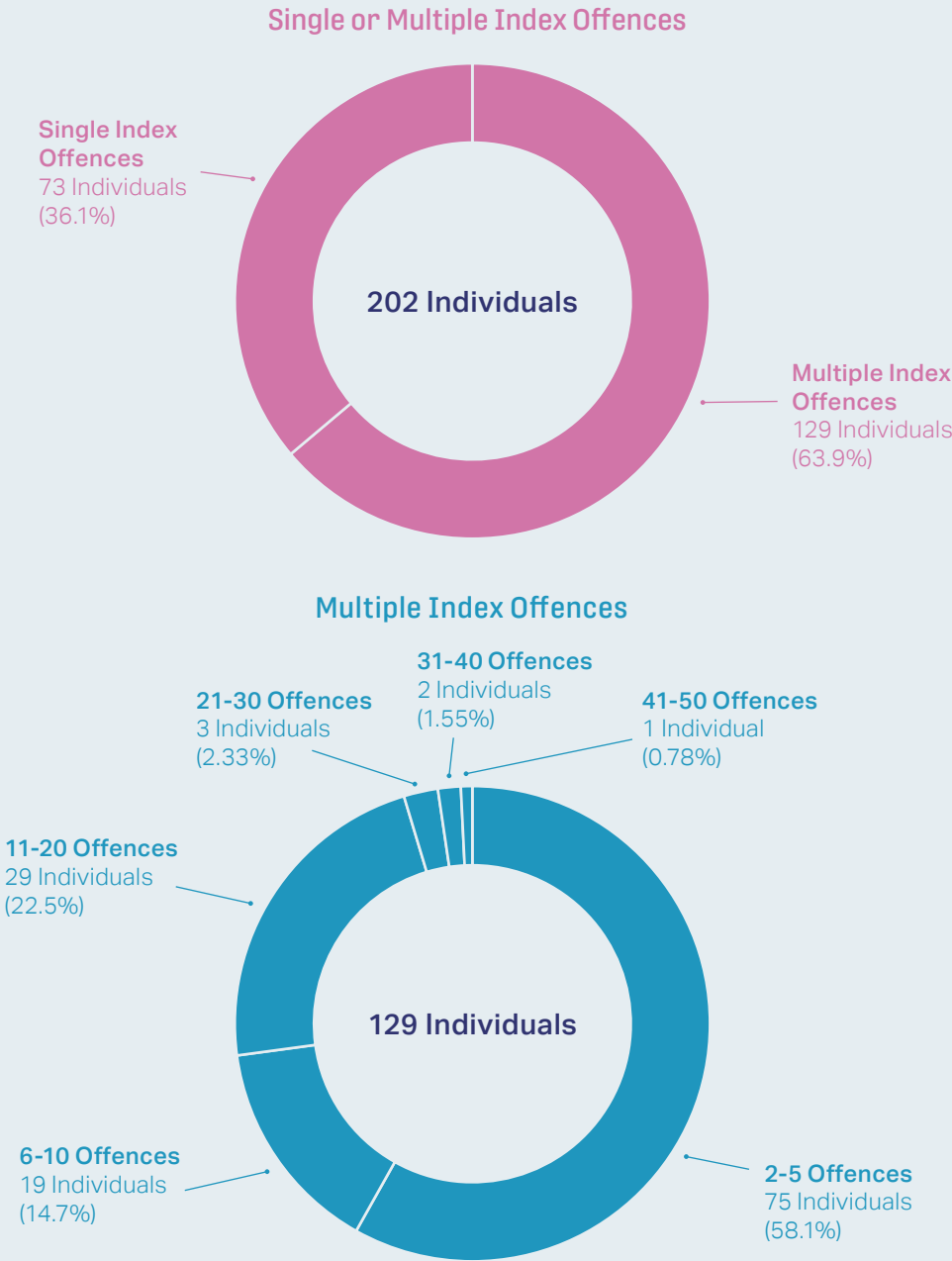


Figure 10. The number and percentage of individuals subject to an OLR with single (n = 73) or multiple (n = 129) index offences, and for those with multiple index offences, the total number of index offences

Of the 129 individuals who had multiple index offences, the number of those offences ranged from 2-49, averaging 7.46 ($SD = 7.36$). As shown in Figure 10, the greatest percentage – standing at just over half ($n = 75$) – of individuals had between 2-5 index offences. The number of individuals with 21 or more index convictions was small, with the vast majority clustered within the region of 2-20 offences.

3.2.2 Index Offending – Nature

As can be seen illustrated in Figure 11, just under half the group had convicted index offending of a sexual nature ($n = 99$), with almost exactly the same percentage having convictions for violent index offending ($n = 98$). The percentage of individuals with index offending of an ‘other’²³ nature, or IPV, was lower, standing at 17.3% ($n = 35$) and 27.2% ($n = 55$) respectively.

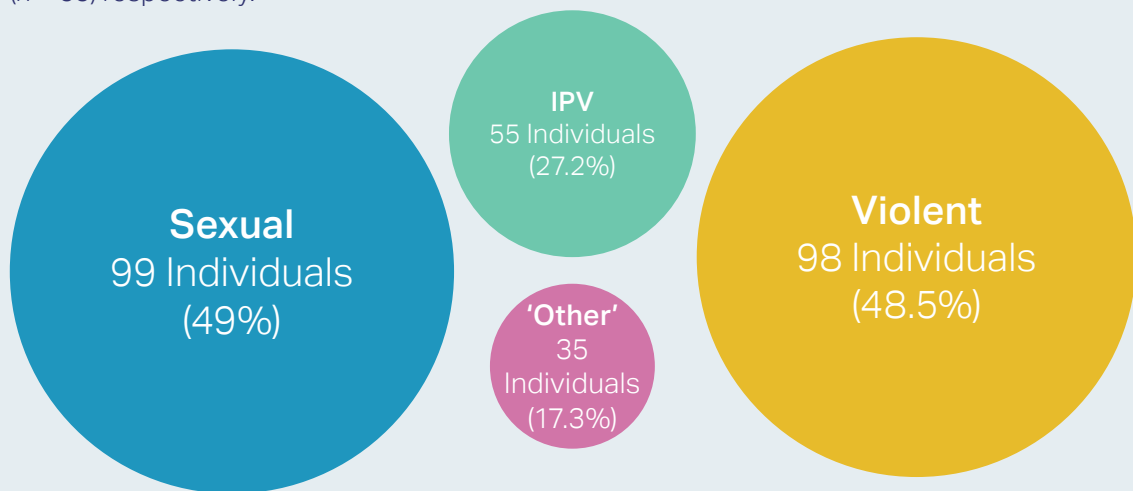


Figure 11. The number and percentage of individuals convicted of each type of index offence (NB: percentages may total more than 100% due to overlap)

²³ Examples of offences which fell under the category of ‘other’ included convictions such as theft, housebreaking, vandalism, or white collar crime. For a full list please see Appendix 2.

Single Index Conviction – Nature of Offending

Across the subgroup of individuals with a single index offence ($n = 73$), offending of all natures were evident (see Figure 12). Offending of a violent or sexual nature was most prominent (both 43.8%, or 32 individuals) with a much smaller group having a single conviction of an 'other' ($n = 4$, 5.48%) or IPV ($n = 5$, 6.85%) nature.

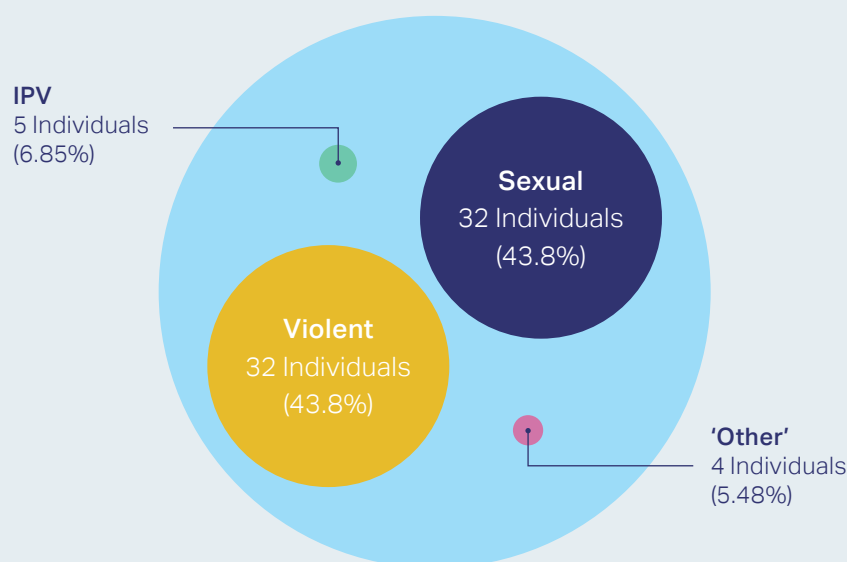


Figure 12. The nature of index offending of those convicted of a single index offence ($n = 73$)

Multiple Index Convictions – Nature of Offending

When considering the nature of the offending of those with multiple index offences ($n = 129$), the group was split almost exactly in half, with 48.8% ($n = 63$) having offending of solely one type and 51.2% ($n = 66$) having offending of a mixed nature.

The group of individuals with multiple offences but of one type will first be considered. In a very small percentage (1.59%, or one individual), the nature of this offending was of an 'other' nature. Of the remaining individuals, the group was fairly evenly distributed across each offending type (sexual: $n = 21$; violent: $n = 23$; IPV: $n = 18$ – for full detail see Figure 13).

As can be seen in Figure 13, the patterns of offending type in the group of individuals with multiple index convictions of mixed types were multiple and various, with the combination of 'sexual and violent' marginally occupying the largest percentage (18.2%, $n = 12$).

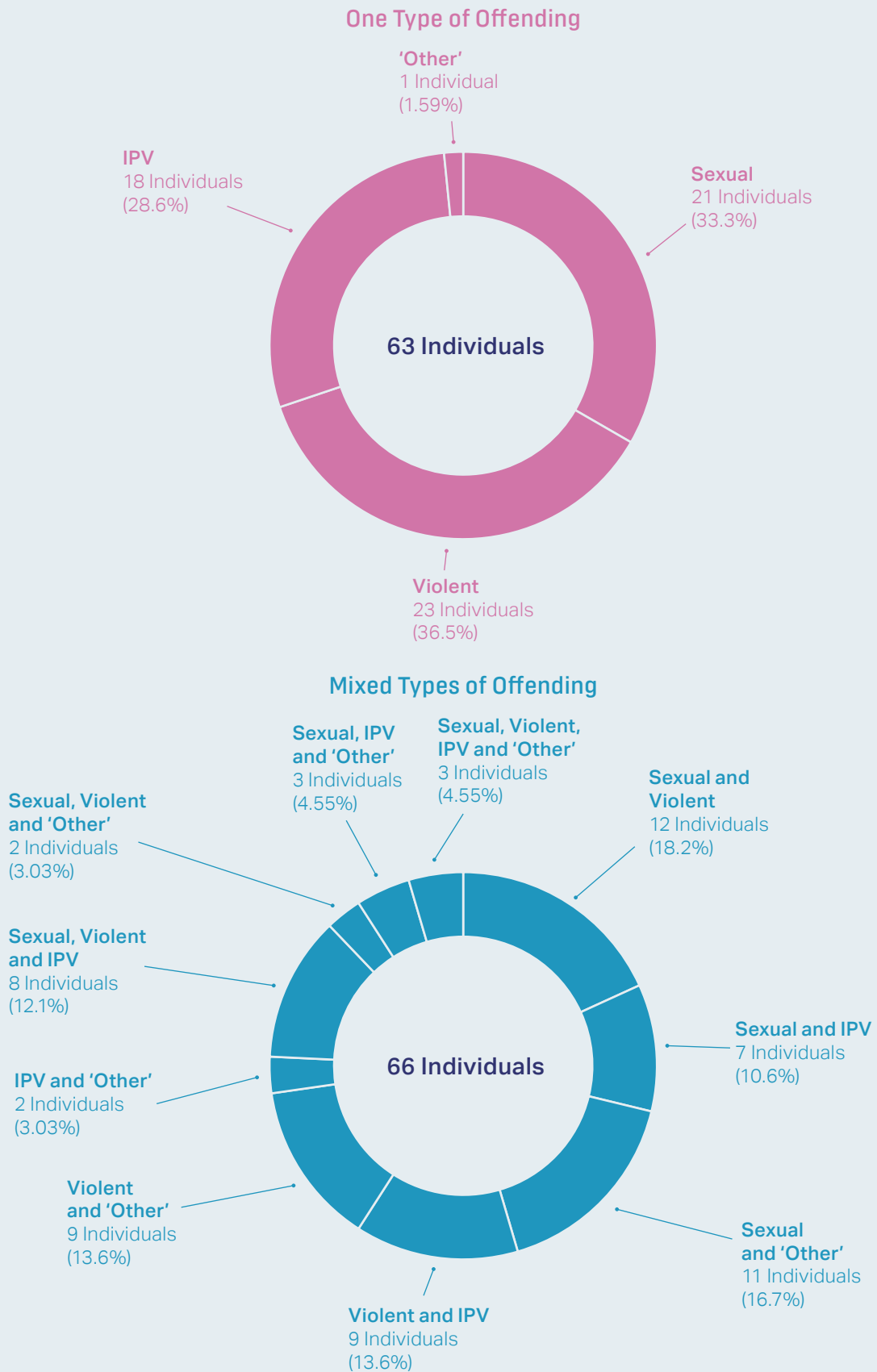


Figure 13. The nature of offending for individuals with multiple index offences (n = 129) comprised of one type (n = 63) or mixed types (n = 66) of offending

3.2.3 Index Offending – Duration

Of the group of 202 individuals, just over a third (36.1%) had a single index offence.²⁴ Of the remaining individuals who had convictions for multiple index offences, the duration of such offending – i.e., when the offending itself occurred – was known in the majority of cases. For full detail, see Table 4.

Table 4. *The overall duration of index offending*

| | Single Index Offence n % of whole population | Multiple Index Offences Duration Known n % of whole population | Multiple Index Offences Duration Unknown n % of whole population | Total |
|-----------------|--|---|---|-------|
| Index Offending | 73 (36.1%) | 115 (50.9%) | 14* (6.93%) | 202 |

*This figure includes one individual who had committed multiple index offences, but which were all of an 'other' nature. Because duration information was not gathered for 'other' offences, the data has been logged as 'unknown'.

Of the subgroup of individuals with multiple index offences for whom the duration of offending was known ($n = 115$), for just under half the group (46.1%, $n = 53$) offending took place over less than one year. Group sizes were fairly evenly spread across the remaining categories, with an exception being the slight spike seen within the 5+ years category (see Figure 14 for a full illustration).

²⁴ If an individual had one convicted index offence, the duration would appear here as 'single index offence'. It is important to note however that, depending on how individual offences were charged, what are logged as single offences could in themselves have taken place over a protracted period (for more information regarding this, please see the Scottish Crime Recording Standard (Scottish Crime Reporting Board, 2019)).

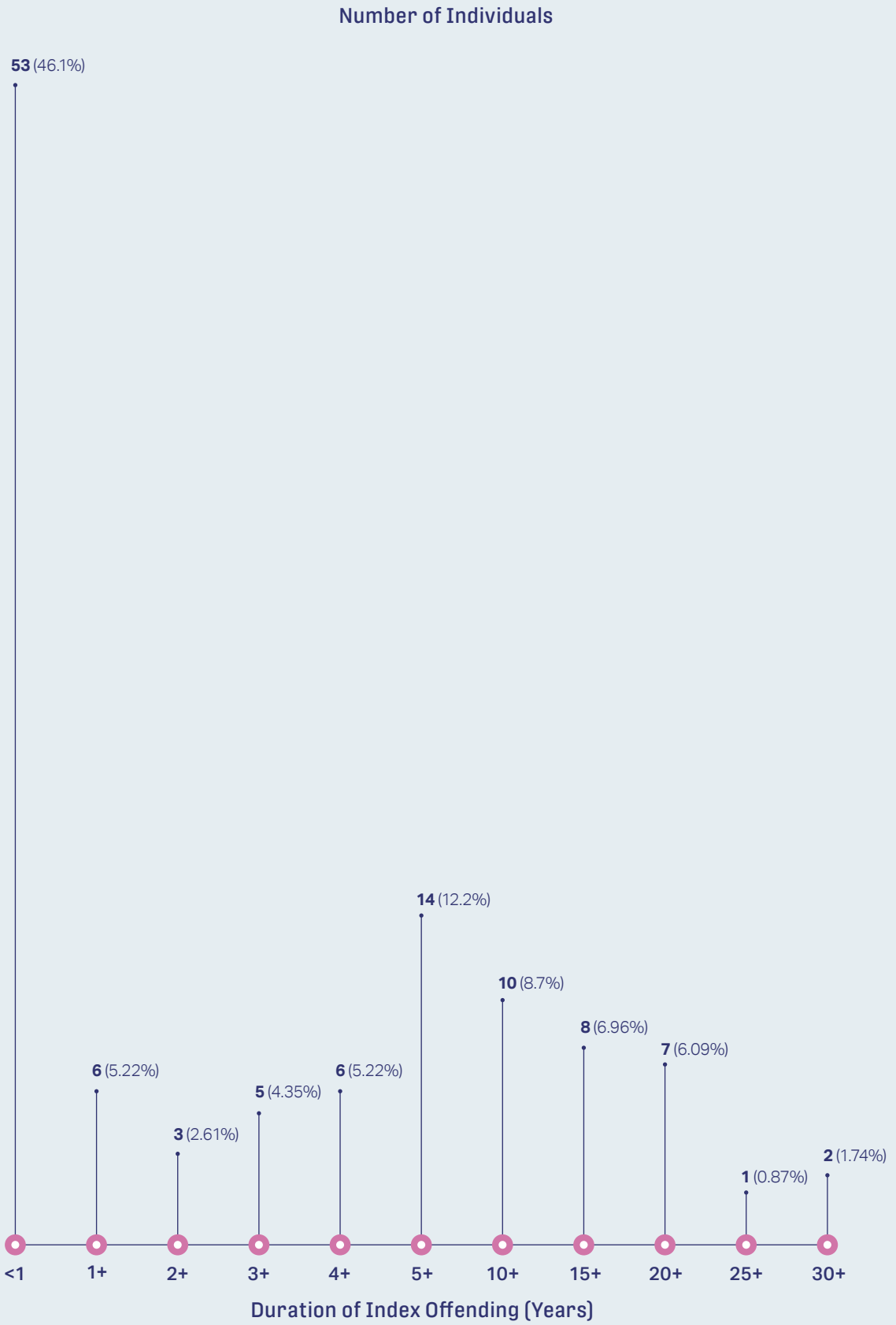


Figure 14. Duration of index offending for those with multiple index offences, for which the duration was known (n = 115)

3.3 Previous Offending

This section is concerned with patterns of previous offending; that is, any convictions individuals had received prior to their index conviction. The vast majority of individuals – 192, or 95% – had been convicted on at least one occasion prior to their index conviction.

3.3.1 Previous Convictions – Frequency

As just alluded to – and illustrated fully in Figure 15 – across the group, the majority of individuals had previous convictions (NB; the subgroup of individuals without any prior convictions is considered in further detail in Chapter 7). Further, of those individuals with previous convictions, a majority had multiple previous convictions.

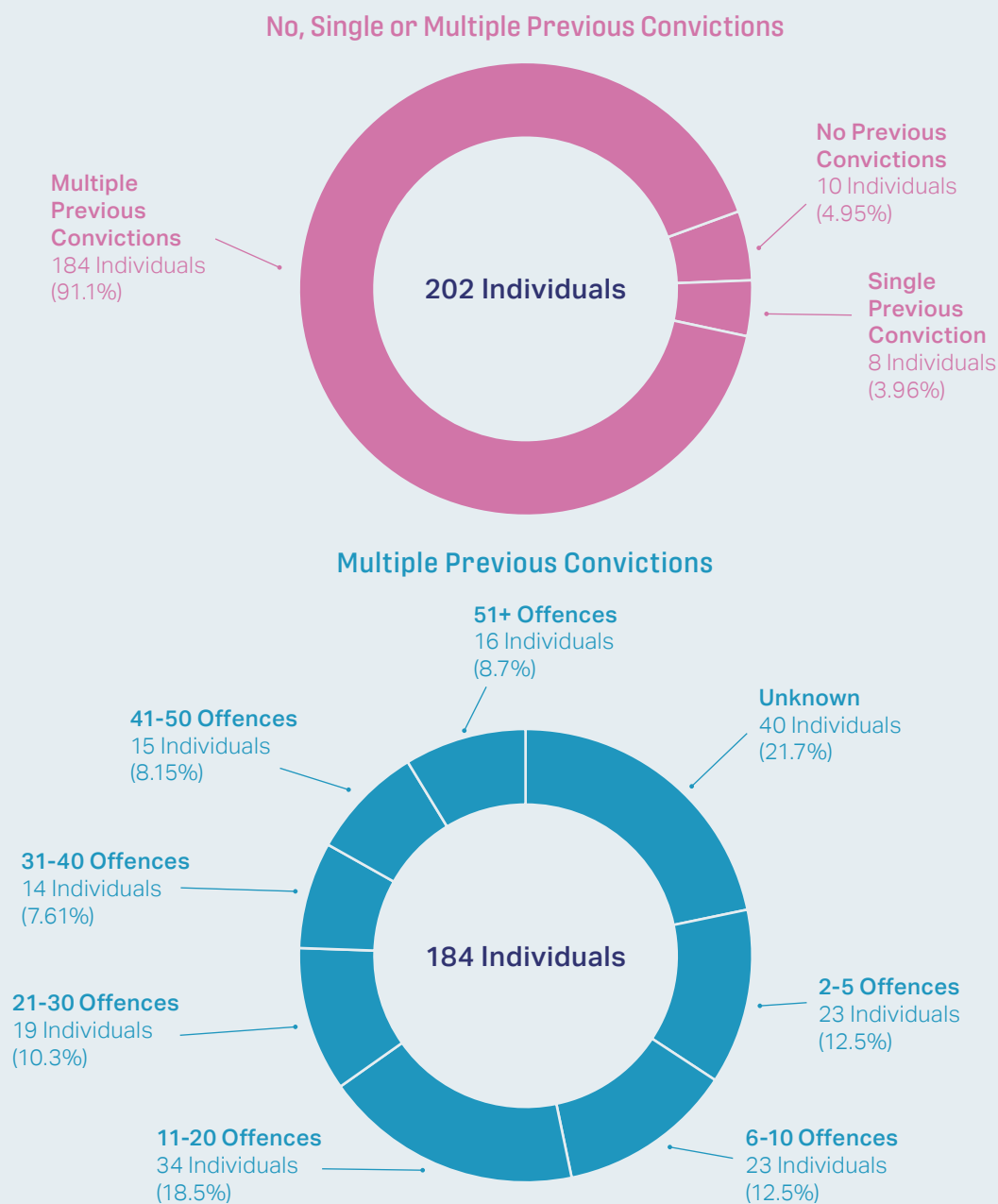


Figure 15. The number and percentage of individuals made subject to an OLR with no ($n = 10$), a single ($n = 8$), or multiple ($n = 184$) previous convictions, and the number of such convictions where multiple

Of the group of individuals with multiple previous convictions for whom the exact number was known, the number of such convictions ranged from 2-164, averaging 26.4 ($SD = 27.9$). As can be seen in Figure 15, for just under a quarter of the group ($n = 40$), the number of previous convictions was known to be multiple, but the exact figure could not be established (for full detail see Appendix 1).

There was not, as can be seen in Figures 16 and 17, a large difference in the general number of previous offences – i.e., whether there were no, a single, or multiple previous convictions – according to the number of an individuals' index offences (i.e., whether they had a single or multiple index offences). The greatest difference between the two groups lay in the 'no previous' category, with a higher percentage of individuals with multiple index offences having no previous offences ($n = 9$), as compared with the group of individuals with a single index offence, of whom only one had no previous convictions.

3. THE OFFENDING BEHAVIOUR OF THOSE SENTENCED TO THE OLR

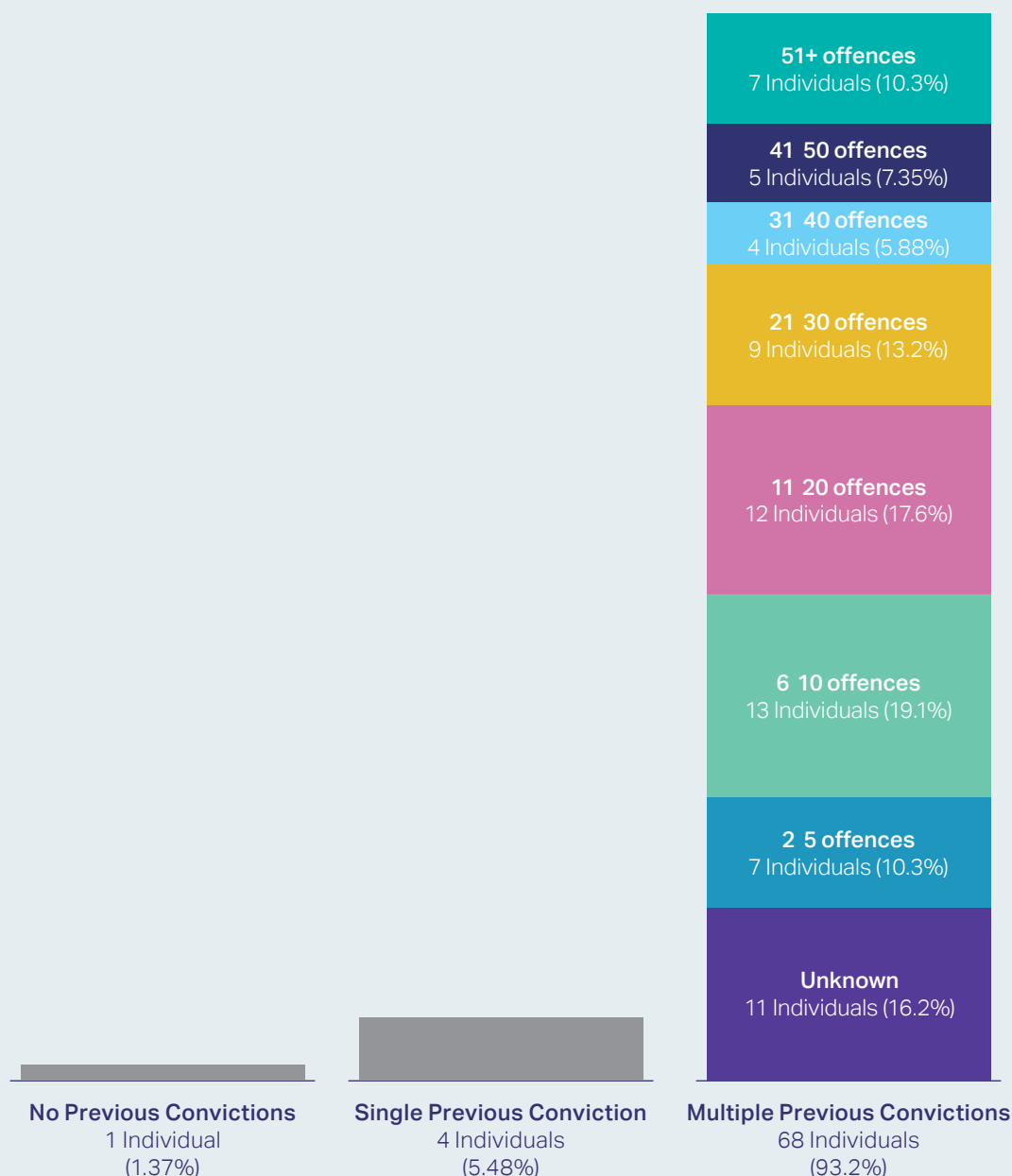


Figure 16. The number of previous convictions of individuals with multiple previous convictions and a single index offence (n = 68) (NB: percentages included in the breakdown of multiple convictions relate solely to the proportion of each range of multiple convictions and not across all 3 categories)

3. THE OFFENDING BEHAVIOUR OF THOSE SENTENCED TO THE OLR

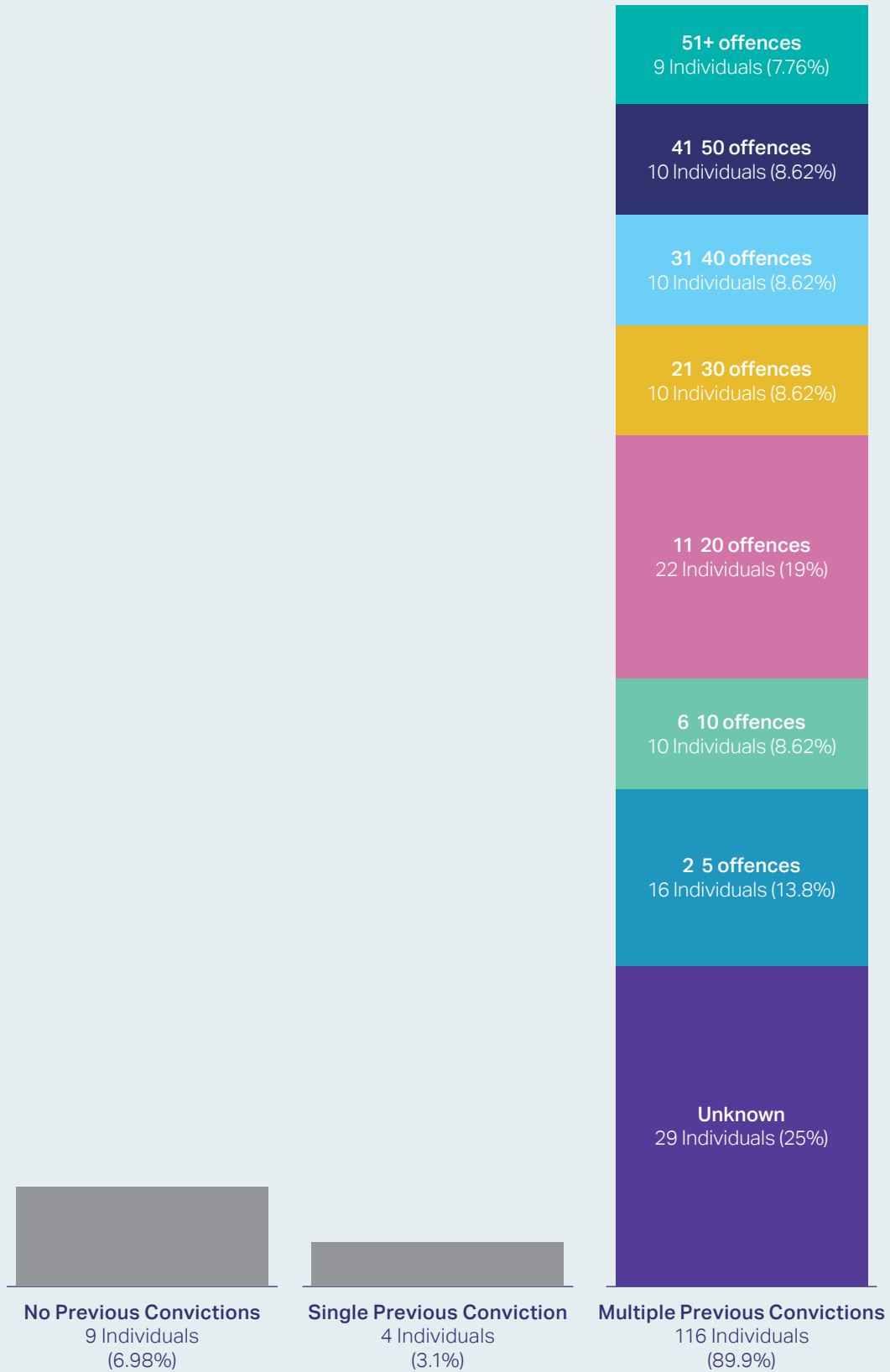


Figure 17. The number of previous convictions of individuals with multiple previous convictions and multiple index offences ($n = 116$) (NB: percentages included in the breakdown of multiple convictions relate solely to the proportion of each range of multiple convictions and not across all 3 categories)

3. THE OFFENDING BEHAVIOUR OF THOSE SENTENCED TO THE OLR

When looking solely at the group of individuals with multiple previous convictions (see Figure 16 and Figure 17), the percentage of individuals with an 'unknown' number of previous convictions was noticeably higher in those with multiple index offences. Whilst the exact percentage occupying the remaining categories varied slightly between the single and multiple index offence groups, in both groups just over half of those individuals for whom the number of previous offences was known (index single: $n = 57$; index multiple: $n = 87$) had between 2 and 20 convictions (single index offence: $n = 32$, 56.1%; multiple index offences: $n = 48$, 55.2%).

3.3.2 Age at First Conviction

Of the group of individuals with previous convictions ($n = 192$), the earliest age at which any such conviction was received ranged from 9-44 years, with an average age of 18.2 ($SD = 5.28$). Nearly half – as illustrated in Figure 18 ($n = 94$) – received their first conviction before the age of 18. The age of first conviction was unknown in 25 cases (13%).

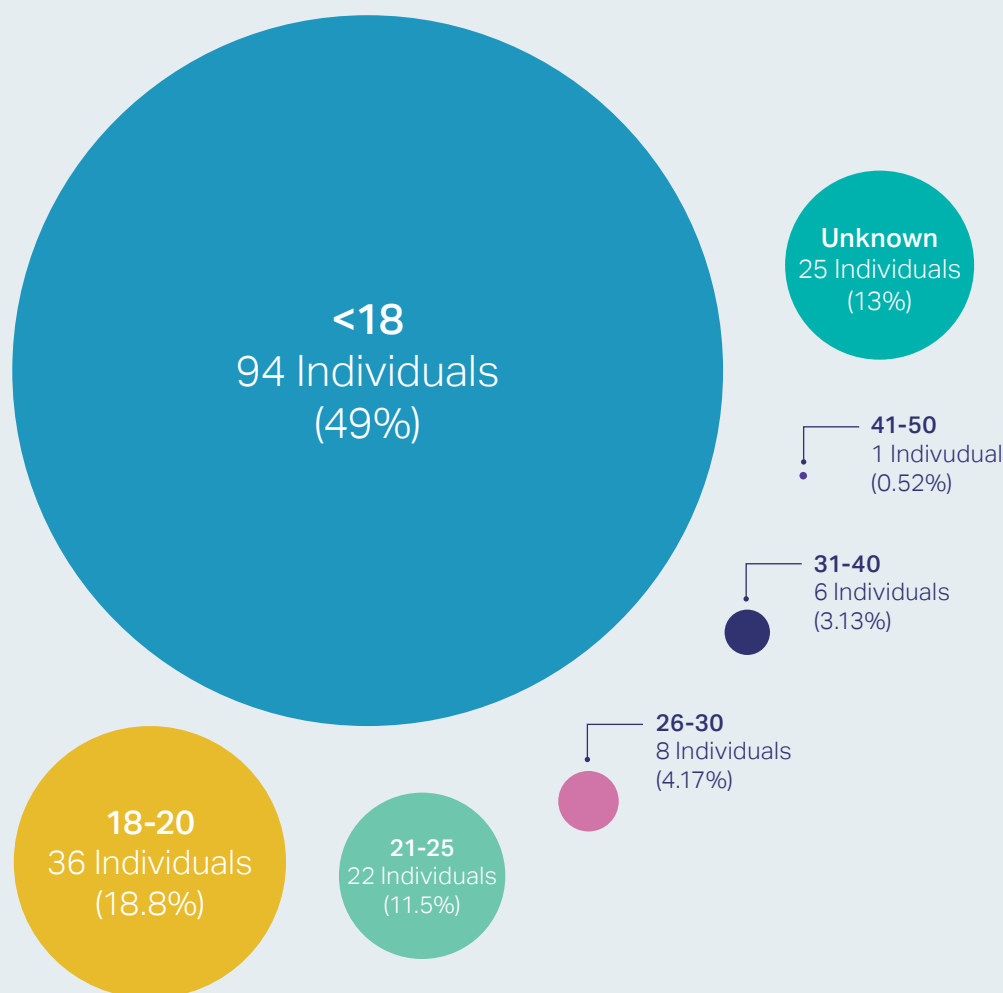


Figure 18. Age at first conviction for those with previous convictions ($n = 192$)

3.3.3 Previous YOI or Adult Imprisonment

Of those individuals with previous convictions, a majority (78.1%) had previously been imprisoned in an adult prison. The percentage of those previously sentenced to detention in a young offenders institution (YOI) was much lower at just over 40% ($n = 78$). As evident in Figure 19, in a small number of instances, whether an individual had previously been in either adult prison or YOI was unclear. Exact patterns of detention – for example, the percentage of individuals previous detained within both a YOI and adult prison – can also be found in Figure 19. Note that, of those with previous convictions, 14.6% ($n = 28$) had no previous imprisonment.

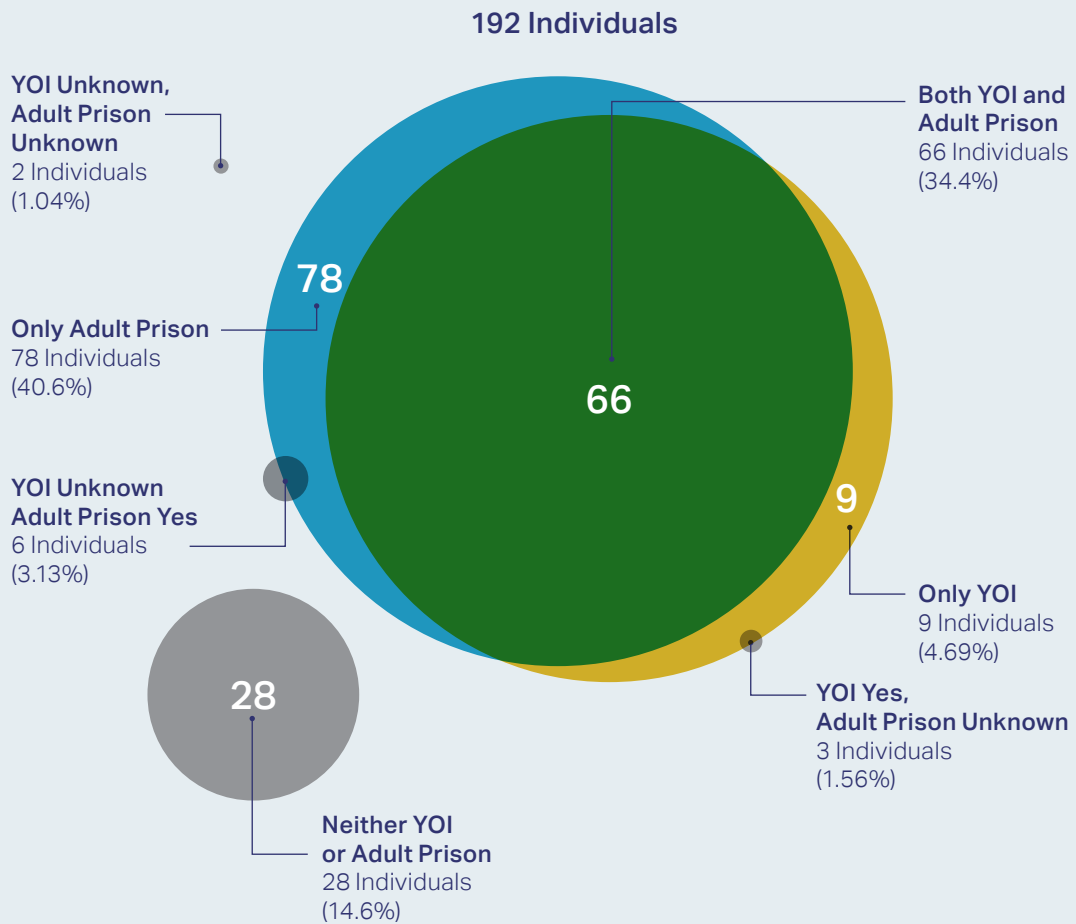


Figure 19. Imprisonment of individuals with previous convictions ($n = 192$)

3.3.4 Previous Convictions – Nature

Across the group of those individuals with previous convictions, all offending types were evident, with violent and 'other' offending appearing in the previous conviction history of the vast majority of individuals (see Figure 20).

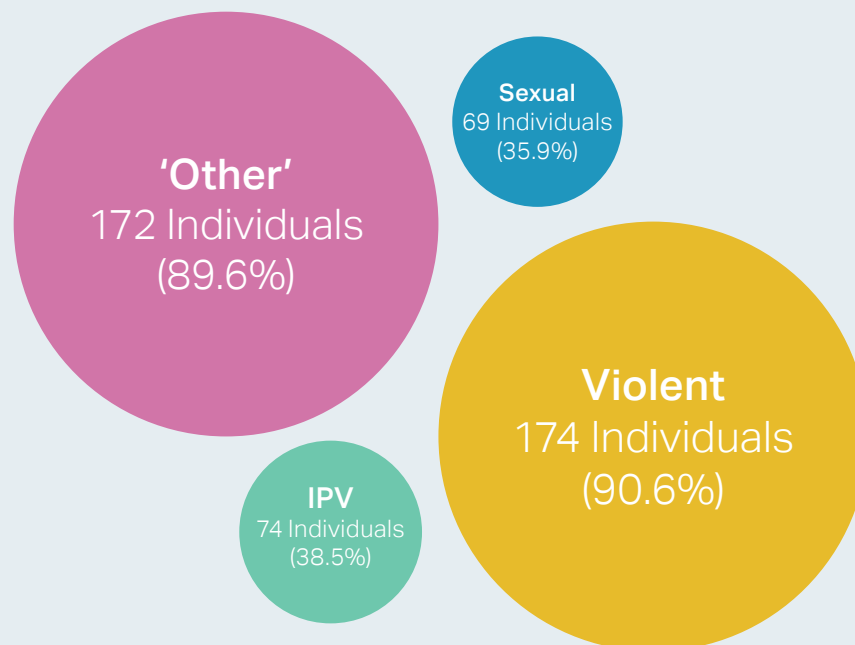


Figure 20. The number and percentage of individuals previously convicted of each offending type ($n = 192$) (NB: percentages may total more than 100% due to overlap)

Single Previous Conviction – Nature of Offending

As previously outlined, only a small subgroup of individuals had a single previous conviction ($n = 8$). Of the group that did, for the majority of individuals the nature of that offending was violent (75%), with two (separate) individuals having a single previous conviction of a sexual and 'other' nature. No individuals had previous convictions solely for IPV.

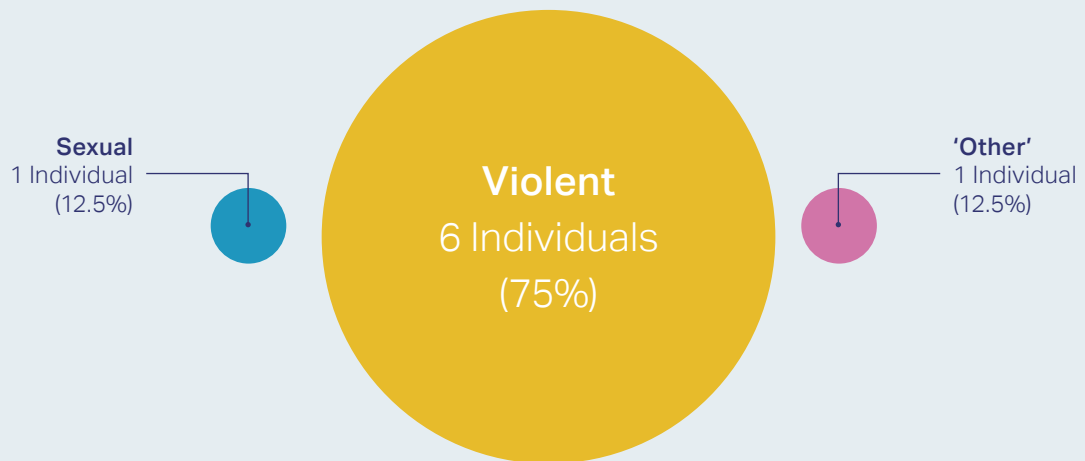


Figure 21. The nature of previous offending of those convicted of a single previous offence ($n = 8$)

Multiple Previous Convictions – Nature of Offending

Of the much larger group of individuals with multiple previous convictions ($n = 184$), the vast majority of individuals had previous convictions covering more than one offending type ($n = 174, 94.6\%$).

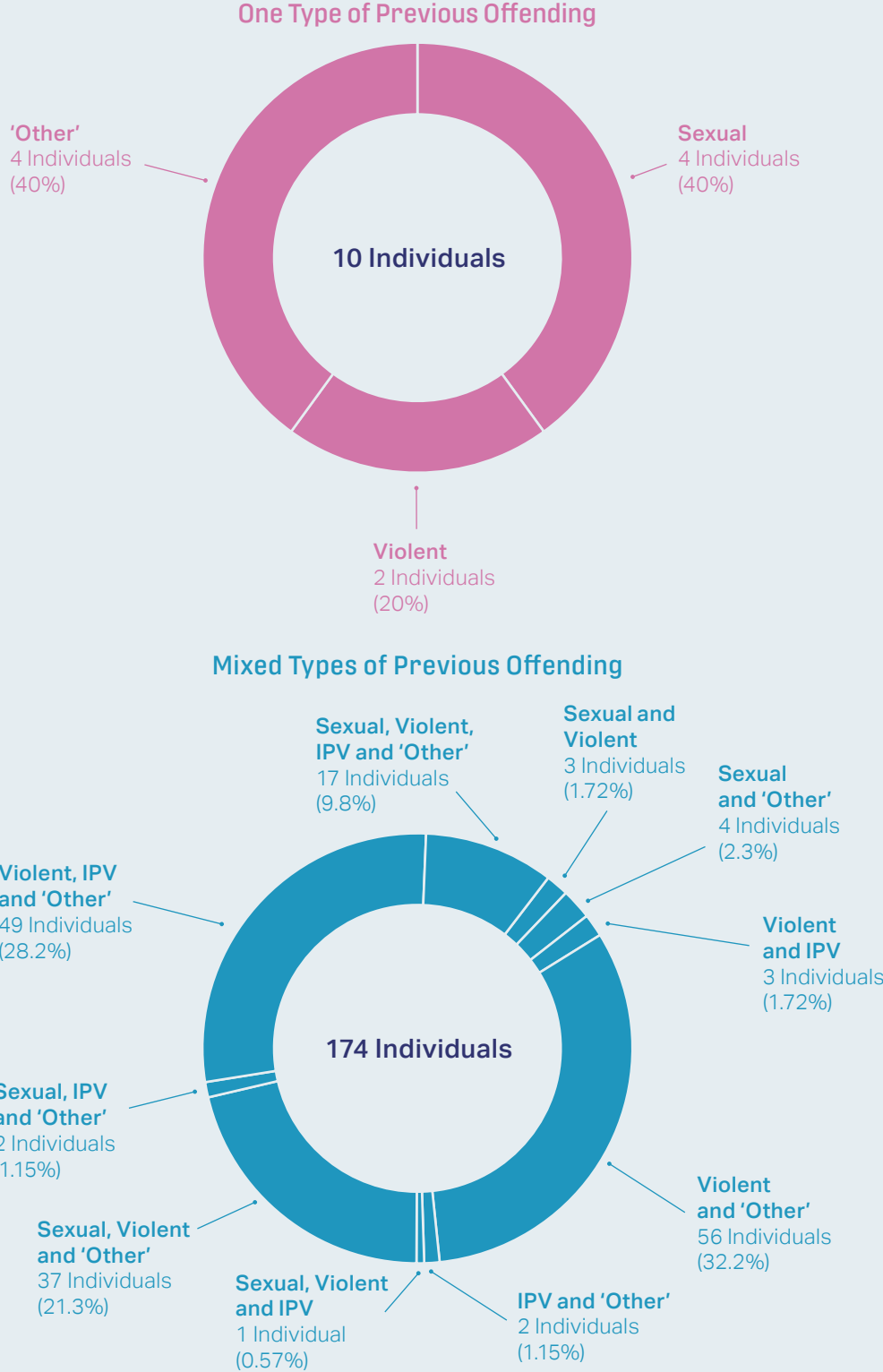


Figure 22. The nature of individuals offending in relation to having multiple previous convictions comprised of one type ($n = 10$) or mixed types ($n = 174$) of offending

Before considering the patterns of offending across the mixed group, attention will be paid to the nature of the offending of those individuals with multiple previous offences of the same type. In this instance, offending of an 'other' ($n = 4$) and sexual ($n = 4$) nature were most prominent, with offending of a violent nature ($n = 2$) present in a smaller number of individuals (see Figure 22).

When considering individuals with multiple previous convictions of a mixed type, all possible combinations were evident (see Figure 22). As might be expected given the prominence of violent and 'other' offending, the categories occupying the highest percentage were combinations including violent and 'other' offending.

The Nature of Previous Offending in relation to the Nature of Index Offending (and vice versa)

This section splits the OLR sample used in this study ($n = 202$) according to the presence (or absence) of each type of index offending (i.e. sexual, violent, IPV and 'other') and how each one relates to the presence (or absence) of the same type of previous offending. Figures 23 - 26 illustrate these findings in relation to percentages of the entire OLR sample; sub-sample percentages or proportions are reported below as appropriate.

Of those with sexual index offending ($n = 99$), nearly half of these had previous convictions for sexual offending ($n = 46$); nearly a quarter of the entire OLR sample. Similarly rates were found for those with sexual index offending but no previous sexual convictions ($n = 45$). As reflected in Figure 23 just over three quarters of the 103 individuals with no sexual index offending also had no sexual previous convictions ($n = 78$), which accounted for 38.61% of the entire OLR sample. Finally just over a fifth of those with no sexual index offending (or a tenth of the entire OLR sample) did have previous sexual offending ($n = 23$).

In terms of individuals with violent index offending ($n = 98$), over 90% of them had previous convictions of the same nature ($n = 91$) which equated to just under half of the entire OLR sample. Interestingly, nearly 80% of individuals ($n = 83$) with no violent index convictions had previous violent convictions, which made up 41.09% of the entire OLR sample. When considering Figure 24 further, there were also 15 individuals with no violent index or previous offending; making up 14.4% of those with no violent index offending, or 7.43% of the entire OLR sample.

Of those with index convictions for IPV ($n = 55$) over two thirds ($n = 38$) also had previous convictions for IPV (for further exploration of the nature of this IPV, see Chapter 4). This group made up just under 20% of the entire OLR sample. As can be seen from Figure 25, this was comparable to a quarter of the individuals with no IPV index offending ($n = 147$) having previous IPV offending ($n = 36$); or 17.82% of the entire OLR sample. This meant that nearly 70% of those with no IPV index offending also had no previous IPV convictions ($n = 102$); just over half of the entire OLR sample.

In relation to 'other' index and previous offending, only one individual with 'other' index offending ($n = 35$) did not have 'other' previous convictions. Their previous convictions were of a sexual and violent nature. However, just over half of individuals with 'other' index offending did have previous 'other' offending ($n = 30$). As Figure 26 shows, when individuals didn't have 'other' index offending ($n = 167$) it was extremely common for them to have that type of offending in their previous convictions ($n = 142$); making up 70.3% of the entire OLR population. Interestingly, nearly a tenth of those individuals with no 'other' index offending also had no previous 'other' convictions.

3. THE OFFENDING BEHAVIOUR OF THOSE SENTENCED TO THE OLR

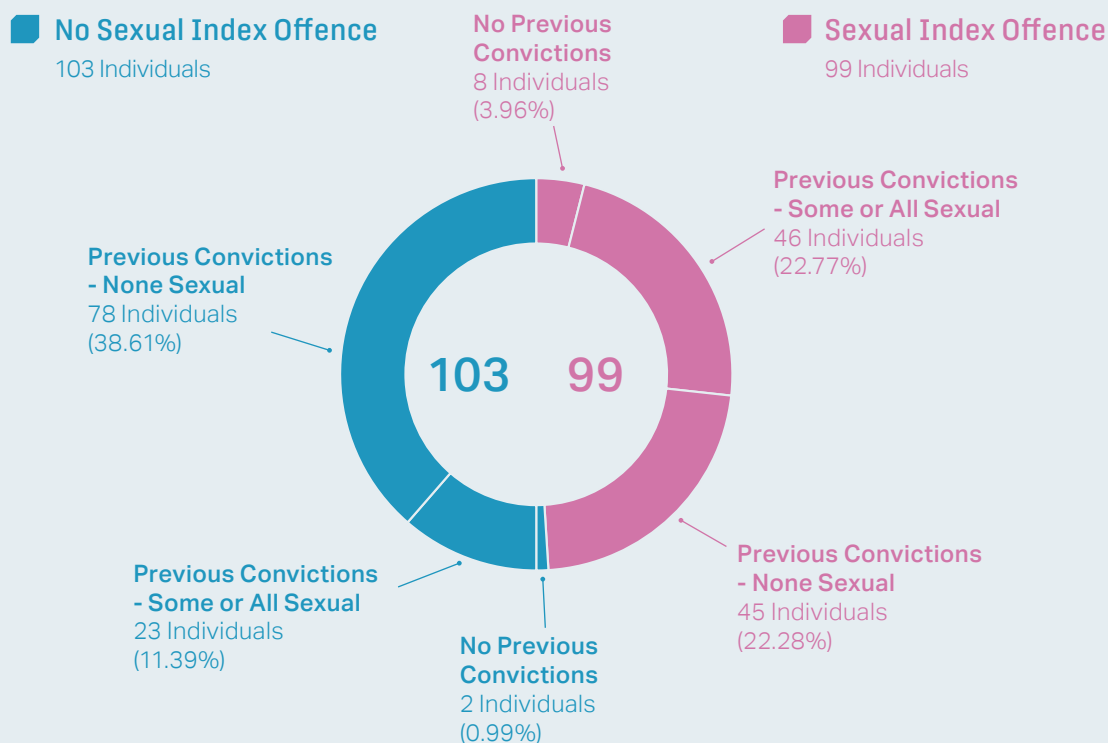


Figure 23. The number and percentage of individuals previously convicted of sexual offending according to the presence or absence of a sexual index offence (NB: percentages on this figure are reported as a percentage of the entire OLR sample)

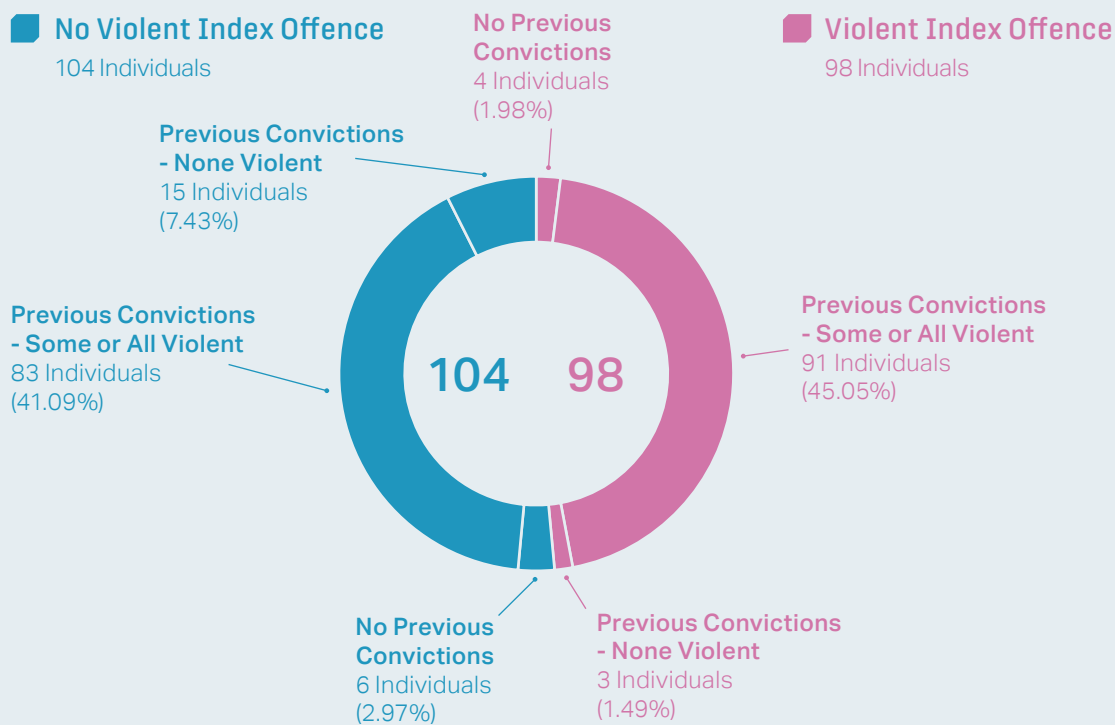


Figure 24. The number and percentage of individuals previously convicted of violent offending, according to the presence or absence of a violent index offence (NB: percentages on this figure are reported as a percentage of the entire OLR sample)

3. THE OFFENDING BEHAVIOUR OF THOSE SENTENCED TO THE OLR

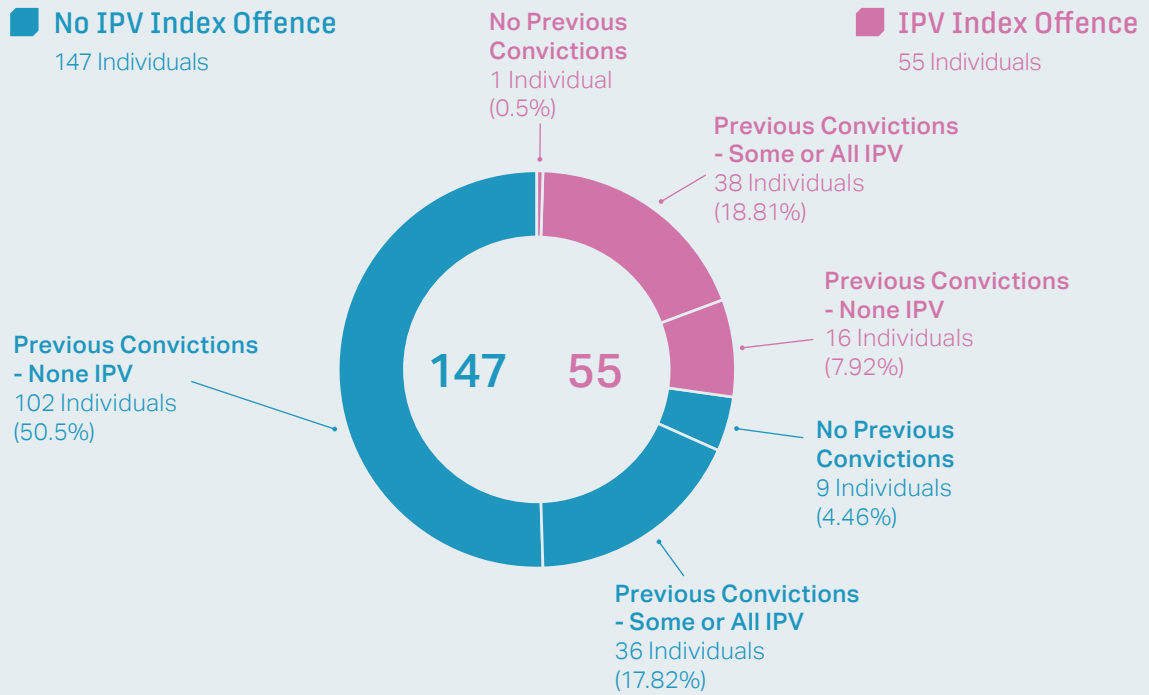


Figure 25. The number and percentage of individuals previously convicted of IPV, according to the presence or absence of an IPV index offence (NB: percentages on this figure are reported as a percentage of the entire OLR sample)

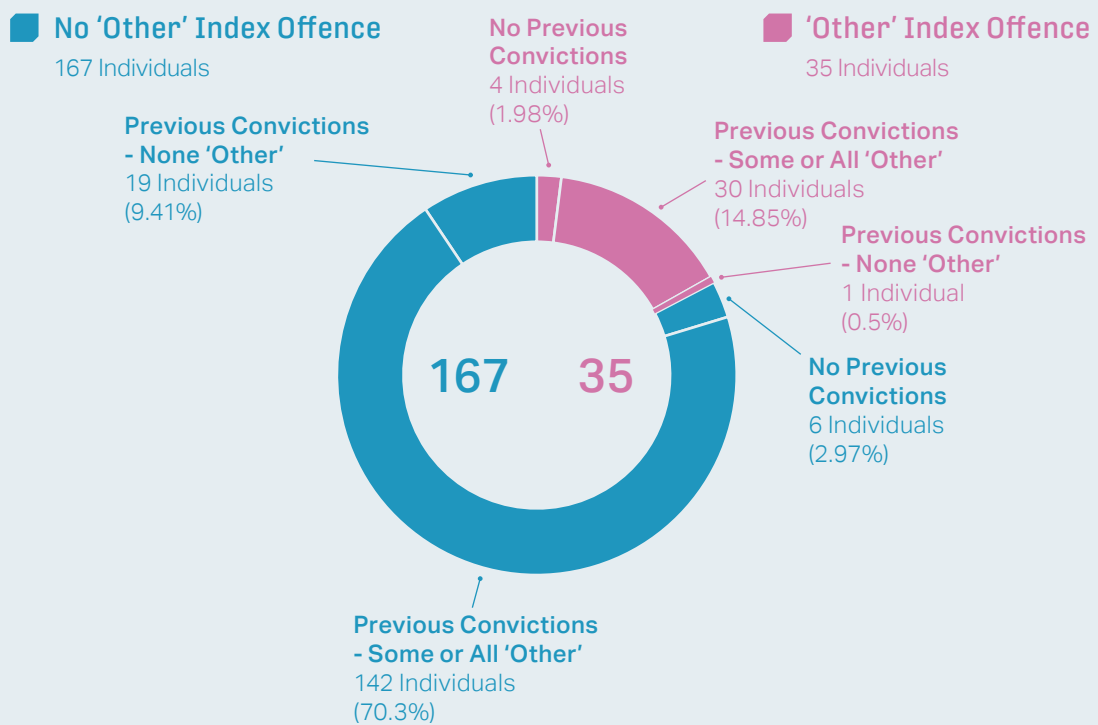


Figure 26. The number and percentage of individuals previously convicted of 'other' offending, according to the presence or absence of an 'other' index offence (NB: percentages on this figure are reported as a percentage of the entire OLR sample)

3. THE OFFENDING BEHAVIOUR OF THOSE SENTENCED TO THE OLR

The set of figures below (Figures 27 – 30) show the nature of individuals offending when they had index offending of a certain type but did not have that type of offending in their previous convictions. They also show this from the opposite perspective in terms of when individuals had previous convictions of a certain type but no index offending of that nature.

For those individuals who had offending of either a sexual, IPV or ‘other’ nature, but no previous offending of that same type, violent offending was prominent within their previous convictions. Specifically, the vast majority of all three subgroups (index sexual, no previous sexual: 88.9%; index IPV, no previous IPV: 87.5%; index ‘other’, no previous ‘other’: 100%) had previous offending of a violent nature. As mentioned earlier, only a very small number of individuals with violent index offending had no previous convictions for violent behaviour. Of those three individuals, all had convicted offending of an ‘other’ nature, and a third of the group had convictions for sexual offending.

When considering the data from the reverse perspective – i.e., the pattern of index offending when an individual had previous convictions of a nature that were not present in their index offending – an interesting pattern emerged. In the subgroup of individuals with violent previous but no violent index convictions, over half ($n = 52, 62.7%$) had an index conviction for IPV – a much higher percentage than seen in either the ‘previous sexual but no sexual index’ or ‘previous ‘other’ but no index ‘other’” subgroups. Further, and somewhat conversely, an equally high percentage of individuals who had previous IPV convictions but no index IPV convictions had index offending of a violent nature ($n = 22, 61.1%$). Also of interest was the finding that just over a third of individuals ($n = 8, 34.8%$) who had previous offending of a sexual nature, but no index offending of that nature, had index convictions of an ‘other’ nature – much higher than the percentage in the equivalent ‘violent’ ($n = 15, 18.1%$) or IPV ($n = 6, 16.7%$) subgroups.

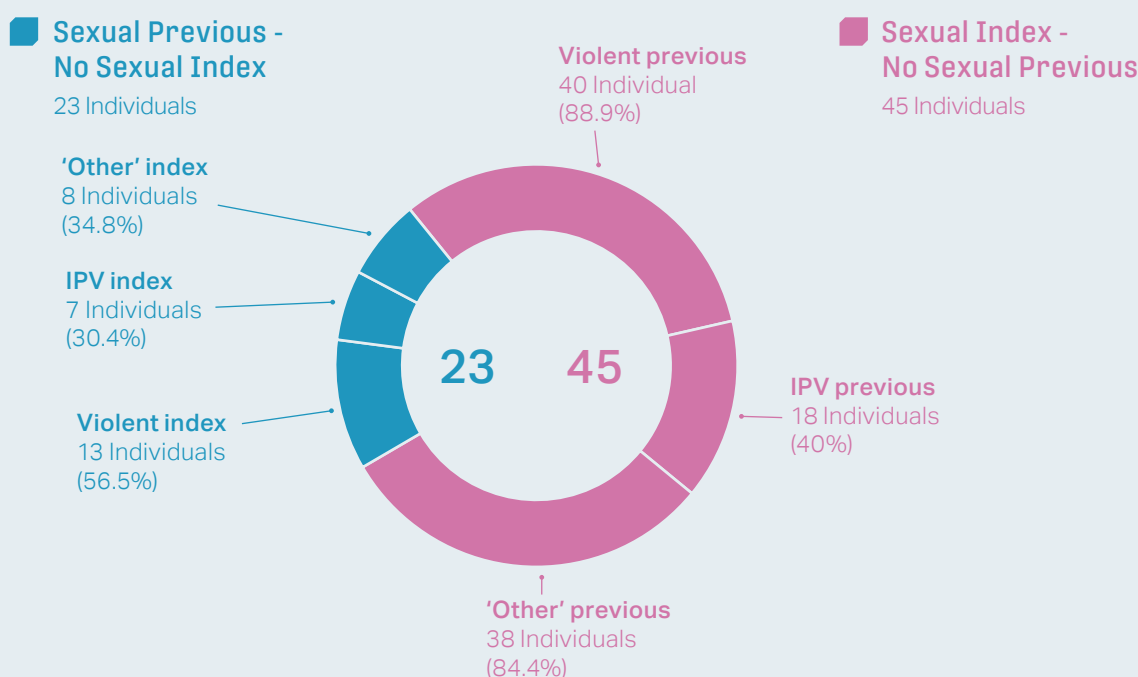


Figure 27. The nature of offending of those with index offending of a sexual nature, but no previous sexual offending and conversely with previous offending of a sexual nature, but no index sexual offending (NB: percentages may total more than 100% due to overlap)

3. THE OFFENDING BEHAVIOUR OF THOSE SENTENCED TO THE OLR

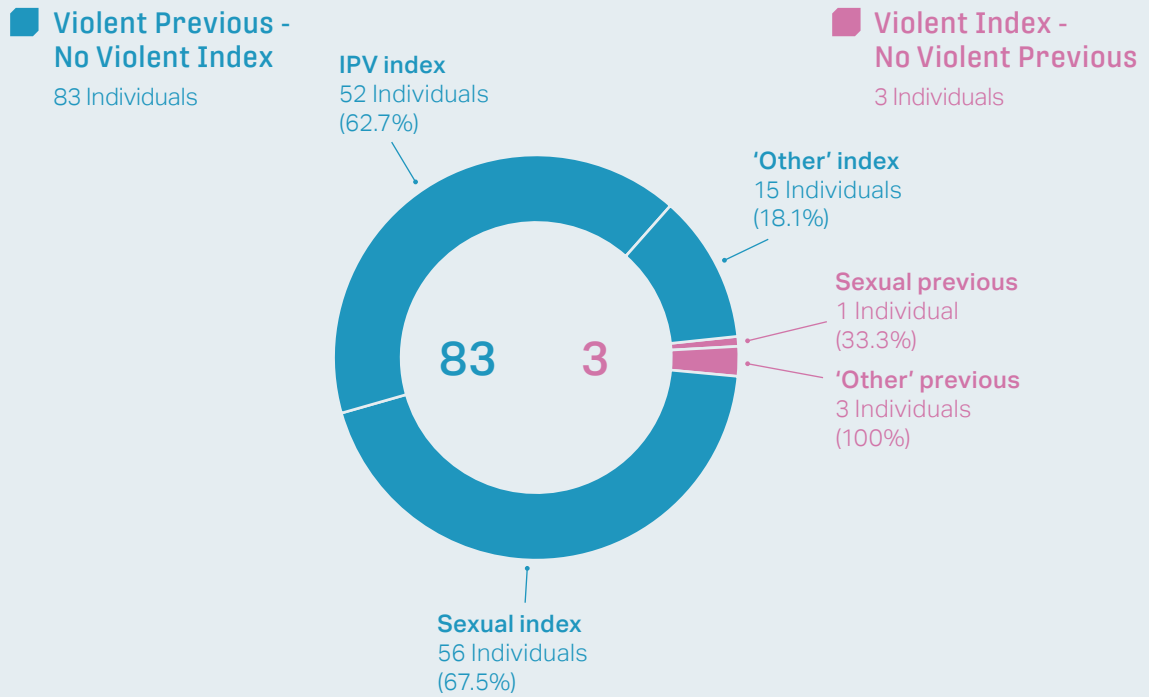


Figure 28. The nature of offending of those with index offending of a violent nature, but no previous violent offending and conversely with previous offending of a violent nature, but no index violent offending (NB: percentages may total more than 100% due to overlap)

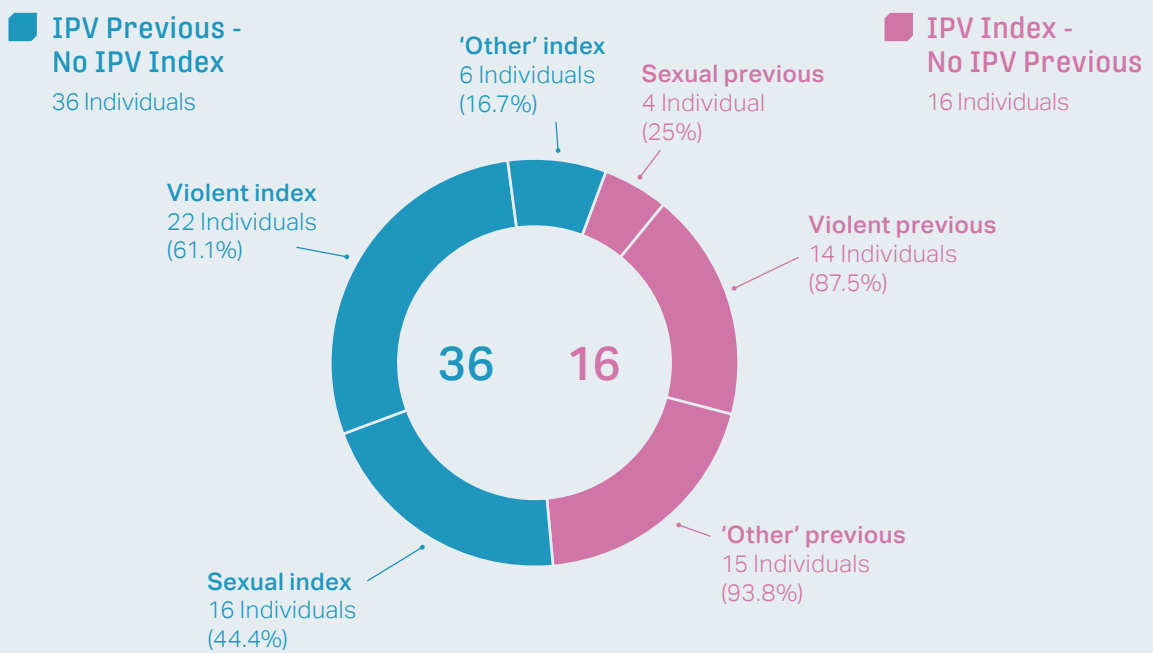


Figure 29. The nature of offending of those with index offending of an IPV nature, but no previous IPV offending and conversely with previous offending of an IPV nature, but no index IPV offending (NB: percentages may total more than 100% due to overlap)

3. THE OFFENDING BEHAVIOUR OF THOSE SENTENCED TO THE OLR

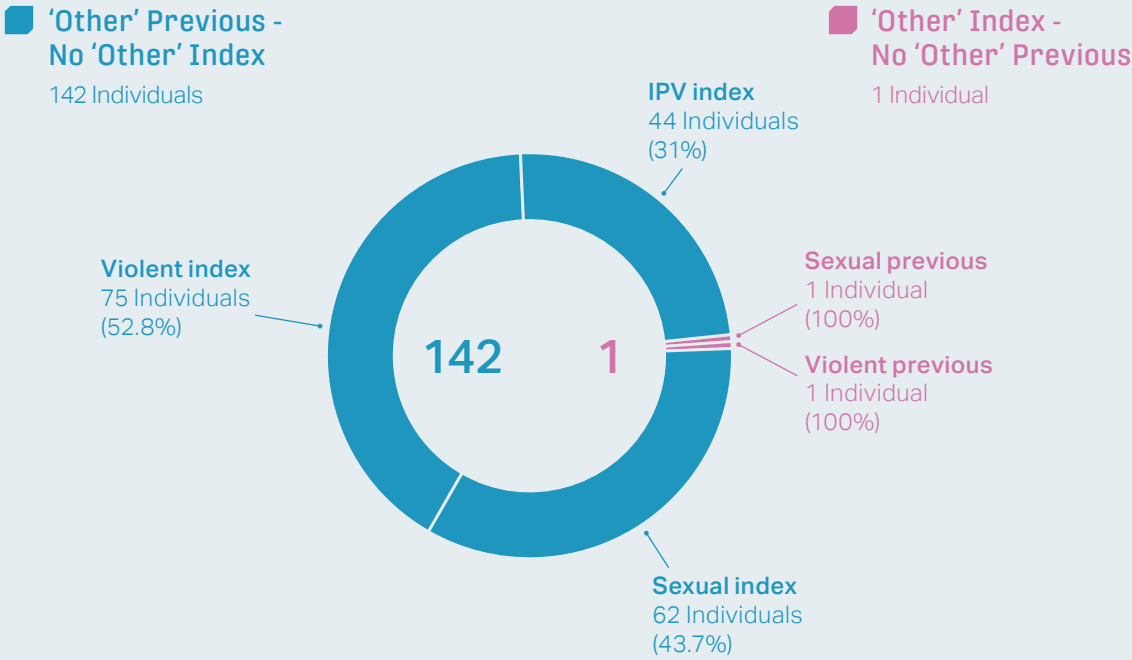


Figure 30. The nature of offending of those with index offending of an 'other' nature, but no previous 'other' offending and conversely with previous offending of an 'other' nature, but no index 'other' offending (NB: percentages may total more than 100% due to overlap)

3.4 Alleged Offending

3.4.1 Alleged Offending – Frequency

Across the group, the vast majority of individuals ($n = 180$) had incidents of alleged offending (see Figure 31). Of the subgroup of individuals with multiple allegations, the number of such allegations ranged from 2-110, averaging 14.9 ($SD = 14.9$). As can further be seen in Figure 31, the greatest percentage of individuals had 2-5 allegations, and the vast majority of the group of those for whom the number of allegations was known ($n = 134$) having between 2-20 allegations ($n = 103, 76.9%$).

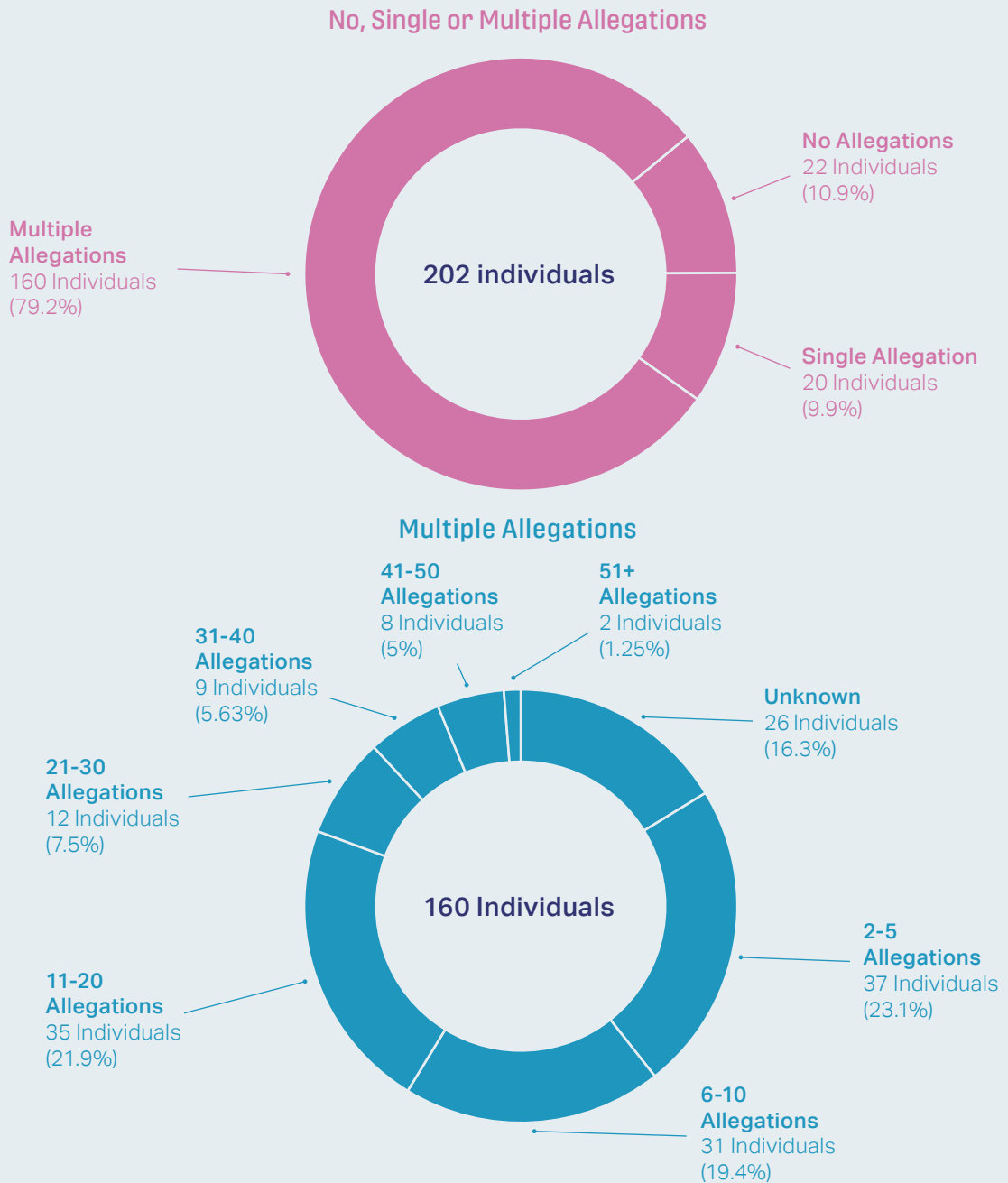


Figure 31. The number and percentage of individuals made subject to an OLR with no ($n = 22$), a single ($n = 20$) or multiple ($n = 160$) allegations, and the number of such allegations where multiple

3.4.2 Alleged Offending - Nature

When looking at the nature of alleged offending, all offence types²⁵ were evident (as illustrated in Figure 32). Please note that, in three instances, no information at all was known about the nature of individuals' allegations, such that those three individuals do not appear in the data below ($n = 177$).

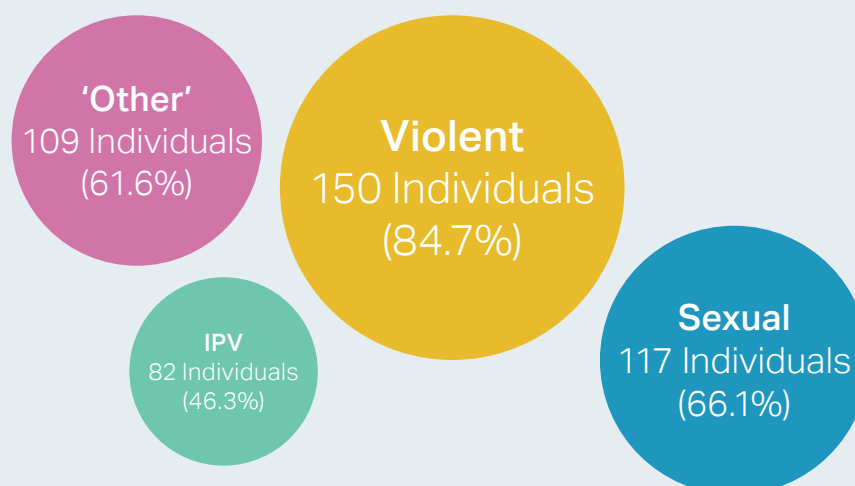


Figure 32. The number and percentage of individuals with allegations relating to each offending type ($n = 177$) (NB: percentages may total more than 100% due to overlap)

²⁵ Please note that in the case of alleged offending, IPV was double counted. This means that the total number of sexual, violent and 'other' offences includes any instances of IPV of each type. From the reverse perspective, the alleged IPV figure refers to the number of incidents of alleged offending which constituted IPV, and those same incidents are also captured in the overall tallies for each offending type.

Single Allegation – Nature of Alleged Offending

Of the group of twenty individuals with a single incident of alleged offending, approximately a third of individuals had allegations of a sexual or violent nature, with the remaining individuals divided between allegations of an ‘other’ nature, and violent IPV (for full detail, see Figure 33).

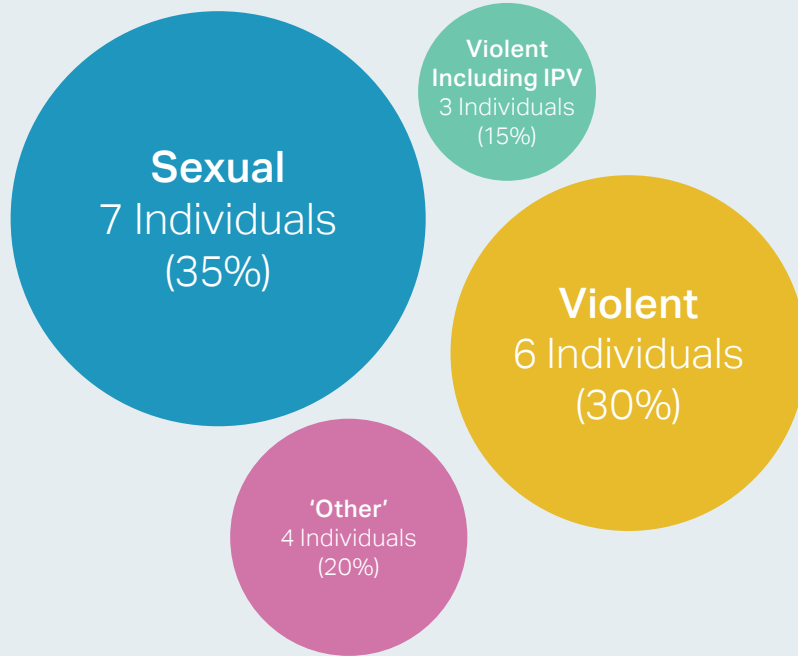


Figure 33. The nature of alleged offending of those with a single allegation (n = 20)

Multiple Allegations – Nature of Alleged Offending

Whilst in the vast majority of instances, where individuals had multiple allegations ($n = 157$) the nature of those multiple allegations was mixed ($n = 138, 87.9\%$), in the case of 19 individuals the multiple incidents of alleged offending relating to them were all of the same type. Please note that those individuals with allegations of IPV will always show as having offending of a 'mixed' nature as it was not possible to make IPV a standalone category when considering allegations.²⁶

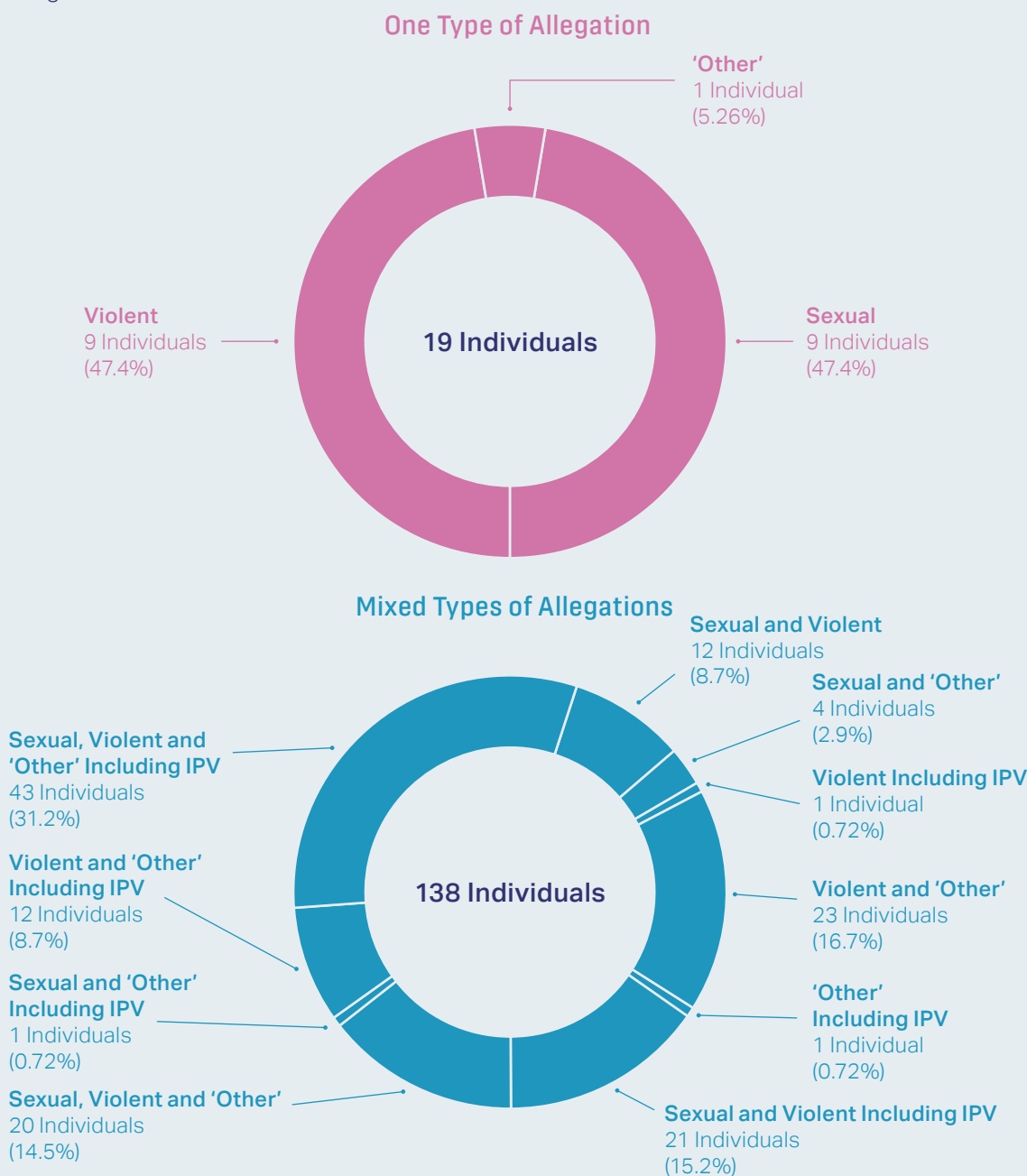


Figure 34. The nature of allegations for individuals with multiple allegations comprised of one type ($n = 19$) or mixed types ($n = 138$)

²⁶ To reiterate, the information collected regarding alleged offending was less detailed than that concerned with convicted offending. As such, it was only possible to consider allegation information with IPV double counted. For the purposes of this calculation, any individuals with, for example, multiple allegations of a sexual nature including IPV, are included under 'mixed' offending.

As illustrated in Figure 34, the nature of the offending of individuals with multiple allegations of one type was predominantly sexual ($n = 9$, 47.4%) and violent (also $n = 9$, 47.4%), with the remaining small percentage of individuals ($n = 1$, 5.26%) evidencing multiple allegations of offending of an 'other' nature.

Of the subgroup of individuals with multiple allegations of mixed types, just under a third ($n = 43$, 31.2%) had allegations of all types. In the remainder of the group nearly all possible combinations of alleged offending types were evident, with combinations including both violent and 'other' offending (both alone, and in combination with other offending types) also occupying high percentages (see Figure 34).

The Nature of Alleged Offending in relation to the Nature of Convicted Offending (and vice versa)

An illustration of the nature of individuals' allegations in relation to the nature of their convicted offending is presented in Figures 35 - 38. Please note that because allegations are double counted, the overall conviction data with IPV double counted has also been used here. When considering the alleged offending patterns of those with convictions for sexual, violent, or IPV offending, around three quarters of individuals in each instance had allegations relating to that same type of offending. For those with sexual convictions ($n = 134$), a large proportion also had sexual allegations ($n = 97$, 72.4%). With individuals who had violent convictions ($n = 183$), again the majority had violent allegations ($n = 143$, 78.1%). The same is true of those with IPV convictions ($n = 88$) and having IPV allegations ($n = 68$, 77.3%). In contrast, whilst just over half of individuals with convictions of 'other' offending ($n = 175$) also had alleged behaviour of that same type ($n = 101$, 57.7%), a much higher percentage of this group (i.e., individuals with convictions of an 'other' nature) did not have allegations of that same type, as compared with all other offending types.

When considering the data from the reverse perspective – i.e., the number of individuals who did not have convictions of a certain nature, but did have allegations of behaviour of that nature, just under half the group of individuals who did not have convictions for offending of a violent nature ($n = 16$) had allegations of that type ($n = 7$, 43.8%). This percentage was higher than any other offence type, particularly than that seen in the IPV group, where 12.6% of individuals had allegations for IPV ($n = 14$) within a group of individuals with no convictions for IPV ($n = 111$). The pattern of convictions in these subgroups – i.e., individuals with allegations of a certain type, but no convictions of that same type, is presented in Figures 35 - 38.

3. THE OFFENDING BEHAVIOUR OF THOSE SENTENCED TO THE OLR

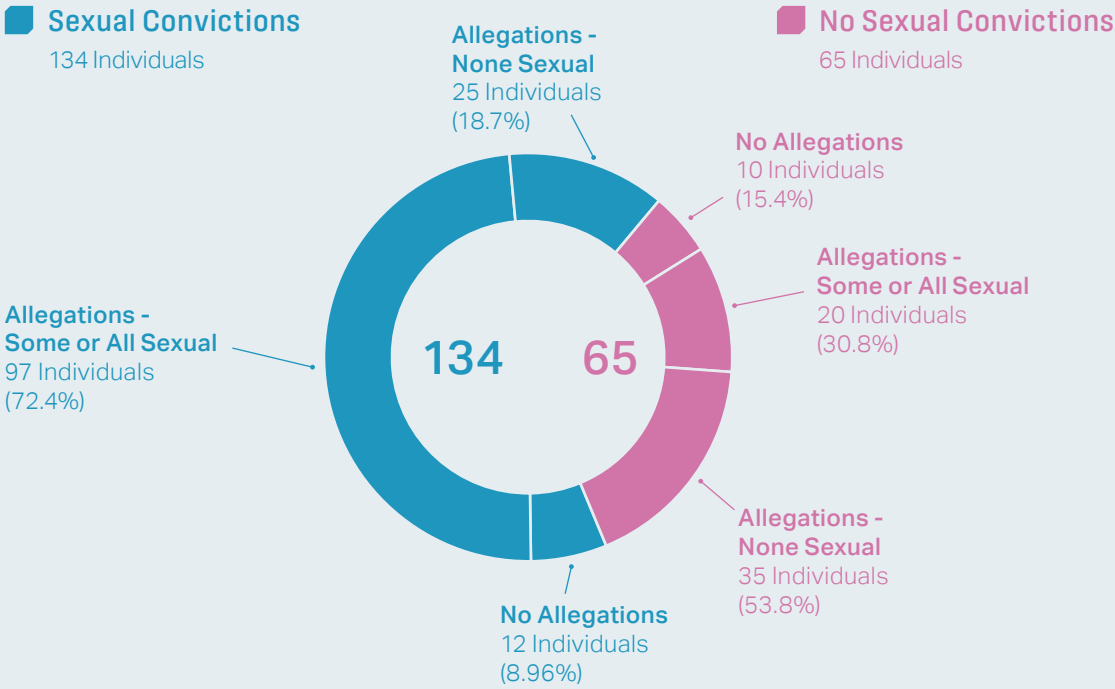


Figure 35. The number and percentage of individuals with alleged incidents of sexual offending, according to the presence or absence of convictions for sexual offending (n = 199) (NB. percentages relate to the proportions of each category within either Sexual or No Sexual Convictions and not the overall population)

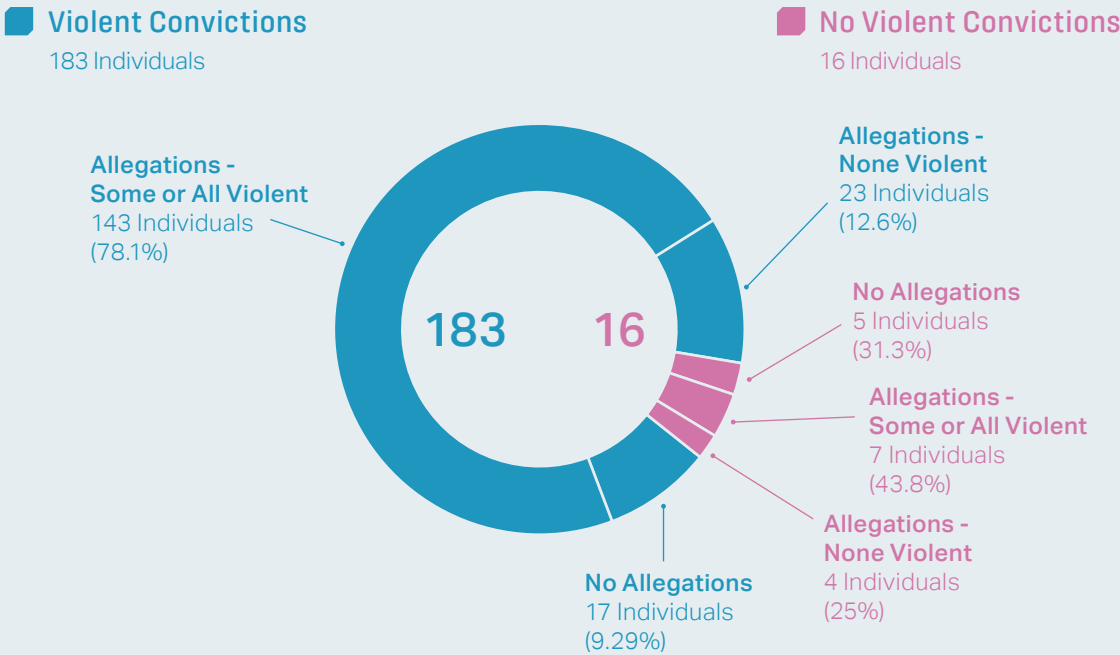


Figure 36. The number and percentage of individuals with alleged incidents of violent offending, according to the presence or absence of convictions for violent offending (n = 199) (NB. percentages relate to the proportions of each category within either Violent or No Violent Convictions and not the overall population)

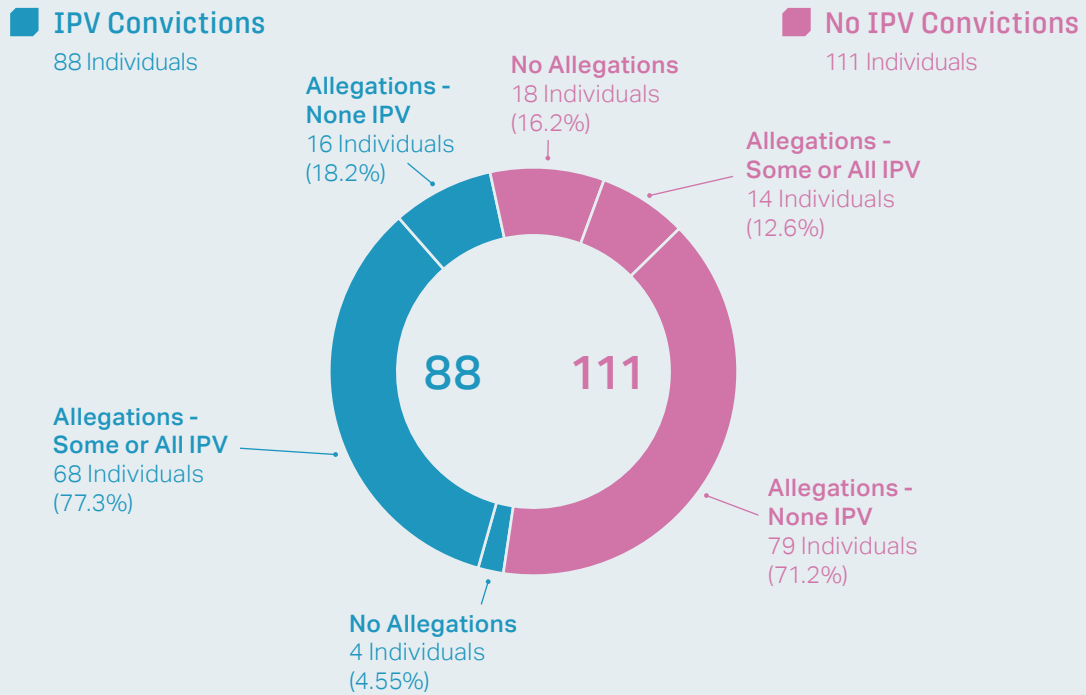


Figure 37. The number and percentage of individuals with alleged incidents of IPV, according to the presence or absence of convictions for IPV ($n = 199$) (NB. percentages relate to the proportions of each category within either IPV or No IPV Convictions and not the overall population)

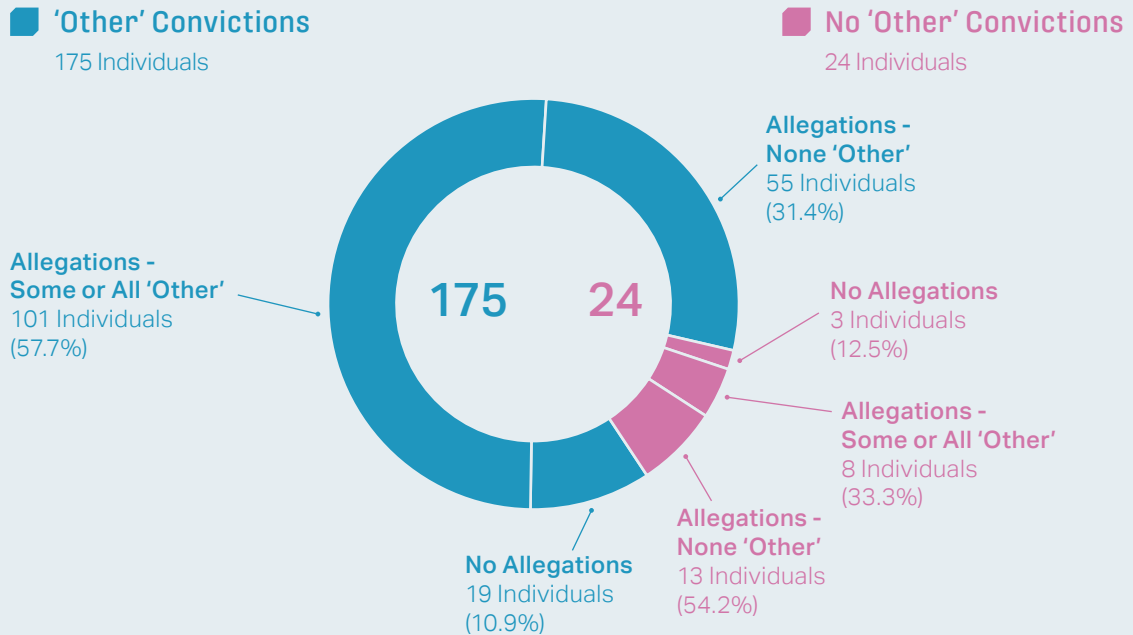


Figure 38. The number and percentage of individuals with alleged incidents of 'other' offending, according to the presence or absence of convictions for 'other' offending ($n = 199$) (NB. percentages relate to the proportions of each category within either 'Other' or No 'Other' Convictions and not the overall population)

3. THE OFFENDING BEHAVIOUR OF THOSE SENTENCED TO THE OLR

Across all conviction types there were a number of instances within which individuals had allegations of a certain type but did not have any convictions of that same type (as illustrated in Figure 39 - 42).

Sexual Allegations – No Sexual Convictions

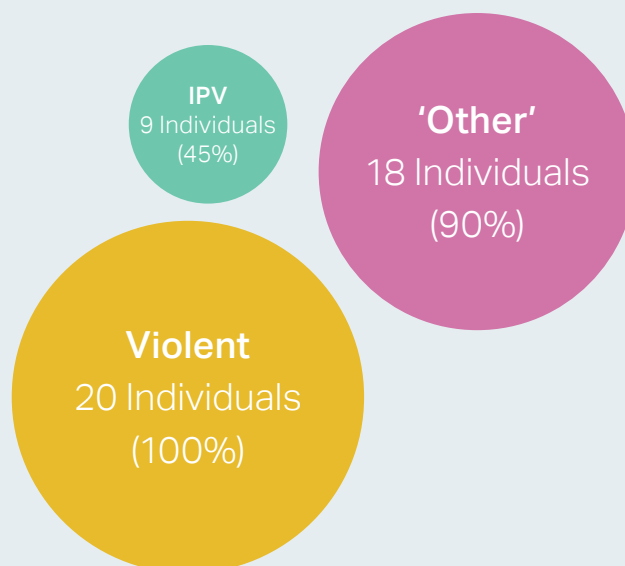


Figure 39. The nature of convicted offending of those with alleged offending of a sexual nature, but no convicted sexual offending ($n = 20$) (NB: percentages may total more than 100% due to overlap)

Violent Allegations – No Violent Convictions

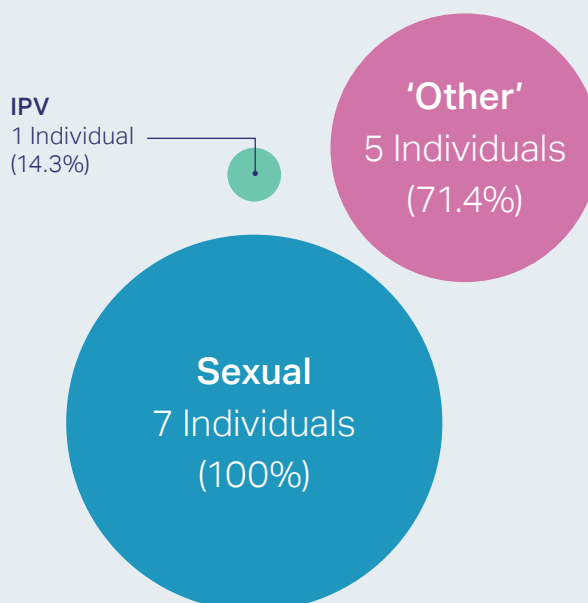


Figure 40. The nature of convicted offending of those with alleged offending of a violent nature, but no convicted violent offending ($n = 7$) (NB: percentages may total more than 100% due to overlap)

IPV Allegations – No IPV Convictions

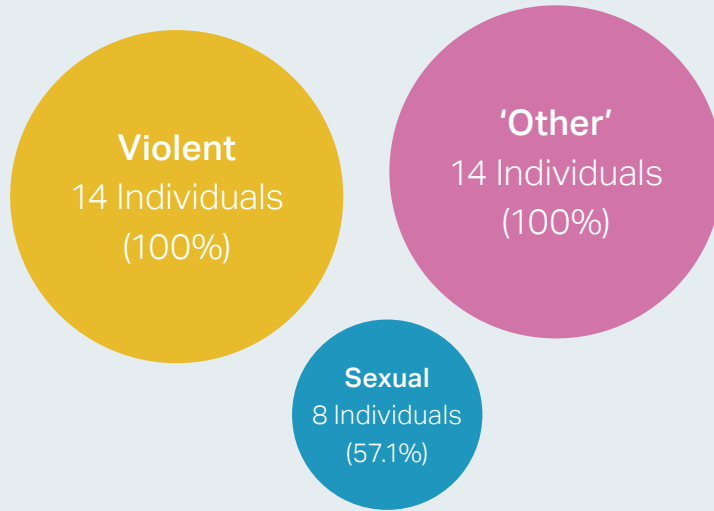


Figure 41. The nature of convicted offending of those with alleged offending of an IPV nature, but no convicted IPV offending ($n = 14$) (NB: percentages may total more than 100% due to overlap)

'Other' Allegations – No 'Other' Convictions

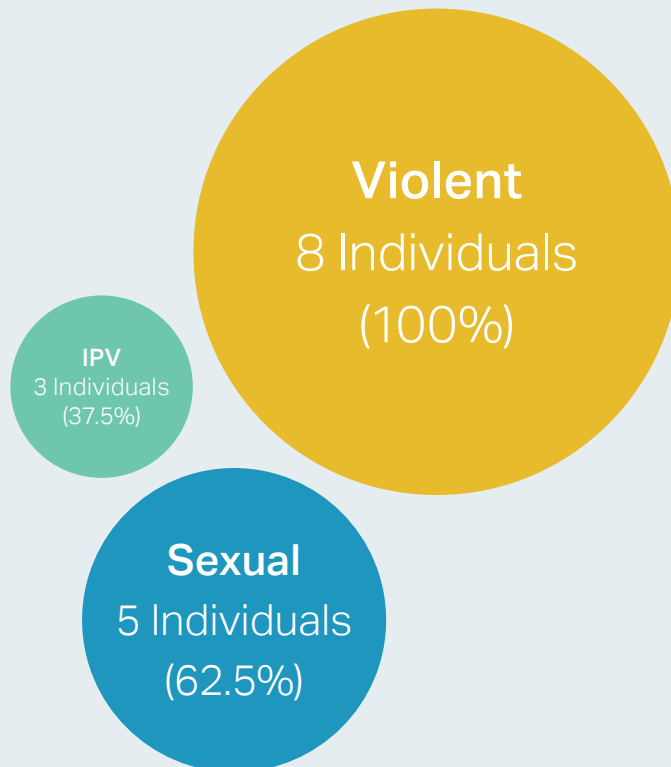


Figure 42. The nature of convicted offending of those with alleged offending of an 'other' nature, but no convicted 'other' offending ($n = 8$) (NB: percentages may total more than 100% due to overlap)

3. THE OFFENDING BEHAVIOUR OF THOSE SENTENCED TO THE OLR

As can be seen in Figure 39, of the subgroup of individuals with sexual allegations but no convictions of a sexual nature, all had convictions for violent offending, and a majority for 'other' offences. Of the group of those who had allegations of violent offending but no convicted offending of that type, all had convictions for sexual offending and, as with the sexual allegations subgroup, a majority had convictions for offending of an 'other' nature (for full detail, see Figure 40).

In both the subgroup of individuals who had alleged IPV but no convictions of that nature, and alleged offence of an 'other' nature but no such convictions, all individuals had convictions for violent offending (see Figure 41 and Figure 42 respectively). And, again across both subgroups, just over half had convictions of a sexual nature (for full detail, see Figure 41 and Figure 42).

3.4.3 Influence of Allegations on Risk Rating

As outlined in Section 2.3, assessors are required to outline whether any allegations referred to within the RAR had influenced their risk rating. Across all RARs, out of the 180 individuals (89.11% of entire OLR sample) with allegation information it was explicitly outlined in 8 that the alleged offending outlined had influenced the risk rating (4.44% of those with allegations, or 3.96% of entire OLR sample). As can be seen illustrated in Figure 43, these fell across six separate years.



Figure 43. The number of RARs, per year, with allegations outlined to have influenced the risk rating ($n = 8$)

Looking just at the group of individuals with allegations outlined to have influenced the risk rating ($n = 8$), the nature of those allegations (i.e., those allegations outlined as being relevant to the risk rating) is considered in Figure 44). As can be seen, sexual and violent allegations feature prominently, with 75% of this subgroup ($n = 6$) having allegations of each nature which influenced the risk rating.

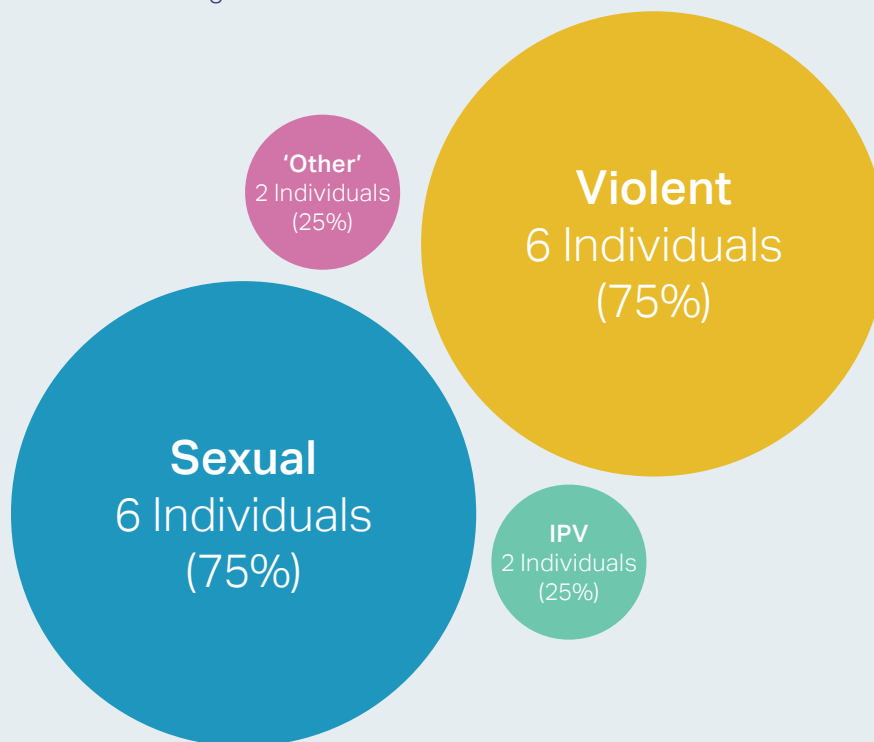


Figure 44. The number and percentage of individuals with allegations relevant to the risk rating ($n = 8$) across each type of allegation (NB: total may be more than 100% due to overlap)

3.5 Self-Reported Incidents

Alongside information regarding alleged incidents, self-reported incidents were also recorded. It should be noted that only incidents that were reported directly to the Accredited Assessor completing the RAR were logged as self-report. Further, it must be emphasised that – to a degree by their very nature – the veracity of any claims of further offending cannot be verified.

3.5.1 Self-Reported Incidents – Frequency and Nature

Frequency

As illustrated in Figure 45, across the group, just over 40% of individuals ($n = 86$) self-reported incidents of further offending. Whilst the percentage of individuals self-reporting further incidents of offending was slightly higher in the presence of convictions of a violent or 'other' nature (as compared with sexual and IPV) these differences were relatively small (see Figure 46).

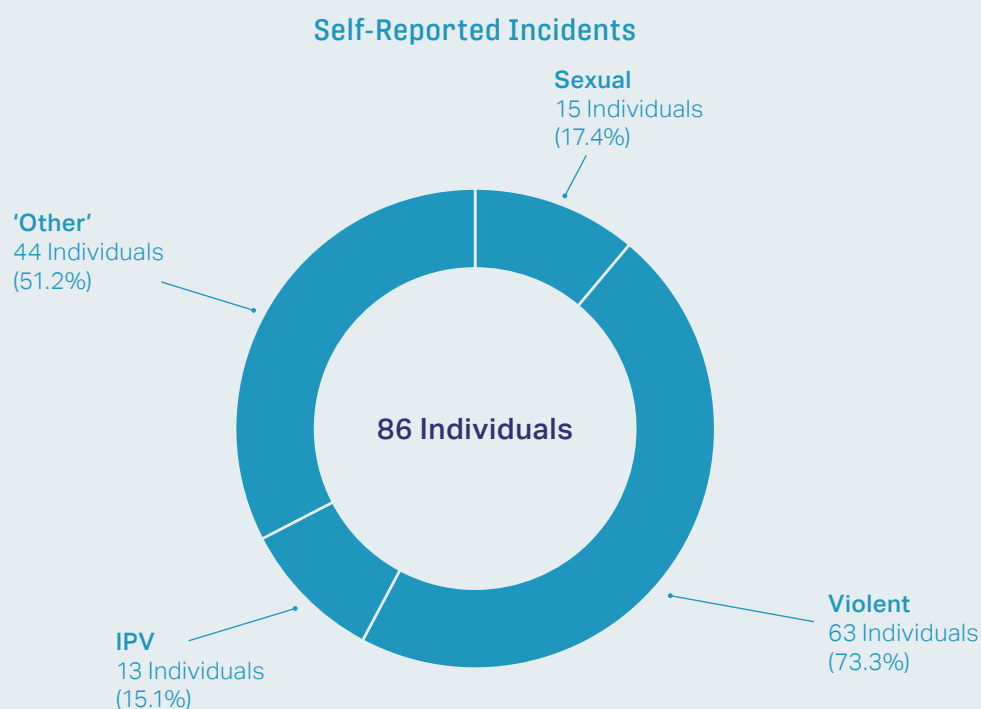


Figure 45. The number and percentage of individuals with self-reported further incidents of offending ($n = 86$), and the nature of such incidents where present (NB: percentages regarding the nature of self-reported incidents may total more than 100% due to overlap)

Nature

Of the subgroup of individuals with self-reported incidents of further offending, the nature of such incidents covered all offending types. As can be seen in Figure 45, violent was by far the most prominent type, followed by offending of an 'other' nature. Further incidents of a sexual nature, or IPV, were rarely self-reported.²⁷

Figure 46 indicates similar rates of self-reported offending when considering the type of convicted offending that an individual has. For all types of offending, rates of self-reported offending were between 39 - 45%.

²⁷ Please note that, as with alleged offending, IPV is double counted such that, for example, self-reported IPV of a sexual nature will appear both in 'IPV' and 'sexual'.

3. THE OFFENDING BEHAVIOUR OF THOSE SENTENCED TO THE OLR

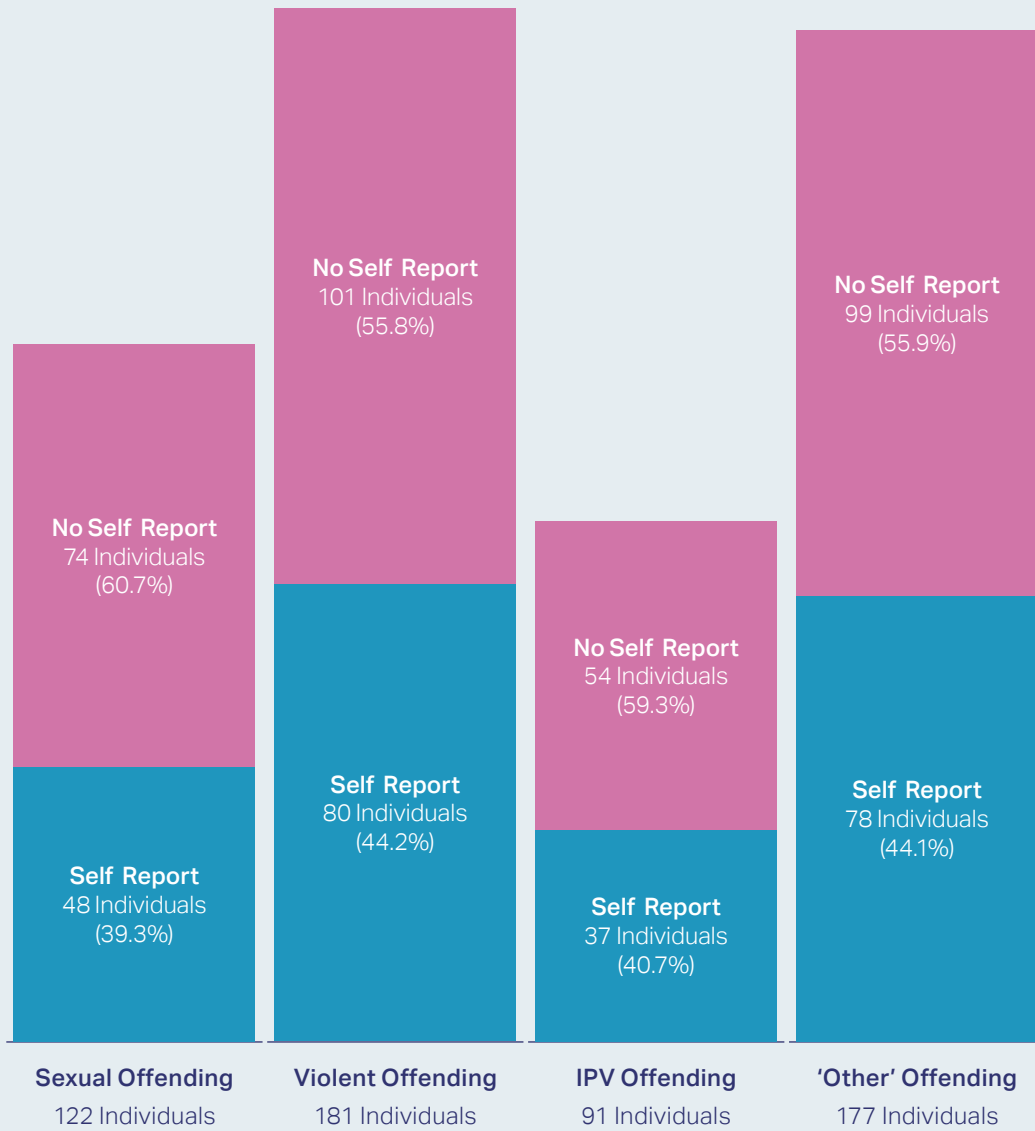


Figure 46. The number and percentage of individuals with self-reported further incidents of offending, according to convicted offending type (NB. Individuals may have convictions of more than one type and will therefore appear in more than one category)

The Nature of Self-Reported Incidents in relation to the Nature of Convicted Offending (and vice versa)

Figures 47 - 50 provide an overview of the type of self-reported incidents according to the nature of individuals' convicted offending. Please note that because self-reported incidents are double counted (i.e., IPV is not a standalone category), double counted conviction data has also been used here.

In all instances (i.e., in each 'nature of convicted offending subgroup'), over half of the group had no reported incidents of further offending. Where individuals did self-report further incidents, there were some interesting findings in terms of reporting further offending of a nature aligned to their convictions. This most frequently occurred in relation to the group with violent convictions ($n = 186$) and 62 individuals self-reporting further violence (33.3%), as well as in relation to those with 'other' convictions ($n = 178$) where 43 individuals (24.22%) self-reported further 'other' offending.

In contrast, the subgroup of individuals with 'sexual' and 'IPV' convictions showed the reverse pattern, with a higher percentage of individuals having self-reported further incidents which were not of that same nature (i.e., were not of a sexual or IPV nature, respectively). For example, of the 136 individuals with sexual convictions, 42 of them (32.9%) self-reported further offending that was not sexual, compared to 14 (10.3%) individuals self-reporting further sexual offending.

3. THE OFFENDING BEHAVIOUR OF THOSE SENTENCED TO THE OLR

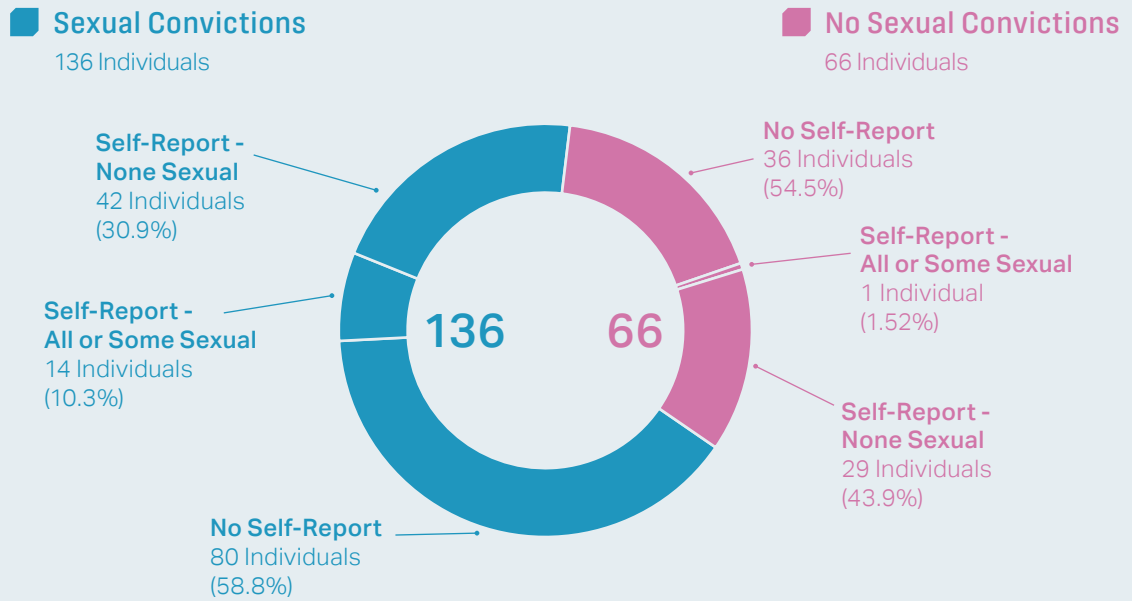


Figure 47. The number and percentage of individuals with self-reported incidents of sexual offending, according to the presence or absence of convictions for sexual offending (NB. percentages relate to the proportions of each category within either Sexual or No Sexual Convictions and not the overall population)

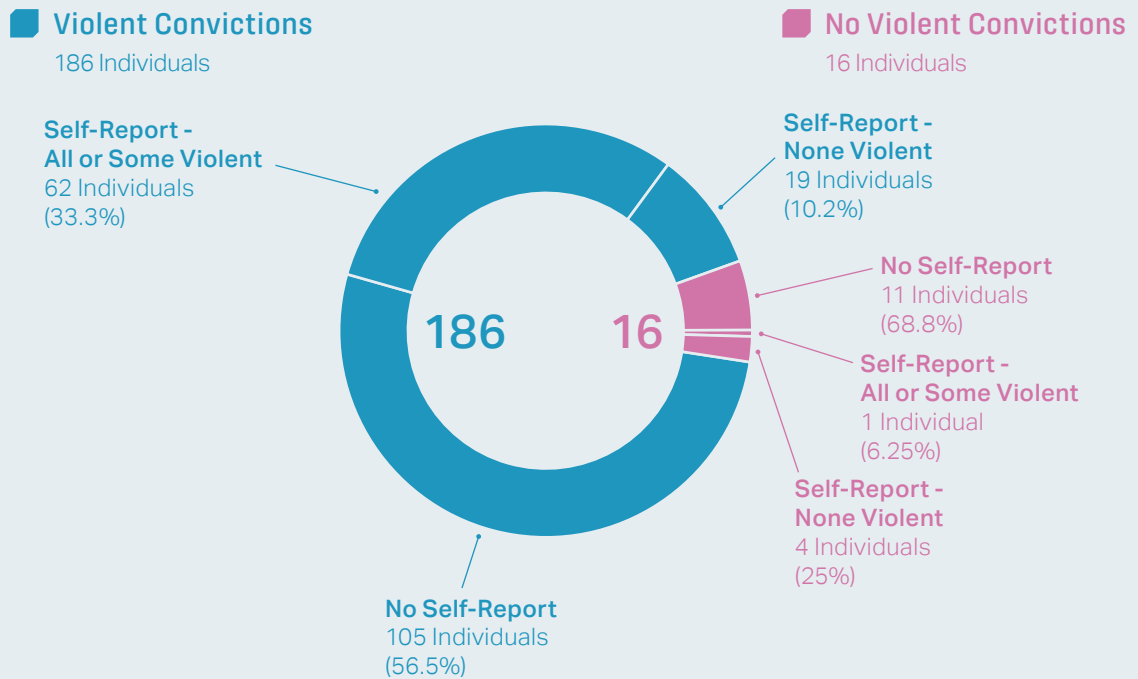


Figure 48. The number and percentage of individuals with self-reported incidents of violent offending, according to the presence or absence of convictions for violent offending (NB. percentages relate to the proportions of each category within either Violent or No Violent Convictions and not the overall population)

3. THE OFFENDING BEHAVIOUR OF THOSE SENTENCED TO THE OLR

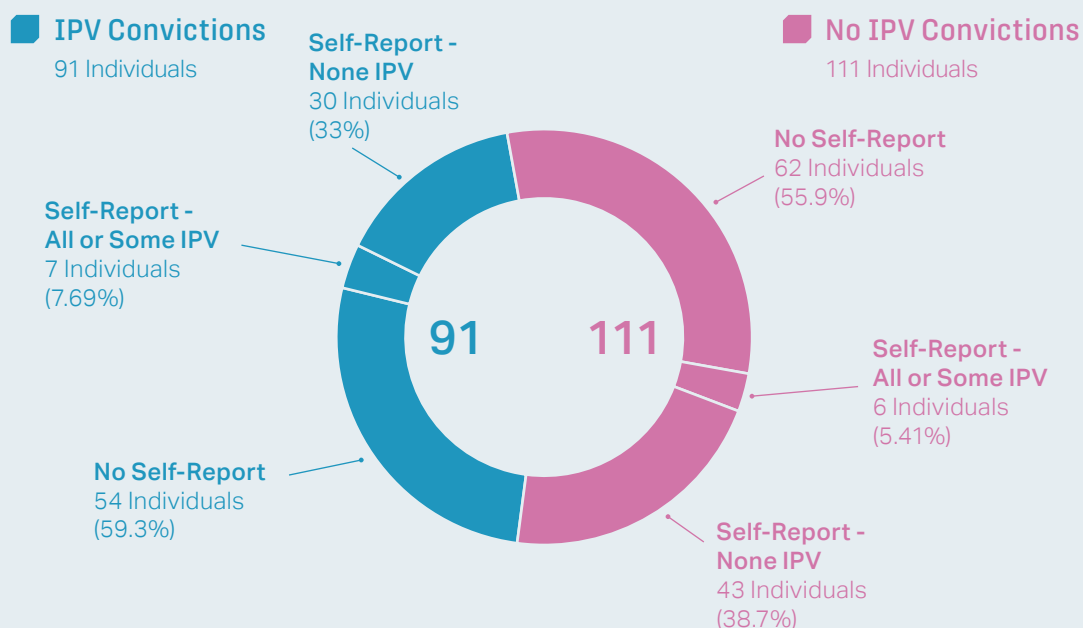


Figure 49. The number and percentage of individuals with self-reported incidents of IPV, according to the presence or absence of convictions for IPV (NB. percentages relate to the proportions of each category within either IPV or No IPV Convictions and not the overall population)

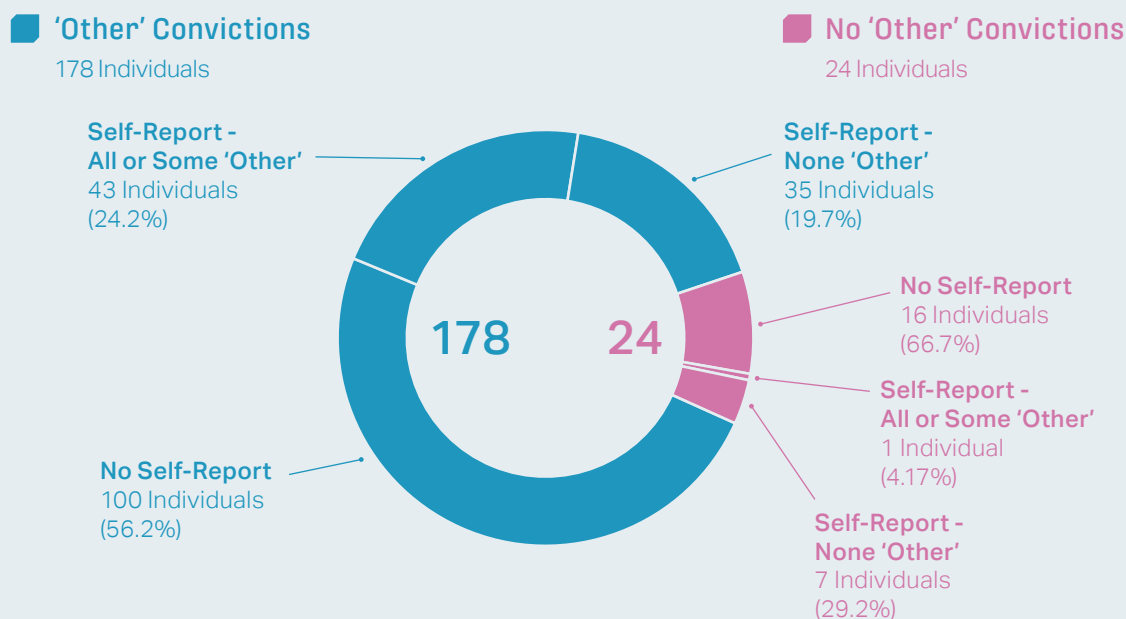


Figure 50. The number and percentage of individuals with self-reported incidents of 'other' offending, according to the presence or absence of convictions for 'other' offending (NB. percentages relate to the proportions of each category within either 'Other' or No 'Other' Convictions and not the overall population)

3. THE OFFENDING BEHAVIOUR OF THOSE SENTENCED TO THE OLR

The next set of figures explore the interaction between individuals' type of offending and the type of self-reported offending.

As can be seen, across all subgroups, self-reported incidents of a violent nature featured prominently. In the 42 individuals with sexual convictions but no sexual self-report, 31 (73.8%) of these self-reported further violence, compared to 60% of individuals with IPV convictions but no IPV self-reported incidents, and 75% of those with 'other' convictions but no 'other' self-reported incidents. 'Other' self-reported incidents were also quite common, reported by; 54.8% of those with sexual convictions but no self-reported sexual incidents, 84.2% of those with violent convictions but no self-reported violent incidents, and 60% of those with IPV convictions but no self-reported IPV incidents. Across all subgroups it was quite uncommon for individuals to have further self-reported sexual incidents when their offending was not of a sexual type, and similarly for IPV.

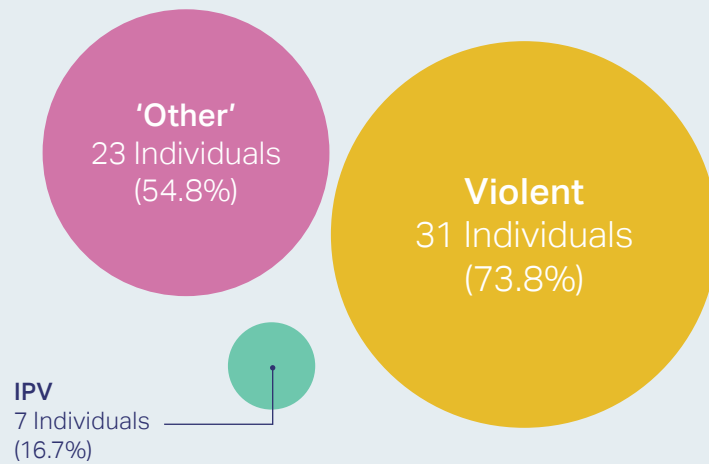


Figure 51. The nature of self-reported further incidents in individuals with convictions for sexual offending but no self-reported incidents of that type (n = 42) (NB: percentages regarding the nature of self-reported incidents may total more than 100% due to overlap)

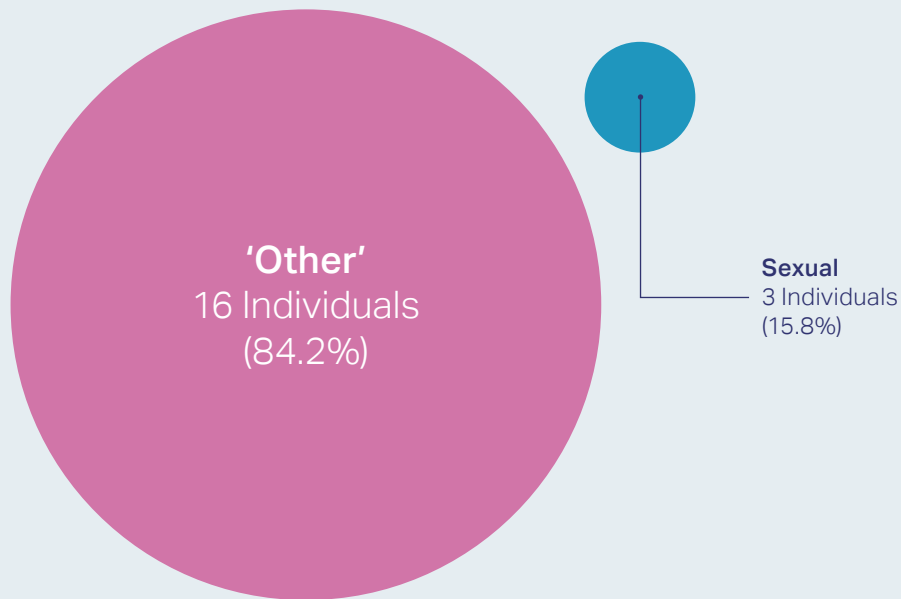


Figure 52. The nature of self-reported further incidents in individuals with convictions for violent offending but no self-reported incidents of that type (n = 19) (NB: percentages regarding the nature of self-reported incidents may total more than 100% due to overlap).

3. THE OFFENDING BEHAVIOUR OF THOSE SENTENCED TO THE OLR



Figure 53. The nature of self-reported further incidents in individuals with convictions for IPV but no self-reported incidents of that type (n = 30) (NB: percentages regarding the nature of self-reported incidents may total more than 100% due to overlap)

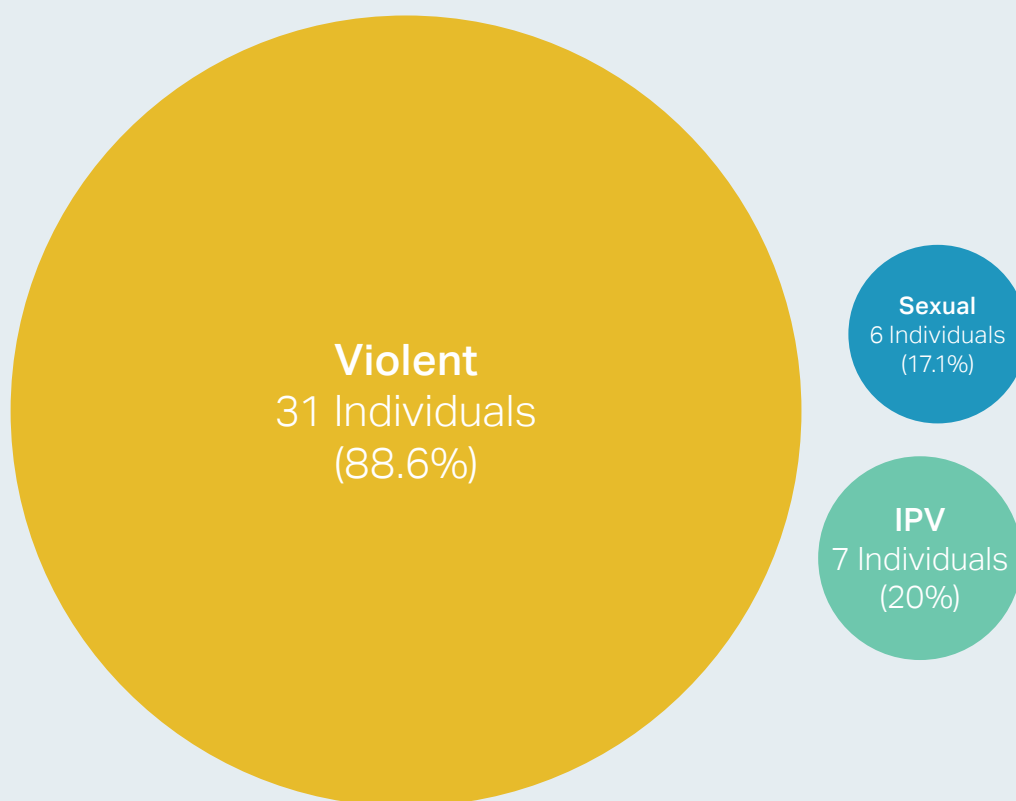


Figure 54. The nature of self-reported further incidents in individuals with convictions for 'other' offending but no self-reported incidents of that type (n = 35) (NB: percentages regarding the nature of self-reported incidents may total more than 100% due to overlap)

3.6 Behaviour In Custody

Outlined within this section is information relating to the number of individuals who had recorded incidents in custody, whether that be within a YOI or an adult prison. Incidents have been considered along three lines: sexual, violent, and non-sexual, non-violent. The definition of sexual and violent are in line with those utilised when considering convicted and alleged offending. Non-sexual, non-violent offending covered any incidents which fell outside of that, such as vandalism; these incidents are therefore similar to the 'other' category used when considering convictions and allegations.

3.6.1 Behaviour in Custody – Frequency

Across the whole population, just over half ($n = 112$, 55.4%) had recorded incidents in custody (see Figure 56). For the majority of this group ($n = 86$) these related to incidents in adult prison alone, with a smaller percentage having recorded incidents in YOI alone ($n = 8$, 7.14%) or both adult prison and YOI ($n = 18$, 16.1% - for full detail see Figure 55).



Figure 55. The number and percentage of individuals with recorded incidents in custody ($n = 112$) and the location in which such incidents occurred

3.6.2 Behaviour in Custody – Nature

A breakdown of the nature of incidents in custody is provided in Figure 56. As illustrated, of the group of individuals with such reported incidents, incidents of a violent or non-sexual, non-violent nature ($n = 86$ and $n = 87$, respectively) were most commonly seen.

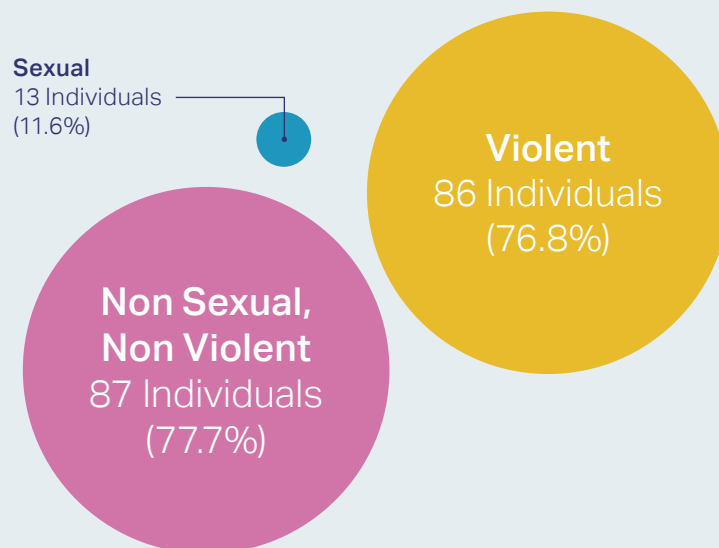


Figure 56. The nature of recorded incidents in custody ($n = 112$) (NB: percentages may total more than 100% due to overlap)

The Nature of Behaviour in Custody in relation to the Nature of Convicted Offending (and vice versa)

To further explore recorded incidents in custody, the presence of such incidents was considered in relation to the nature of convicted offending. Specifically, the group was divided according to the presence or absence of convictions of each offending type, and the presence of recorded incidents in custody within each subgroup then calculated. As can be seen in Figure 57, the percentage of individuals with recorded incidents in custody was slightly lower in the presence of convicted sexual offending, as compared with convictions of all other types.

Additionally, the data was considered and divided from the reverse perspective, with the nature of convicted offending examined according to the nature of individuals' reported incidents of behaviour in custody. Across all subgroups – i.e., individuals with incidents in custody of a sexual nature, a violent nature, and a non-sexual, non-violent nature – a high percentage of the group had convicted offending of a violent or 'other' nature (for full detail, see Figure 58). Interestingly - and in some contrast to convictions of a violent or 'other' nature, which were common across all 'nature of behaviour in custody' subgroups – the percentage of individuals with sexual convictions was noticeably higher in the group of individuals with behaviour in custody of a sexual nature, as compared with the other subgroups (i.e., those individuals with incidents in custody of a violent or 'non-sexual, non-violent' nature).

3. THE OFFENDING BEHAVIOUR OF THOSE SENTENCED TO THE OLR



Figure 57. The number and percentage of individuals with recorded incidents in custody, according to convicted offending type

3. THE OFFENDING BEHAVIOUR OF THOSE SENTENCED TO THE OLR

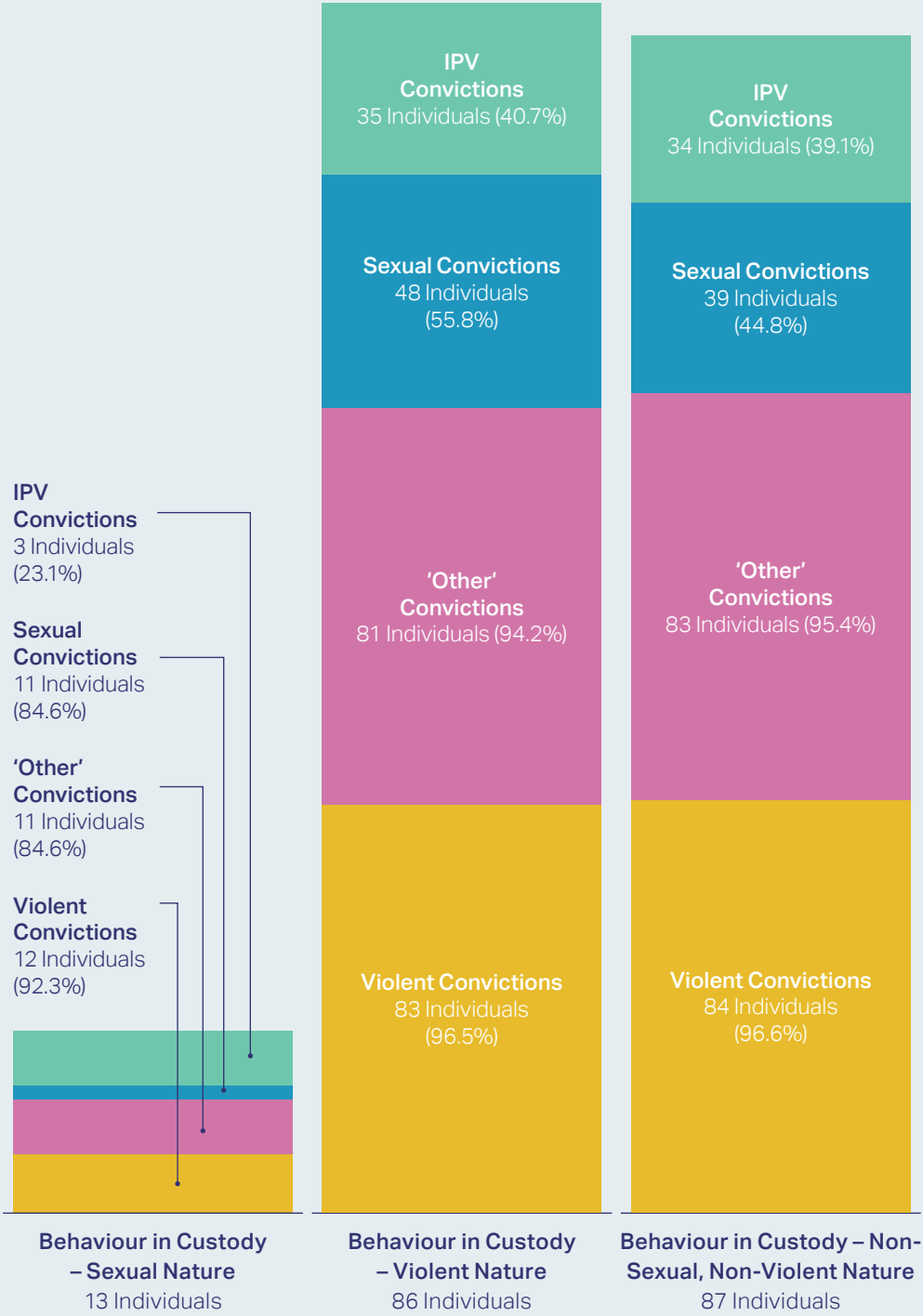


Figure 58. The number and percentage of individuals with convictions of each type, according to the nature of reported incidents in custody (NB: percentages may total more than 100% due to overlap)

3.7 Discussion

When looking at patterns of overall offending, it was evident that a vast majority (89.6%) of individuals had convictions for offending of a violent nature within their overall offending history. When considering this finding it is important to bear in mind however that, for the purposes of coding, focusing on convictions (rather than interpreting the motivations underneath each offence) meant that the 'violent' category was necessarily broad. As noted in the Method section, the category of violent' included Breach of the Peace and Threatening or Abusive Behaviour; offences which cause "alarm" (Scottish Crime Recording Standard, 2019, p.406). Thus, in essence, behaviour which could lead to a conviction for Breach of the Peace includes that which could be considered of an 'other', anti-social nature. It was simply not possible to divide Breach of the Peace according to the offending that led to the conviction, thus the conviction as a whole was logged as a violent offence. This means that someone whose violent offences were solely Breach of the Peace would be included in the numbers showing individuals with violent convictions. Similarly, someone whose Breach of the Peace offences appeared as though they had a sexual motivation would still appear as having violent convictions (see Section 2.3 and Appendix 1 for an explanation of why Breach of the Peace was coded this way). Thus, whilst the fact that a high percentage of individuals subject to the OLR had violent offending within their history is an interesting one, there is the potential that this at least in part reflects the breadth of the category, and the rules necessarily applied (i.e., focusing on the conviction itself) to ensure consistency when coding.

It was interesting to observe that, of those individuals with sexual offending within their overall offending history, in nearly half of instances this was represented solely in their index offending. Whilst again an interesting observation, it is important to remember that this may have included multiple index offences, or a single index offence that occurred over a long period of time. Additionally, this number includes individuals whose sexual offending occurred some years ago and was only convicted in more recent times, representing their index offence(s). Therefore, individuals with sexual offending limited to their index offence(s) may still have committed multiple sexual offences, over many years, and not been convicted of this until much later, which would show as index-only sexual offending with no previous sexual convictions. It is also notable that whilst a sizeable percentage of the group only had sexual offending within their index offending, or had a single previous sexual conviction, of those who had multiple convictions (either across both their index and previous offending, or in the form of multiple previous convictions) of which the duration was known, the majority had convictions spanning five or more years.

Indeed, where the duration of convictions was known, similar patterns were observed across all offence types; specifically, it was found that the majority of individuals had convictions which spanned five years or more. Whilst however there were individuals who had convictions spanning 25 years or more for offending of both a violent and sexual nature, this was not the case with IPV offending, with the highest duration of convictions being 20+ years. Whilst the long standing offence histories of many of this sample is an interesting finding, it is perhaps not entirely surprising when considering the risk criteria which focuses on enduring risk.

When considering the overall duration of convictions it was interesting, too, to observe the difference in the percentages of individuals who had multiple convictions (either across both their index and previous offending, or in the form of multiple previous convictions) but of which the duration was 'unknown'. Specifically, this percentage was noticeably higher when considering 'violent' offending, both as compared with convictions of a sexual nature, and IPV.

3. THE OFFENDING BEHAVIOUR OF THOSE SENTENCED TO THE OLR

One potential explanation for this pattern – at least in part – is again the breadth of the ‘violent’ offending category. As mentioned in the opening paragraph, the category of ‘violent’ included Breach of the Peace – a conviction which could potentially, under some circumstances, reflect ‘anti-social’ behaviour reminiscent of that captured within the category of ‘other’. There is the potential – particularly in instances within which individuals had multiple convictions – that the assessor tasked with compiling the RAR provided less detail about Breach of the Peace convictions, such as exact dates for all convictions of that type, for example, resulting in the pattern seen. It is difficult to assess the likelihood of such a hypothesis however given that the duration of ‘other’ offending was not collected for the purposes of this study and, in any respect, there is every possibility that even if correct, it does not provide an entire explanation for the pattern seen. Further exploration within this area could be warranted.

The vast majority (95.0%, $n = 192$) of the population had previous convictions – that is, convictions prior to the convicted offending which triggered an RAO. Of that group, the earliest age of conviction ranged from 9 to 44 years, with nearly half (49%) receiving their first conviction before the age of 18, and 67.8% of the group before the age of 21. This finding – i.e. that many individuals started offending from a young age – is interesting to consider, specifically in relation to the age-crime curve (ACC) and Moffit’s (1993) developmental taxonomy. The age-crime curve (ACC) has been proposed as a way to understand age and crime. The curve depicts that the number of individuals who offend increases through adolescence, peaking in teenage years and tapers off from late teens/early twenties (Loeber & Farrington, 2014). Whilst there has been debate over whether the age-crime curve is universal or whether there are variations based on other factors such as gender or location (Mathews & Minton, 2017), it is generally accepted that as people grow older, their involvement in offending lessens. Moffit’s (1993) developmental taxonomy suggests that there are two types of offenders that exist – adolescence limited and life course persistent offenders. It is proposed that adolescence limited offenders are normative in the sense that many young people engage in anti-social or rule breaking behaviours during adolescence and then desist as they grow older (Moffit, 1993). Whereas, life course persistent offenders were proposed to engage in antisocial behaviour in early childhood which then persists across their life course (Moffit, 1993). There have been many theories proposed to understand why some individuals desist from offending whilst others continue to offend across their life course.

It is clear that for some of the OLR population, their offending has been somewhat persistent over many years, with the majority having multiple index offences and multiple previous convictions, with offending in some instances spanning 25+ years. Further, the findings would suggest a population where many have engaged in criminal behaviour from a young age (i.e., before the age of 18) and which, keeping in mind that the average age at time of OLR imposition was found to be 37.4 years (spanning 16-66 years), has persisted into adulthood. Important to note too, however, is the minority of individuals who did not receive their first conviction until the age of 26+. Further research regarding age of first conviction and persistence of offending could be beneficial; the conclusions that can be drawn from the current data alone are limited, and further consideration of offending patterns and trajectories, perhaps through subgrouping according to age of first conviction, could prove beneficial.

Whilst the subject of young people sentenced to the OLR is covered in detail in Section 5, the fact that findings showed that there were no OLRs imposed on individuals under the age of 18 after 2010, or since 2014 when considering the broader category of those under the age of 21, is also worthy of consideration here. In 2013, an updated version of the RMA’s Standards

and Guidelines for Risk Assessment was published and, while it did not comment specifically on young people, it did revise the definitions of each risk level (low, medium, and high). It is possible, therefore, that this had an effect on the way assessors categorised individuals' risk, with particular attention to those with a less lengthy offence history (i.e. young people who have had fewer years to offend, or, conversely, to engage with interventions to demonstrate change or protective factors). An additional influence on OLR's being given to young people could have been from judicial reviews in this area. Gailey et al. (2017, p. 19) cite the following as a clarification from the appeal court in reference to potential change –

“Where the offender is a young man or one whose actions on the particular occasion did not appear to be prompted by his underlying personality traits but by the ingestion of drink or drugs, the prospect of change over time as a result of maturity or rehabilitation measures would render it unlikely that a judge could reasonably consider that the statutory criteria were met.” (p. 107)

However, it should be noted that direct causation of things like Standards and Guidelines and the cited judicial opinion can't be definitively concluded from this research. Investigating if and why fewer young people are being sentenced to the OLR was beyond the scope of this project and its research questions; for a more detailed discussion of Young People and the OLR, see Chapter 5. For suggestions for future research on this topics, see Chapter 9.

The vast majority of individuals ($n = 180$) had incidents of alleged offending. When considering the nature of such allegations, allegations of a violent nature featured prominently, with allegations relating to IPV occupying the lowest percentage (43.6% of individuals). When considering IPV, it is important to remember that the definition of 'allegation' used in this project involved either the assessor identifying an allegation in a specific Allegations table in the RAR appendix, or the allegation having police involvement in some way (including witness statements related to court proceedings). It is well documented that victims of IPV may not always report this to the police, for many reasons, and therefore it is possible that there are further instances of IPV that are not counted here (SafeLives n.d.; Women's Aid, n.d.). SafeLives note that women experience on average 2 – 3 years of domestic abuse before getting help, or 50 incidents of abuse before getting effective help (SafeLives, n.d.). When considering the finding regarding the prevalence of violent allegations, it is important – as outlined when considering nature of convictions – to bear in mind the breadth of the category, and the influence this may have had upon findings.

Eight RARs were identified where allegations were clearly stated to have influenced the assessor's risk rating (4.44% of those with allegations, or 3.96% of entire OLR sample). It should be noted that for all 8 of these individuals their risk rating was concluded as high by the assessor. That is also to say that alleged offending was not concluded as having influenced the risk rating of anyone with a medium risk rating (for more detail on risk rating see Chapter 8).

The potentially complex reasons why a given allegation influenced a risk rating are not however (nor were they intended to be) discernible from this project alone, and further research is required to explore the nuances of why and how these allegations were given such influence (as noted previously, legislation allows assessors to consider allegations when assessing risk). It was not always clear whether a specific allegation alone changed the risk rating to a higher or lower level, or whether it simply reinforced the assessor's conclusion about the risk rating. This relied on the assessor discussing this in detail in the RAR. In instances where the allegation did change the risk rating, this required the assessor to

3. THE OFFENDING BEHAVIOUR OF THOSE SENTENCED TO THE OLR

elaborate; this context and reasoning is absent from the figures presented in this chapter, thus limiting the conclusions that can be drawn. Additionally this study does not allow conclusions to be drawn about whether allegations influenced decisions to sentence an individual to an OLR. Firstly there are several individuals who received an OLR and had a 'medium' risk rating. Therefore even if an assessor did state that allegations informed their risk rating, and this increased the risk rating from 'medium' to 'high', this does not directly mean it led to the OLR being the sentence. This is because the risk rating itself does not automatically trigger the sentence being imposed. For example, the RAR is not the only source of information a judge considers in imposing an OLR, nor is the judge bound to impose a sentence based on the assessor's risk rating (see Introduction for further detail).

The category of 'self-report' was necessarily broad (see the Method section as well as the definition of self-report earlier in this chapter), and included any offending behaviour reported by the individual to the accredited assessor during the period of assessment. This could include, for example, an individual explaining that they used to shoplift in their younger years, or that their family involved them in offending from a young age. It could also represent someone reporting they appeared at a Children's Hearing for an offence, where the records for this could not be located or were confirmed destroyed. At the other end of the spectrum, 'self-report' also included instances of individuals claiming to have committed assaults or acted as enforcers in organised crime. It is perhaps unsurprising therefore that most instances of self-reported offending were of either a violent or 'other' nature, with far fewer instances of self-reported offending relating to sexual offending and IPV. Indeed, of the small number of individuals who self-reported sexual offending, this was almost always among those who had convictions of this type. Only one individual reported sexual offending while having no sexual convictions. There is the possibility that this, at least in part, might be influenced by wider attitudes and perceptions of offending. For example, it is known, that sex offenders in particular are a highly stigmatised group (Cubellis, Evans & Fera, 2018).

Adding the self-reported offending to the evidence already presented on index and previous offending, and allegations and behaviour to custody, begins to evidence the possible true extent of offending behaviour in this sample. In particular self-reported offending rates compared to conviction rates is something several studies have previously looked at, and which provide an indication of what the true extent of offending behaviour may indeed look like. For example, in the Cambridge Study in Delinquent Development (CSDD), a prospective longitudinal survey of 411 London men, Farrington, Piquero and Jennings (2013) estimated that there were 39 self-reported offences per conviction between ages 15 and 47. In another study, Theobald, Farrington, Loeber, Pardini and Piquero (2014) found 22 offences self-reported for every conviction. Whilst it should be stressed that these samples and studies do not offer direct comparisons, they do provoke some consideration of what the true extent of this OLR sample's offending behaviour may look like.

It is worth reiterating, that the veracity of self-reported incidents could not be confirmed. Although there are studies (e.g. Jolliffe and Farrington, 2014; Piquero, Schubert & Brame, 2014) that have concluded that self-reports of offending are generally reliable and valid. However self-reported offending would merit further exploration, particularly in the context of this OLR sample. One potential avenue for further research therefore could be to explore the context of these comments, whether the assessor felt they were credible or not, and what led the assessor to this conclusion. Also interesting to consider might be whether the reliability of self-report varied according to type of self-report itself, and type of convicted offending.

4. THE OFFENDING BEHAVIOUR OF INDIVIDUALS SUBJECT TO AN OLR WITH CONVICTIONS FOR IPV

This chapter concentrates on the subgroup of individuals subject to an OLR (December 2006 – 31st March 2021) who have convictions for IPV.²⁸ More specifically, the chapter will explore both the nature of the IPV for which individuals have been convicted, and the nature of such offending in relation to any non-IPV offending convictions individuals may have. Also considered is the nature of alleged and self-reported offending in those with convictions for IPV.

The chapter will proceed as per all previous chapters, moving through a presentation of findings to a summary and consideration of those findings at the end of the chapter.

4.1 Overall Offending History and Demographic Information

Of the whole group of 202 individuals, just under half – 91 individuals, to be specific – had convictions for IPV somewhere within their overall offending history (see Figure 59).

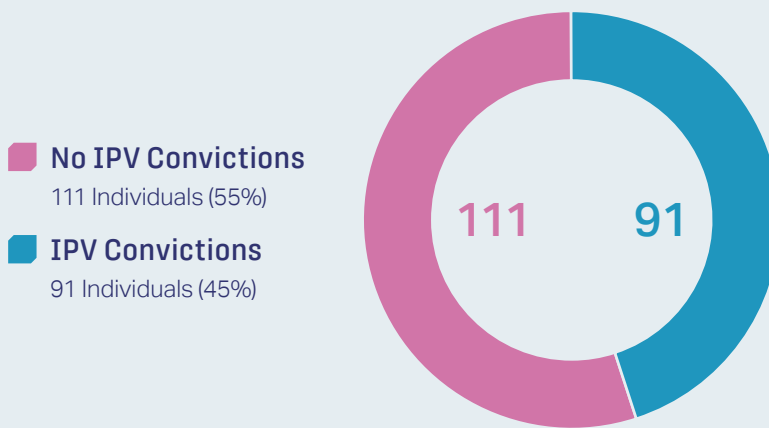


Figure 59. The number and percentage of individuals with convictions for IPV

²⁸ Intimate Partner Violence (IPV) included any offence where the victim was an intimate partner or ex-partner. Within this category, whether the IPV was of a violent, sexual, or 'other' nature was captured. Please note that convictions relating to the Domestic Abuse Act were categorised under 'violent'. For full detail, please refer to Section 2.3 and Section 2.4.

4. THE OFFENDING BEHAVIOUR OF INDIVIDUALS SUBJECT TO AN OLR WITH CONVICTIONS OF IPV

4.1.1 Years OLR Imposed

Information regarding the percentage of individuals made subject to the OLR per year, who did or did not have convictions pertaining to IPV, can be found in Figure 60. As can be seen, the percentage of the population made subject to an OLR who had convictions for IPV within their offending history increased noticeably in the year 2014 and, whilst fluctuating slightly in the following years, remained above 50%.

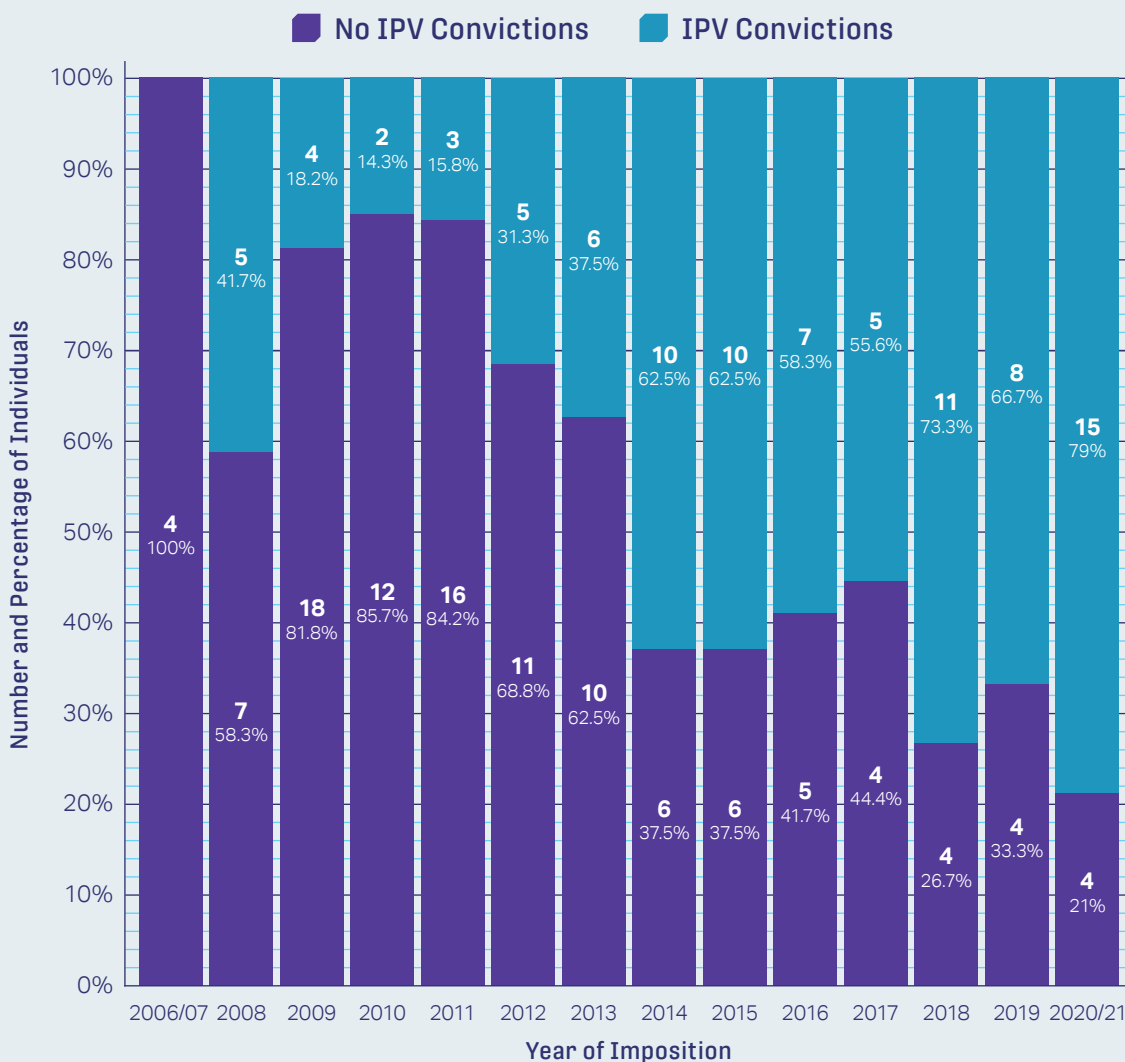


Figure 60. The number and percentage of individuals made subject to an OLR per year, according to the presence of convictions for IPV

4.1.2 Age Groups

An illustration of the age distribution of both the subgroup of individuals with convicted IPV within their overall offending history ($n = 91$) and those subject to the OLR with no convictions for IPV ($n = 111$) is provided in Figure 61. The age distribution of both groups were broadly analogous, with the percentage occupying each age category increasing to a peak within the 31-40 age band, before then decreasing.

4. THE OFFENDING BEHAVIOUR OF INDIVIDUALS SUBJECT TO AN OLR WITH CONVICTIONS OF IPV

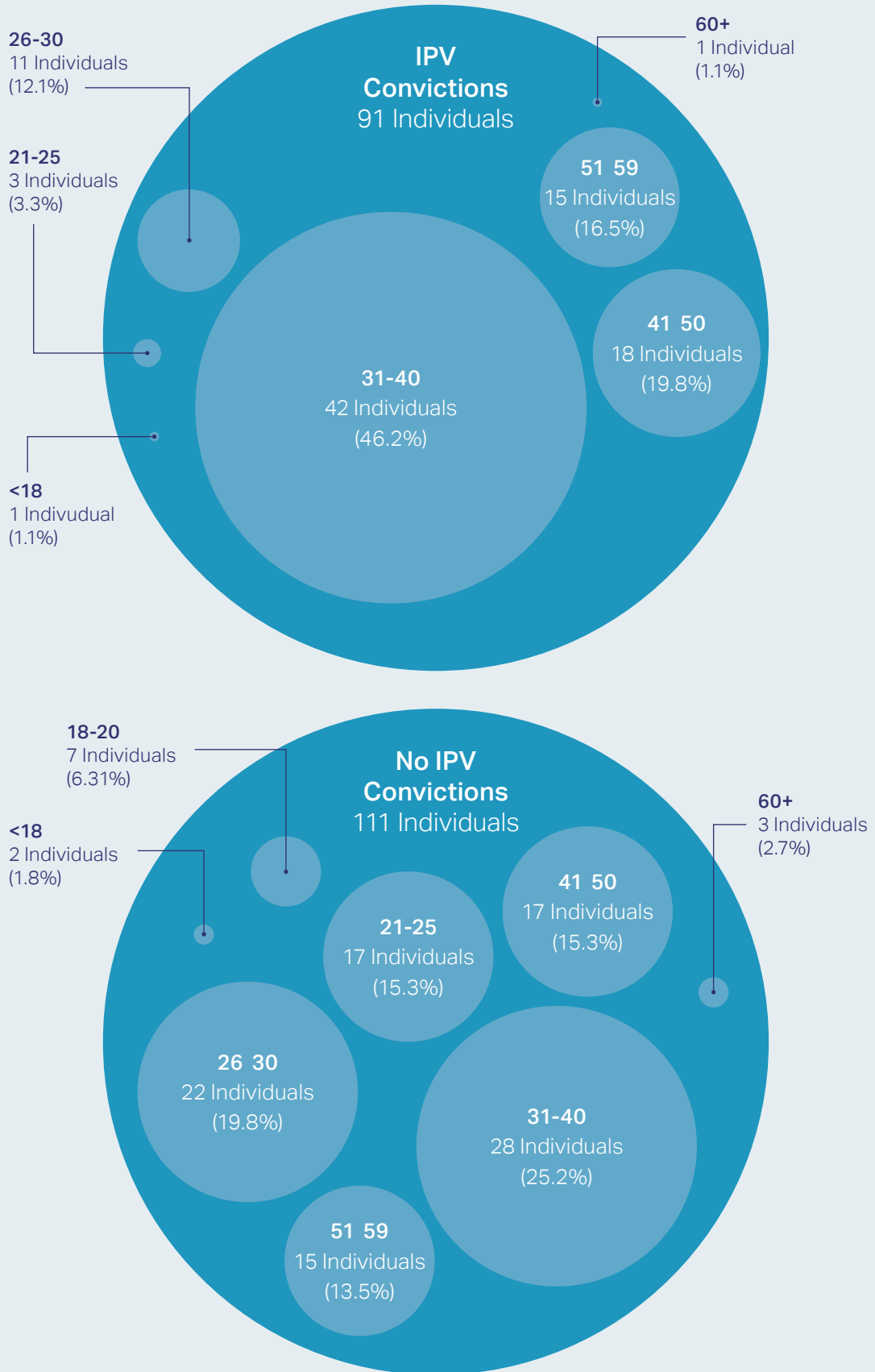


Figure 61. The age distribution of individuals with and without convictions for IPV

4.1.3 Risk Rating

The majority of both groups – i.e., individuals both with and without convictions for IPV – were assigned a risk rating of 'high'. The percentage of individuals considered to be medium risk was slightly higher in the group of individuals with no convictions for IPV, however as can be seen in Figure 62, this difference was small. There were no individuals in either group that had a risk rating of 'low' assigned to them.

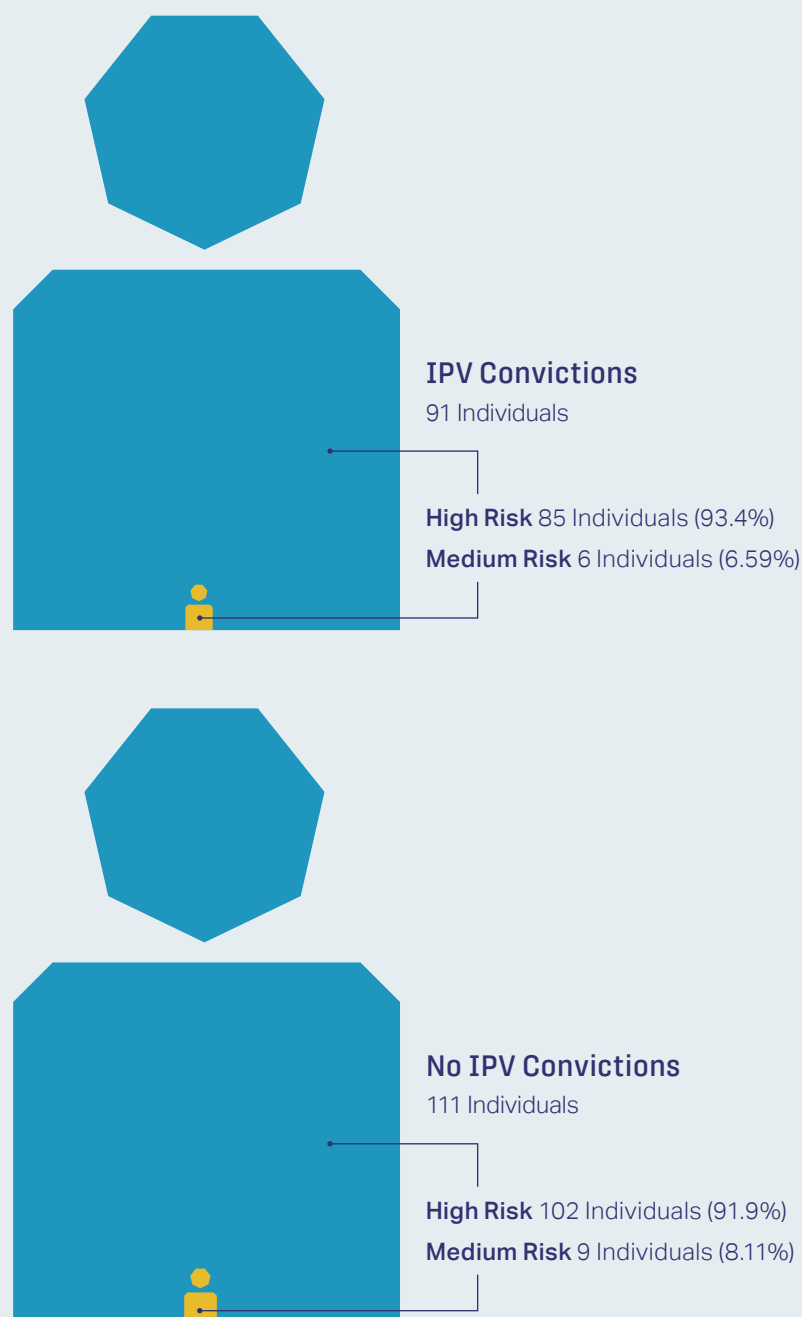


Figure 62. The number and percentage of individuals assigned each risk rating, according to the presence or absence of IPV convictions

4.1.4 Nature and Pattern of Overall IPV Offending

The following section focuses solely on those individuals subject to an OLR who have convictions for IPV within their overall offending history ($n = 91$).

Nature of Overall IPV Offending

As can be seen in Figure 63, all types of IPV – i.e., IPV of a sexual, violent and ‘other’²⁹ nature – were evident across the group, with the vast majority of individuals having convictions for IPV of a violent nature. Please note that one individual was excluded from this analysis due to the nature of their IPV being unknown – thus, for all analyses concerned with the nature of IPV offending, $n = 90$.

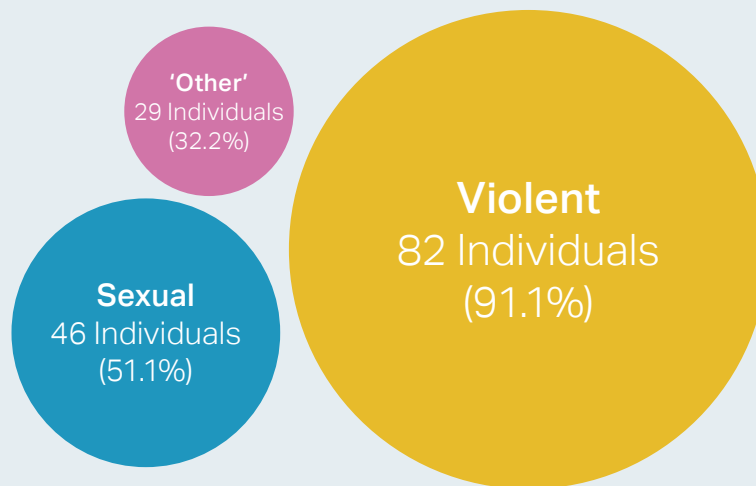


Figure 63. The number and percentage of individuals convicted of each IPV offending type ($n = 90$) (NB: percentages may total more than 100% due to overlap)

²⁹ Examples of offences which fell under the category of ‘other’ included convictions such as theft, housebreaking, vandalism, or white collar crime. For a full list please see Appendix 2.

Also useful to note here is the percentage of individuals, of the group of individuals with convictions for IPV, whose IPV offending was a single, as compared with a mixed, nature. As can be seen in Figure 64, the group was fairly evenly split, with just over half the group (52 individuals) having convictions for IPV of a mixed nature.³⁰

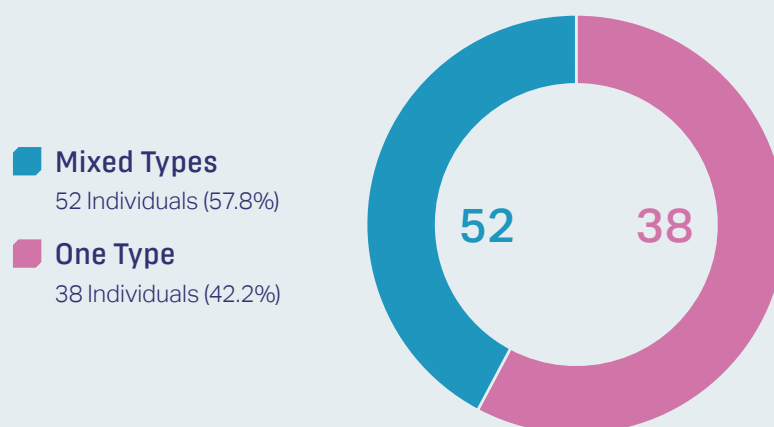


Figure 64. The number and percentage of individuals with IPV offending comprised of one type or mixed offending types ($n = 90$)

The Nature of Non-IPV Offending in relation to the Nature of IPV Offending (and vice versa)

Within the group of individuals with convictions for IPV, all individuals also had convictions for non-IPV offending.

As can be seen across Figures 65 - 67, nearly all individuals who had convictions for IPV offending of a violent nature had convictions for non-IPV offending of that same type ($n = 77$, 93.9%) – a pattern repeated in the ‘other’ offending subgroup ($n = 28$, 96.6%). Whilst this overall pattern was mirrored in the sexual offending subgroup – i.e., of the individuals with convictions for sexual IPV, the highest percentage also had convictions for non-IPV sexual offending – this percentage was lower ($n = 32$, 69.6%) as compared with the ‘violent’ and ‘other’ offending groups just described.

Interestingly, when considering individuals who had convictions for IPV ($n = 8$) but not of a violent nature, violent convictions did feature for a high percentage – 87.5% ($n = 5$) in their non-IPV convictions. Furthermore for those that did have violent IPV convictions ($n = 82$) the overwhelming majority also had non-violent IPV convictions ($n = 77$, 93.9%).

The same pattern was seen when considering offending of an ‘other’ nature, with again a high percentage of individuals with convictions for IPV, but not of an ‘other’ nature ($n = 61$), having convictions for non-IPV ‘other’ offending ($n = 56$, 91.8%). Additionally of the individuals who had IPV convictions of an ‘other’ nature ($n = 29$), 96.9% of them also had non-IPV convictions of an ‘other’ nature.

³⁰ Please note that detailed information regarding IPV is provided in the chapter concerned with the pattern of offending across all individuals subject to an OLR. That information has not been repeated here, however the reader is directed to that chapter for further information, as required.

4. THE OFFENDING BEHAVIOUR OF INDIVIDUALS SUBJECT TO AN OLR WITH CONVICTIONS OF IPV

This same pattern was not seen when considering sexual offending – of the subgroup of individuals who had no sexual offending amongst their IPV convictions ($n = 44$), just over a third ($n = 16$, 36.4%) of individuals did have non-IPV convictions of a sexual nature. There was also lower assimilation between sexual convictions across IPV and non-IPV for the 46 individuals with sexual IPV convictions, than compared to the violent and ‘other’ groups; 69.9% of those with sexual IPV convictions also had non-IPV convictions of a sexual nature.

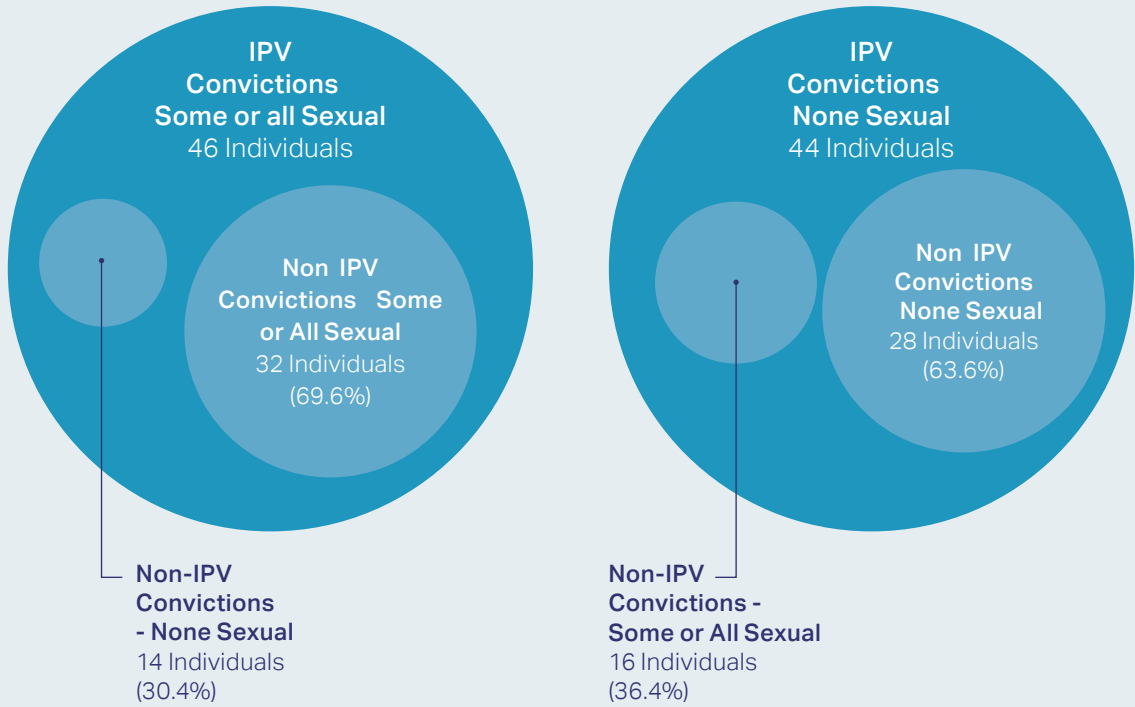


Figure 65. The number and percentage of individuals with non-IPV convictions of a sexual nature, according to the presence or absence of sexual IPV offending ($n = 90$)

4. THE OFFENDING BEHAVIOUR OF INDIVIDUALS SUBJECT TO AN OLR WITH CONVICTIONS OF IPV

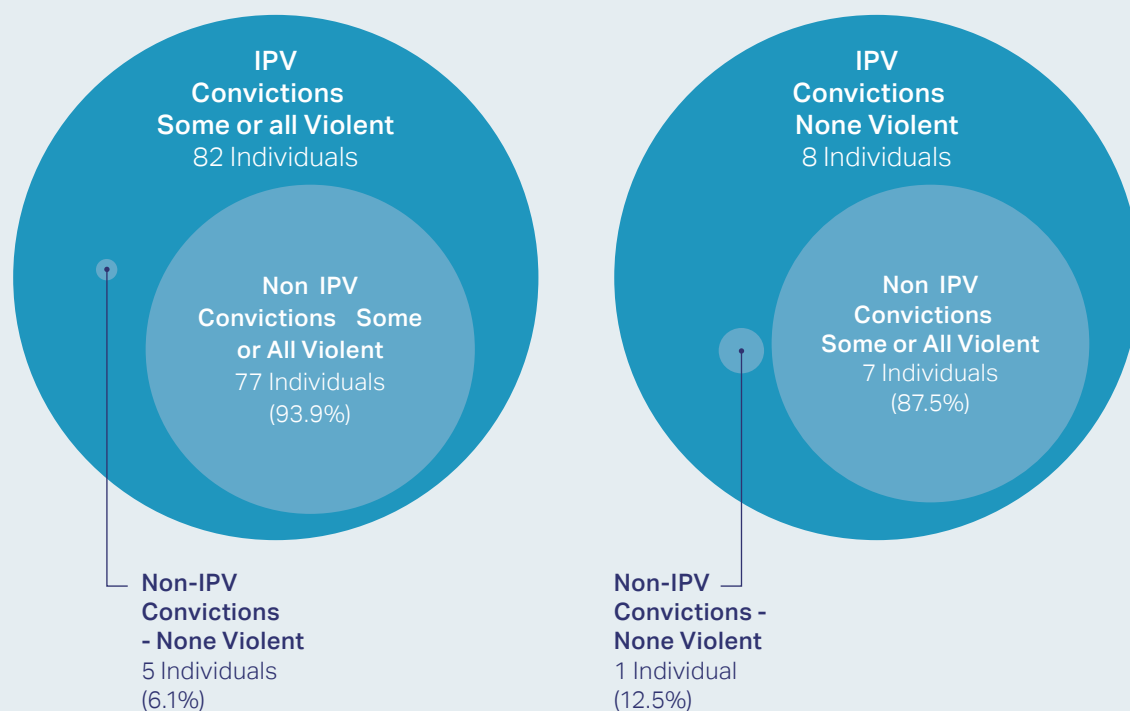


Figure 66. The number and percentage of individuals with non-IPV convictions of a violent nature, according to the presence or absence of violent IPV offending (n = 90)

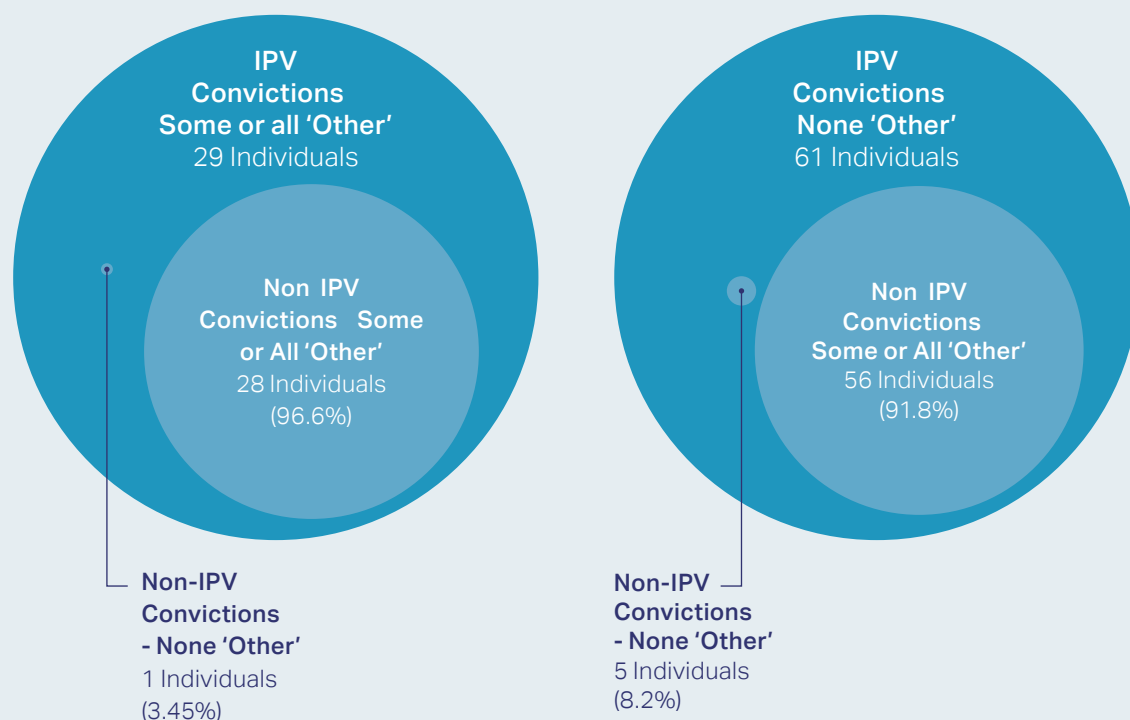


Figure 67. The number and percentage of individuals with non-IPV convictions of an 'other' nature, according to the presence or absence of 'other' IPV offending (n = 90)

4. THE OFFENDING BEHAVIOUR OF INDIVIDUALS SUBJECT TO AN OLR WITH CONVICTIONS OF IPV

The next set of figures explore the group of individuals who had IPV offending of a certain type but non-IPV convictions for a different type of offending, as well as looking at the reverse perspective, in terms of those who had non-IPV convictions of a certain type but did not have IPV convictions of that same type.

As can be seen in Figure 68, offending of both a violent and 'other' nature featured prominently in the group of individuals whose sexual offending was entirely IPV. Indeed, with the exception of two individuals, all those whose sexual offending was entirely IPV had a mixed profile of non-IPV offending, consisting of a combination of violent and 'other' non-IPV offending. Of the two individuals who did not follow this mixed pattern, one had non-IPV offending solely of an 'other' nature, and the other had non-IPV offending solely of a violent nature. Again as illustrated in Figure 68, of the subgroup of individuals who had non-IPV offending of a sexual nature but no IPV convictions of a sexual nature ($n = 16$), nearly all individuals had convictions for IPV of a violent nature.

Of the small subgroup of individuals ($n = 5$) who had convictions for IPV of a violent nature but no non-IPV offending of a violent nature, all had offending of an 'other' nature within their offending histories (see Figure 69). With the exception of one individual within this subgroup whose non-IPV offending consisted solely of offending of an 'other' nature, all individuals had mixed non-IPV offending of a sexual and 'other' nature. Considering the data from the 'reverse' perspective, nearly three quarters of individuals with non-IPV convictions of a violent nature but no IPV of that type had convictions for IPV of a sexual nature ($n = 5$, 71.4%).

Last to be considered is the group of individuals with IPV of an 'other' nature ($n = 29$). In this case, only one individual with convicted IPV of an 'other' nature did not have that same type of offending amongst their non-IPV convictions (see Figure 70). The individual in question had a mixed profile of non-IPV offending, with convictions of both a sexual and violent nature. A much higher number of individuals had non-IPV convictions of an 'other' nature, but no IPV convictions for other offending ($n = 56$). Of that group, the majority ($n = 51$, 91.1%) had IPV convictions of a 'violent'.

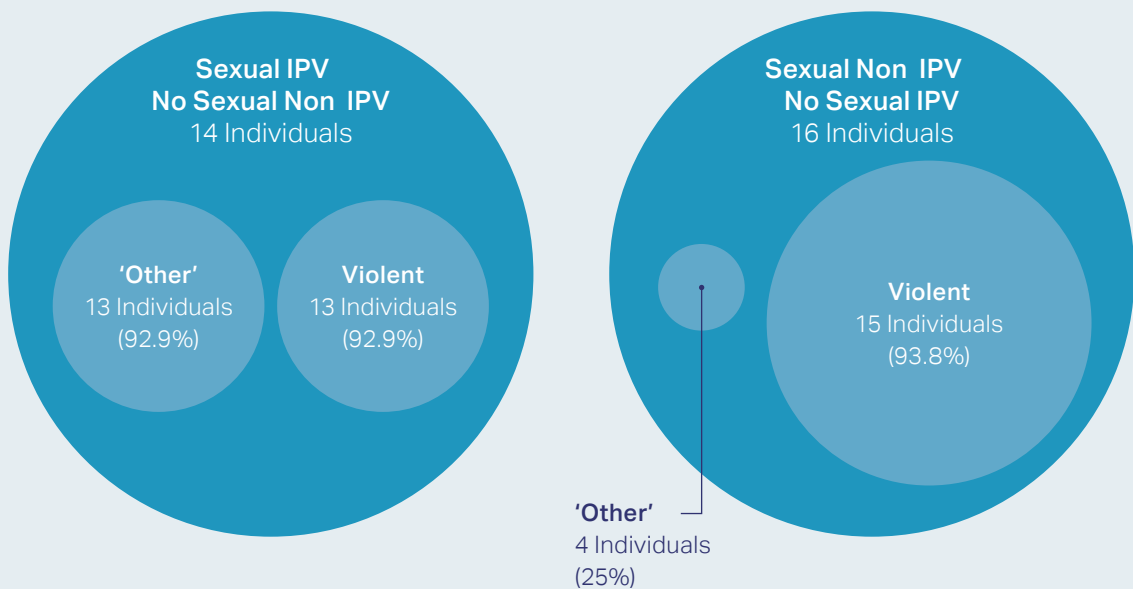


Figure 68. The nature of non-IPV offending of those with IPV offending of a sexual nature, but no non-IPV sexual offending and conversely with non-IPV offending of a sexual nature, but no IPV sexual offending ($n = 30$) (NB: percentages may total more than 100% due to overlap)

4. THE OFFENDING BEHAVIOUR OF INDIVIDUALS SUBJECT TO AN OLR WITH CONVICTIONS OF IPV

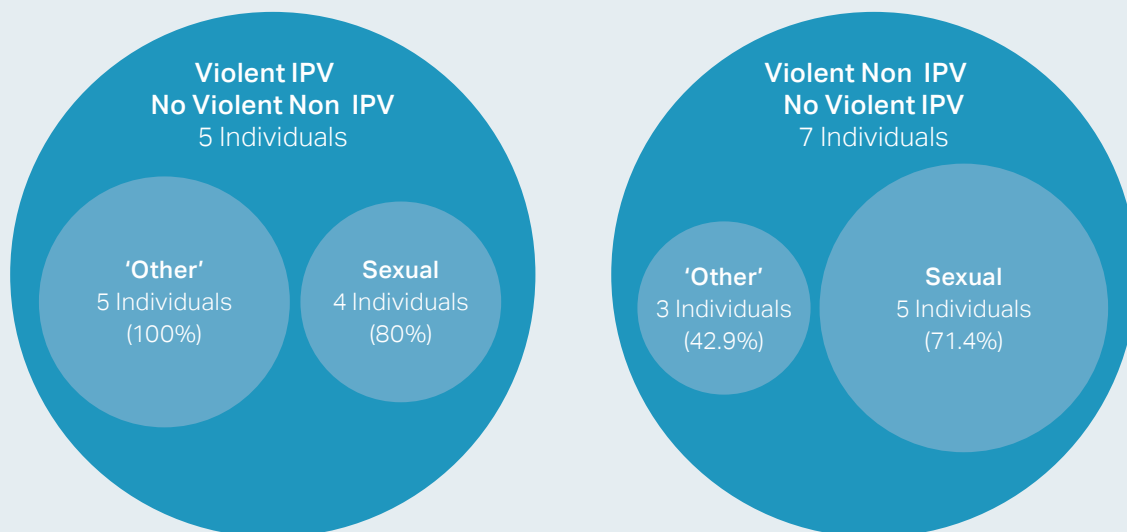


Figure 69. The nature of non-IPV offending of those with IPV offending of a violent nature, but no non-IPV violent offending and conversely with non-IPV offending of a violent nature, but no IPV violent offending (n = 12) (NB: percentages may total more than 100% due to overlap)

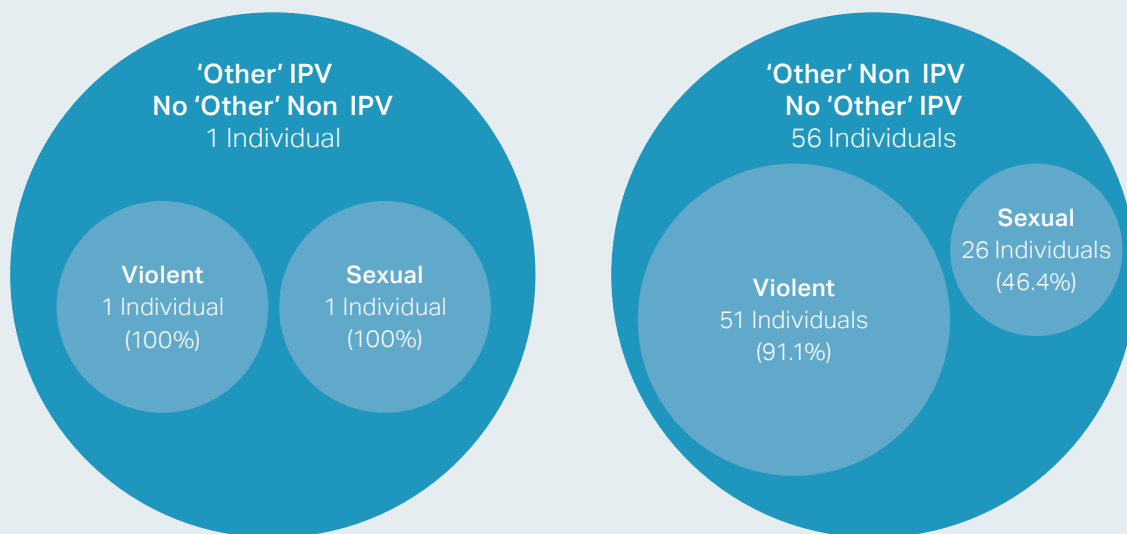


Figure 70. The nature of non-IPV offending of those with IPV offending of an 'other' nature, but no non-IPV 'other' offending and conversely with non-IPV offending of an 'other' nature, but no IPV 'other' offending (n = 57) (NB: percentages may total more than 100% due to overlap)

Duration of Overall IPV Offending

As previously outlined within Section 3.1.2, duration of convicted offending was divided according to four categories: solely index offending, one previous conviction, duration known and duration 'unknown'. 'Duration known' and 'duration unknown' cover individuals who have multiple convictions – either across their index and previous convictions, or solely across their previous convictions – the duration of which has either been able to be established or not, respectively. Please note that 'solely index offending' means that the individual had one conviction date for offending of that nature. That does not mean necessarily that they only have one conviction for that offending type, but that any such convictions were made on one conviction date. The data pertaining to IPV are presented in Table 5 (n = 91).

Table 5. The overall duration of IPV offending

| | Solely Index Offending n % of IPV population | One Previous Conviction n % of IPV population | Duration Known n % of IPV population | Duration Unknown n % of IPV population | Total |
|-----|--|---|--|--|-------|
| IPV | 17 (18.7%) | 19 (20.9%) | 44 (48.4%) | 11* (12.1%) | 91 |

* This figure includes one individual whose IPV offending spanned index and previous convictions, the index of which was solely of an 'other' nature. Because duration information was not gathered for 'other' offences, the data has been logged as 'unknown'.

As illustrated in Figure 71, of those individuals within the 'duration known' category, the highest percentage clustered within the 5 years+ category. Whilst overall a much higher percentage of the group had convictions spanning multiple years, in no instance did offending span 25 years or more.

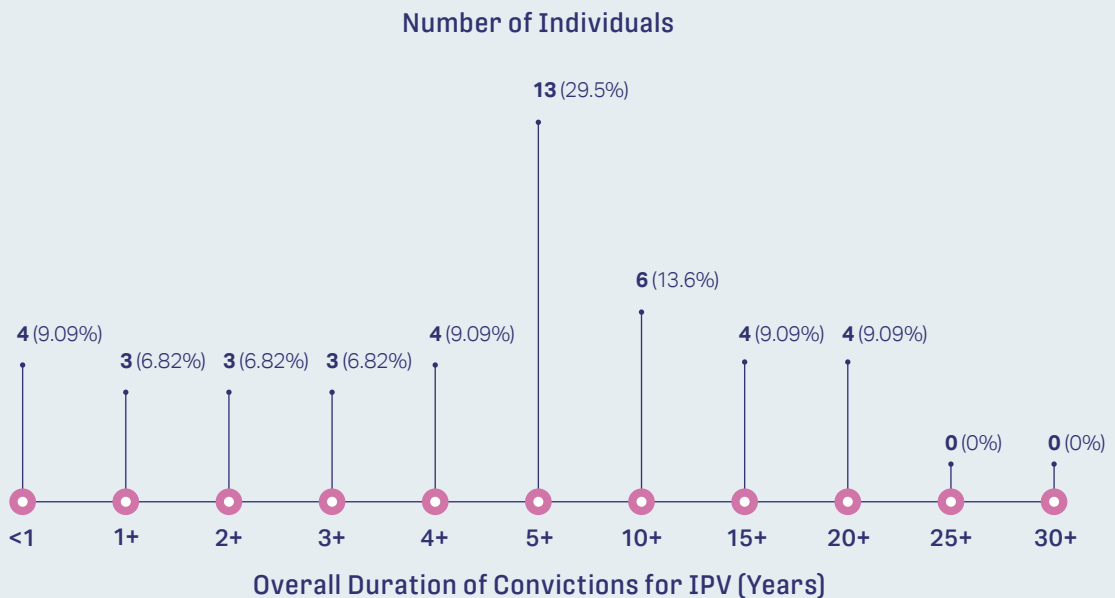


Figure 71. Duration of convictions (where known) for individuals convicted of IPV (n = 44)

4.2 Index IPV Offending

As mentioned in the previous chapter (Section 3.1.2), the aim of this section is to provide detail regarding the 55 individuals who have index convictions for IPV. More specifically, the frequency and nature of such offending is going to be explored.

4.2.1 Index IPV Offending – Frequency

Of those individuals who had index convictions for IPV, in the vast majority of instances the number of such convictions was multiple (see Figure 72). Where multiple, the number of IPV index offences ranged from 2-29, averaging 8.15 ($SD = 5.78$).

As can be seen illustrated in Figure 72, the pattern, in terms of the number of IPV index offences, broadly mirrored that seen when considering the number of index offences overall. Specifically, where the number of index offences was known, the greatest percentage fell into the 11-20 offences category, or below, with only a small minority of individuals having 21 or more convictions.

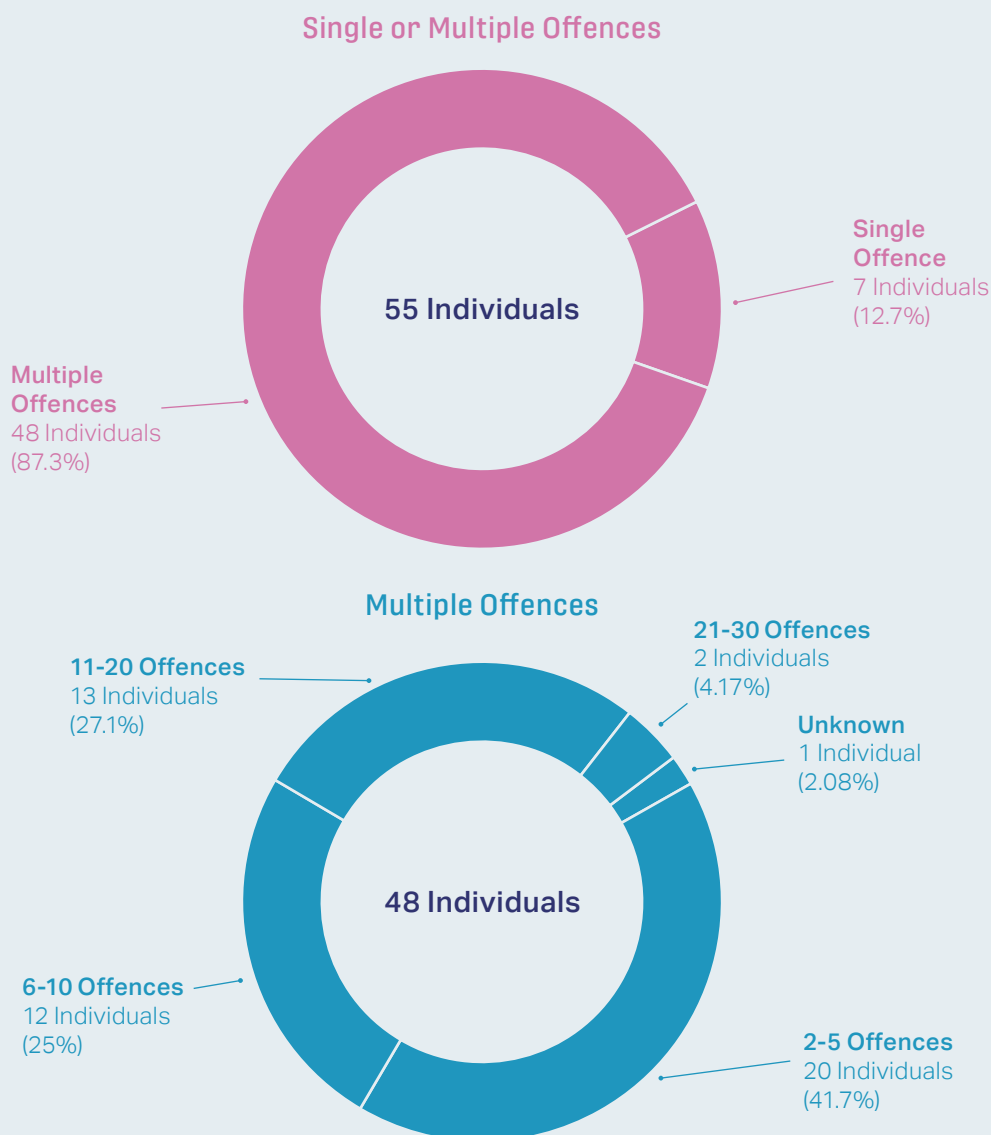


Figure 72. The number and percentage of individuals with either a single ($n = 7$) or multiple ($n = 48$) IPV index offences, and where multiple the number of offences

4.2.2 Index IPV Offending – Nature

Single Index IPV Conviction – Nature of Offending

In the small subgroup of 7 individuals with a single index conviction for IPV, the nature of that IPV was most commonly violent (See Figure 73).

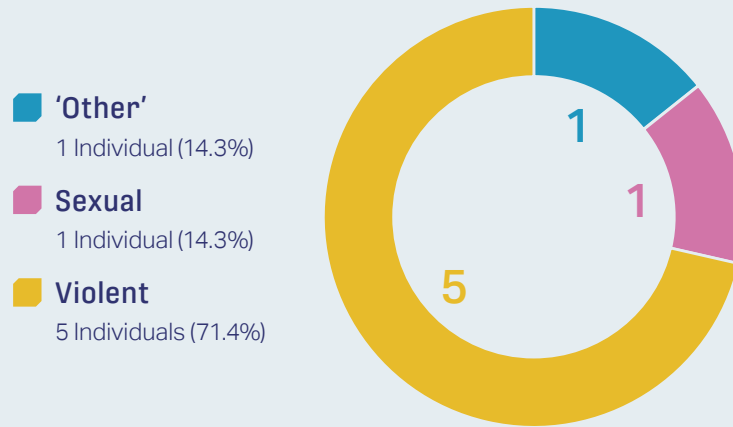


Figure 73. The nature of IPV index offending of those convicted of a single IPV index offence (n = 7)

Multiple Index IPV Convictions – Nature of Offending

Of the subgroup of 48 individuals with multiple IPV index convictions, in the majority of instances (n = 38, 79.2%) the nature of such offending was mixed.

As further highlighted in Figure 74, in those instances within which individuals had multiple IPV convictions of one type, no individual had offending of an 'other' nature. Indeed, the group was divided exactly between convictions of a violent (n = 5) and sexual (n = 5) nature.

In cases where the nature of the IPV offending was mixed, in the vast majority of instances (n = 30) this reflected a combination of violent and sexual IPV. Of the combinations of offending including convictions of an 'other' nature, the combination of 'violent and other' occupied the highest percentage (n = 4, 10.5%). For full detail, see Figure 74.

4. THE OFFENDING BEHAVIOUR OF INDIVIDUALS SUBJECT TO AN OLR WITH CONVICTIONS OF IPV

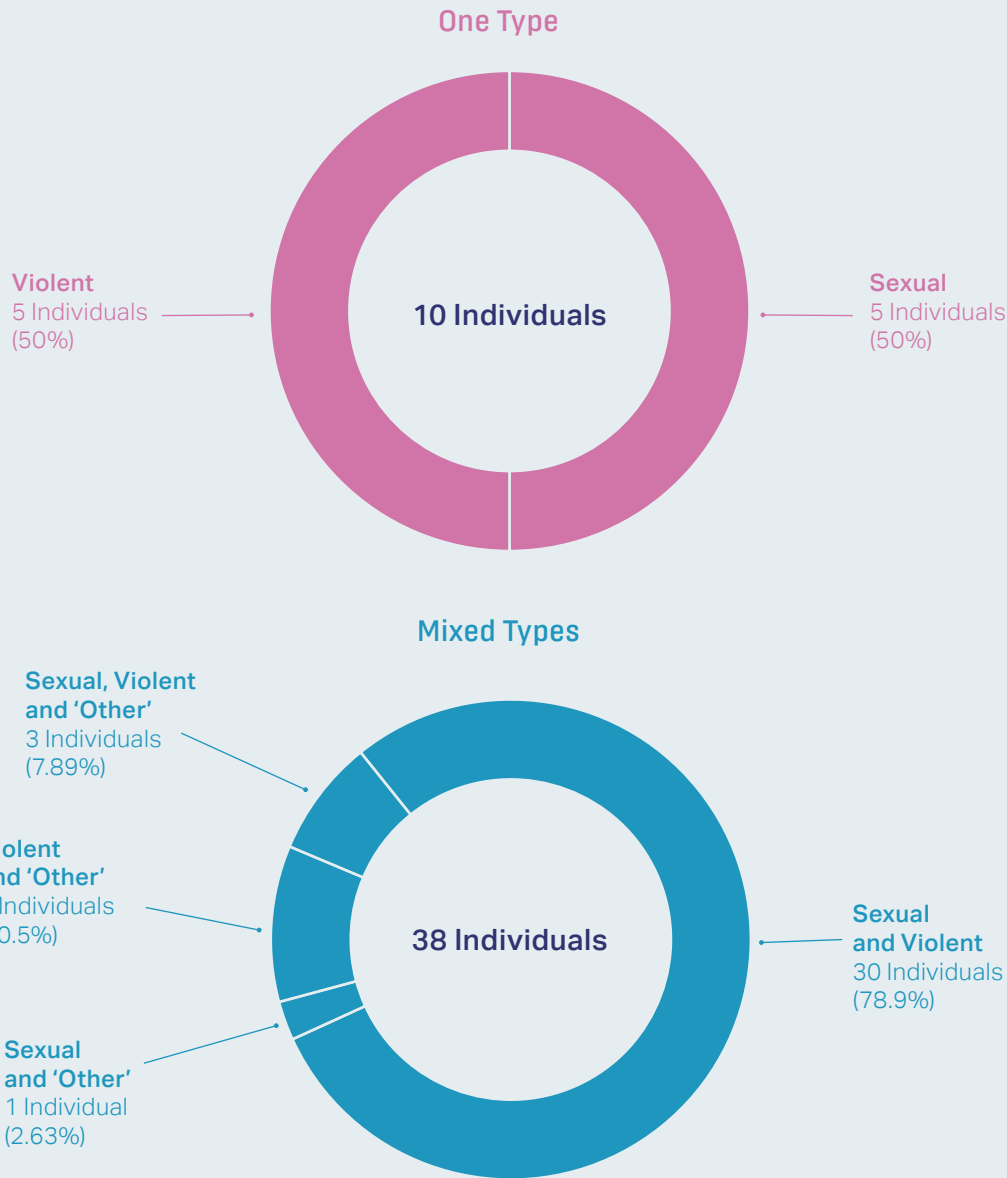


Figure 74. The nature of individuals index offending when comprised of one type (n = 10) or mixed types (n = 38) of offending

4.3 Previous IPV Convictions

4.3.1 Previous IPV Offending – Frequency

Across the whole group, 74 individuals had previous convictions for IPV; 31 of these individuals (41.9%) had a single previous conviction for IPV, compared to 43 individuals (58.1%) with multiple previous convictions. Figure 75 below provides a breakdown of the range in number of previous IPV convictions. Of those with multiple previous convictions for IPV, the number of convictions (where known) ranged from 2-12, averaging 3.92 ($SD = 2.73$). The vast majority had between 2-5 convictions, with the total unknown in 14% of instances (see Figure 75).

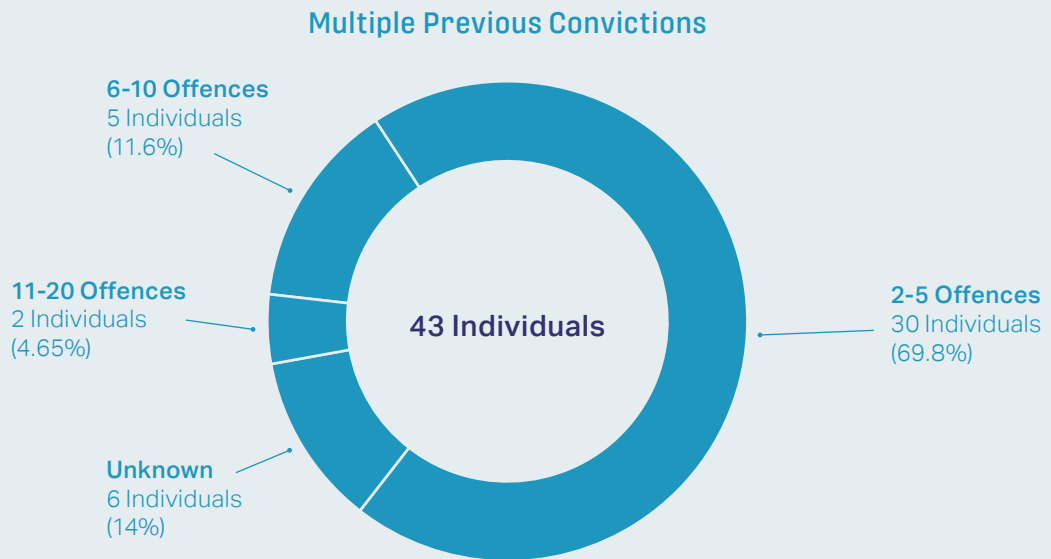


Figure 75. The number and percentage of individuals with multiple previous convictions for IPV ($n = 43$), and the number of such convictions

4.3.2 Previous IPV Offending – Nature

Single Previous IPV Conviction – Nature of Offending

Of those who had a single conviction for IPV, the nature of this offending was predominantly violent (see Figure 76 for full illustration). Please note the reduction in the size of this subgroup: in the case of one individual, no information regarding the nature of the IPV was obtainable and they were thus excluded from analyses relating to the nature of previous IPV convictions ($n = 30$).

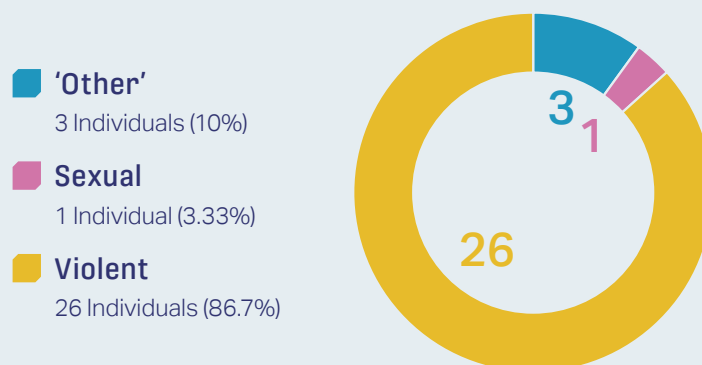


Figure 76. The nature of previous IPV in individuals with one previous conviction for IPV ($n = 30$)

4. THE OFFENDING BEHAVIOUR OF INDIVIDUALS SUBJECT TO AN OLR WITH CONVICTIONS OF IPV

Multiple Previous IPV Convictions – Nature of Offending

Of the group of individuals with multiple previous convictions for IPV ($n = 43$), whether the nature of such offending was of one or mixed types was split almost exactly down the middle with slightly more having one type ($n = 22, 51.2\%$).

As is further illustrated in Figure 77 where individuals had multiple IPV convictions but of one type, this was always of a violent nature.

When considering those with multiple previous convictions for IPV, of a mixed type, all potential combinations of offending types were evident, with 'violent and other' appearing most commonly (see Figure 77).

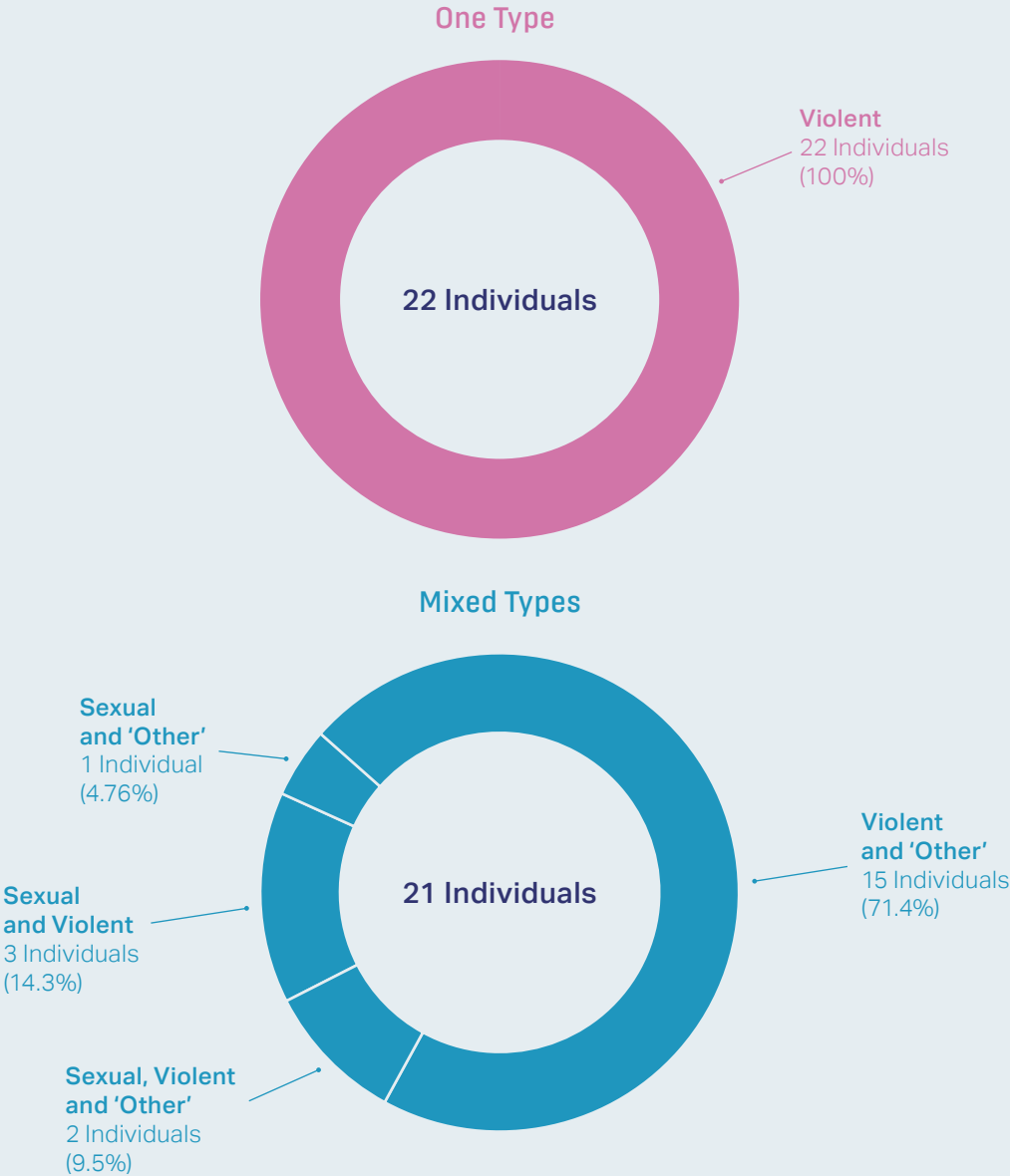


Figure 77. The nature of offending for individuals with multiple previous IPV convictions comprised of one type ($n = 22$) or mixed types ($n = 21$) of offending.

4.4 Alleged and Self-Reported Offending

4.4.1 Alleged Offending – Nature

For this section, the group of individuals with convictions for IPV is considered in context of the whole group. In other words, patterns of alleged offending are being considered according to whether individuals did ($n = 88$), or did not ($n = 111$), have convictions for IPV. Please note the reduced sample size of the subgroup of individuals with convictions for IPV - three individuals were necessarily removed from this analysis due to no detail being known regarding the nature of their alleged offending.

As can be seen in Figure 78, of the subgroup of individuals with convictions for IPV, just over three quarters also had alleged instances of IPV³¹ Whilst the majority of the group of individuals with no convictions for IPV did not have any allegations of that nature ($n = 79$, 71.2%), of particular interest is the subgroup of individuals ($n = 14$) who had alleged instances of IPV, but did not any convictions for IPV. The nature of the convicted offending of this subgroup – i.e., individuals with alleged but not convicted IPV – is presented in Figure 79. As can be seen, all individuals within this subgroup had convictions of both a violent and ‘other’ nature, with just over half ($n = 8$, 57.1%) also having convictions of a sexual nature.

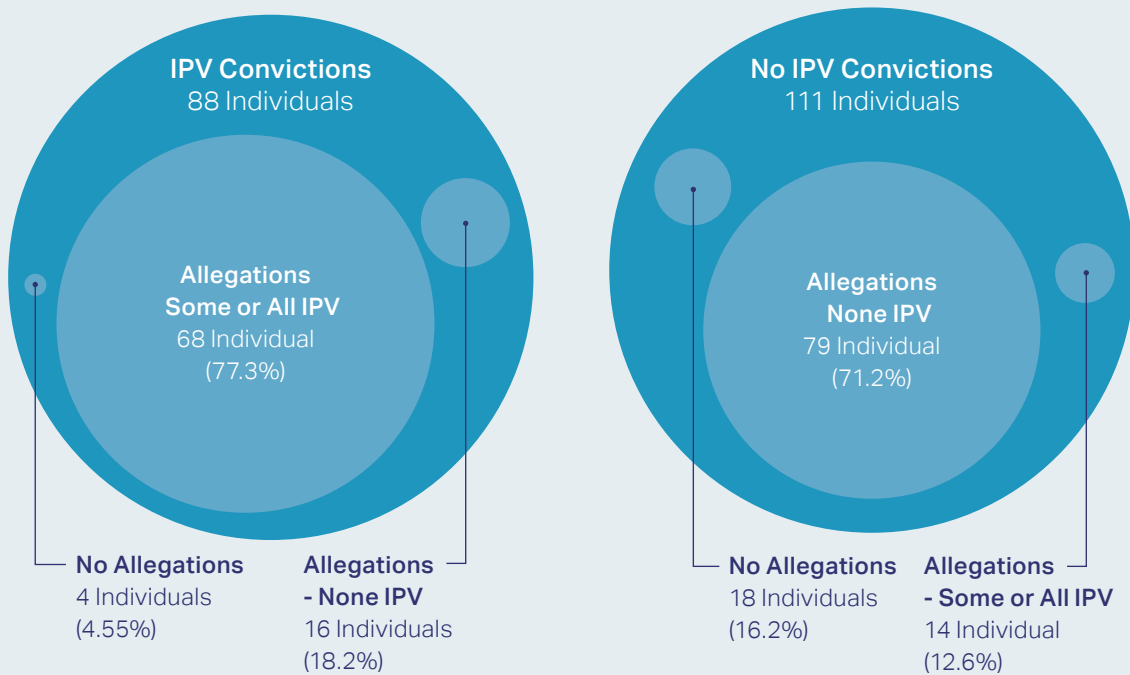


Figure 78. The number and percentage of individuals with alleged incidents of IPV, according to the presence or absence of convictions for IPV ($n = 199$)

³¹ Please note that, due to the reduced detail collected when logging allegation information, the nature of IPV allegations was not available.

4. THE OFFENDING BEHAVIOUR OF INDIVIDUALS SUBJECT TO AN OLR WITH CONVICTIONS OF IPV

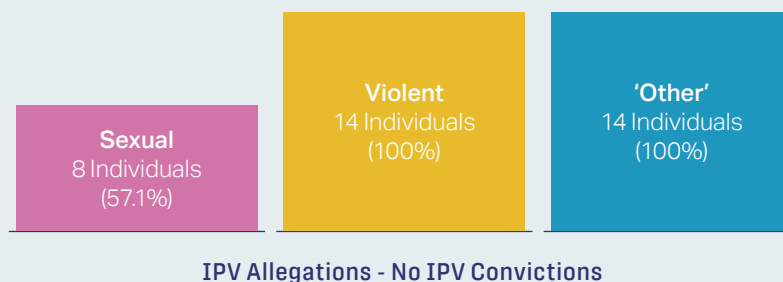


Figure 79. The nature of convictions of those with alleged incidents of IPV, but no convictions for IPV (n = 14) (NB: percentages may total more than 100% due to overlap)

4.4.2 Self-Report Incidents – Nature

Finally, information relating to self-reported further instances of offending will be considered. Please note the re-inclusion of the three individuals excluded from the last analysis, bringing the sample size of the group of individuals with convictions for IPV back to 91 individuals.

Figure 80 provides an overview of the number of individuals both with, and without, convicted IPV who self-reported further instances of IPV. In this instance, of particular interest is the subgroup of individuals with convictions for IPV who did self-report further instances of offending, but which did not consist of IPV (n = 30), whereas 7 individuals with IPV convictions self-reported further IPV offending. As illustrated in Figure 81, within this subgroup 60.0% of individuals self-reported instances of an 'other' nature, with the same percentage self-report violent behaviour. A much smaller percentage (13.3%) self-reported offending of a sexual nature (see Figure 81 for full details). Additionally, a particularly interesting finding can be seen in the group of individuals with no IPV convictions (n = 111) in terms of 38.7% (n = 43) of this group self-reporting IPV offending.

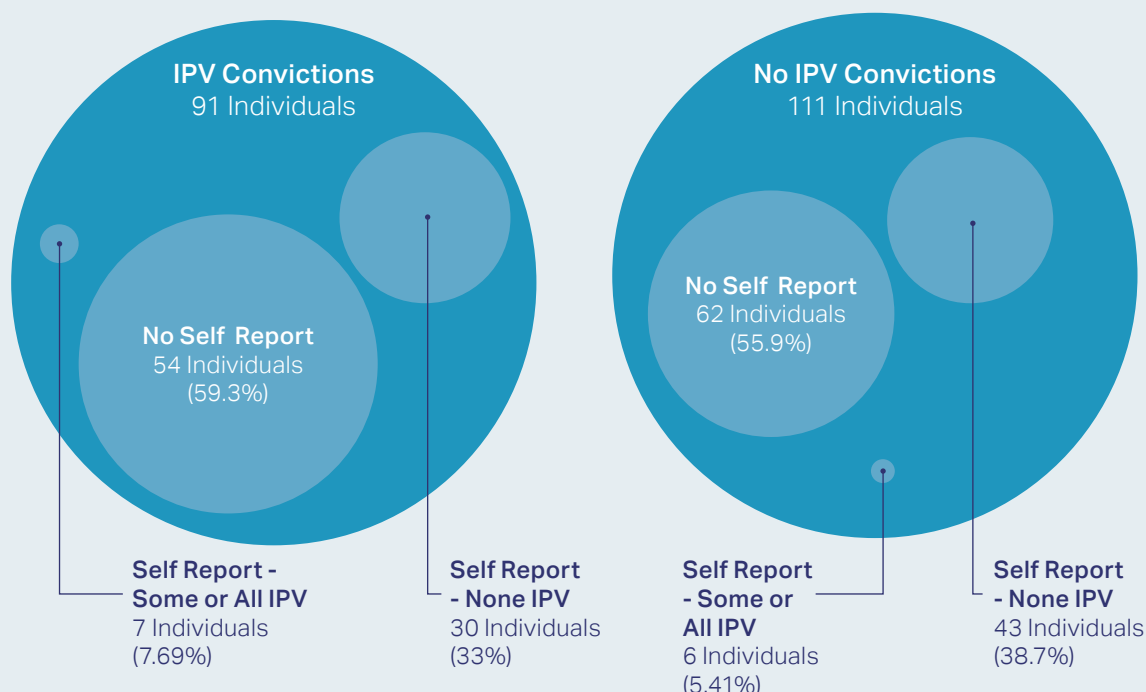


Figure 80. The number and percentage of individuals with self-reported incidents of IPV, according to the presence or absence of convictions for IPV

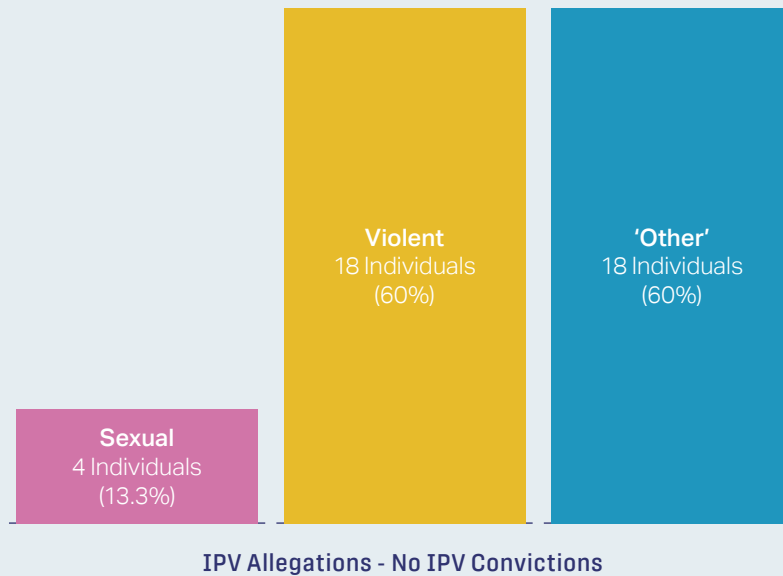


Figure 81. The nature of self-reported further incidents in individuals with convictions for IPV but no self-reported incidents of that type ($n = 30$) (NB: percentages may total more than 100% due to overlap)

4.5 Discussion

This chapter was interested in the patterns of offending of individuals with convictions for IPV. Of the 202 individuals included in this analysis, 91 had convictions for IPV within their overall offending history. IPV included any offence where the victim was an intimate partner or ex-partner. Within this category, whether the IPV was of a violent, sexual, or 'other' nature was captured.

Interesting to observe across years was the difference in the percentage of individuals made subject to an OLR who had convictions for IPV. Whilst being relatively high in 2008, the percentage dipped across the years 2009-2013 before increasing noticeably in 2014, and – albeit with some fluctuations in exact numbers – stayed consistently above 50% from that point. Almost half of the 91 individuals convicted of IPV were aged between 31-40 (46.2%), with 83.5% aged 31 and above. Interestingly, statistics from the Crown Office and Procurator Fiscal Service (COPFS) for 2020-2021 outline that the majority of individuals reported with a charge with a domestic offence identifier in 2021-2021 were aged 31-40 years of age (COPFS, 2021). Additionally, domestic abuse statistics for 2020-2021, show that the 31-35 years old age group had the highest incident rate (Scottish Government, 2021a).

Also interesting to observe was the high percentage of individuals – 91.1% – who had convictions for IPV of a violent nature within their overall offending history. This finding mirrors that seen when looking at non-IPV offending and, in accord, must be interpreted with similar caution applied, given the breadth of offending which could potentially fall under the category of 'violent' (for further discussion relating to this point, see Section 3.7). Again however, even with that caveat in mind this pattern is an interesting one and might be worthy of further exploration within future studies, potentially in relation to patterns seen in broader populations (i.e., the population of individuals with convictions for IPV who are not subject to an OLR). Also interesting to observe was the difference in the percentage of individuals with IPV convictions of a sexual nature within their overall offending history, as compared with the percentage of individuals with non-IPV convictions of a sexual nature within their overall

4. THE OFFENDING BEHAVIOUR OF INDIVIDUALS SUBJECT TO AN OLR WITH CONVICTIONS OF IPV

offending history. Whilst in both instances the percentage with sexual convictions was lower than that with violent convictions, this percentage was slightly lower (51.5%) when considering IPV convictions, as compared with non-IPV convictions (60.4%). Again, further exploration and consideration of this pattern within future studies could be beneficial, potentially in relation to whether this pattern is in line with that seen in non-OLR populations.

All individuals who had convictions for IPV also had convictions for non-IPV offending. Whilst when looking at all types of offending it was evident that a majority of individuals with convictions for IPV also had convictions for non-IPV offending of the same nature, the size of that majority was noticeably greater when considering violent as compared with sexual offending, and slightly greater again when considering offending of an 'other' nature. As highlighted by Tankskanen and Kivivuori (2021), the question as to whether IPV is a specific form of violence or a subtype of general violence is an empirical one that needs to be explored. Numerous typologies have been proposed of IPV perpetrators. One example of a typology proposed of males who are physically violent to female partners is that of Holtzworth-Munroe and Stuart (1994). The authors proposed a tripartite typology which was comprised of: family only, dysphoric-borderline and generally violent antisocial men. It is proposed that these three types differ on distal and proximal factors which influence the development of violence in intimate relationships (Waltz, Babcock, Jacobson & Gottman, 2000). For example, the family only type are proposed to infrequently engage in IPV, which may include psychological and sexual abuse (Ali, Dhingra & McGarry, 2016). The dysphoric-borderline type is proposed to engage in what is deemed as moderate to severe IPV, where they are mostly violent towards their partner which could include violence outside the home (Ali et al., 2016). Lastly, the generally violent and anti-social batterers type is proposed to be the most violent; they often engage in severe interfamilial violence and engage in severe extra-familial violence in addition to exhibiting more general criminal behaviour (Ali et al., 2016). Waltz et al. (2000) comments that these three types are influenced by different etiological factors which influence violent behaviour. However it is worth commenting that the patterns of IPV offending observed in this OLR sample, particularly in terms of the presence of other types of offending alongside IPV, suggests some alignment with the generally violent and anti-social batterers type highlighted by Holtzworth-Munroe and Stuart (1994). Whilst the information gleaned from this project, used alone, can provide detail regarding only one facet (namely individuals' offending behaviour), considering these findings in combination with broader detail – such as, for example, information regarding personality disorder – within future studies would provide a greater understanding of this population and the nature and etiology of IPV committed.

Also interesting to consider here is the work of Verbruggen, Maxwell and Robison (2020), which detailed that general theories of crime and violence suggest that those with an underlying antisocial propensity engage in criminal behaviour early in life and are considered likely to continue to engage in persistent criminal behaviour, exhibiting different types of offending behaviour including in the context of an intimate relationship. The authors (Verbruggen et al., 2020) conducted a study to examine how patterns of general offending may relate to the occurrence and likelihood of IPV in young adulthood and found that those involved in offending, particularly those who committed different types of offending, were at an increased risk of committing IPV. Further, the authors found that there was an overlap between perpetration of general crime and IPV, and suggest that IPV may often be part of a broader pattern of antisocial behaviour (Verbruggen et al., 2020). Again, these findings would be interesting to consider further within future studies – both across young people subject to

the OLR with convictions for IPV (of which the number is small), and across the OLR population with IPV convictions as a whole. Particularly interesting to explore in greater detail might be the specific patterns of non-IPV offending of those with IPV convictions, and more specifically the complexity of those patterns. Whilst not formally considered within this study, an interesting pattern regarding conviction types did emerge when considering the group of those with allegations of IPV, but no convictions of that type. Specifically, all individuals in that group had convictions for both violent and 'other' offending, with just over half (57.1%) also having convictions for sexual offending. In other words, those with alleged but no convicted, IPV, had convicted offending profiles of mixed types.

When considering the prevalence of violent offending across both individuals' IPV and non-IPV offending, parallels can be drawn between this and the pattern seen when considering the nature of previous convictions in relation to index offending (see Section 3.3). Collectively, the patterns observed would indicate that violent offending presents more consistently across individuals' overall offending histories than sexual offending – whether that be when considering previous convictions and index offending, or when considering IPV and non-IPV offending. Again, consideration of the 'breadth' of violent offending within this study must be borne in mind, however this pattern presents a number of questions worthy of consideration – not least whether this pattern (particularly regarding IPV and non-IPV offending) is unique to the population of individuals subject to an OLR or is also reflected in those not subject to an OLR.

That being said, when looking at the nature of offending of those individuals with IPV offending of a certain type, but no non-IPV offending of that same type – and vice-versa (i.e., non-IPV offending of a certain type, but not IPV offending of that same type) – violent offending again featured prominently. For example, when looking at the subgroup of individuals with sexual IPV but no sexual non-IPV offending, and the subgroup of individuals with sexual non-IPV offending but no sexual IPV offending, nearly all had violent non-IPV or IPV offending, respectively. This is not necessarily a surprising finding given the general prominence of offending of a violent nature, both in IPV and non-IPV offending, but again is interesting to consider in relation to patterns seen when considering the nature of index offending in relation to the nature of previous convictions. There, it was shown that 78.9% of the individuals who did not have index offending of a violent nature did have previous convictions of that type. Caution does however need to be applied when considering this finding, given it considers solely the date of conviction, not the date of the offending itself. There is the possibility that offending which led to the index conviction(s) occurred before that which led to previous convictions – thus, whilst this finding is an interesting one, further research would be required to understand the trajectory of offending, according to nature.

Also interesting to explore further in future studies would be patterns of self-report. Of the group of individuals with convictions for IPV, 40.7% self-reported further instances of offending, however the number who reported further instances of IPV specifically was small. Of further interest is the fact that 39% of individuals who did not have IPV convictions did self-report instances of IPV offending. To provide some comparisons, Gilman et al., (2014) conducted a longitudinal study involving 808 participants followed from childhood into early adulthood, aged 21-33. Across these groups they found that 40.64% self-reported offending (compared to 4.19% for actual offending), however this is skewed by the high rates of self-reported drugs offending. They didn't specifically look at IPV but they did find 7.14% self-reported violent offending, compared to an actual offending rate of 2.46%. Whilst it should be acknowledged the likely significant cultural and contextual differences between Gilman et al's

4. THE OFFENDING BEHAVIOUR OF INDIVIDUALS SUBJECT TO AN OLR WITH CONVICTIONS OF IPV

and this study's sample, it is an interesting initial consideration of how inflated the self-reported IPV rates appear to be in this OLR sample, specifically within the sub-sample of individuals who do not have convictions for IPV. Implicit theories of IPV may also offer some insight into what may have underpinned these high self-reports. For example, Weldon and Gilchrist (2012) explored IPV attitudes in a small Scottish prison sample and identified a number of potential implicit theories explaining views of IPV. Within their examples, views like "violence is acceptable" and "entitlement" may offer some explanation as to the underpinning attitudes that may be present in this OLR sample, which may have contributed to what appears to be high rates of self-reported IPV in individuals with no IPV convictions. This would require further study and exploration specific to enhancing understanding the context, function and outcome of self-report offending.

It is also important to qualify that self-report is difficult to interpret, given there is little way of categorically establishing whether self-reported events did occur, and individuals' motivation in reporting them. However there have been several studies (e.g. Jolliffe and Farrington, 2014; Piquero et al., 2014) that concluded that self-reports of offending are generally reliable and valid. A possible future avenue of research could be to unpick these self-report findings in more detail. For example it may be interesting to look at under which 'offending profiles' is self-report most likely to occur, and how does this interact with socioecological factors.

As noted at the opening of this discussion, the number of those who have received an OLR with convictions for IPV has remained above 50% since 2014. Given that IPV was logged as any instance of offending involving an intimate or ex-partner, it was dependent to a degree on the level of detail regarding the victim of the offending that was available within the RAR. Thus, there is the possibility that the increase seen in 2014 may reflect, at least in part, an increase in the level of detail provided by assessors. Clearly, no firm conclusions can be drawn regarding this point from the data presented here alone. Nonetheless, there has been a number of changes in relation to legislation and practice regarding domestic abuse over recent years which could potentially have influenced the degree to which such offending was reported within RARs and are therefore worthy of consideration here.

Launched in 2014 and revised in 2016, 'Equally Safe: Scotland's strategy to eradicate violence against women' is a joint Scottish Government and COSLA strategy to prevent and eradicate violence against women and girls in Scotland. The definition of violence against women and girls is broad, and encompasses (but is not limited) to the following: "physical, sexual and psychological violence occurring in the family (including children and young people), within the general community or in institutions, including domestic abuse, rape and incest" (Scottish Government and COSLA, 2018, p. 12). The strategy details the shared understanding of the causes, risk factors and the scale of the problem, emphasising the need to prioritise prevention. Violence against women partnerships (VAW partnerships) are described as a multi-agency mechanism to deliver Equally Safe at a local strategic level (Scottish Government and COSLA, 2016). The partnerships play a role in supporting the delivery of Equally Safe and work in line with the priorities set out in the strategy.

In 2015, Police Scotland responded to the need to reduce the incidence of IPV in Scotland by forming the National Rape Task Force and Domestic Abuse Task Force, in addition to developing Domestic Abuse Co-ordination Units and Specialist Domestic Abuse Units throughout Scotland (Scottish Government and COSLA, 2018). Also launched in 2015 by Police Scotland was a disclosure scheme relating to Domestic Abuse which is known as the

Disclosure Scheme for Domestic Abuse Scotland (DSDAS).³² The scheme means that anyone who feels they may be at risk of domestic abuse has the right to ask for information about their partner. It also gives relatives and friends who are concerned the right to ask about someone's partner. As a result of the scheme, Police Scotland have the power to tell people that they may be at risk.

The latest version of the Standards and Guidelines for Risk Assessment was published in October 2018 and they were implemented on 1st January 2019.³³ The latest iteration contains more overt information regarding victim considerations. It notes that there should be consideration of victim-related issues and impact throughout the RAR and that every effort should be made to seek victim perspectives. It is also outlined that it would be appropriate for assessors to consider victim harm within a risk formulation and produce victim safety planning measures within proposed risk management measures. Furthermore, it is suggested that relevant information may be obtained from approaching Independent Domestic Abuse Advocate(s) (IDAAs), local specialist domestic abuse services, Multi-Agency Risk Assessment Conferences (MARAC) and/or Multi-Agency Tasking and Coordinating (MATAC). It is possible that the introduction of these Standards and Guidelines led to improved detail and reporting by assessors on IPV, particularly from a victim perspective. However this has not been tested directly in this study.

Also in 2019 (1st April) the Domestic Abuse (Scotland) Act 2018³⁴ was implemented, which introduced specific domestic abuse offences. While this would not necessarily have led to increased IPV convictions as counted in this project (as any offence against a partner was logged as IPV here), the increased social and political response to IPV in Scotland may have encouraged assessors to clearly note when an individual offended against a partner. That is to say, assessors may have been more attuned to IPV and reporting when the victim of an offence was a partner, in part due to new legislation around this topic.

A lead specialist National Procurator Fiscal for Domestic Abuse has also been introduced, who is responsible for co-ordinating COPFS response to domestic abuse cases in Scotland (Scottish Government and COSLA, 2018). There are also a number of third sector organisations such as Scottish Women's Aid, Rape Crisis Scotland, ASSIST, SafeLives and many more who play an important role in raising awareness, campaigning for change, conducting research and supporting victims in Scotland (The University of Glasgow [School of Education] and The Scottish Centre for Crime and Justice Research [SCCJR], 2019).

As is evident here, over the last several years there has been an increased focus in this area, as well as changes in both legislation and practice. As alluded to earlier, any or all of the changes documented here, and the associated focus on IPV in Justice and Forensic settings across Scotland, could have contributed to greater reporting of this topic within the RARs, which would have the effect of showing as greater numbers of IPV convictions for the purposes of this project. Further exploration regarding this could be interesting in future studies, particularly in relation to whether this same pattern is reflected in the non-OLR population.

³² Further information accessible at [Disclosure Scheme for Domestic Abuse Scotland - Police Scotland](#)

³³ Available from [Risk Assessment - RMA - Risk Management Authority](#)

³⁴ Accessible at [Domestic Abuse \(Scotland\) Act 2018 \(legislation.gov.uk\)](#)

5 THE OFFENDING BEHAVIOUR OF YOUNG PEOPLE MADE SUBJECT TO AN OLR

This chapter continues to include individuals sentenced to an OLR between December 2006 and 31st March 2021.

When originally introduced as a sentence in 2006, it was not considered likely that the OLR would be imposed upon individuals under the age of 21 (Scottish Executive, 2001). In light of this, for the purposes of this document, individuals aged under 21 years of age have been classed as 'young people'. As outlined within Chapter 3, whilst occupying a small percentage of the overall population, a number of individuals under the age of 21 have been made subject to the OLR since its inception.

Whilst this chapter is concerned with those who were made subject to an OLR, brief mention will be made at this juncture of individuals for whom an RAO was triggered – i.e., who were considered for an OLR – before the age of 21. In total, 22 individuals fell into this category, with the youngest individual being 15 at the time of the RAO. Of that group, seven individuals (including the individual aged 15 at the time of the RAO) were not made subject to an OLR. Of the remaining group of 15 individuals, three were aged 21 at the time the OLR was imposed, leaving a group of 12 individuals who were under the age of 21 both at the time of the RAO, and of the OLR being imposed.

This chapter is concerned with those individuals and, more specifically, their patterns of offending. The chapter follows a similar structure to the previous, with information about young people's offending first presented, followed by a discussion section providing a consideration of the patterns which emerged across the data.

5.1 Overall Offending and Demographic Information

5.1.1 Age Groups

As can be seen illustrated in Figure 82, of the whole group of individuals made subject to an OLR between 2006 and March 2021, 4.95% (10 individuals) of that group were under 21 at the time of sentence. It is important to note that two of the OLRs necessarily excluded from the analysis (i.e. due to not being able to reliably code information from the associated RAR's) – one in 2007, and one in 2010 – related to individuals under the age of 21 at the time of imposition. Thus, whilst the analysis here considers the 10 individuals for which data was obtainable, 12 individuals in total have received an OLR under the age of 21. None of the seven RARs successfully appealed related to individuals aged under 21 at the time of sentence.

Looking more closely within the subgroup of individuals aged under 21, the majority were aged between 18-20, with 20.0% ($n = 2$) being under the age of 18 at the time of sentencing (see Figure 83).

5. THE OFFENDING BEHAVIOUR OF YOUNG PEOPLE MADE SUBJECT TO AN OLR

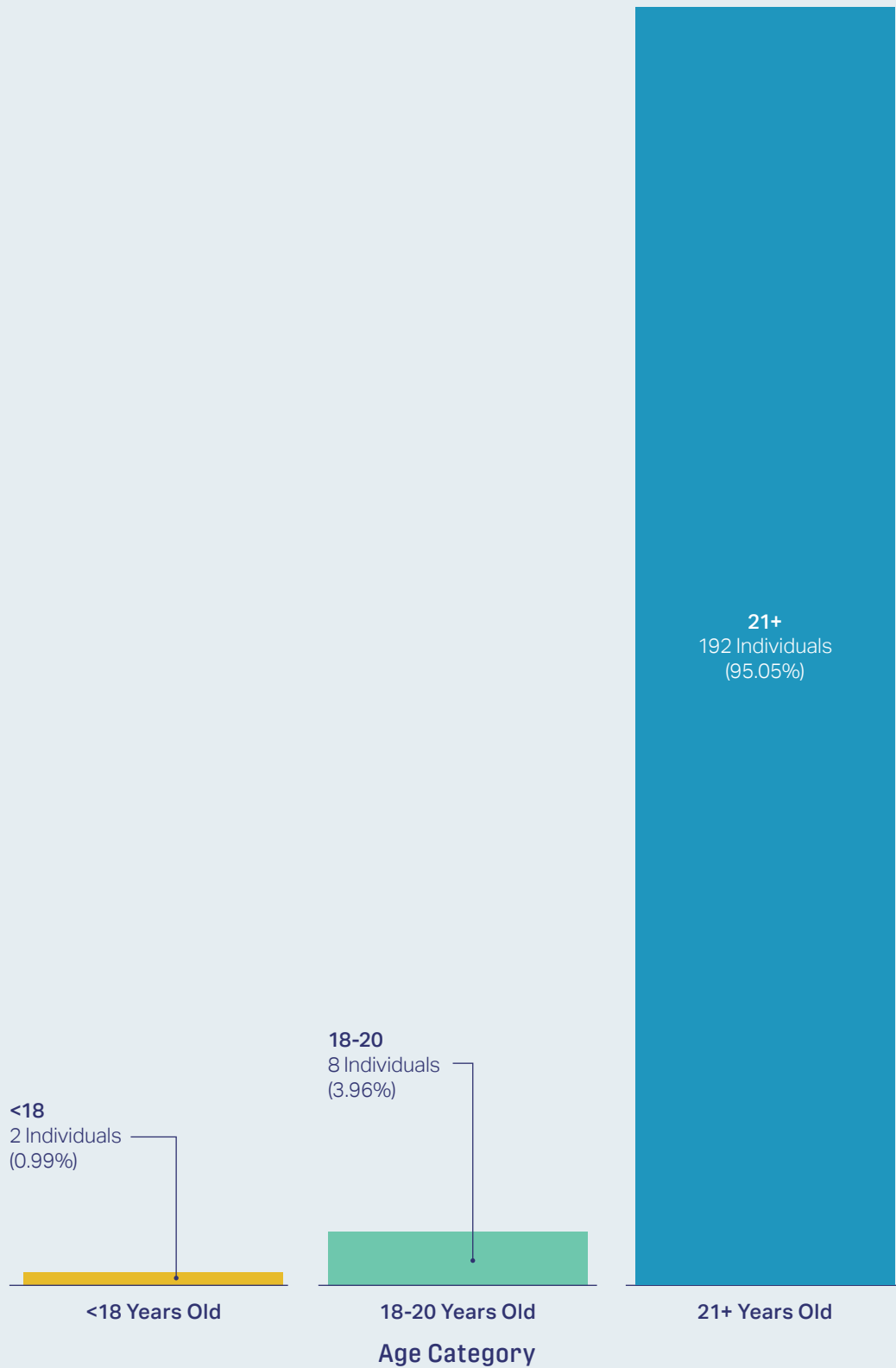


Figure 82. The number and percentage of individuals in each age group, with a breakdown of the ages of those made subject to an OLR under the age of 21 (n = 10)

5.1.2 Years OLR Imposed

As already touched upon in a previous chapter, the years within which young people were made subject to the OLR spanned seven years. As can be seen illustrated in Figure 83, of the total number of OLRs made to individuals under the age of 21, the greatest percentage ($n = 4$, 40%) occurred in 2008. No individual under the age of 21 has been made subject to an OLR since 2014.

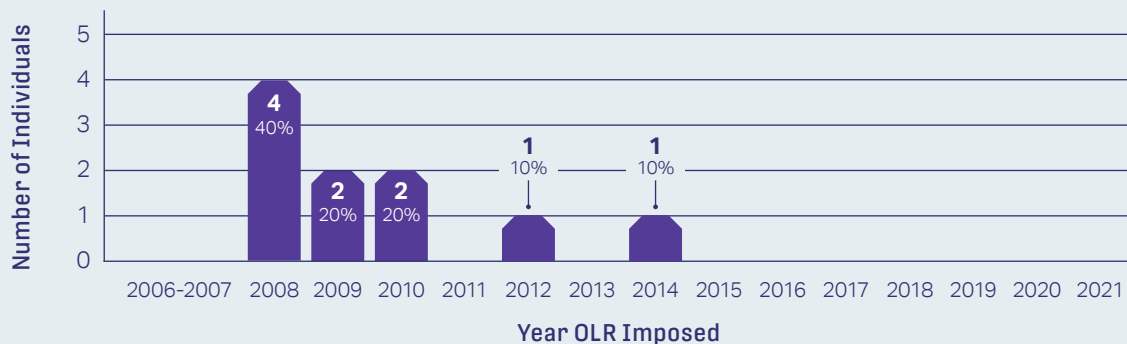


Figure 83. The percentage of young people made subject to an OLR ($n = 10$) per year

Whilst not of primary focus within this project, it is interesting to observe – utilising the data outlined in Figure 1 in Section 3, and illustrated in Figure 84 – that, in terms of year of imposition, the 21-25 age-group show a fairly similar distribution to those aged 18-20; the notable exception to that being the OLR granted to an individual aged 21-25 in 2020-2021.

The relationship between the number of young people made subject to an OLR and the year it was imposed – as measured through Spearman’s Correlation Coefficient – was weak ($r_s = .15$). A similar pattern was seen when considering the group of individuals aged 21+ ($r_s = .16$), suggesting collectively that little relationship existed between the age at which an individual was made subject to an OLR and the year it was imposed.³⁵

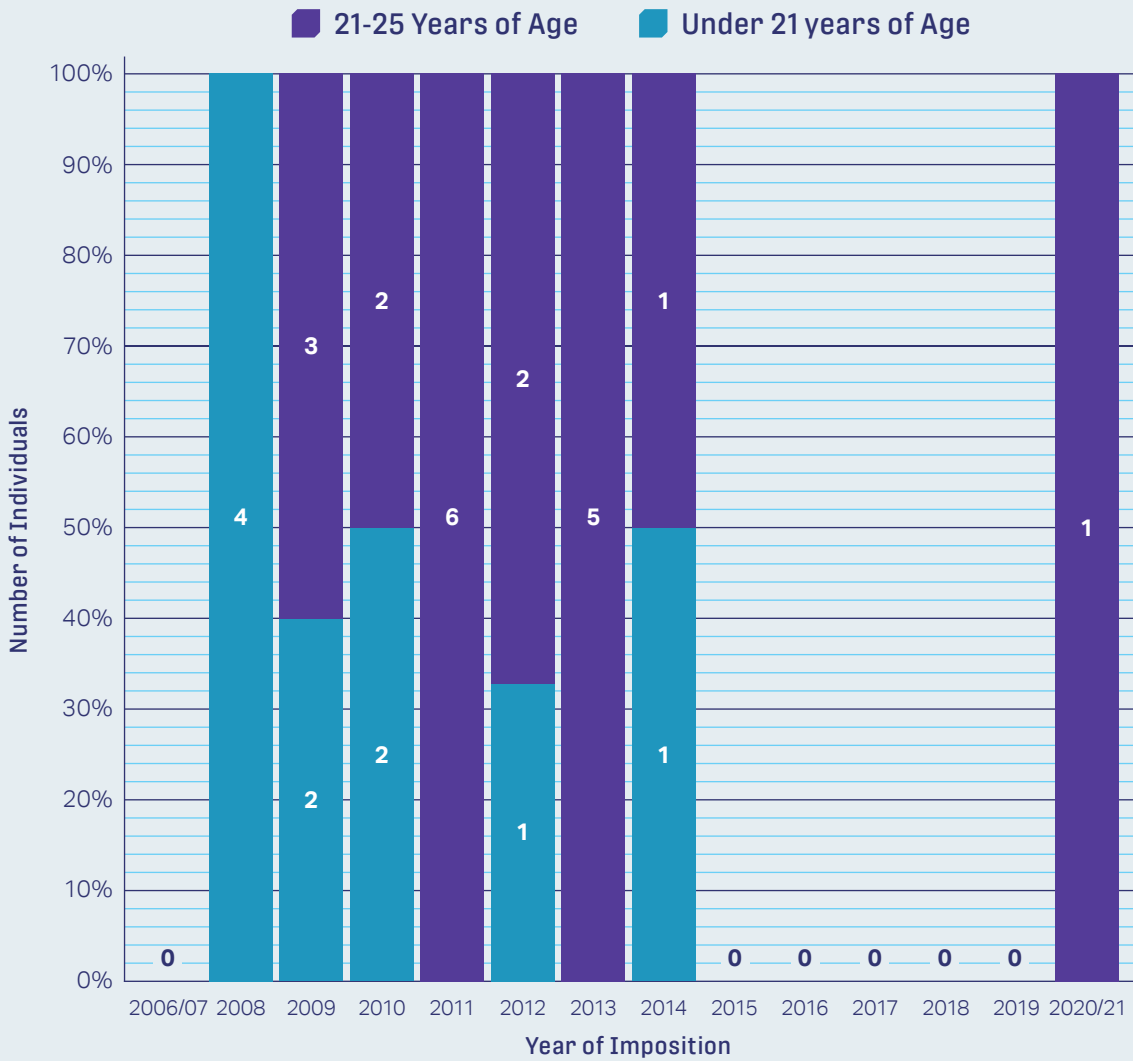


Figure 84. Distribution of years within which individuals under the age of 21, and aged 21-25, have been made subject to an OLR

³⁵ Please note, only the descriptive statistic has been provided here as inferential statistics are – on account of the project being concerned with a whole population – not considered necessary or appropriate for use here (for further detail, please see Section 2.4).

5.1.3 Risk Rating

As illustrated in Figure 85, the pattern of risk rating across the two subgroups – i.e., young people, and individuals aged 21+ years, were broadly similar, however a slightly higher percentage of young people were assigned a risk rating of 'medium'. No individuals in either subgroup had a risk rating of 'low'.

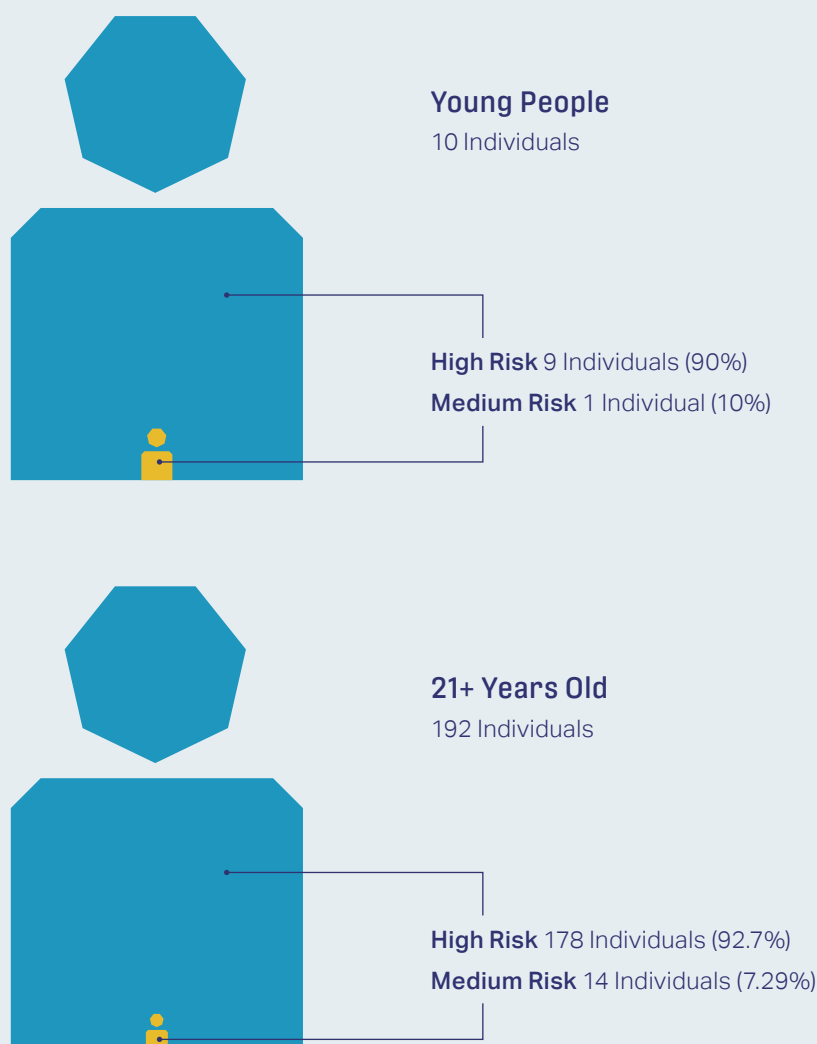


Figure 85. The number and percentage of individuals assigned each risk rating, according to age group.

5.1.4 Nature and Pattern of Overall Offending

Nature of Overall Offending

Across the subgroup of young people, all offending types were evident within their overall offending histories. An illustration of how the presence of each offence type compared with the group of individuals aged 21+ is presented in Figure 86. Whilst the pattern was broadly similar across both groups, the percentage of individuals in the 21+ years group with convictions for IPV was much higher than that seen in the group of young people. Additionally, offending of a sexual and 'other' nature were inversely proportionate between the two groups. In the group of young people, the percentage of individuals with offending of a sexual nature was higher than that of an 'other' nature, whilst the reverse was true in the group of individuals aged 21+ years.



Figure 86. The number and percentage of individuals convicted of each offending type, according to age group (NB: percentages per subgroup may total more than 100% due to overlap)

5. THE OFFENDING BEHAVIOUR OF YOUNG PEOPLE MADE SUBJECT TO AN OLR

When considering this same data but with IPV³⁶ double counted (see Table 6), the pattern did not alter for young people, suggesting that the nature of the IPV evidenced was also reflected in the individual's non-IPV offending. The same was not however true in the group of individuals aged 21+ years, with a small number of individuals indicated to have IPV offending of a type not seen in their non-IPV offending profile.

Table 6. The number of individuals with each offending type within their overall offending history, with IPV both single and double counted, according to age group

| | Young People (n = 10) | | | 21+ (n = 192) | | |
|---------|---|---|--|---|---|--|
| | IPV Single Counted n % of subgroup population | IPV Double Counted n % of subgroup population | Difference* n % of subgroup population | IPV Single Counted n % of subgroup population | IPV Double Counted n % of subgroup population | Difference* n % of subgroup population |
| Sexual | 7 (70%) | 7 (70%) | 0 (0%) | 115 (59.9%) | 129 (67.2%) | 14 (7.29%) |
| Violent | 10 (100%) | 10 (100%) | 0 (0%) | 171 (89.1%) | 176 (91.7%) | 5 (2.6%) |
| IPV | 1 (10%) | 1 (10%) | N/A | 90 (46.9%) | 90 (46.9%) | N/A |
| 'Other' | 6 (60%) | 6 (60%) | 0 (0%) | 171 (89.1%) | 172 (89.6%) | 1 (0.52%) |

*This figure represents the number of individuals with offending of that nature solely against an intimate partner, and no other victims.

Within both groups, the nature of offending across the large majority of individuals' overall offending history was of a mixed nature (see Figure 87).

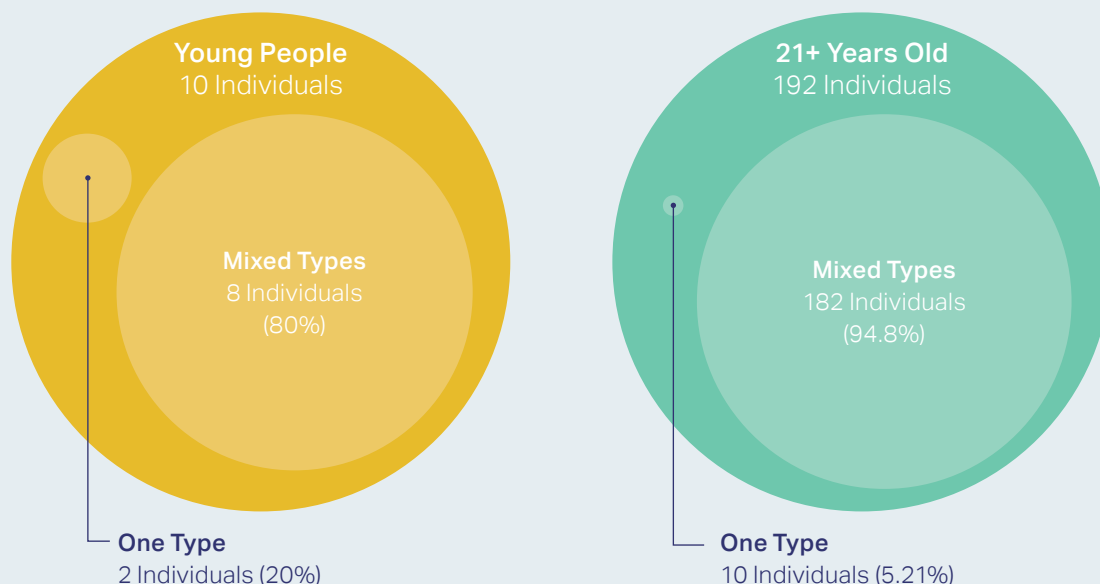


Figure 87. The number and percentage of individuals with an overall offending history comprised of one type or of mixed types, according to age group

³⁶ Intimate Partner Violence (IPV) included any offence where the victim was an intimate partner or ex-partner. Within this category, whether the IPV was of a violent, sexual, or 'other' nature was captured. Please note that convictions relating to the Domestic Abuse Act were categorised under 'violent'. For full detail, please refer to Section 2.3 and Section 2.4.

Duration of Overall Offending

Taking the data with IPV double counted³⁷ – detail regarding the duration of both groups' convictions, by type, is presented in Table 7 below.³⁸ The data is divided according to four main categories: solely index offending, one previous conviction, duration known and duration unknown. 'Duration known' and 'duration unknown' cover individuals who have multiple convictions – either across their index and previous convictions, or solely across their previous convictions – the duration of which has either been able to be established or not, respectively. Please note that 'solely index offending' means that the individual had one conviction date for offending of that nature. That does not mean necessarily that they only have one conviction for that offending type, but that any such convictions were made on one conviction date.

Table 7. The overall duration of each type of offending, according to age group

| | Young People (n = 10) | | | | | 21+ (n = 192) | | | | |
|---------|--|---|--|--|------------|--|---|--|--|------------|
| | Solely Index Offending n % per nature of offending | One Previous Conviction n % per nature of offending | Duration Known n % per nature of offending | Duration Unknown n % per nature of offending | Total n | Solely Index Offending n % per nature of offending | One Previous Conviction n % per nature of offending | Duration Known n % per nature of offending | Duration Unknown n % per nature of offending | Total n |
| Sexual | 4 (57.1%) | 1 (14.3%) | 2 (28.6%) | 0 (0%) | 7 | 60 (46.5%) | 7 (14.3%) | 55 (42.6%) | 7 (5.43%) | 129 |
| Violent | 1 (10%) | 1 (10%) | 7 (70%) | 1 (10%) | 10 | 7 (3.98%) | 15 (8.52%) | 117 (66.5%) | 37 (21.0%) | 176 |
| IPV | 0 (0%) | 0 (0%) | 1 (100%) | 0 (0%) | 1 | 17 (18.9%) | 19 (21.1%) | 43 (47.8%) | 11* (12.2%) | 90 |

*This figure includes one individual whose IPV offending spanned index and previous convictions, the index of which was solely of an 'other' nature. Because duration information was not gathered for 'other' offences, the data has been logged as 'unknown'.

³⁷ The data did not allow for separation of the duration of non-IPV offending from IPV offending. Thus, the data outlining the duration of sexual and violent offending presented here includes any convictions that involved an intimate partner, of either a sexual, violent, or 'other' nature respectively, and were thus classed as IPV. The figure concerned with the duration of IPV encompasses all IPV, whether that be IPV of a sexual, violent, or 'other' nature.

³⁸ Please note that this duration of overall convicted offending reflects the dates at which individuals have received a conviction. A single conviction date however does not necessarily translate to a single conviction. For example, if an individual was convicted of multiple offences at a single court appearance, one conviction date is logged. Elsewhere in the chapter, when considering the number and nature of convictions, each of those individual convictions, made at the same court appearance, is logged separately. Because the exact conviction date was not always obtainable for index offending, the date used for this calculation was the date at which the RAO was made, in order to ensure consistency.

5. THE OFFENDING BEHAVIOUR OF YOUNG PEOPLE MADE SUBJECT TO AN OLR

Detail regarding the duration of convictions of those for whom the duration of offending was known, for both subgroups and each offending type, is presented in Figure 88 - 90 below.

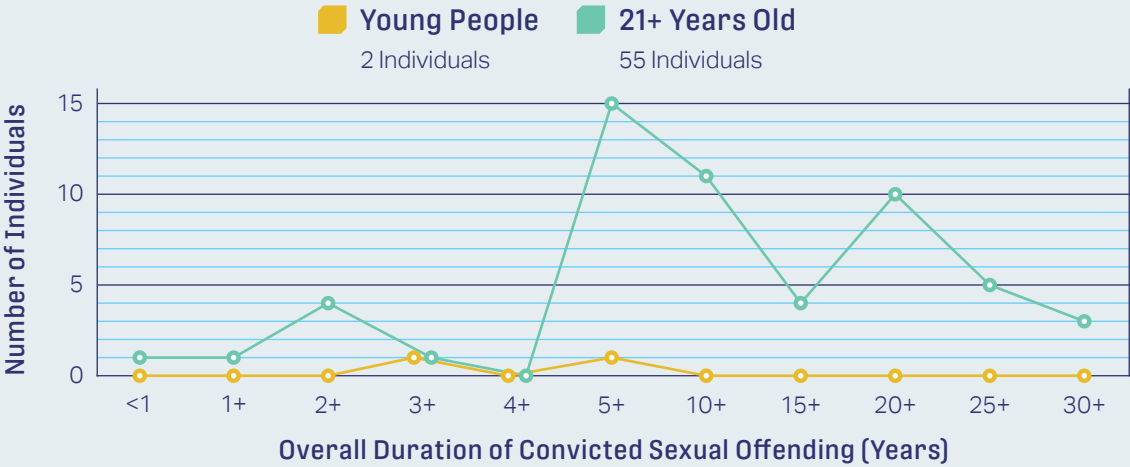


Figure 88. Duration of sexual convictions (where known) (n = 57), according to age group

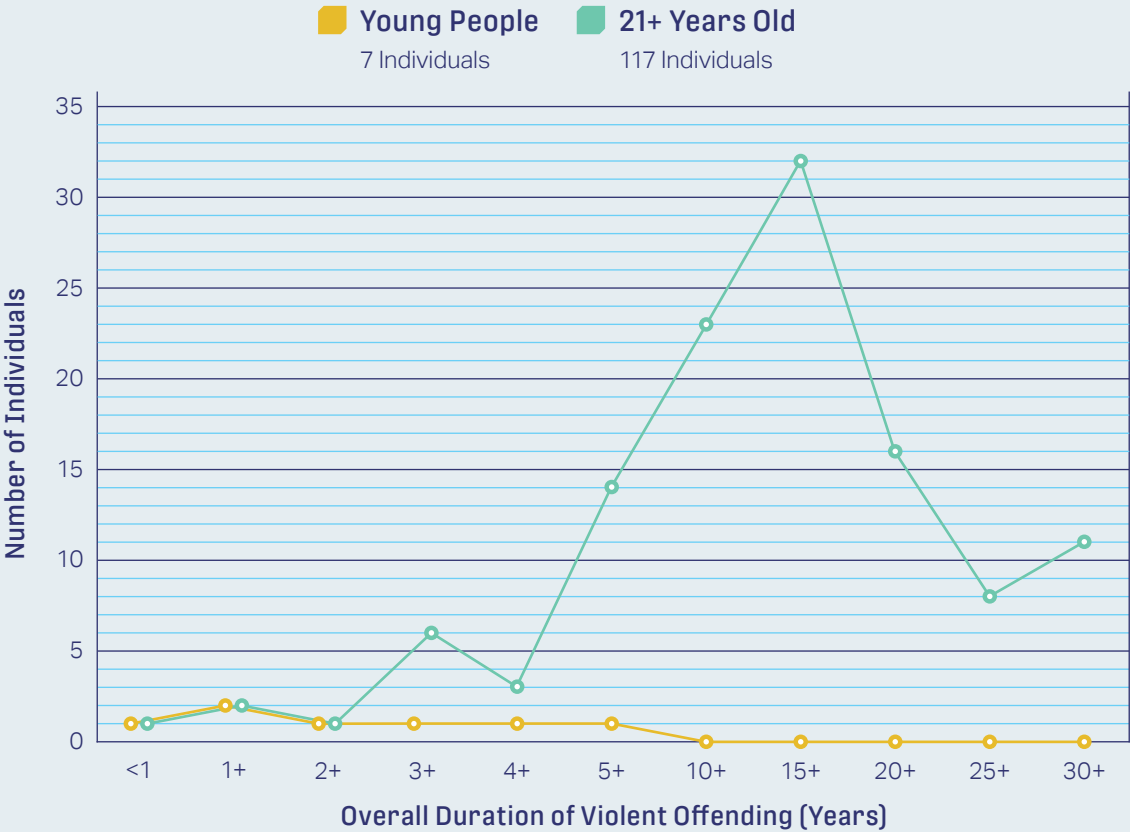


Figure 89. Duration of violent convictions (where known) (n = 124), according to age group

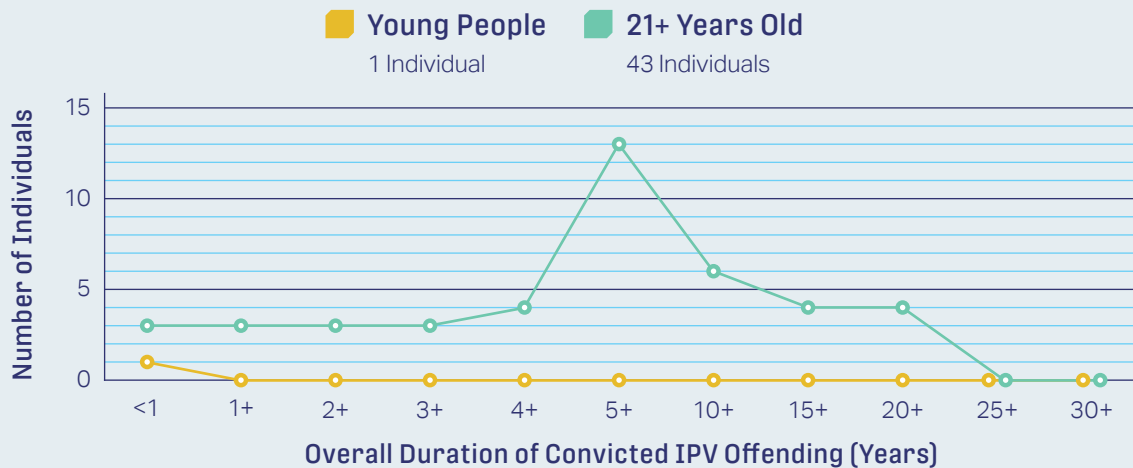


Figure 90. Duration of IPV convictions (where known) ($n = 44$), according to age group

Across the board (i.e., across all offending types) the two age groups showed largely inverse patterns, with a higher percentage of the group of young people having convictions spanning less than five years and a higher percentage of the 21+ years age group having convictions spanning five years or more. Where this pattern was less clearly seen in the group of young people however was when considering convictions of a sexual nature, where one individual had convictions spanning 3+ years (50%) and the other individual had offending spanning 5+ years (50%).

5.2 Index Offending

This section focuses on the index offending of young people subject to an OLR, as compared with individuals aged 21+ years. The section opens with information regarding the frequency of offending, before considering the nature of index offending between groups.

5.2.1 Index Offending – Frequency

Of the group of young people, the majority ($n = 6$, 60%) had a single index offence.³⁹ This percentage, as can be seen illustrated in Figure 91, was nearly double that of the 21+ age group.

Where multiple, the number of index offences ranged from 2-4 in the subgroup of young people ($M = 2.50$, $SD = 1.00$), and from 2-49 ($M = 7.62$, $SD = 7.43$) in the 21+ age subgroup. As further illustrated in Figure 91, of each subgroup who had multiple offences, the greatest percentage occupied the 2-5 offences category.

Collapsing across the whole group, the relationship between an individual's age and the number of index offences they had was weak ($r_s = .19$).

³⁹ Please note that, due to the way offences are charged, one conviction may cover multiple instances of the offence occurring over an extended period. This might occur, for example, when it is known that the offence was committed against an individual on multiple occasions, but the exact dates on which each of those offences occurred is not known (for more information about the way offences are charged, please see the Scottish Crime Recording Standard (Scottish Crime Reporting Board, 2019). This means that one individual with multiple offences of which the dates are *unknown* and another individual with the same number of offences but where the dates are known could have a different number of convictions, albeit for similar patterns of offending.

5. THE OFFENDING BEHAVIOUR OF YOUNG PEOPLE MADE SUBJECT TO AN OLR

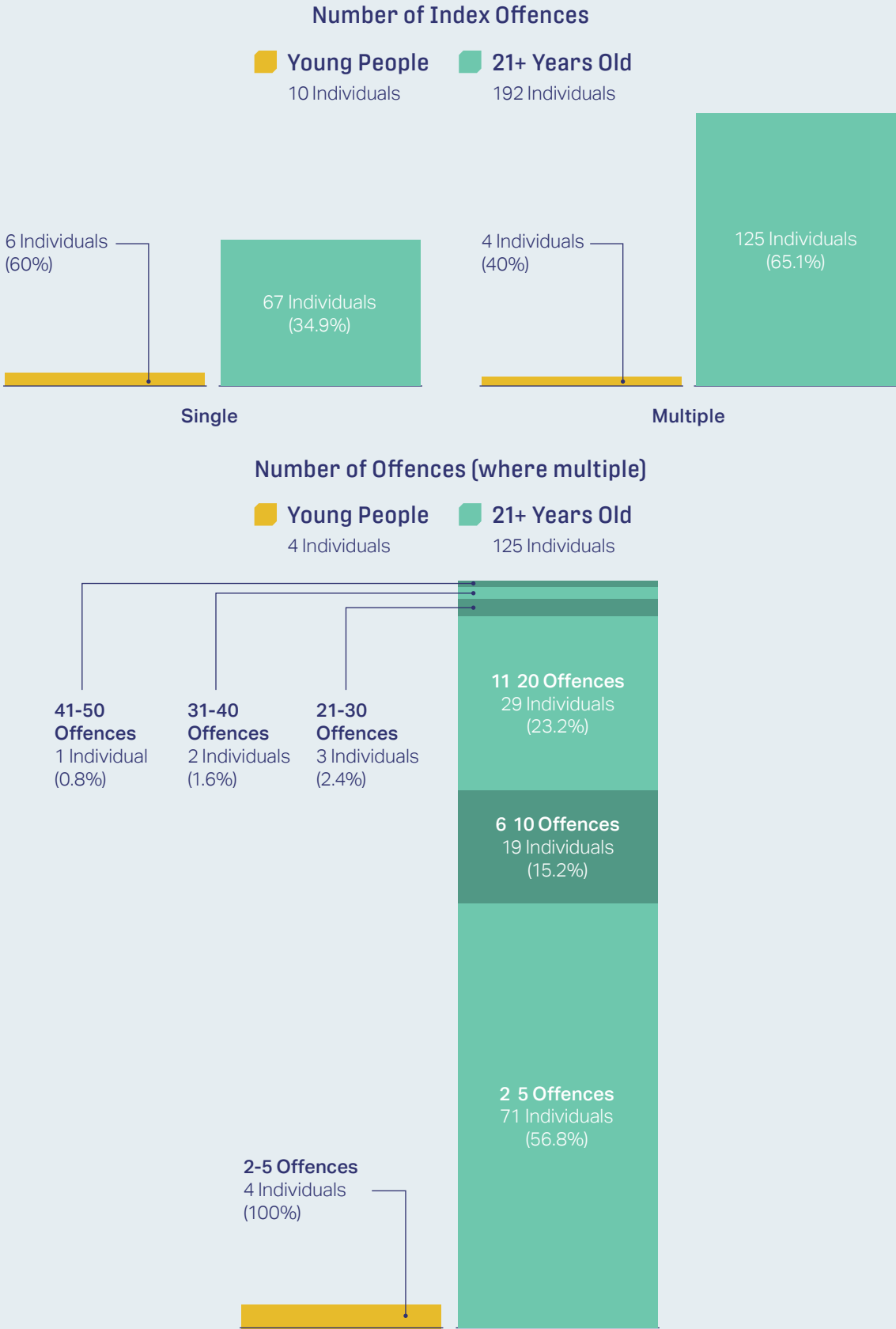


Figure 91. The number and percentage of individuals made subject to an OLR with single and multiple index offences, according to age group, and the number of such offences where multiple

5.2.2 Index Offending – Nature

When considering the nature of index offending in each subgroup, the groups differed noticeably in the presence/absence of IPV. Specifically, no individuals in the under 21 group had index convictions for IPV (for full detail, see Figure 92).

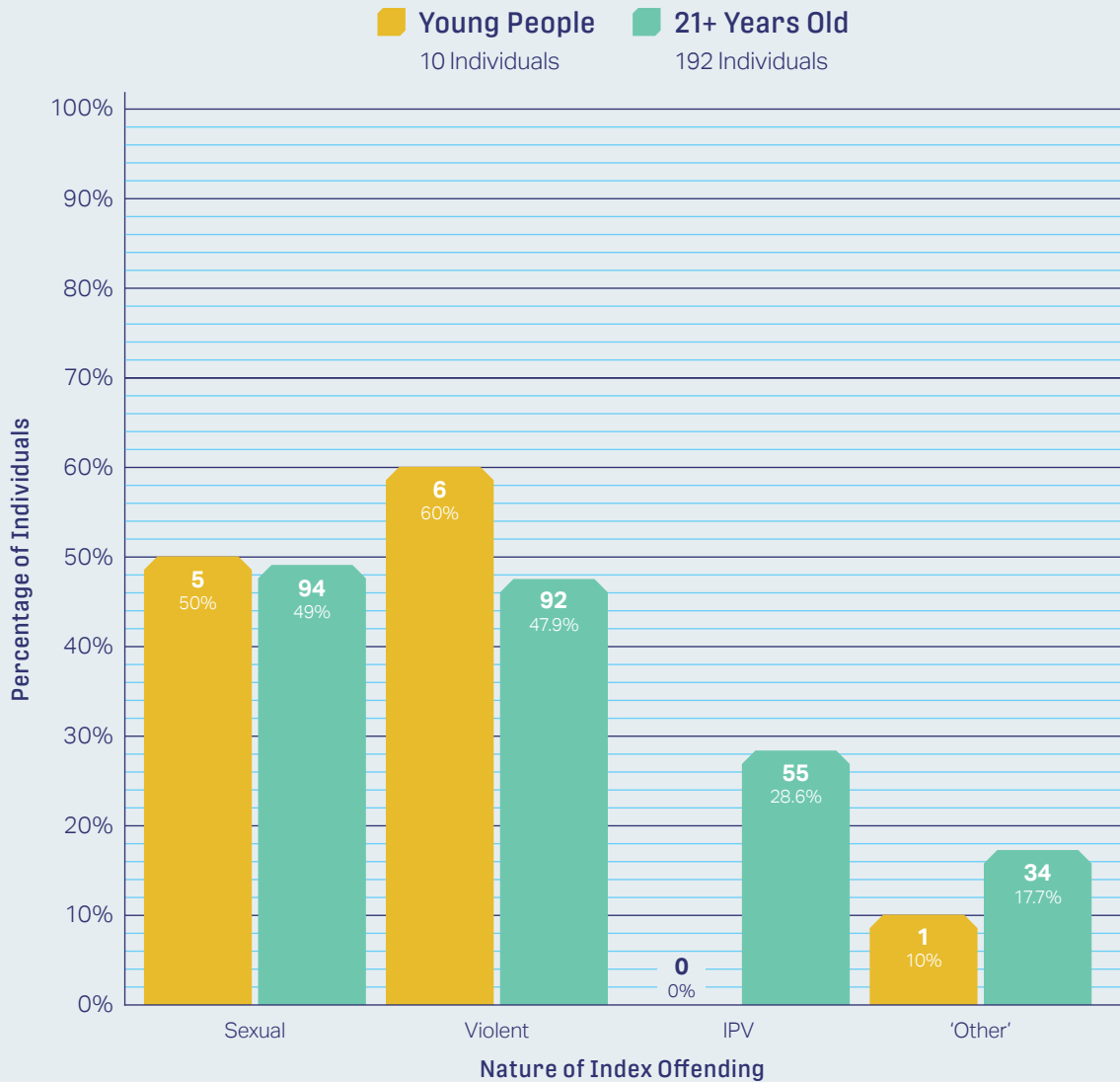


Figure 92. The number and percentage of individuals convicted of each index offending type, according to age group (NB: percentages per subgroup may total more than 100% due to overlap)

Out of the 10 young people, 80% had index offending of one type, compared to two thirds of those over 21 ($n = 128, 66.7%$). Therefore the remaining 20% of those under 21 had multiple types of index offending, which compared to a third of the over 21 group ($n = 64, 33.3%$). Therefore, in both young people and the group of individuals aged 21+ years, a majority had index offending of one type. Note that this includes both individuals with a single index offence, and individuals with multiple index offences, but which were all of the same nature.

5. THE OFFENDING BEHAVIOUR OF YOUNG PEOPLE MADE SUBJECT TO AN OLR

The nature of such offending – i.e., where individuals' offending was all of one type – is presented in Figure 93 and indicates an even split between violent and sexual index offending in the 8 young people with one type of index offending. This is slightly higher than the rates for those same types of index offences in the 21 and over group where 38.3% had sexual index offending, and 39.8% had violent index offending.

Of the two young people who had offending of mixed nature, the combinations of such offending both included violence, with one combination being 'sexual and violent' and the other being 'violent and 'other' (see Figure 93). The range of offending combinations was much broader in the 21+ years group; perhaps unsurprising given the significantly larger size of the group.

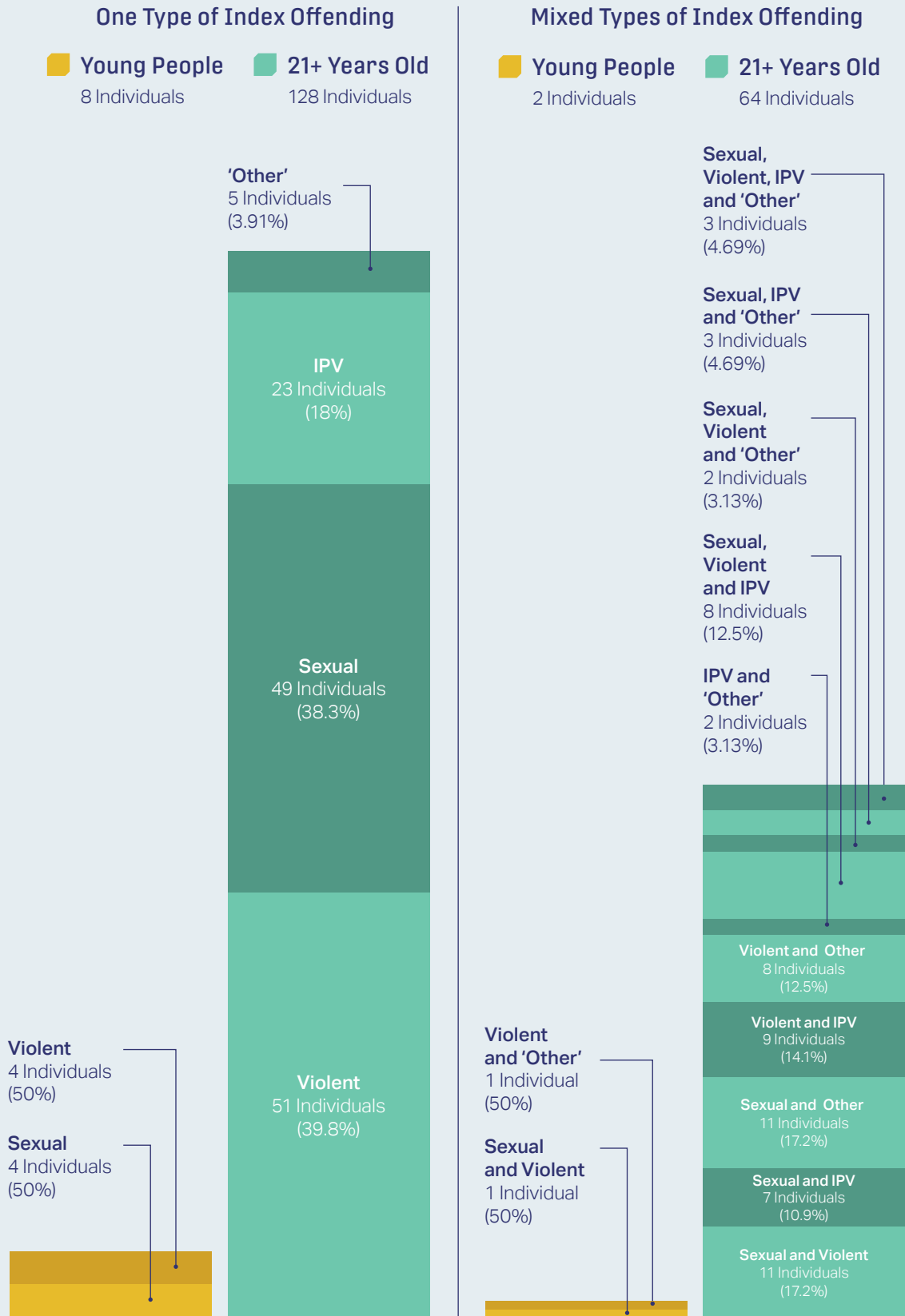


Figure 93. The nature of individuals index offending when comprised of one type or mixed types, according to age group

5.3 Previous Offending

5.3.1 Previous Offending – Frequency

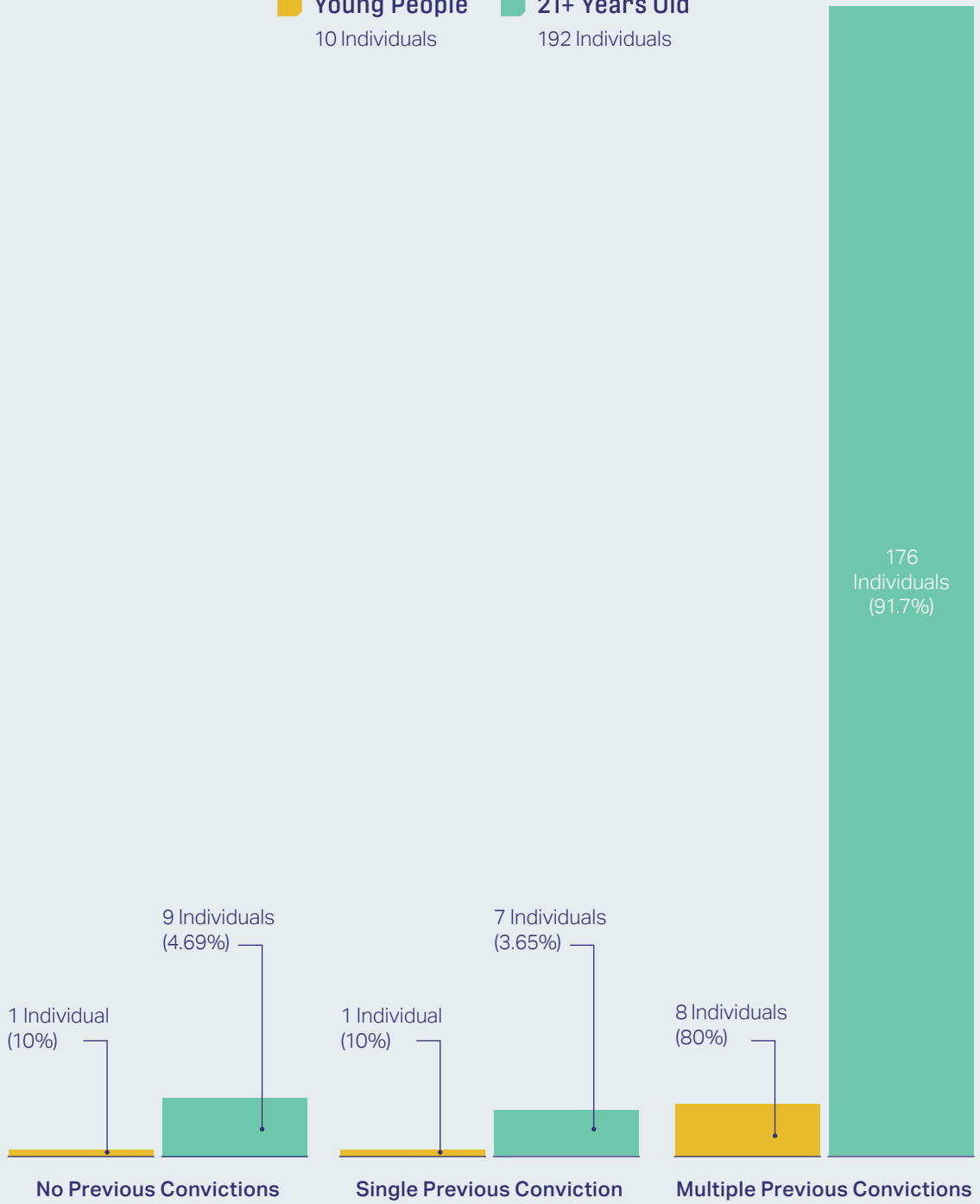
Of the group of young people, all but one had previous convictions.⁴⁰ As illustrated in Figure 94, the percentage of young people with either no previous convictions, or a single previous conviction, was higher than that seen in the 21+ years subgroup.

In the subgroup of young people, the number of previous convictions – where this was multiple – ranged from 3-58 convictions ($M = 14.6$, $SD = 18.0$). In the 21+ years subgroup this range was broader, stretching from 2-164 ($M = 27.1$, $SD = 28.3$). It should be noted that, in the 21+ subgroup, the total number of previous convictions was 'unknown' in 22.7% ($n = 40$) of instances (see Figure 94).

⁴⁰ Please note that, due to the way offences are charged, one conviction may cover multiple instances of the offence occurring over an extended period. This might occur, for example, when it is known that the offence was committed against an individual on multiple occasions, but the exact dates on which each of those offences occurred is not known (for more information about the way offences are charged, please see the Scottish Crime Recording Standard (Scottish Crime Reporting Board, 2019). This means that one individual with multiple offences of which the dates are *unknown* and another individual with the same number of offences but where the dates are *known* could have a different number of convictions, albeit for similar patterns of offending.

Previous Convictions

Young People 10 Individuals
21+ Years Old 192 Individuals



Number of Previous Convictions (where multiple)

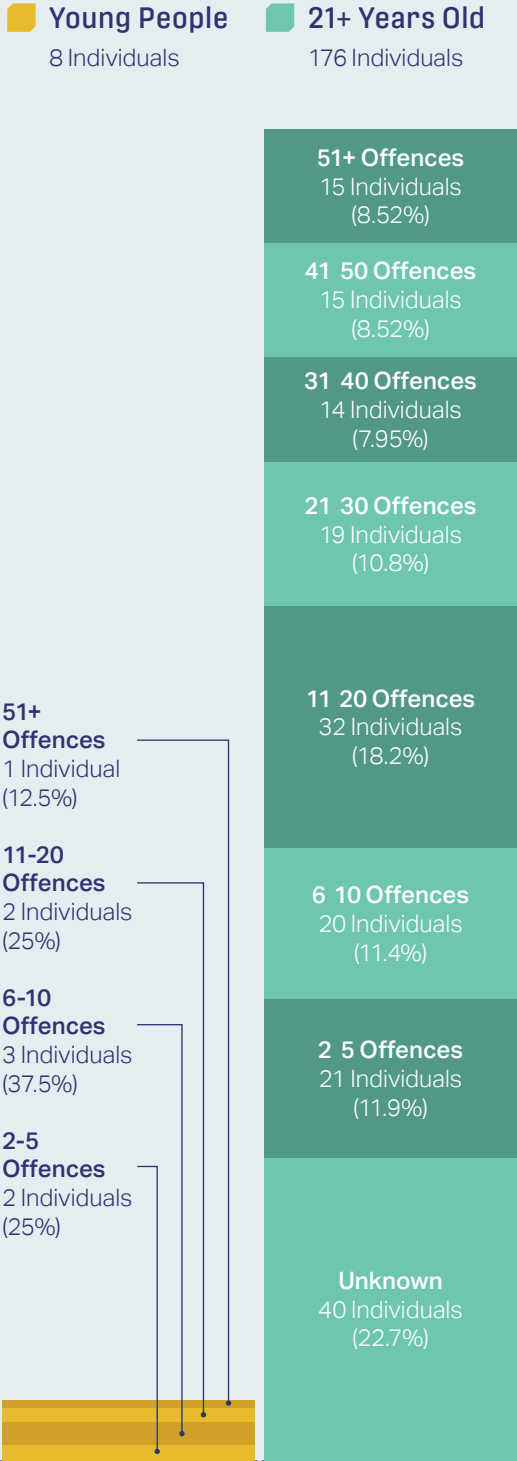


Figure 94. The number and percentage of individuals who had no, a single, or multiple previous convictions, according to age group, and the number of such convictions where multiple

5.3.2 Age at First Conviction

Of the young people who had previous convictions ($n = 9$), all had received their first conviction before the age of 19, with the greatest percentage receiving their first conviction between the ages of 14-16.

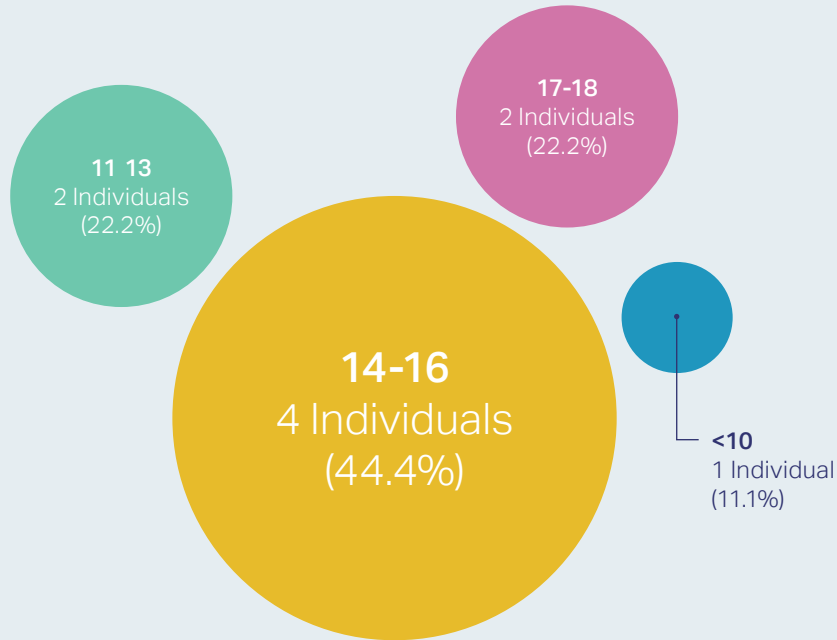


Figure 95. The age at which young people made subject to an OLR, with previous convictions, received their first conviction ($n = 9$)

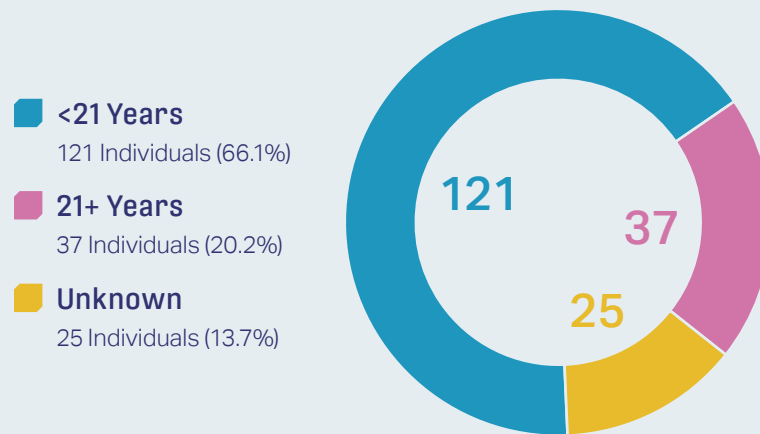


Figure 96. The age at which individuals made subject to an OLR aged 21+, with previous convictions, received their first conviction ($n = 183$)

Of the subgroup of individuals aged 21+, over half had received a conviction prior to the age of 21. The exact age of first conviction was unknown in 13.7% ($n = 25$) of the group (see Figure 96).

5.3.3 Previous YOI or Adult Imprisonment

Nearly all young people with previous convictions had been detained either within a YOI and/or adult prison (see Figure 97). Of those who had been detained in adult prison, one had not previously been detained in a YOI. Whilst the number of young people who had not previously been detained was low, as a percentage of the group this was higher (at 22.2%) as compared with those aged 21+ (of whom 14.2% of the group with previous conviction had not previously been detained).

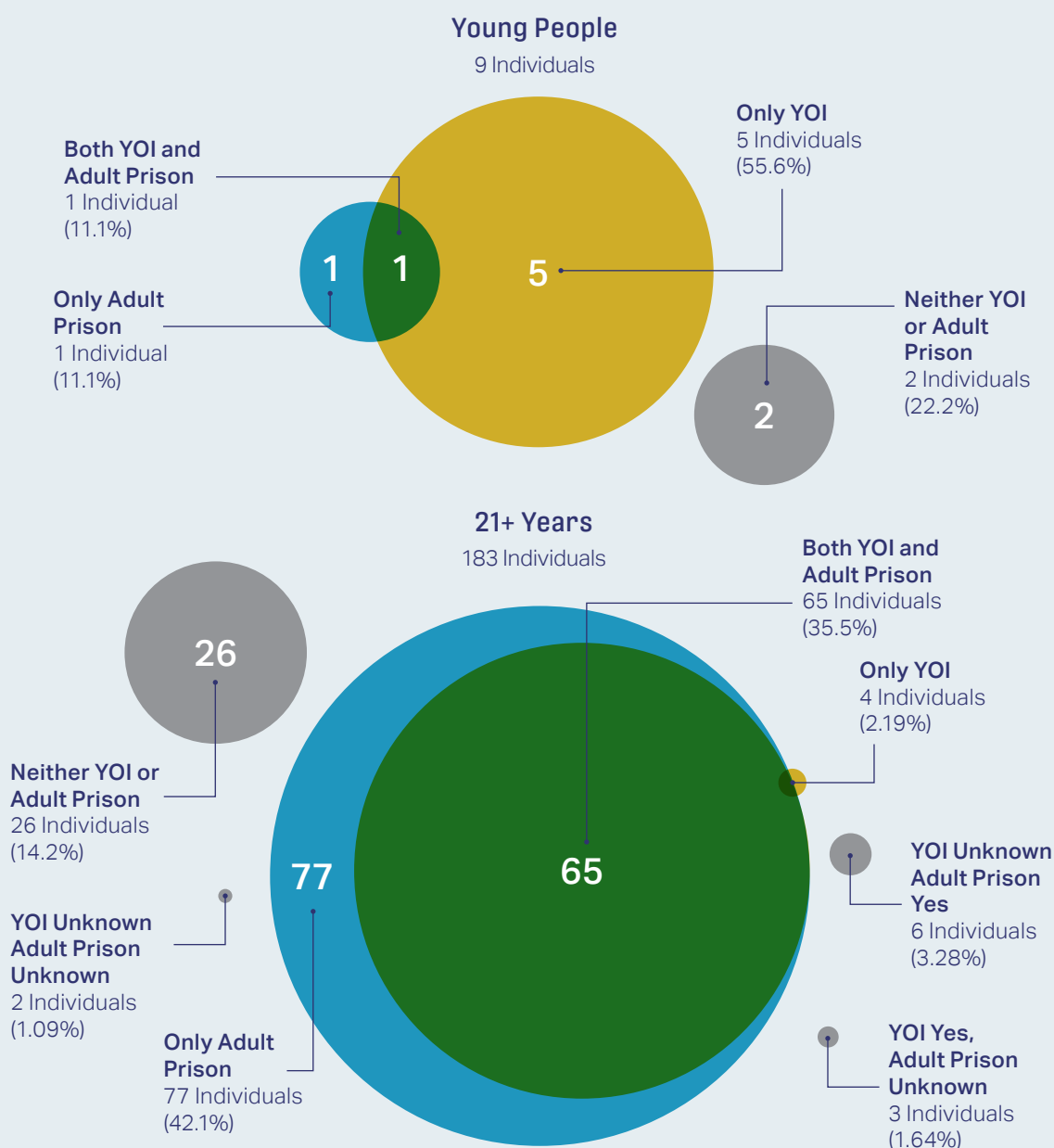


Figure 97. The imprisonment of individuals with previous convictions, across Young People ($n = 9$) and those 21 Years+ ($n = 183$)

5.3.4 Previous Offending - Nature

When considering the nature of previous convictions, all offence types were evident in the group of young people made subject to an OLR (see Figure 98). As when considering index offending, the percentage of individuals in the 21+ years group with convictions for IPV was much greater than the subgroup of young people. A noticeable difference was also seen when considering offending of an 'other' nature, with again the percentage of individuals with such offending being much greater in the 21+ age group, as compared with young people.

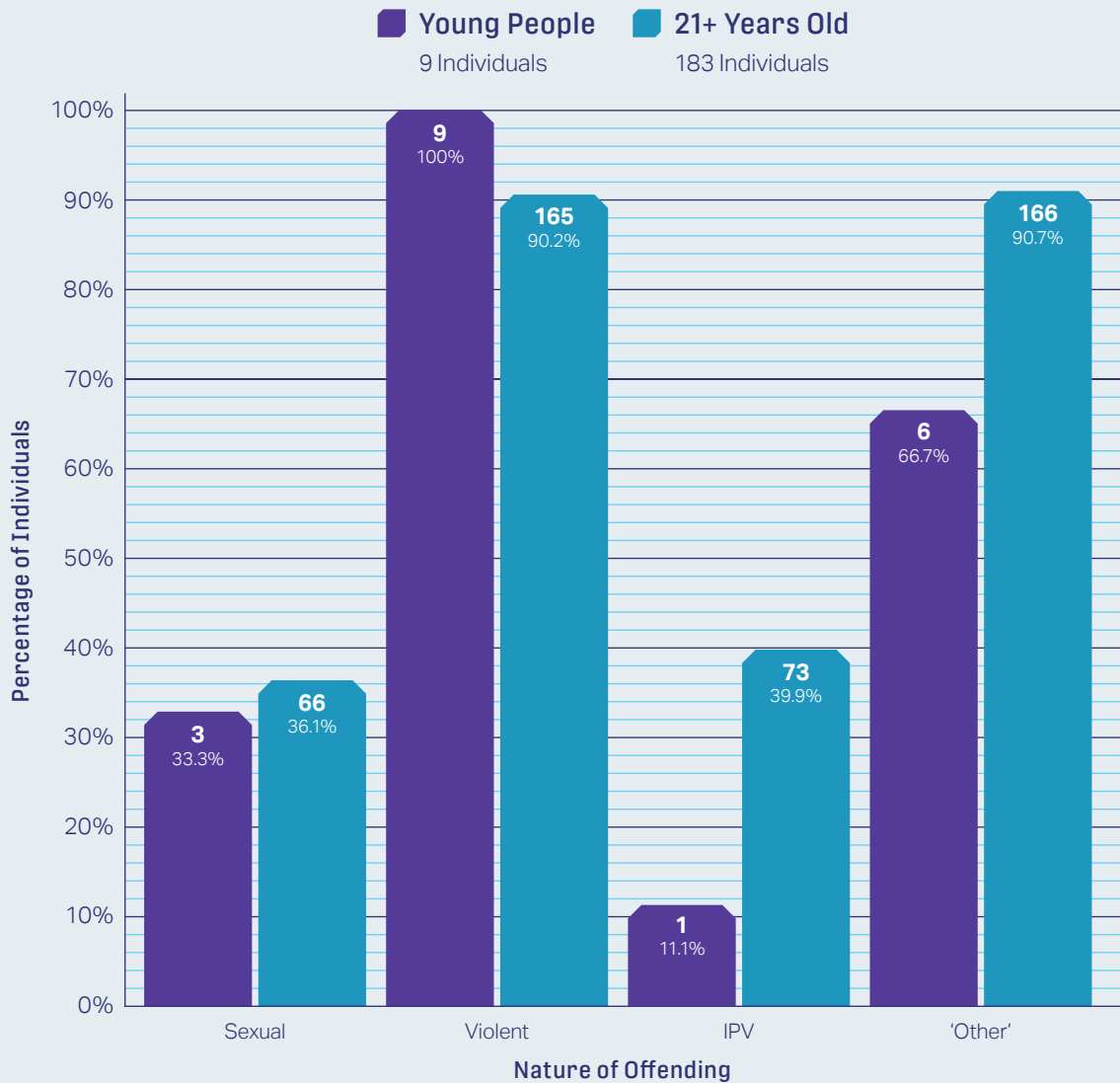


Figure 98. The number and percentage of individuals previously convicted of each offending type (n = 192), according to age group (NB: percentages per subgroup may total more than 100% due to overlap)

5. THE OFFENDING BEHAVIOUR OF YOUNG PEOPLE MADE SUBJECT TO AN OLR

A third of young people ($n = 3$) had previous convictions relating to offending of solely one type; a greater proportion than seen in the group of individuals aged 21+ years ($n = 15$) where 8.2% of those over 21 had one type of previous conviction (please note, this includes both individuals with a single previous conviction, and convictions for multiple offences of one type). This meant that two thirds of young people had previous convictions involving mixed types of offending, compared to over 90% of those over 21.

The nature of the offending of those with offending of one type is outlined in Figure 99. In the case of young people, in all instances this related to offending of a violent nature, whereas in the 21+ age group an equal percentage of individuals had offending of a sexual, violent and 'other' nature.

In the group of young people subject to an OLR with previous convictions of a mixed nature, violent and 'other' offending were common to all individuals' profiles, with half the group additionally having offending of a sexual nature (for full detail, see Figure 99).



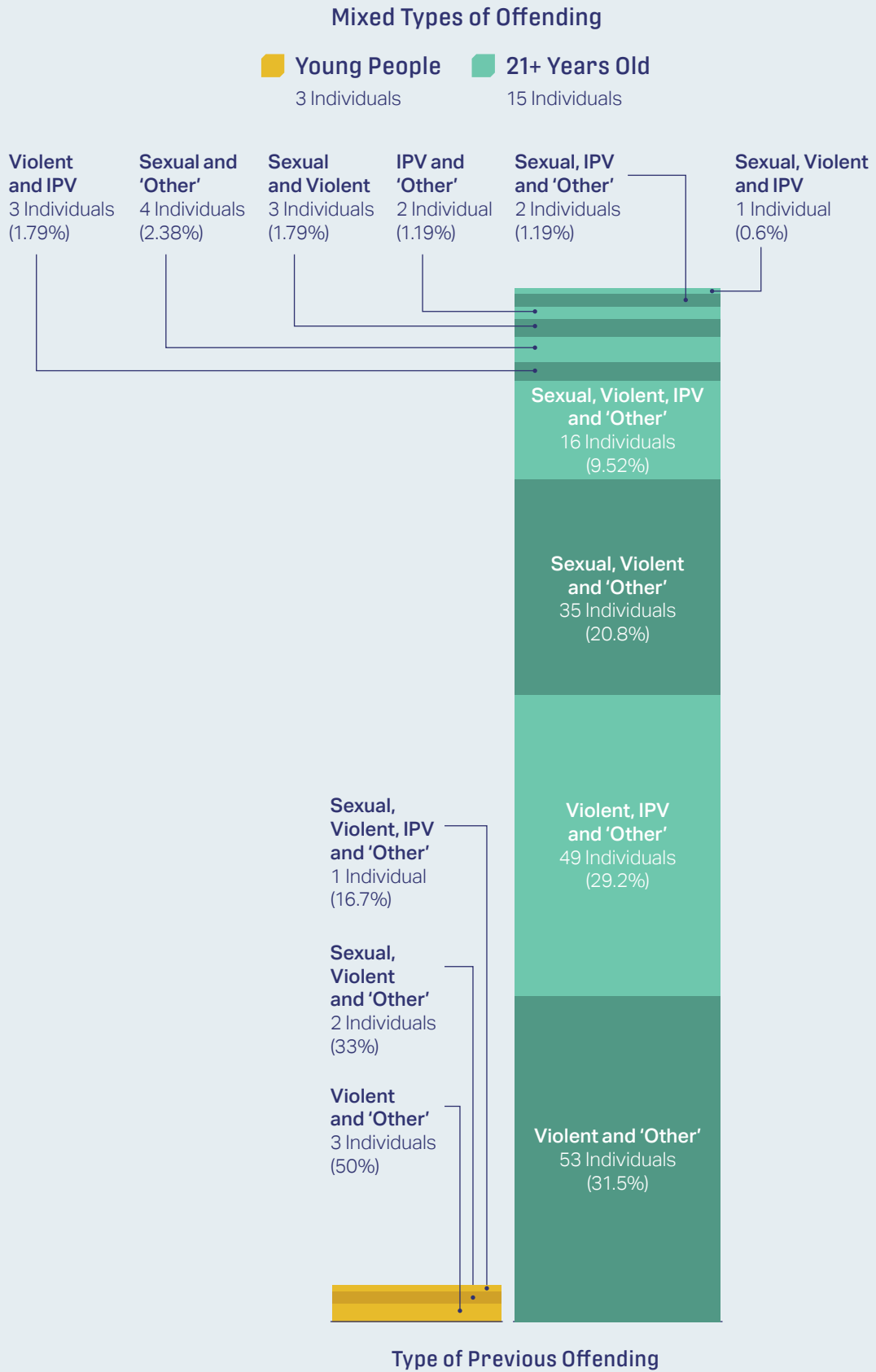


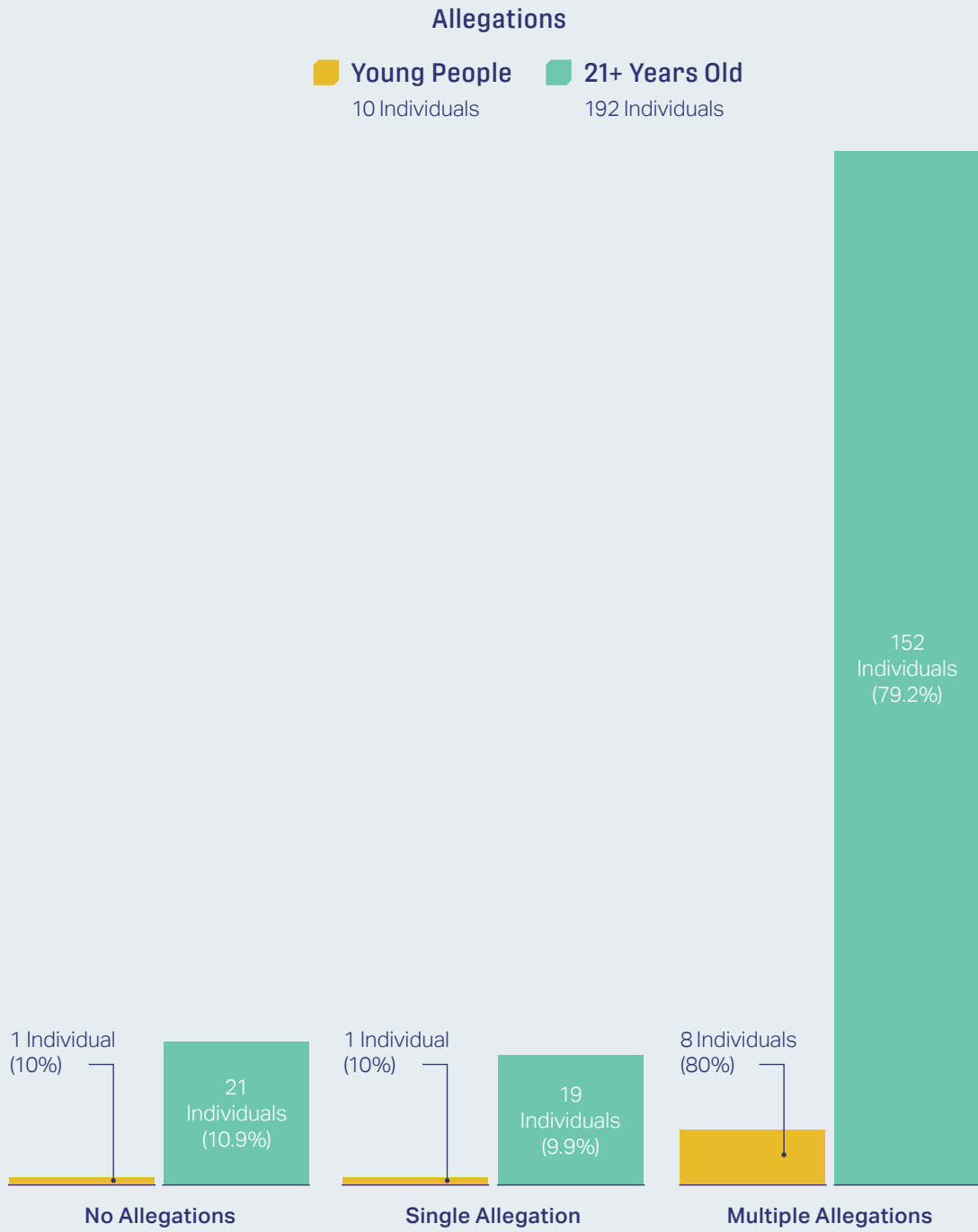
Figure 99. The nature of individuals previous convictions (n = 192) when comprised of one type or mixed types of offending, according to age group

5.4 Alleged and Self-Reported Offending

5.4.1 Alleged Offending – Frequency

Ninety percent of the group of young people ($n = 9$) subject to an OLR had at least one recorded instance of alleged offending (see Figure 100). It is worth noting that the individual with no alleged offending was not the same individual who had no previous convictions. The percentage of individuals with no, a single, and multiple allegations was almost identical between groups.

A breakdown of, in the subgroup of individuals with multiple allegations, the number of allegations according to age group is further presented in Figure 100. Interesting to note here is the noticeably higher percentage of individuals in the group of young people who had 11 or more allegations, as compared with the group of individuals aged 21+ years. When looking at the group of young people, the number of allegations (where known) ranged from 4-44 ($M = 17.3$, $SD = 15.8$), with the range stretching from 2-110 ($M = 14.72$, $SD = 14.9$) in the 21+ years group.



5. THE OFFENDING BEHAVIOUR OF YOUNG PEOPLE MADE SUBJECT TO AN OLR

Number of Allegations (where multiple)

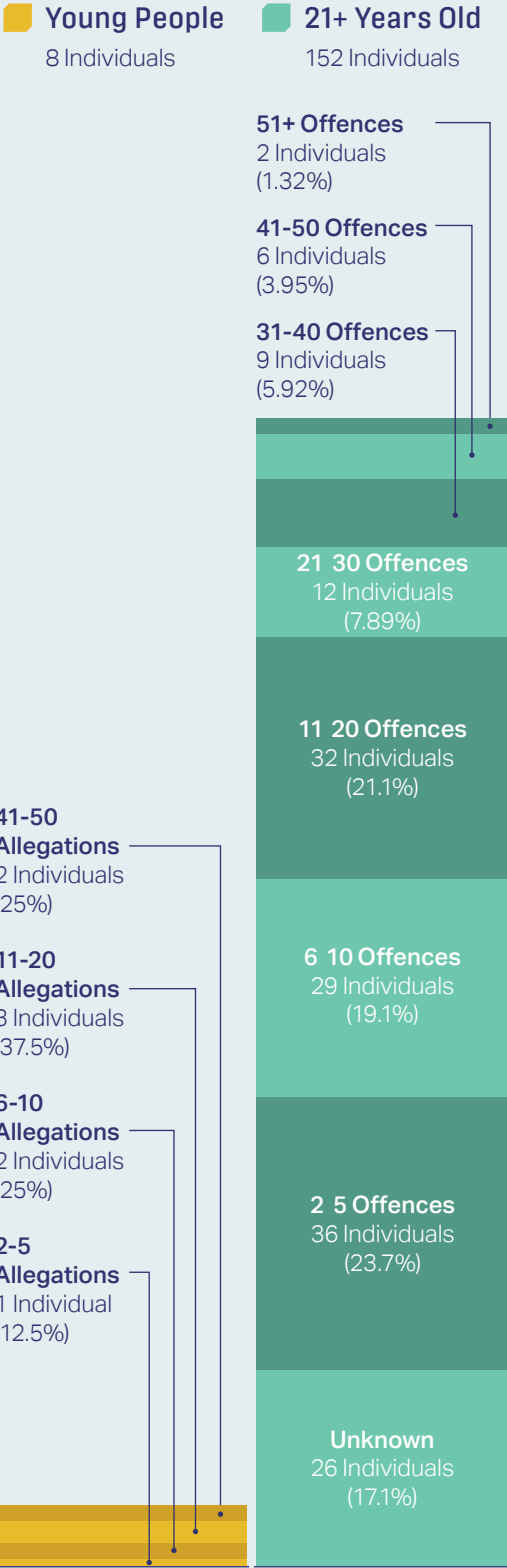


Figure 100. The number and percentage of individuals who had no, a single, or multiple allegations, according to age group, and the number of such allegations where multiple

5.4.2 Alleged Offending – Nature

Please note that three individuals from the 21+ years age group had no available information regarding the nature of their alleged offending, and have thus been excluded from all analyses concerned with the nature of alleged offending (21+ years subgroup: $n = 168$).

No instances of alleged offending in the group of young people subject to an OLR related to IPV.⁴¹ Allegations of violent offending however featured prominently across the group, as did allegations relating to ‘other’ offending (see Figure 101 for detail).



Figure 101. The number and percentage of individuals with allegations ($n = 177$) relating to each offending type, according to age group (NB: percentages per subgroup may total more than 100% due to overlap)

⁴¹ Please note that in the case of alleged offending, IPV was double counted. This means that the total number of sexual, violent and ‘other’ offences includes any instances of IPV of each type. From the reverse perspective, the alleged IPV figure refers to the number of incidents of alleged offending which constituted IPV, and those same incidents are also captured in the overall tallies for each offending type.

5. THE OFFENDING BEHAVIOUR OF YOUNG PEOPLE MADE SUBJECT TO AN OLR

Nearly all young people with alleged incidents of offending had allegations of more than one type. Indeed, the young person who did not follow this pattern had a single alleged incident of offending (11.1%) which was lower than the proportion of individuals with one type of allegations over the age of 21 ($n = 38$, 22.6%). However, the percentage of individuals with allegations of a mixed nature was higher in young people ($n = 8$, 88.9%) than in the group of individuals aged 21+ years ($n = 130$, 77.4%).

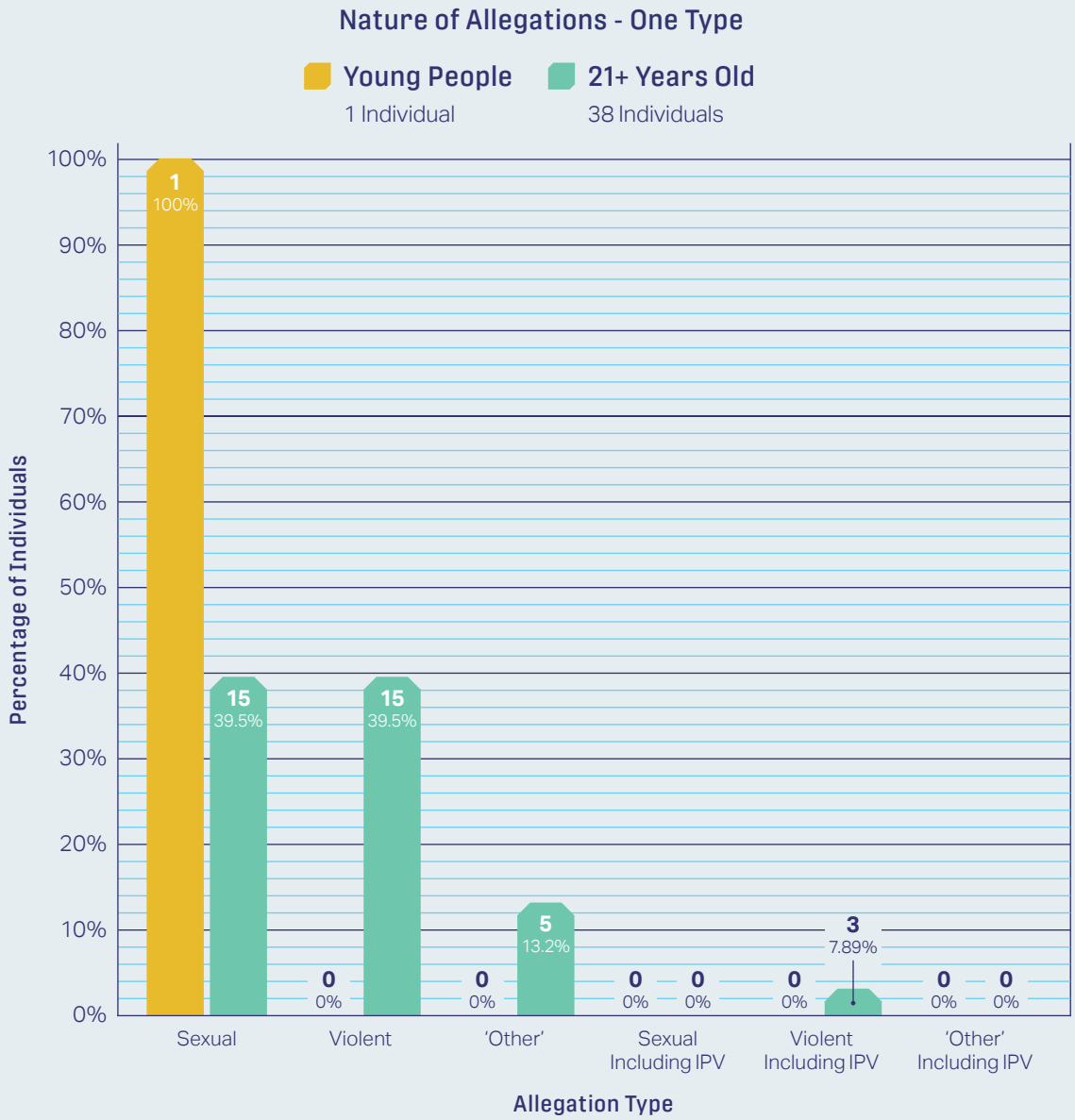
Detail regarding the nature of alleged offending, in instances where the nature of such offending was of one type, is also presented in Figure 102. Please note that the three examples of individuals with single-type allegations which included IPV in the aged 21 and over subgroup all had one allegation, and the nature of that single allegation was violence involving an intimate partner.

Across the group of young people with multiple allegations of a mixed type,⁴² alleged violent offending was common across all combinations (see Figure 102).

As outlined in the previous chapter, in only a small number of RARs was it explicitly outlined that alleged offending influenced the risk rating. Of that small number, none were contained in the group of individuals made subject to an OLR under the age of 21.

⁴² To reiterate, the information collected regarding alleged offending was less detailed than that concerned with convicted offending. As such, it was only possible to consider allegation information with IPV double counted. For the purposes of this calculation, any individuals with, for example, multiple allegations of a sexual nature including IPV, are included under 'mixed' offending.

5. THE OFFENDING BEHAVIOUR OF YOUNG PEOPLE MADE SUBJECT TO AN OLR



Nature of Allegations - Mixed types

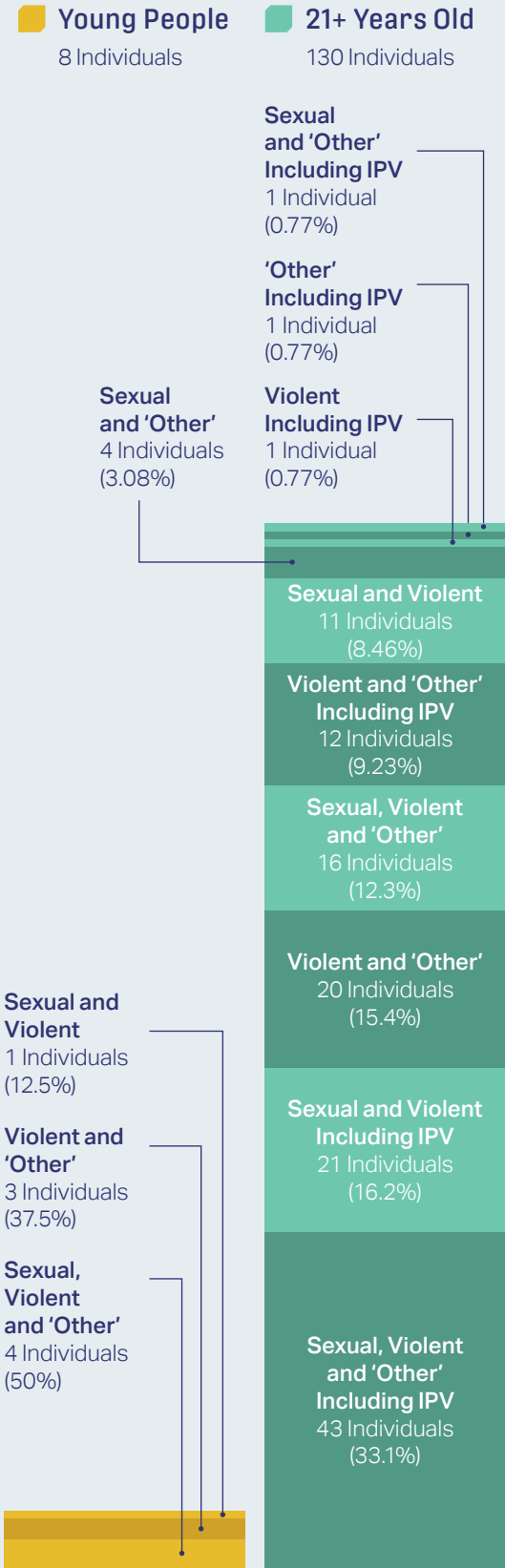


Figure 102. The number and percentage of people with allegations (n = 177) comprised of one type or mixed types, according to age group, and the nature of such allegations

5.4.3 Self-Reported Incidents - Frequency

The percentage of young people who self-reported further incidents of offending was small ($n = 2$, 20%), and represented almost half the percentage of the 21+ years subgroup ($n = 84$, 43.8%). This means that 80% of the sample of young people ($n = 8$) did not self-report further offending, compared to 56.3% of those over 21 ($n = 108$).

5.4.4 Self-Reported Incidents - Nature

In both instances, the further incidents self-reported by the group of young people subject to the OLR were of a violent nature (see Figure 103).⁴³ Both of these individuals had convictions for violent offending within their overall offending history. Whilst the nature of the self-reported incidents in the 21+ years group were more varied, they remained broadly in line with subgroup of young people in so far as incidents of a violent nature occupied the highest percentage ($n = 61$, 72.6%).

5. THE OFFENDING BEHAVIOUR OF YOUNG PEOPLE MADE SUBJECT TO AN OLR

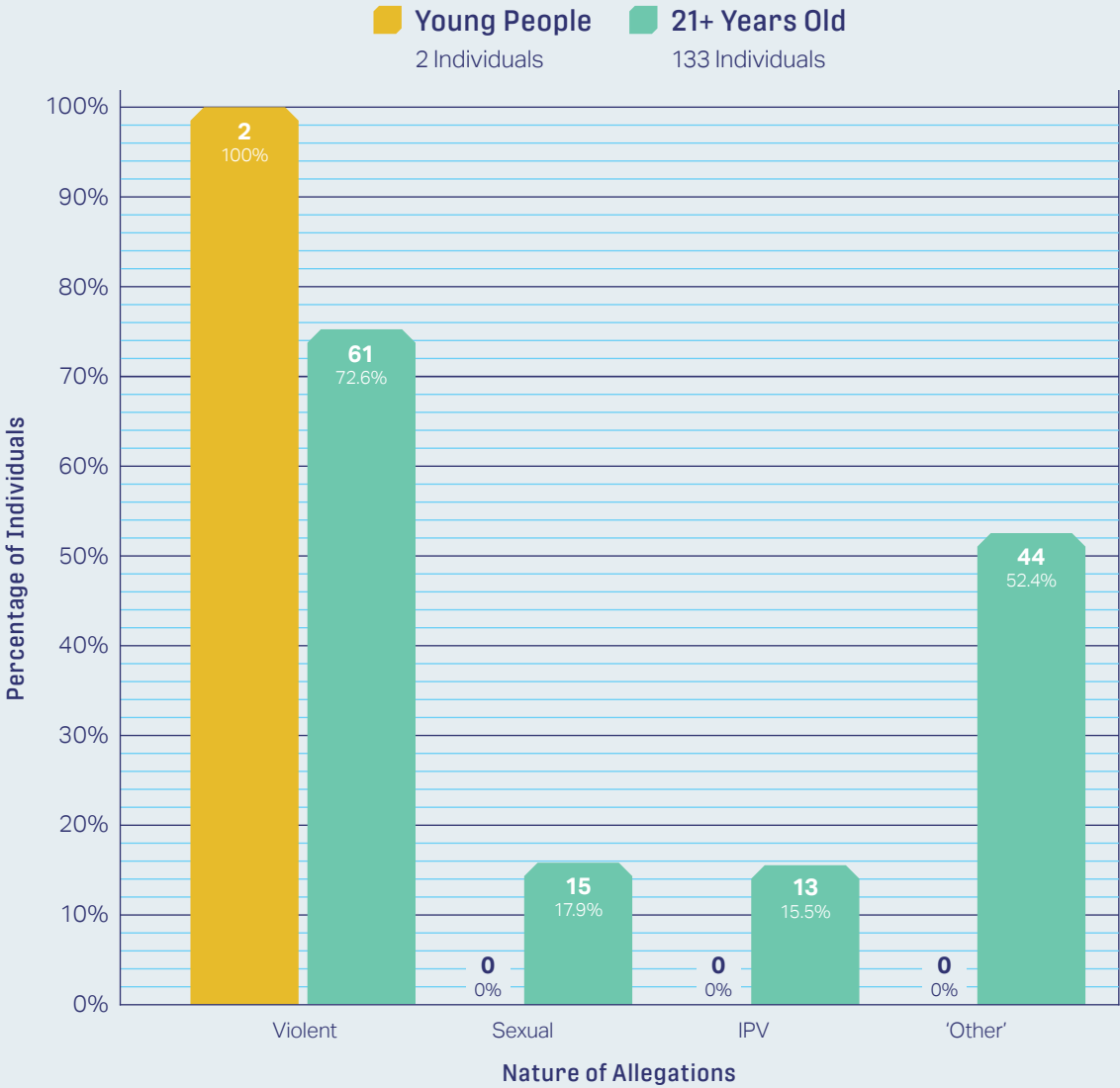


Figure 103. The nature of self-reported incidents from young people (n = 2) and those over 21 years old (n = 84) (NB: percentages regarding the nature of self-reported incidents may total more than 100% due to overlap)

5.5 Discussion

This chapter was interested in young people who are subject to the OLR. As touched upon in the introduction, for the purposes of this project, young people were defined as those aged under 21. This definition was adopted as it was not considered likely that the OLR would be imposed on individuals under the age of 21 (Scottish Executive, 2001). From the inception of the sentence in 2006 to March 2021, 12 individuals under the age of 21 were made subject to an OLR. Two individuals were necessarily excluded from the analysis (due to difficulties in coding the RARs reliably), leaving the group of 10 under consideration within this report. Of the group, two individuals were under the age of 18 at time of sentencing, with the youngest being 16 years of age. The remaining eight individuals were between 18-20 years of age at the time of sentencing.

Within this chapter, of particular interest was gaining an insight into the patterns of offending evident across the group of young people, as compared with those aged 21+ years at the time of sentencing. One interesting finding to emerge was the difference between groups in terms of the nature of offending across individuals' entire offending history. Specifically, whilst the groups followed broadly the same pattern (in terms of the relative percentage of each offending type), the relationship between 'other' and sexual offending between the two groups was inverted. In the group of young people, sexual offending occupied a higher percentage as compared with offending of an 'other' nature, whilst the reverse was true in the group of individuals aged 21+. This pattern, and the fact that, across the board, a lower percentage of young people, as compared with individuals aged 21+, had convictions of an 'other' nature, is an interesting one to consider. One aspect which may have fed into this finding is the lack of certainty which could be present in RARs regarding the outcome of Children's Hearings. Where such an outcome was not clearly obtainable, the related offending would be logged as an allegation. And, indeed, amongst the group of young people, allegations of an 'other' nature were prominent, and present in a higher percentage of individuals as compared with those aged 21+. As explored further later within this discussion, there is the possibility that Children's Hearing records were more accessible for young people (due to proximity of occurrence) and as such, the difficulties around the coding of Children's Hearing outcomes had a greater effect (relatively) on the young people group. Also interesting to consider within future studies would be the time at which various offences occurred across groups: in other words, whether those in the 'young people' group had convictions for serious offending earlier in their offending history, and when convictions of an 'other' nature (where they were present) had appeared relative to that. Comparing that trajectory with that seen in the 21+ group, amongst which a higher percentage of individuals had convictions for 'other' offences, could be interesting, and provide further insight into this group of young people.

The comparison of offending between the two subgroups also highlighted some noticeable differences in relation to the duration of offending. When considering sexual offending, a majority in both groups had this type of offending represented solely in their index offences. However, it is interesting to note that, among young people, there were equal numbers of individuals ($n = 1$ in each instance) with sexual offending occurring over one previous conviction, 3+ years, and 5+ years. The duration of sexual offending of those young people with offending spanning index and previous convictions, or multiple previous convictions, of a known duration, stands in some contrast to that seen when considering IPV and violent offending in young people, where the majority in both instances clustered across the <1 year to 3 years + categories. The small sample size of young people with sexual offending spanning across both index and previous convictions, or multiple previous convictions, of a

5. THE OFFENDING BEHAVIOUR OF YOUNG PEOPLE MADE SUBJECT TO AN OLR

known duration, must be noted here however ($n = 2$), limiting the conclusions which can be drawn. Further, whilst occupying a lower percentage, a small number of young people with violent offending of a known duration (whether that be spanning index and previous convictions, or multiple previous convictions), were also seen to have violent offending spanning both 4+ and 5+ years; an interesting finding, given their age at time of OLR imposition. In contrast to the 21+ years group and, as might have been anticipated, no young person had offending spanning 10+ years.

There are nine young people subject to the OLR who also had previous convictions. It was found that all nine had their first conviction before the age of 19 with a large number receiving their first conviction between 14 and 16 years of age. Differences were found when examining both the young people (<21) and the 21+ group when considering age of first conviction. Nearly two thirds of individuals in the 21+ group received their first conviction before the age of 21, in comparison to the nine young people with previous convictions who had all been convicted before the age of 19. It is important to note that the age of first conviction was often difficult to discern from the RARs, largely due to the presence of Children's Hearing appearances, the outcomes of which were often unclear. Many individuals in both groups may have had their first conviction at a younger age through the Children's Hearing system, but this was unknown to the researchers unless clearly stated in the RAR. Therefore the age of first conviction, while interesting, should be read with an understanding that individuals may have acquired convictions at an even younger age. Another interesting finding is that nearly all young people with previous convictions had been detained either within a YOI and/or adult prison.

The group of individuals over 21 years of age had a greater spread in the number and type of previous convictions, in addition to a broader range in age of first conviction. Similar to the patterns noticed in duration of offending, this may be due to increased opportunity; those who are older have had more years to acquire convictions, the nature of which may vary over time. It is also notable that the group of young people included 10 individuals, while the 21+ group represented 192 individuals, and so it is unsurprising that more offending types were represented in the larger group.

Whilst the 21+ group tended to have a greater number of previous convictions (a mean of 27.1 in the 21+ group, as compared with 14.6 in young people), a higher percentage of individuals in the young people group had 11 or more allegations, as compared with those aged 21+. Notably, one quarter of young people had between 41 and 50 allegations, while the most common number of allegations among the 21+ group was 2-5. This may again be due to how Children's Hearings are reported in the RAR: appearances where the outcome was not reported, or was unclear, were coded as allegations. Assessors may have had more access to Children's Hearing records for young people than they would have for older individuals, and therefore these appearances may not be reported in the RARs of those aged 21+. As a result, appearances at a Children's Hearing where the outcome was not clearly stated would potentially inflate the number of allegations, particularly for young people whose Children's Hearing records may have been more accessible.

When looking at the years across which an OLR had been imposed on young people, the highest percentage was in 2008. Numbers subsequently tapered, with the last young person made subject to an OLR in 2014. It is important to note that no strong relationship between the year of sentence and an individual's age was indicated; nonetheless the social and political context of the early years of the OLR and how this may have impacted on sentencing

in young people may be interesting to consider further within future studies. Relatedly, also interesting and relevant to consider here are some of the developments in Youth Justice that have occurred since 2006.

One of the most notable changes has been Getting it Right for Every Child (GIRFEC); the Scottish Government's strategic vision for all services relating to children.⁴⁴ It was first introduced in 2004 and GIRFEC remains central to policies which support children, young people and their families. It has been described as a way of working which puts the young person at the centre of thinking, planning and action (Children and Young People's Centre for Justice [CYCJ], 2021). The approach also underpins legislation such as the Children and Young People (Scotland) Act 2014⁴⁵; a notable change from which is that it enables those who have been looked after to access support until they are 19 years of age (or until they are 26 years of age if they are found to have eligible needs). As such, this legislation means there may be an extension in the age range of youth service and supports that are available to young people (CYCJ, 2021). GIRFEC also underpins policy plus practice developments such as the Whole Systems Approach (WSA) which was introduced in 2011. It aims to prevent unnecessary use of custody and secure accommodation through the use of other services (Murray, McGuinness, Burman and McVie, 2015). The approach has been described as a move away from more punitive measures and promotes the use of alternative measures such as early intervention and use of diversion from prosecution.

In 2013, the RMA revised the Standards and Guidelines for Risk Assessment. As part of this, the risk definitions of high, medium and low risk to which the assessor must have regard to were revised. The risk ratings were refined from learning regarding how the previous definitions, published in 2006, were being applied. It is possible that the revision of the risk ratings may have had an indirect impact on young people being subject to the OLR as assessors have to have regard to the definitions thereby the change would have influenced assessor practice (Gailey et al., 2017).

Another notable development was the introduction of the Framework for Risk Assessment management and Evaluation (FRAME) for Children and Young People, which was first published in 2014. This has since been revised and replaced with the Framework for Risk Assessment, Management and Evaluation (FRAME) with children aged 12-17. Although the age range of the guidance is intended for those aged between 12-17, it can be used with young adults up to the age of 25, where deemed appropriate, in line with the Whole Systems Approach (Scottish Government, 2021b). The guidance details that risk practice with young people must be understood in the context of child development – it should be trauma and systematically informed in addition to considering situational and contextual factors (Scottish Government, 2021b). Responding to risk may require a formal risk management process which is known as Care and Risk Management (CARM) which should be used where a risk of serious harm is assessed as either likely or having occurred. It is detailed within the guidance:

'A combination of FRAME for children aged 12-17 years and the CARM risk management process provides both robust risk management for public protection, whilst recognising the need to ensure the child, whose behaviour poses a risk of serious harm, is protected' (p.7).

⁴⁴ For more information see Getting it right for every child (GIRFEC) - gov.scot (www.gov.scot)

⁴⁵ Accessible at Children and Young People (Scotland) Act 2014 (legislation.gov.uk)

5. THE OFFENDING BEHAVIOUR OF YOUNG PEOPLE MADE SUBJECT TO AN OLR

This framework plays a vital role in shaping risk practice with young people in ensuring that there is a proportionate and appropriate response to harmful behaviour. The framework supports proportionate practice at levels which are appropriate to the risk and purpose (RMA, 2011).

Additionally, research has provided a greater understanding of young people who offend. A review undertaken by the University of Edinburgh on behalf of the Scottish Sentencing Council detailed that the brain continues to develop until approximately 25 to 30 years of age (O'Rourke et al., 2020). The review was undertaken to inform the development of a new guideline on sentencing young people. The review also highlighted that cognitive maturation can be impacted by a variety of factors including traumatic brain injury, substance use, adverse childhood experiences (ACEs) and psychiatric plus neurodevelopmental disorders (O'Rourke et al., 2020). Whilst these areas are beyond the scope of this review, they have all been found to have the potential to impact typical development. This links back with FRAME which details that risk practice with young people should be trauma and systematically informed and should consider situational and contextual factors (Scottish Government, 2021b).

It is evident that since the OLR was introduced in 2006, there have been considerable developments in relation to Youth Justice in Scotland. Whilst the impact that new legislation, policy, frameworks, research and strategies have had in relation to the OLR being imposed on young people cannot be definitively established, it will be interesting to review whether this trend continues in the forthcoming years.

6. THE OFFENDING PROFILE OF INDIVIDUALS MADE SUBJECT TO AN OLR WITH INDEX OFFENDING OF AN 'OTHER' NATURE

This chapter is concerned with the subgroup of individuals whose index offending – i.e. the offending which prompted preparation of an RAO – was not a sexual or violent offence. Before proceeding, it is important to highlight that this subgroup has been created for the purposes of this publication, according to the coding procedure developed by the research team (for full detail, please see Section 2.3 and Appendix 1). Thus, whilst the information provided within this chapter is interesting to consider in relation to the grounds upon which an RAO can be made, it is not being implied that a straight line can categorically be drawn between these individuals and the section of legislation (Criminal Procedure (Scotland) Act 1995, Section 210B (1) (b))⁴⁶ concerned with individuals who are considered to have a “propensity to commit” a sexual or violent offence. Like the other chapters this subgroup is for individuals made subject to an OLR between December 2006 and 31st March 2021.

Previous chapters have explained and emphasised Breach of Peace (BoP)'s categorisation as a 'violent' offence for the purposes of coding. However, BoP is a broad offence that can include anti-social or nuisance behaviours such as those captured in the 'other' category⁴⁷ of offending. As BoP will not always represent a violent or sexual offence, and as the researchers have been careful not to subjectively categorise this offence differently depending on the individual's perceived motivations, it has been included in this chapter alongside 'other' type offences. This is to acknowledge that while BoP causes fear, alarm, and harm to victims, the conviction applies to a much wider array of behaviour than that involved in other 'violent' offences. The same can be said of Threatening or Abusive Behaviour (Section 38 of the Criminal Justice and Licencing (Scotland) Act 2010),⁴⁸ the criteria for which overlap with some aspects of BoP. Additionally, Threatening or Abusive Behaviour came into being as an offence much later than BoP, therefore it is possible that behaviour which led to a Threatening or Abusive Behaviour charge could conceivably have been charged as BoP prior to the Criminal Justice and Licencing (Scotland) Act 2010, given the overlap in behaviours between the two offences. There are therefore two groups of index offence types being compared throughout this chapter: 'Other and BoP' (including Threatening or Abusive Behaviour), and 'Sexual or Violent.' While 'Other and BoP' includes Threatening and Abusive Behaviour, for the sake of brevity this category is simply titled 'Other and BoP.'

Criteria applied when creating the subgroup focused on in this chapter were as follows:

- All index offending of an 'other' nature, including instances of IPV (i.e., all index offending being IPV of an 'other' nature)
- Index offending comprised solely of convictions for Breach of the Peace or Threatening or Abusive Behaviour (Section 38 of the Criminal Justice and Licencing (Scotland) Act)⁴⁸
- Index offending comprised solely of a combination of 'other' offences and convictions for BoP and/or Threatening and Abusive Behaviour

⁴⁶ Accessible at [Criminal Procedure \(Scotland\) Act 1995 \(legislation.gov.uk\)](https://legislation.gov.uk)

⁴⁷ Examples of offences which fell under the category of 'other' included convictions such as theft, housebreaking, vandalism, or white collar crime. For a full list please see Appendix 2.

⁴⁸ Accessible at [Criminal Justice and Licencing \(Scotland\) Act 2010 \(legislation.gov.uk\)](https://legislation.gov.uk)

This chapter proceeds in the same manner as the previous chapters. First, detail regarding this subgroup and their pattern of offending will be provided, followed by a consideration of the patterns evident within the data.

6.1 Demographic and Overall Group Information

The subgroup of those with index offending of an 'other and BoP' nature was comprised of 11 individuals. The criteria applied when creating the subgroup of individuals with index offending of an 'other and BoP' nature was outlined at the opening of this chapter. As illustrated in Figure 104, the highest percentage of individuals had index offending purely of an 'other' nature, however all potential offending types were represented.

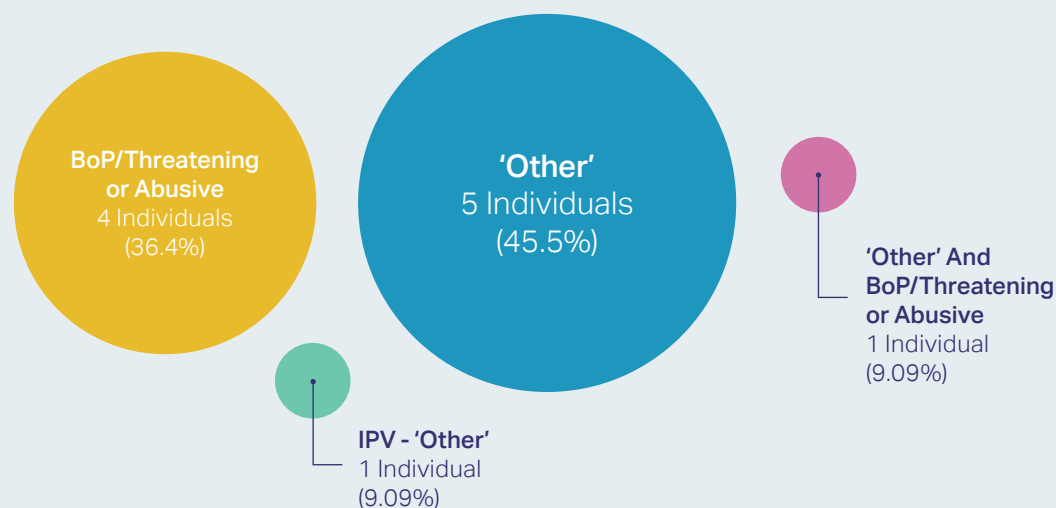


Figure 104. The nature of offending of those in the 'Index - other and BoP' subgroup ($n = 11$)

6.1.1 Age Groups

It is worth noting that, of this group, two individuals were under the age of 21 – thus crossing over with the subgroup of young people considered in Chapter 5. For full detail regarding the age of individuals within the 'other and BoP' subgroup, see Figure 105.

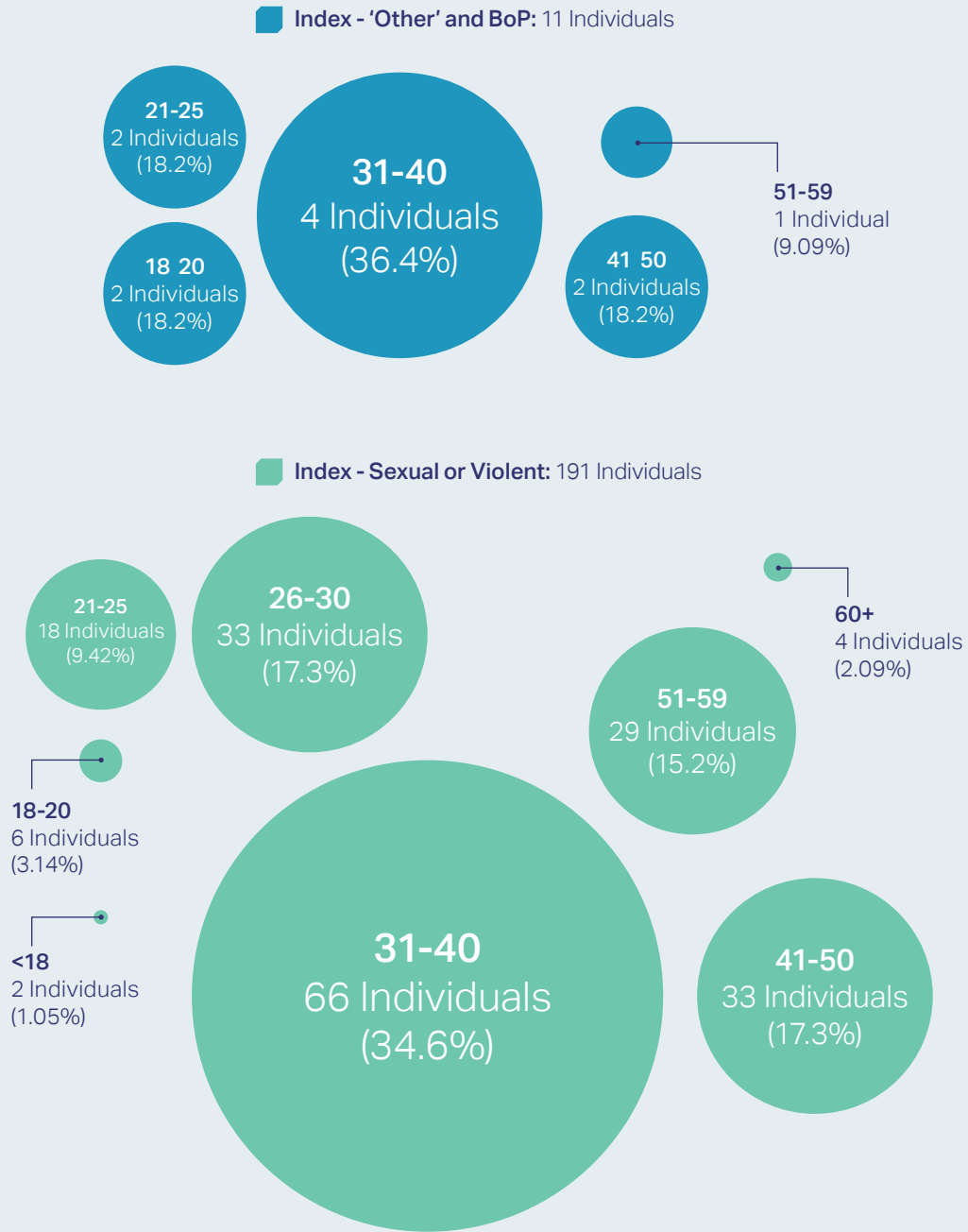


Figure 105. The age of individuals according to the nature of index offending group ('other and BoP' and 'sexual or violent')

6. THE OFFENDING PROFILE OF INDIVIDUALS MADE SUBJECT TO AN OLR WITH INDEX OFFENDING OF AN 'OTHER' NATURE

6.1.2 Years OLR Imposed

Individuals within the 'index - other and BoP' subgroup were made subject to the OLR across seven consecutive years, with the highest percentage (of the overall number) imposed in 2010 (see Figure 106).



Figure 106. The number and percentage of people with index offending of an 'other and BoP' nature made subject to an OLR, per calendar year (n = 11)

6. THE OFFENDING PROFILE OF INDIVIDUALS MADE SUBJECT TO AN OLR WITH INDEX OFFENDING OF AN 'OTHER' NATURE

An illustration of the percentage of individuals subject to an OLR with index offending of an 'other and BoP' nature, per year, is provided in Figure 107. In all years that contained individuals made subject to an OLR with index offending of an 'other or BoP' nature, they occupied less than a quarter of the overall population for that year.

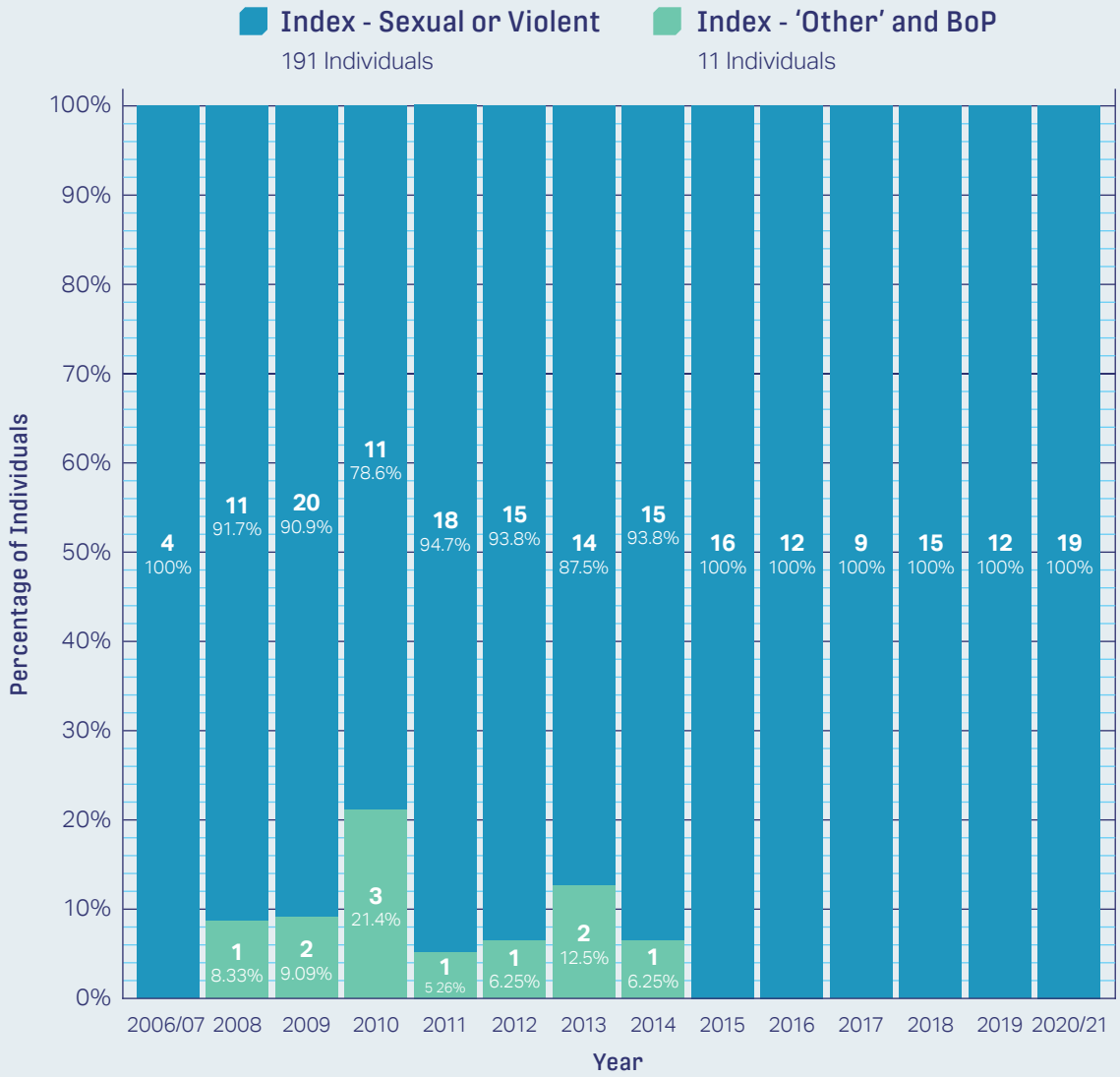


Figure 107. The percentage of individuals made subject to an OLR per year, according to nature of index offending group

6.1.3 Risk Rating

As was seen in the previous chapter, the vast majority of both subgroups – i.e., individuals in the 'index – other and BoP' subgroup, and those in the 'index – sexual or violent' subgroup – were assigned a risk rating of 'high'. The percentage of individuals with a risk rating of medium was however noticeably higher in the 'index – other and BoP' subgroup, as compared with the 'index – sexual or violent' subgroup (see Figure 108 for full detail).

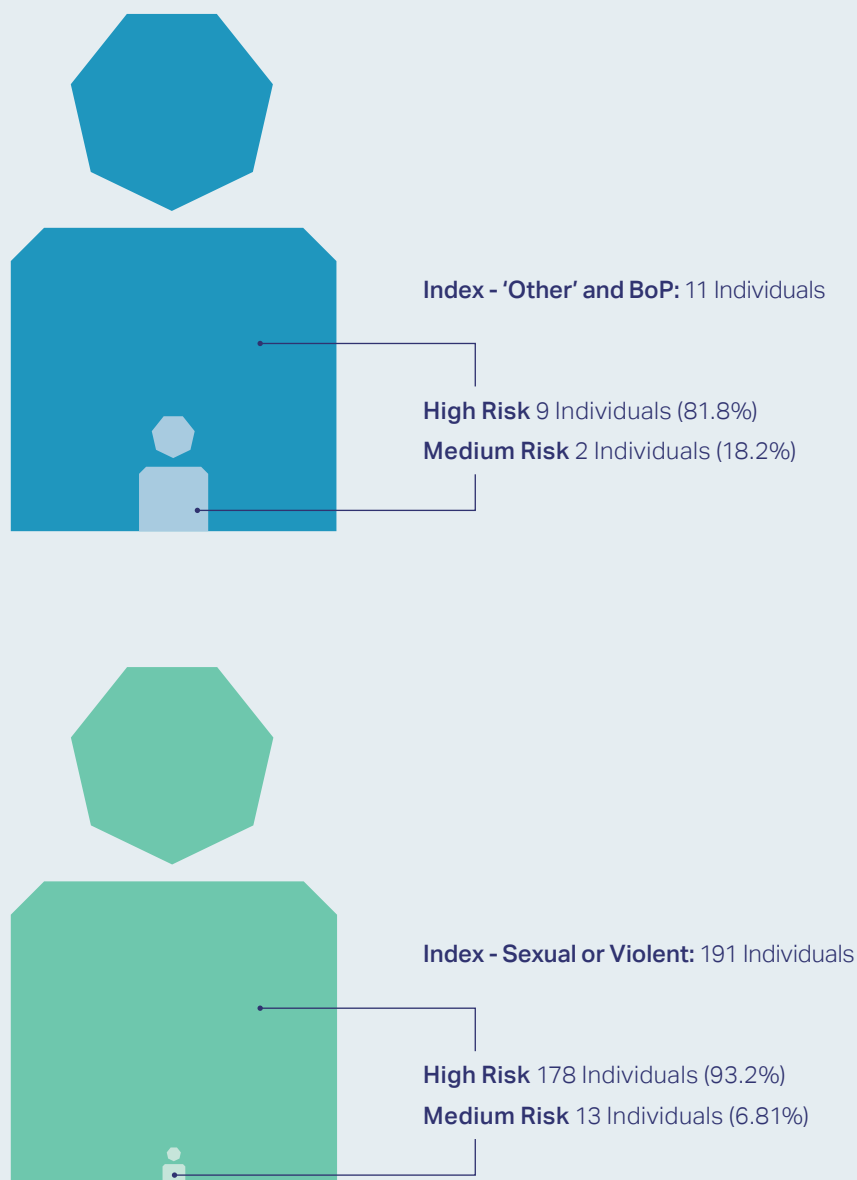


Figure 108. The number and percentage of individuals assigned each risk rating, according to nature of index offending group

6.2 Index Offending

6.2.1 Index Offending – Frequency

Across the 'index offending – other and BoP' subgroup, the majority of individuals had a single index offence. The pattern seen was inverse to that seen in the 'index offending – sexual or violent offending' subgroup, where approximately two thirds had multiple index offences (see Figure 109).

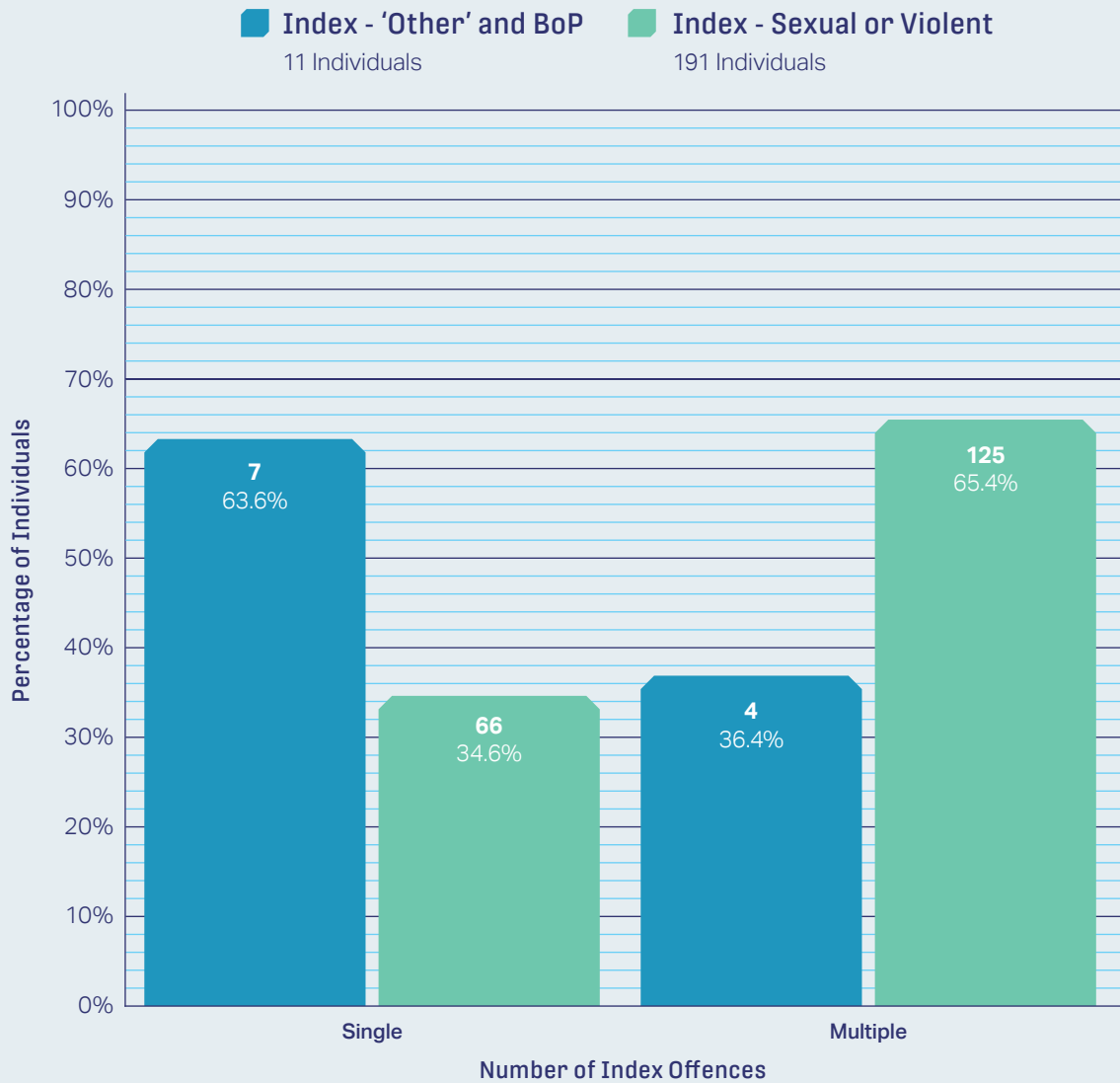


Figure 109. The number of index offences across the Index (Other and BoP) (n = 11) and the Index (Sexual and Violent) (n = 191) groups

6.3 Previous Offending

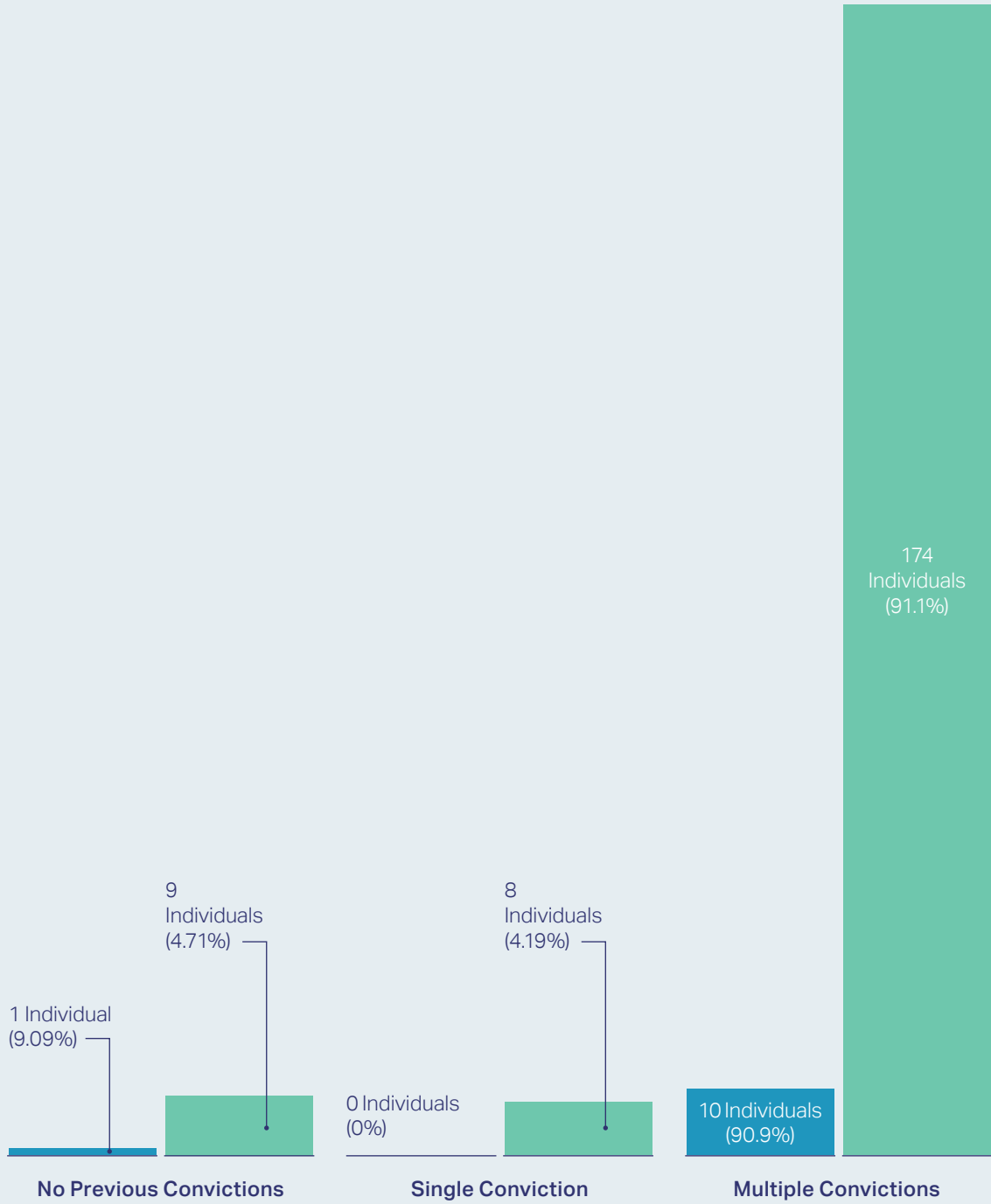
6.3.1 Previous Offending – Frequency

Of the subgroup of individuals with index offending of an 'other and BoP' nature, all but one had previous convictions.⁴⁹ Further, in all instances where previous convictions were present, these were multiple in number (see Figure 110). The exact number of previous convictions ranged from 3-45 ($M = 19.2$, $SD = 12.9$), with the largest percentage clustering into the 11-20 previous convictions category (for full illustration, see Figure 110).

⁴⁹ Please note that, due to the way offences are charged, one conviction may cover multiple instances of the offence occurring over an extended period. This might occur, for example, when it is known that the offence was committed against an individual on multiple occasions, but the exact dates on which each of those offences occurred is not known (for more information about the way offences are charged, please see the Scottish Crime Recording Standard (Scottish Crime Reporting Board, 2019). This means that one individual with multiple offences of which the dates are *unknown* and another individual with the same number of offences but where the dates are *known* could have a different number of convictions, albeit for similar patterns of offending.

Previous Convictions

Index - 'Other' and BoP 11 Individuals **Index - Sexual or Violent** 191 Individuals



6. THE OFFENDING PROFILE OF INDIVIDUALS MADE SUBJECT TO AN OLR WITH INDEX OFFENDING OF AN 'OTHER' NATURE

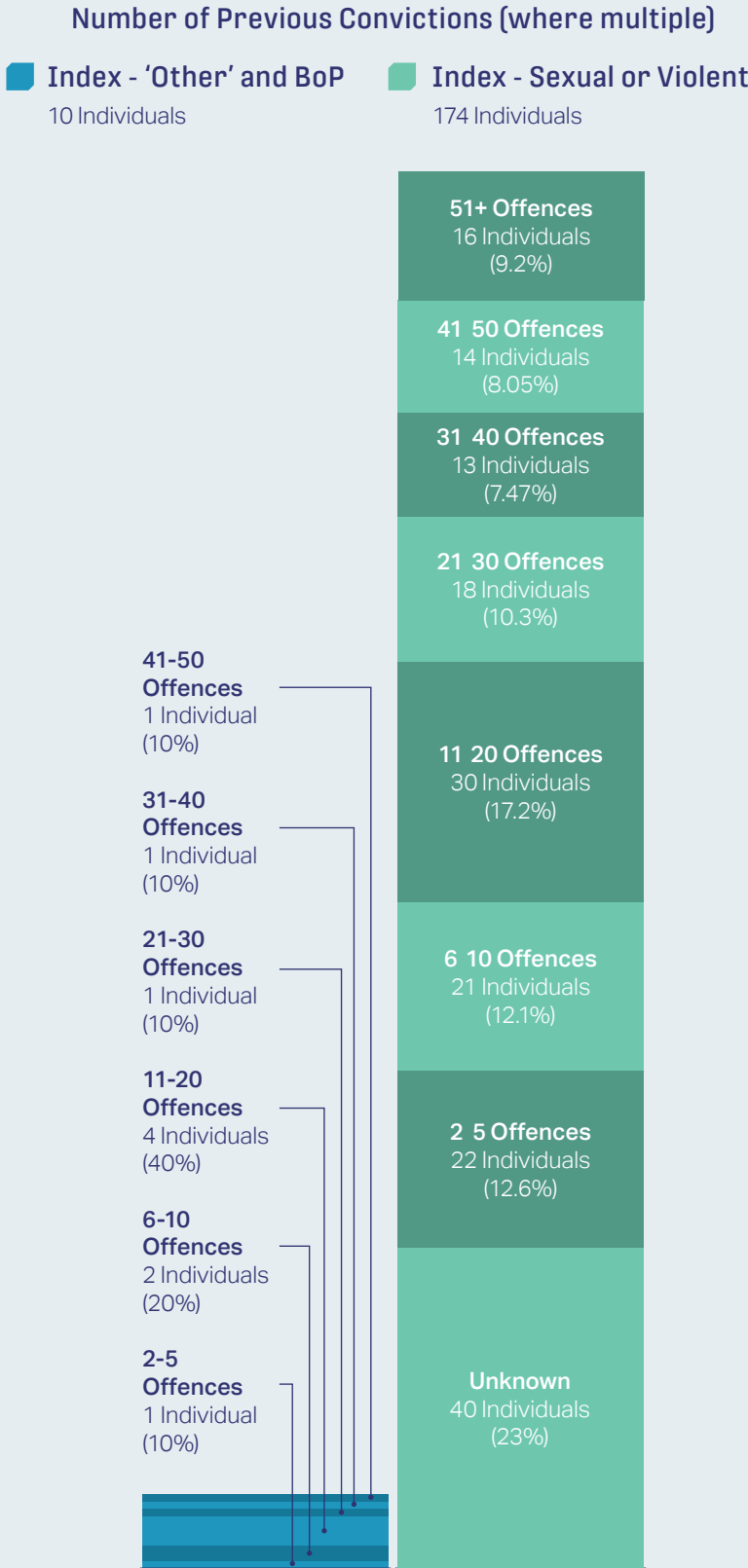


Figure 110. The percentage of individuals who had no, a single, or multiple previous convictions, according to nature of index offending group, and the number of such convictions where multiple

6.3.2 Age at First Conviction

Across both groups, of those who had previous convictions, a high percentage of individuals received their first conviction prior to the age of 18. As can be seen in Figure 111 however, in the 'index – other and BoP' subgroup, individuals were all clustered in the three earliest age categories, with a greater range evident in the 'index – sexual or violent' subgroup. Further, for 13.7% of the 'index – sexual or violent' subgroup, the age of first conviction was unknown.

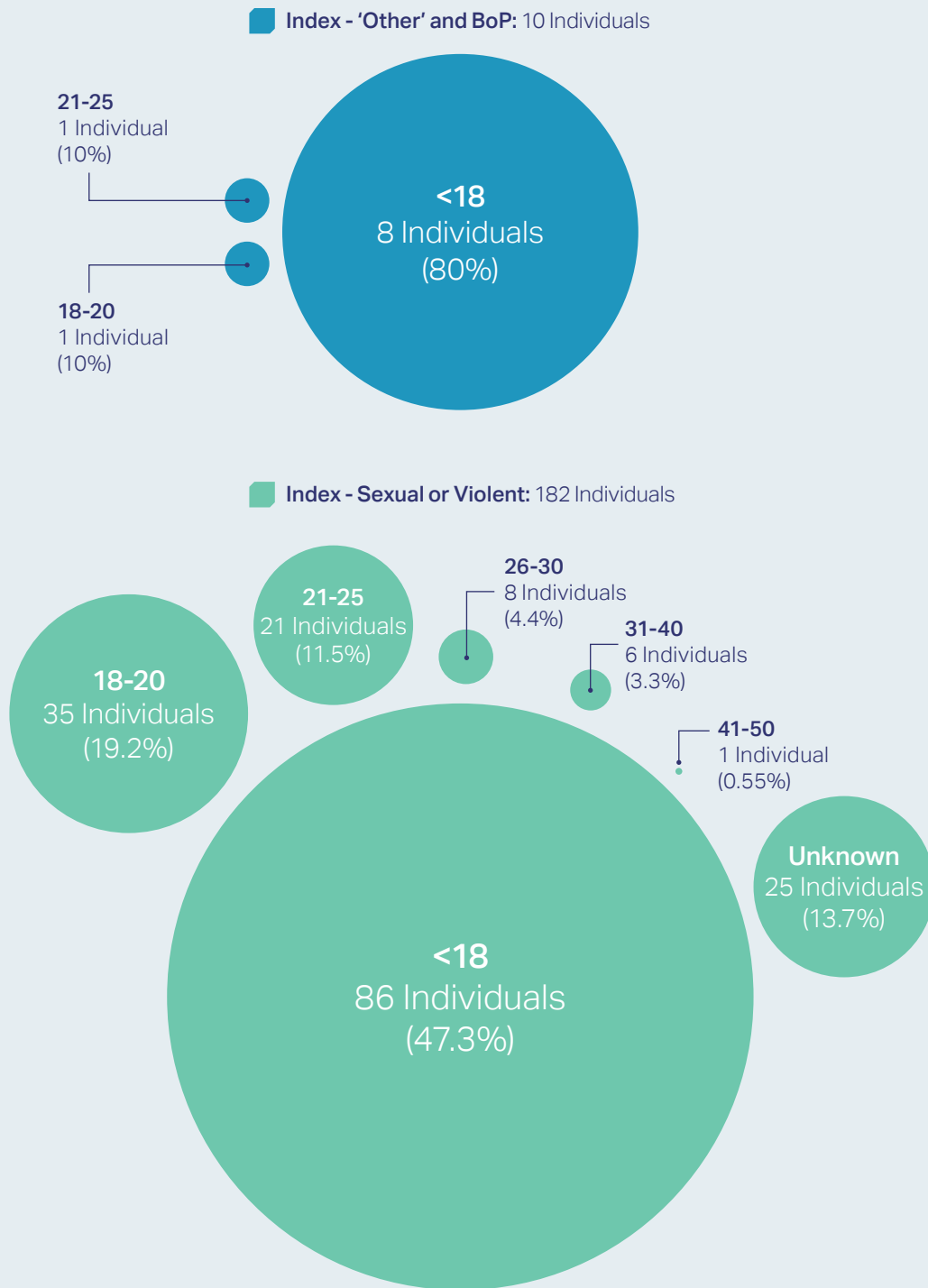


Figure 111. Age at first conviction, according to nature of index offending group (n = 192)

6.3.3 Previous YOI or Adult Imprisonment

Of the individuals in the 'other and BoP' subgroup with previous convictions, all had previously been detained in some form, with four having been so within both a YOI and adult prison (see Figure 112).

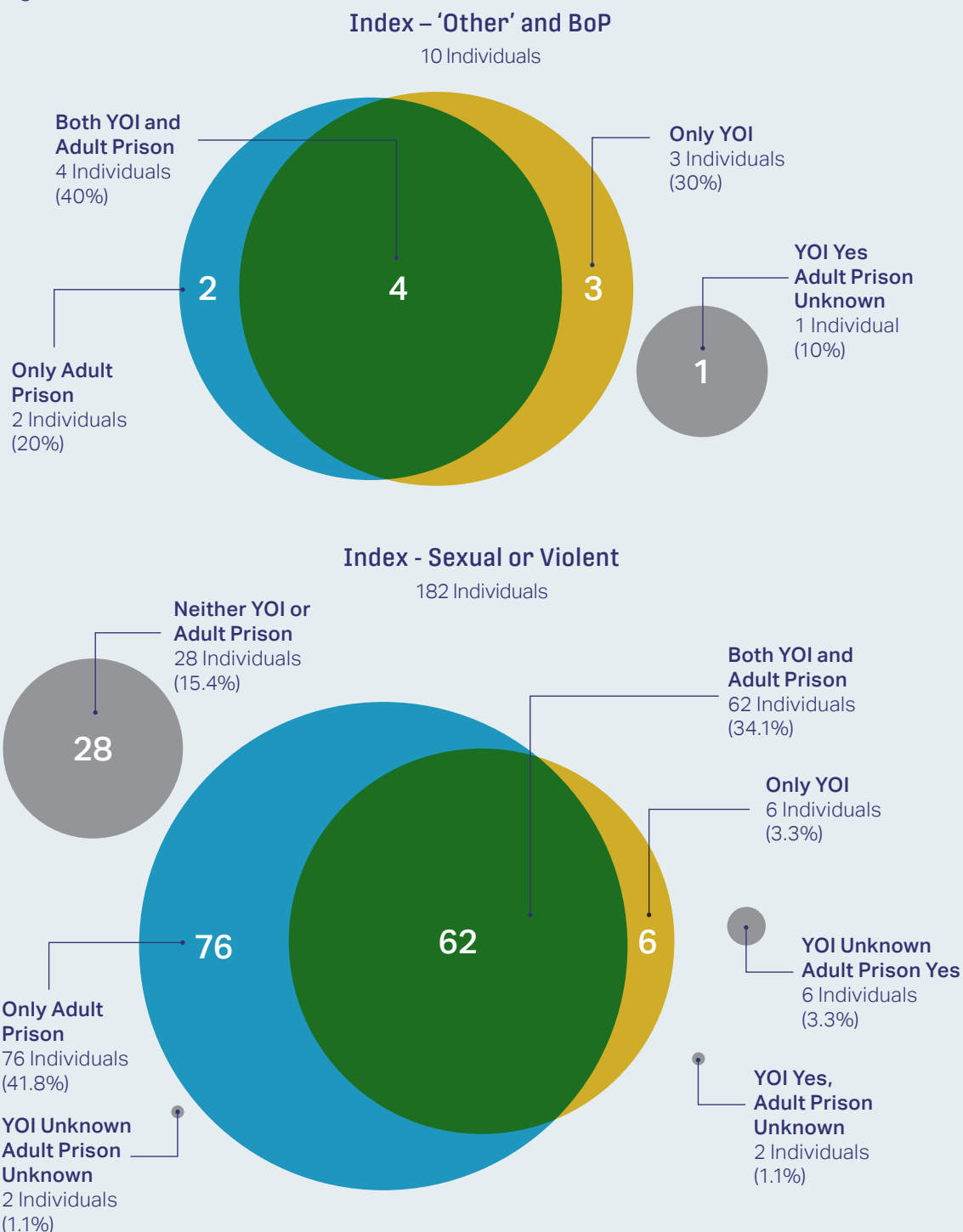


Figure 112. The imprisonment of individuals with previous convictions (n = 192), according to nature of index offending group

6.3.4 Previous Offending – Nature

Across those in the 'index - other and BoP' subgroup with previous convictions, all offending types⁵⁰ were evident. As can be seen in Figure 113, the relative frequency with which each type presented was similar across both subgroups. Whilst however the percentage of individuals with offending of a violent and 'other' nature was similar across groups, the percentage of individuals in the 'index and BoP' subgroup with previous convictions of a sexual nature was double that of the 'index – sexual or violent' subgroup. Additionally, the reverse pattern was seen when considering IPV, with double the percentage of individuals in the 'index – sexual or violent' subgroup having previous convictions for IPV.

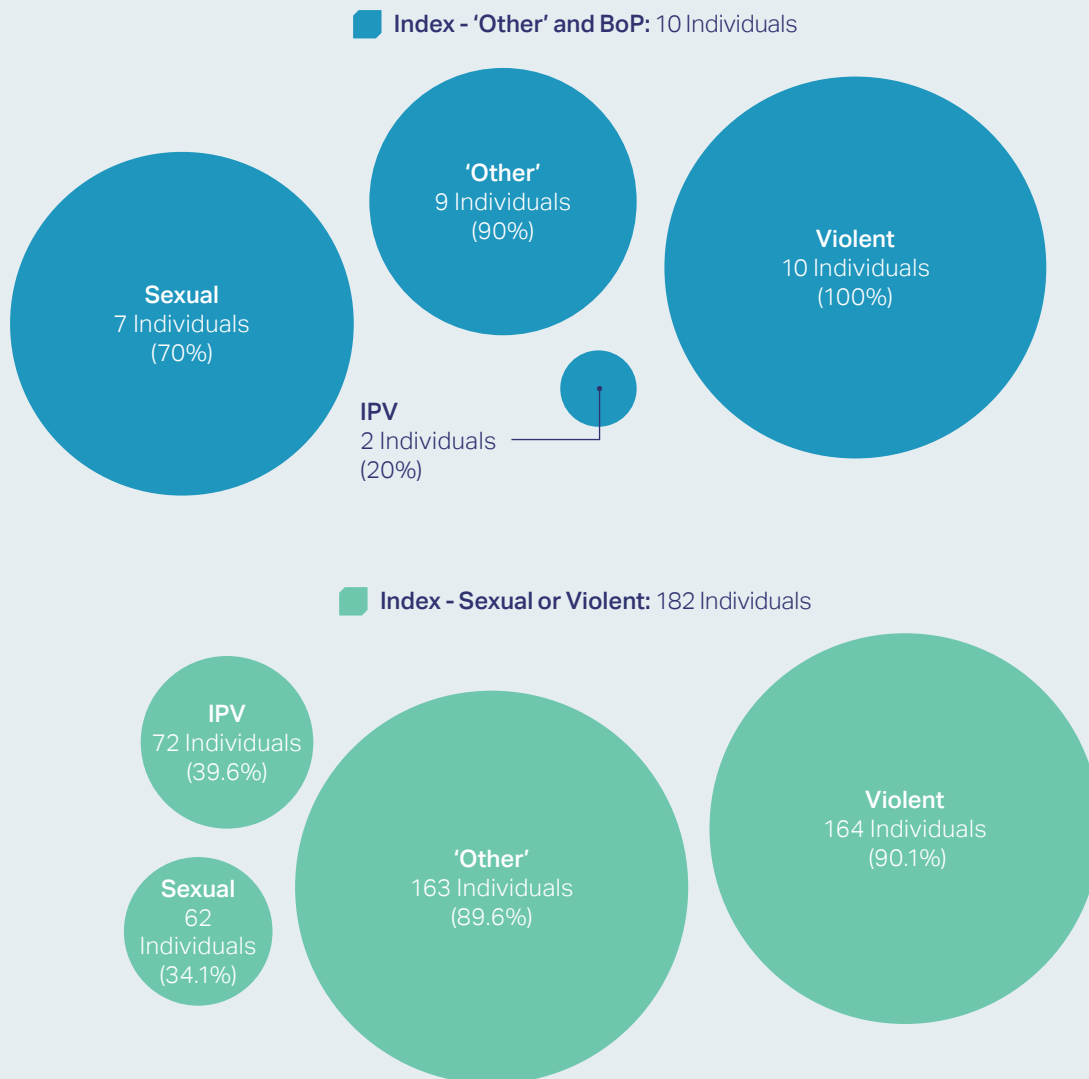


Figure 113. The number and percentage of individuals previously convicted of each offending type (n = 192), according to nature of index offending group (NB: percentages per subgroup may total more than 100% due to overlap)

⁵⁰ Intimate Partner Violence (IPV) included any offence where the victim was an intimate partner or ex-partner. Within this category, whether the IPV was of a violent, sexual, or 'other' nature was captured. Please note that convictions relating to the Domestic Abuse Act were categorised under 'violent'. For full detail, please refer to Section 2.3 and Section 2.4.

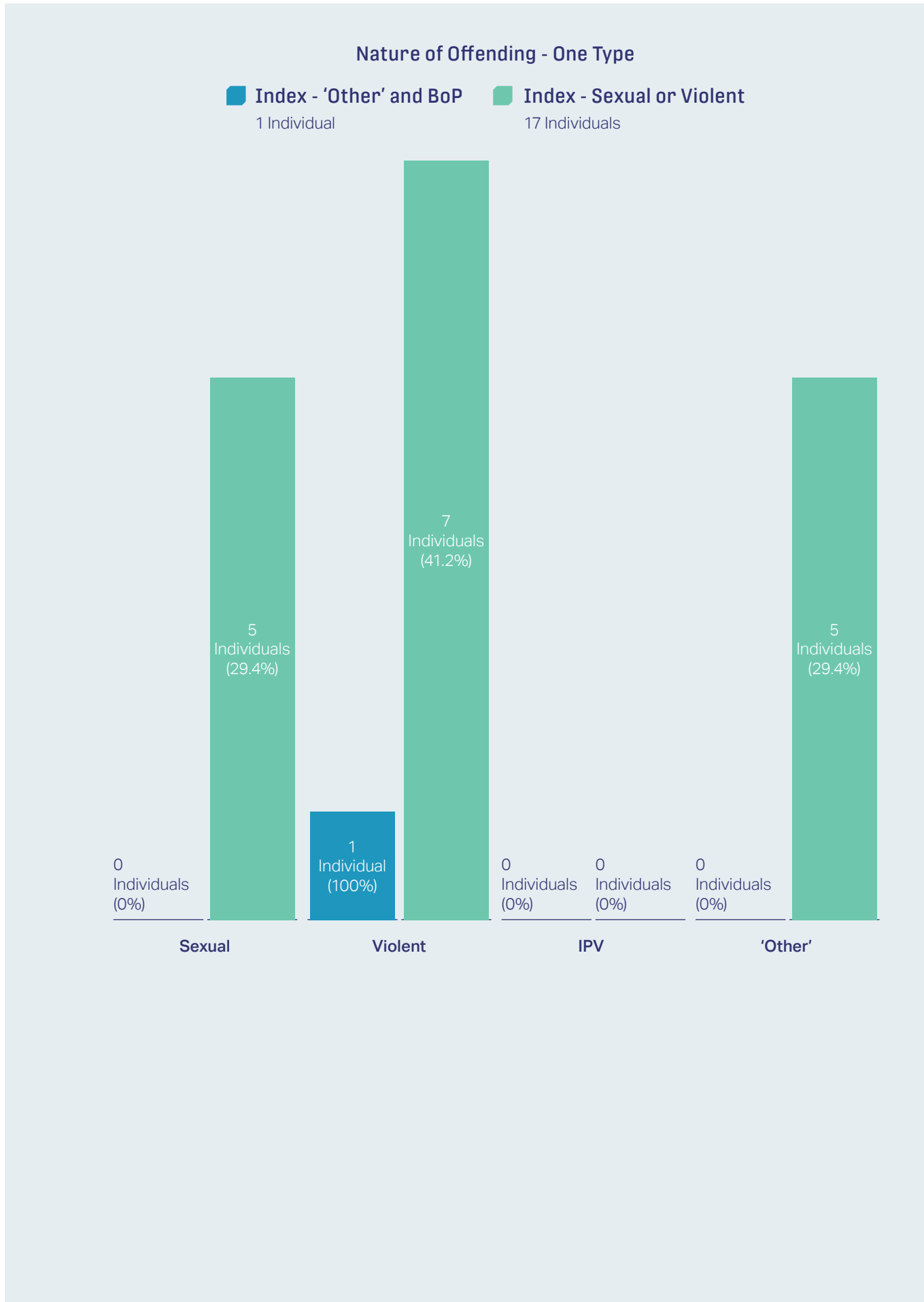
6. THE OFFENDING PROFILE OF INDIVIDUALS MADE SUBJECT TO AN OLR WITH INDEX OFFENDING OF AN 'OTHER' NATURE

Of those with 'other' and BoP index offending 90% had mixed types (i.e. of more than one nature) of previous offences compared to 90.7% of those with sexual or violent index offending. Due to the small sample size, this meant there was only 1 individual in the 'Other' and BoP group that had one type of previous offending, everyone else had mixed previous offending.

In the 'index- 'other' and BoP' subgroup, the nature of the offending of the individual with previous convictions of one type was 'violent'. As can be seen in Figure 114, the nature of such offending (i.e., individuals who had offending of one type) was broader in the 'index – sexual or violent' subgroup, although this did not extend to IPV.

When considering those with convictions of a mixed type, violent offending was again prominent in the 'other and BoP' group, evident – along with offending of an 'other' nature – in all offending combinations. For the vast majority of that group, offending combinations included three or more types of offending, with one individual (11.1%) having convictions for all offence types. Whilst the combination of offending types was broader in the 'index – sexual or violent' subgroup, again violent and 'other' offending featured heavily (see Figure 114). Interestingly, whilst over half the group had convictions for offences of three types or more, overall that percentage was lower as compared with the 'index – other and BoP' subgroup.

6. THE OFFENDING PROFILE OF INDIVIDUALS MADE SUBJECT TO AN OLR WITH INDEX OFFENDING OF AN 'OTHER' NATURE



6. THE OFFENDING PROFILE OF INDIVIDUALS MADE SUBJECT TO AN OLR WITH INDEX OFFENDING OF AN 'OTHER' NATURE

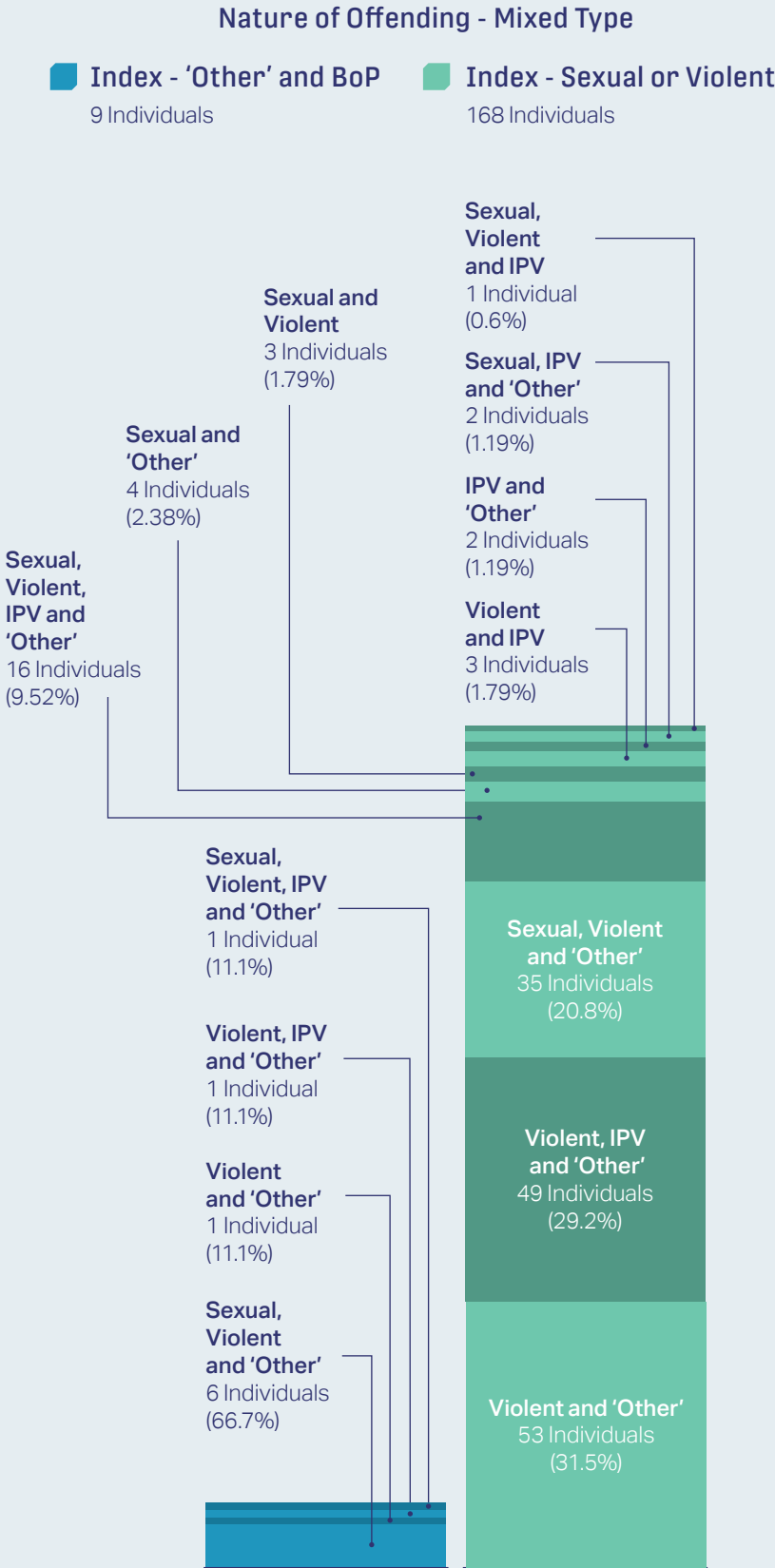


Figure 114. The nature of previous convictions (n = 192) when either one or mixed types according to the nature of individuals' index offending

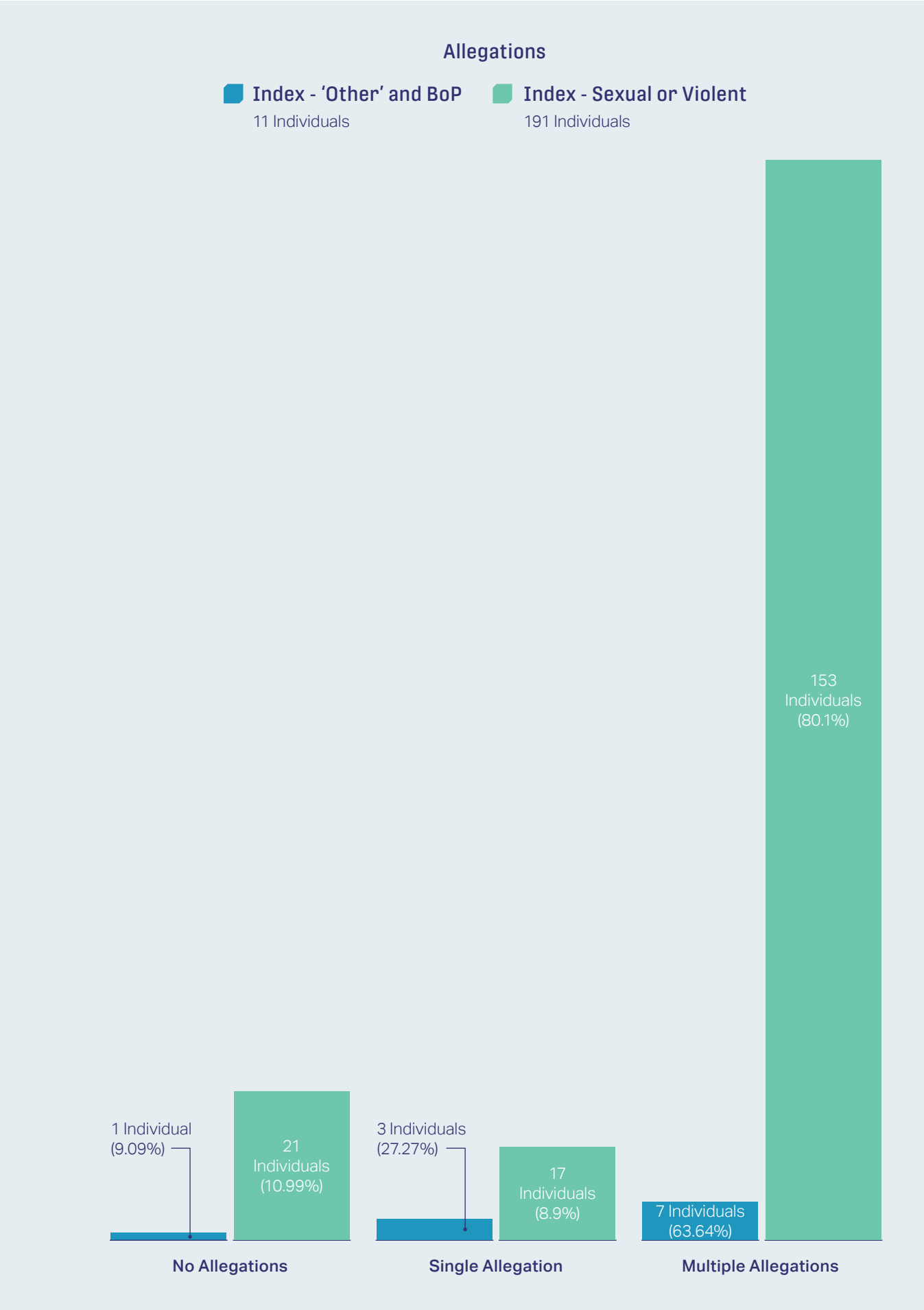
6.4 Alleged and Self-Reported Offending

6.4.1 Alleged Offending – Frequency

As illustrated in Figure 115, in the 'index offending – other and BoP' subgroup, all but one individual had instances of alleged offending (please note that this individual was not the same individual who had no previous convictions), with most having multiple allegations relating to them ($n = 7$). Of the group for whom the number of allegations was known, the number of such allegations ranged from 3-18 ($M = 9.00$, $SD = 5.73$).

As can further be seen illustrated in Figure 115, there was little difference in the percentage of individuals with 11+ allegations, and those with 10 or fewer allegations, between the two groups. Where the groups did diverge however was in the range of the number of allegations, with no individuals in the 'index – other and BoP' subgroup falling into the 21-30, 31-40 or 51+ categories, in contrast to the 'index – sexual or violent' subgroup. The highest percentage of individuals in the 'index offending – other and BoP' subgroup clustered into the 11-20 allegations category.

6. THE OFFENDING PROFILE OF INDIVIDUALS MADE SUBJECT TO AN OLR WITH INDEX OFFENDING OF AN 'OTHER' NATURE



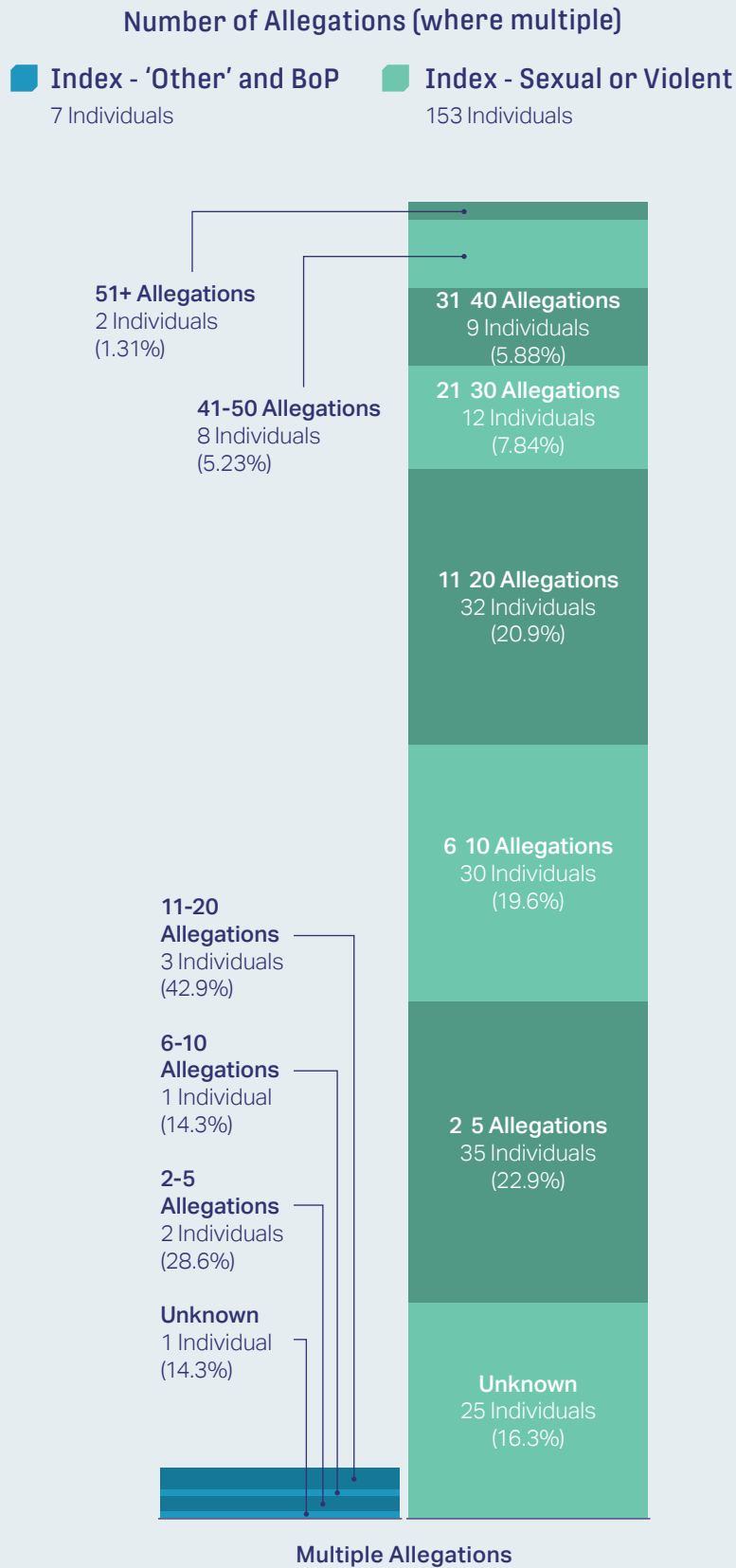


Figure 115. The number and percentage of individuals who had no, a single, or multiple allegations, according to nature of index offending group, and the number of such allegations where multiple

6.4.2 Alleged Offending – Nature

In both subgroups, alleged offending of all types⁵¹ was evident. The relative percentage of each type followed roughly the same pattern in both groups, although note that the percentage of individuals with alleged incidents of IPV was noticeably lower in the subgroup of individuals with index offending of an 'other and BoP' nature (see Figure 116). Please note that, in the case of three individuals in the 'index – sexual or violent' subgroup, no information was known about the nature of individuals' alleged offending, thus they are not present in the following analyses concerned with the nature of alleged offending ($n = 167$).

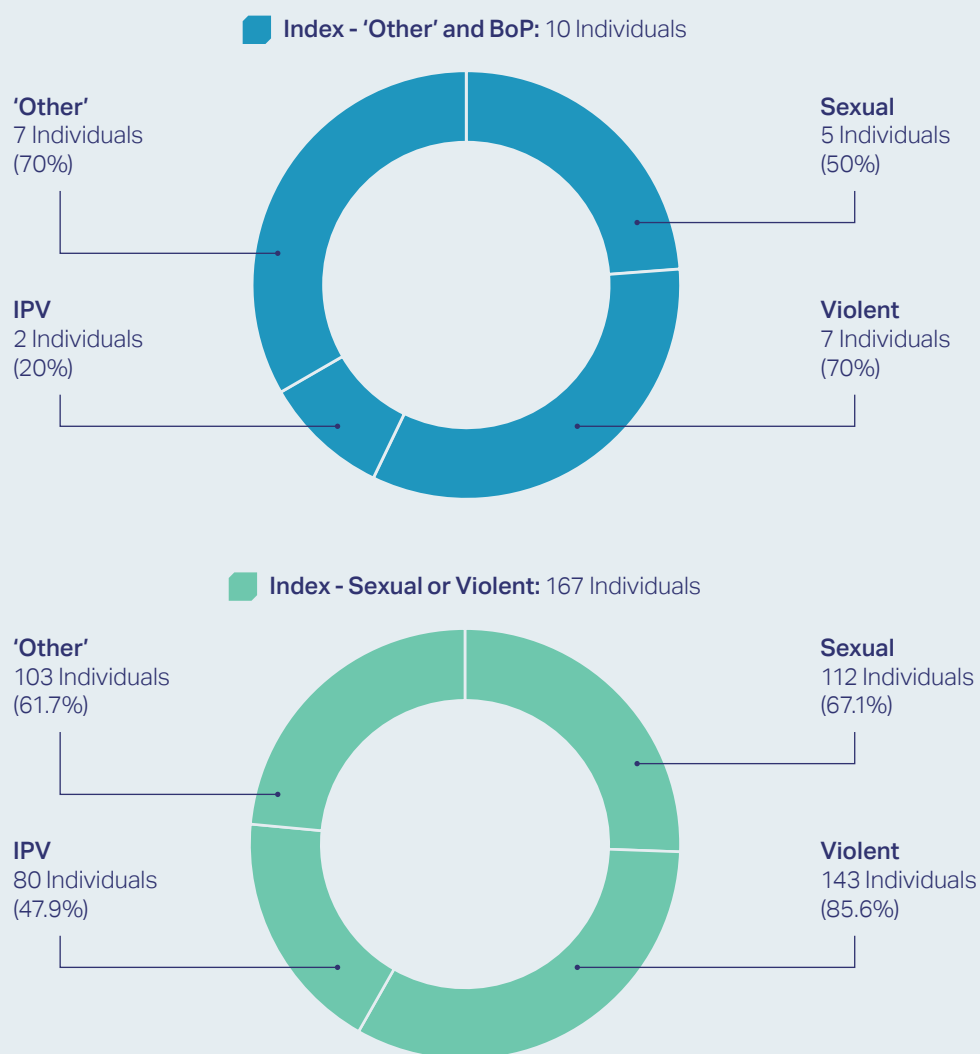


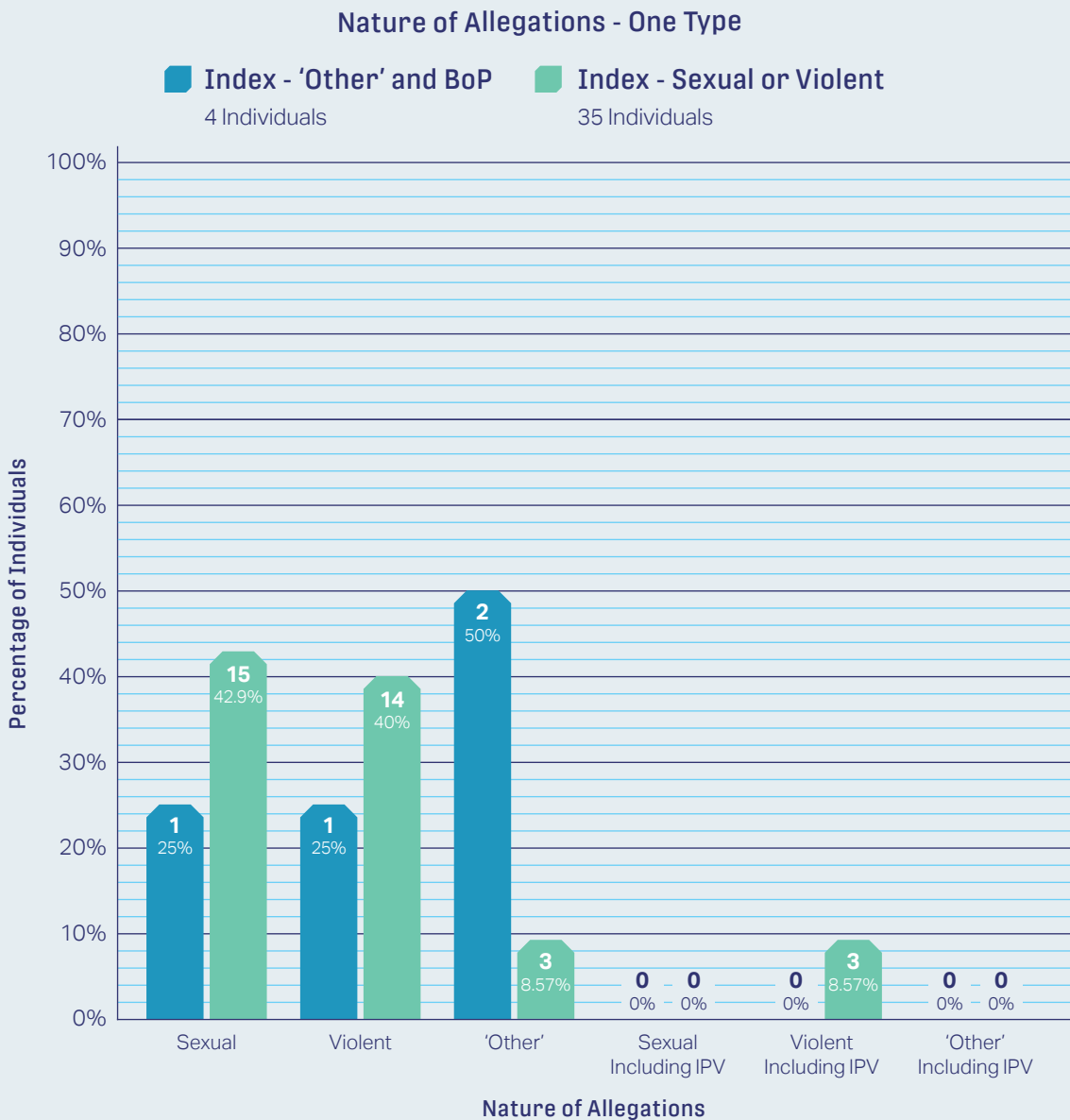
Figure 116. The number and percentage of individuals with allegations relating to each offending type, according to nature of index offending group ($n = 177$) (NB: percentages per subgroup may total more than 100% due to overlap)

⁵¹ Please note that in the case of alleged offending, IPV was double counted. This means that the total number of sexual, violent and 'other' offences includes any instances of IPV of each type. From the reverse perspective, the alleged IPV figure refers to the number of incidents of alleged offending which constituted IPV, and those same incidents are also captured in the overall tallies for each offending type.

6. THE OFFENDING PROFILE OF INDIVIDUALS MADE SUBJECT TO AN OLR WITH INDEX OFFENDING OF AN 'OTHER' NATURE

In both subgroups, the percentage of individuals with allegations of a mixed⁵² type was greater than the percentage of individuals with allegations of one type. The differential was however greater in the group of individuals with index offending of a sexual or violent nature with 79% (n = 132) of that sample having mixed types of allegations, compared to 60% (n = 6) of the group with 'Other' and BoP index offences.

Detail regarding the nature of alleged offending where it was of one type can be found in Figure 117. Please note that the three examples of individuals with single-type allegations which include IPV in the 'sexual or violent offending' subgroup all had one allegation, and the nature of that single allegation was violence involving an intimate partner.



⁵² To reiterate, the information collected regarding alleged offending was less detailed than that concerned with convicted offending. As such, it was only possible to consider allegation information with IPV double counted. For the purposes of this calculation, any individuals with, for example, multiple allegations of a sexual nature including IPV, are included under 'mixed' offending.

6. THE OFFENDING PROFILE OF INDIVIDUALS MADE SUBJECT TO AN OLR WITH INDEX OFFENDING OF AN 'OTHER' NATURE

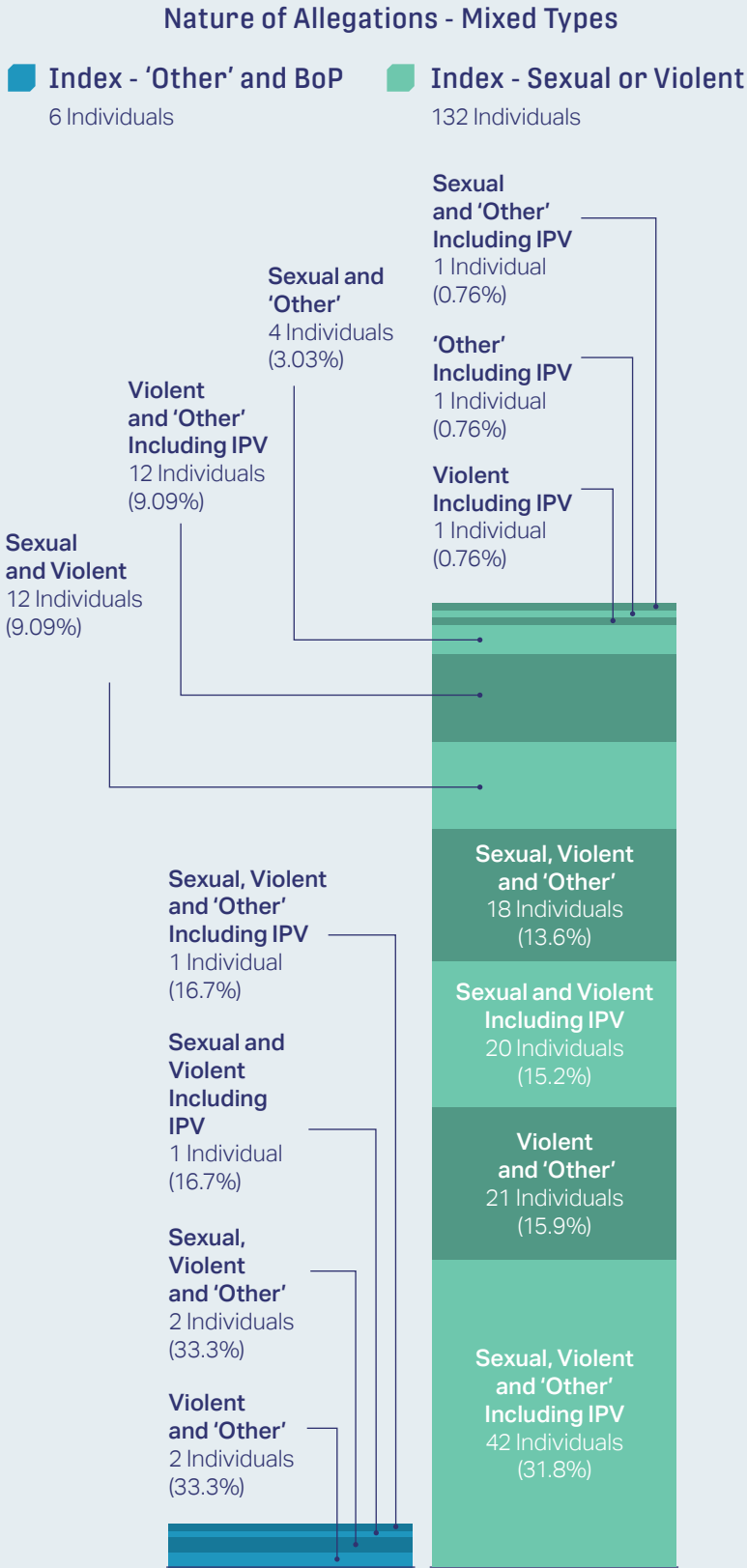


Figure 117. The number and percentage of individuals with previous allegations (n = 177) comprised of one type or mixed types, according to nature of index offending group, and the nature of such allegations

Of those in the 'index – other and BoP' subgroup with allegations of a single type, that type was most commonly 'other', with allegations of a sexual and violent nature also represented. This pattern was the reverse of that seen in the 'index – sexual or violent' subgroup, within which the lowest percentage of individuals had allegations of solely an 'other' nature.

In line with the pattern seen when considering previous convicted offending, in the subgroup of individuals with index offending of an 'other and BoP' nature, alleged incidents of violence were common to all patterns of mixed alleged offending (see Figure 117). Again, as with previous convictions, the majority of the group had allegations of three offending types or more (please note that 'including IPV' has been counted here as a separate type – such that, for example, 'sexual and violent including IPV' would be viewed as three types of offending).

In only a small number of RARs was it explicitly outlined that alleged offending influenced the risk rating. Of that small number however, one was contained in the group of individuals made subject to an OLR with index offending of an 'other and BoP' nature.

6.4.3 Self-Reported Incidents - Frequency

In both subgroups, just under half of the group self-reported further incidents of offending (see Figure 118).

6. THE OFFENDING PROFILE OF INDIVIDUALS MADE SUBJECT TO AN OLR WITH INDEX OFFENDING OF AN 'OTHER' NATURE

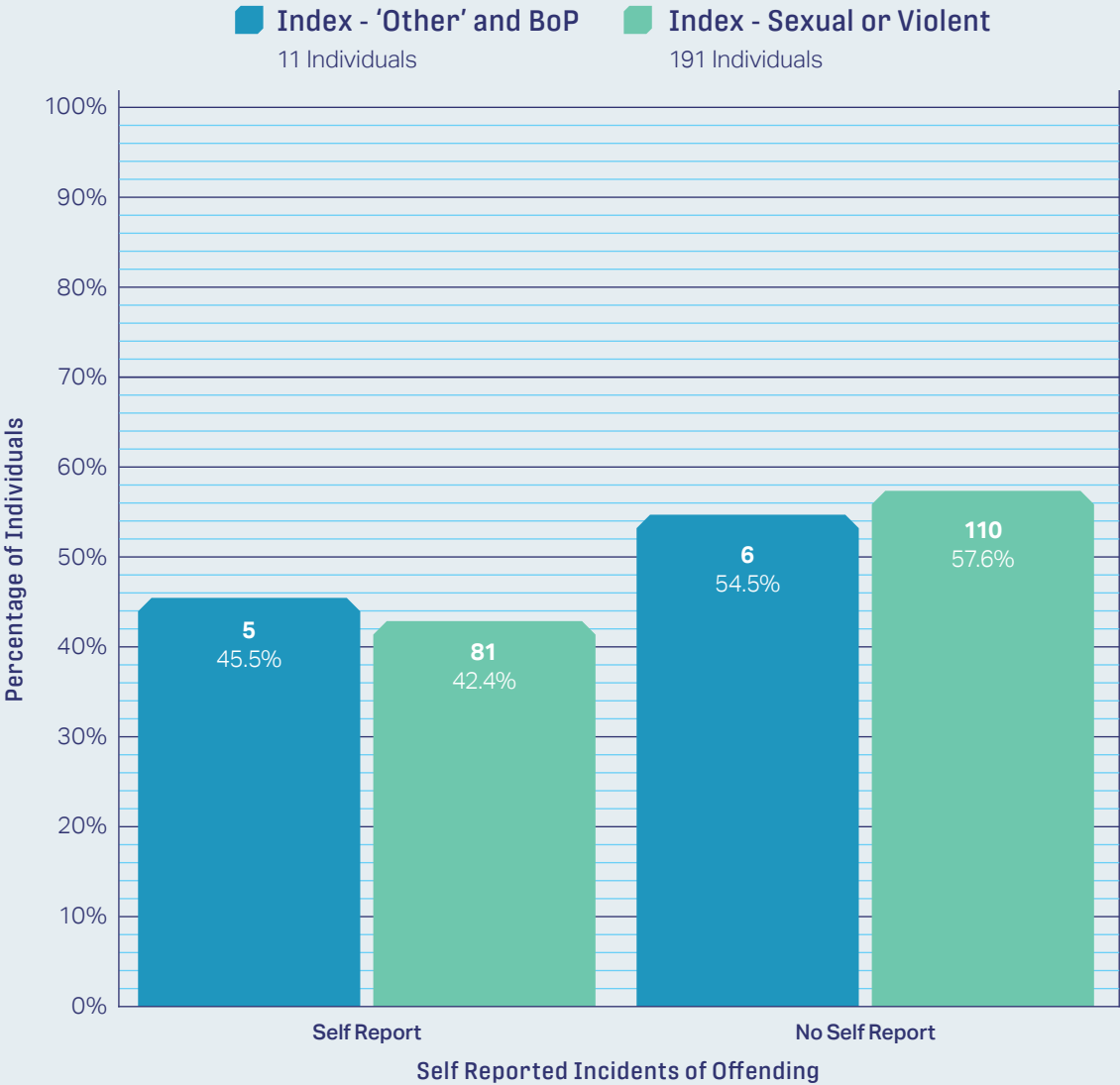


Figure 118. The number and percentage of individuals with self-reported further incidents of offending, according to nature of index offending group

6.4.4 Self-Reported Incidents - Nature

Interestingly, as can be seen in Figure 119, the nature⁵³ of self-reported further incidents (where present) were fairly similar across groups, with incidents of a violent or 'other' nature occupying the highest percentages in both subgroups. Whilst the difference in percentages between groups was small, a slightly higher percentage of individuals in the 'index – other and BoP' subgroup self-reported incidents of a sexual nature, whilst the reverse was true when considering the self-reporting of violent incidents.

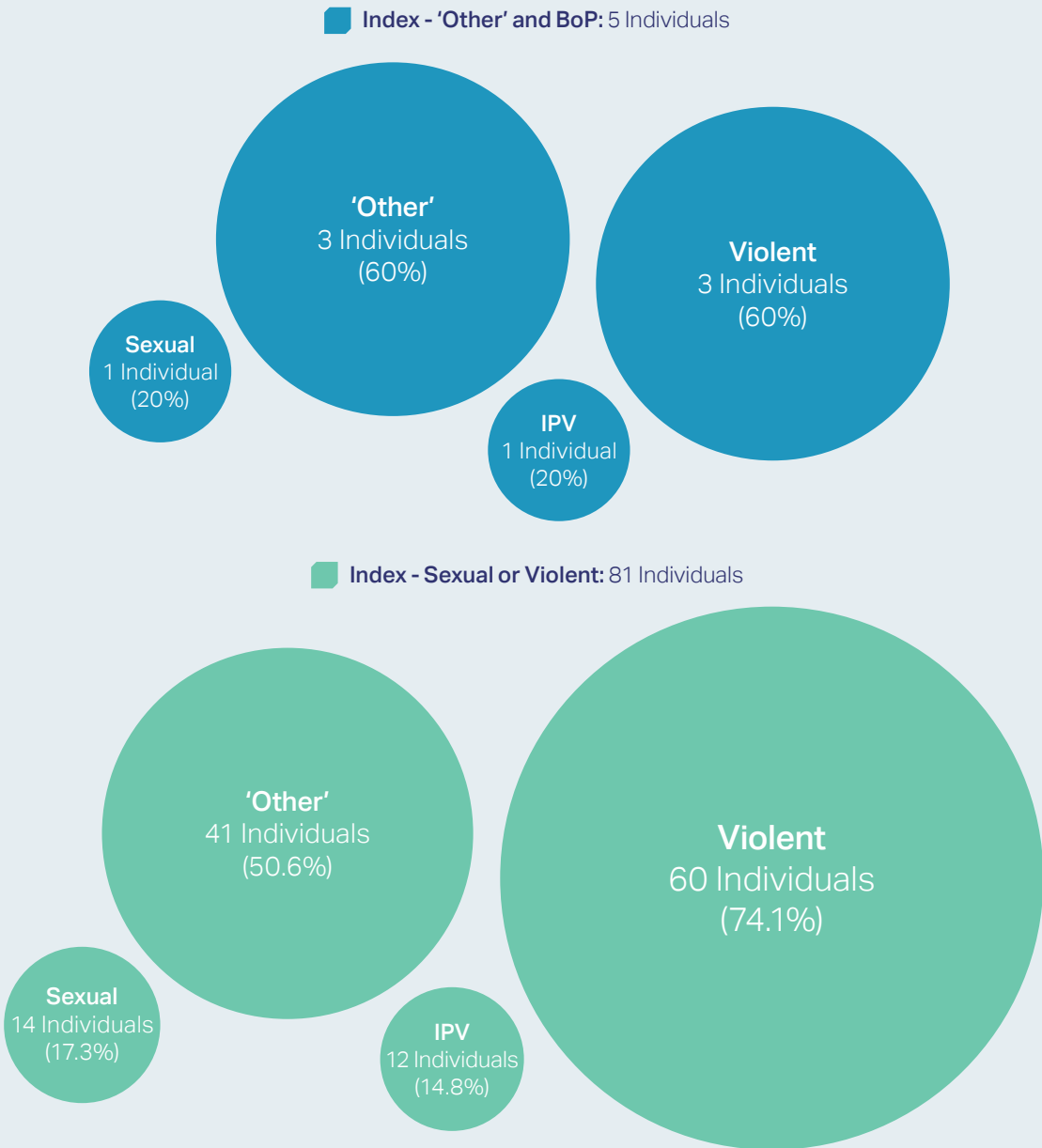


Figure 119. The nature of self-reported incidents reported (n = 86), according to nature of index offending group (NB: percentages per subgroup may total more than 100% due to overlap)

⁵³ Please note that, as with alleged offending, IPV is double counted such that, for example, self-reported IPV of a sexual nature will appear both in 'IPV' and 'sexual'.

6.5 Discussion

This chapter was interested in examining those with index offences involving 'other and BoP' offences and those with 'sexual and violent' offences. The subgroup of individuals with 'other BoP' index offences was comprised of 11 individuals.

Interestingly, the analysis revealed noticeable differences between those with 'other and BoP' index offences and those with 'sexual or violent' index offences. The majority of those in the 'other and BoP' subgroup had a single index offence (though, as noted earlier, a single index offence can include offending over a period of time that was charged as a single offence), whilst the opposite was true of the 'sexual or violent' index offending subgroup, the majority of whom had multiple index offences. It is important to note here that at least some of the individuals in the 'sexual or violent' offending subgroup will also have had offending of an 'other' nature. Or, to consider it from the reverse perspective, a number of individuals with index offences of an 'other or BoP' nature will also have had offences of a 'violent or sexual nature', and those individuals will present within the 'sexual or violent' subgroup as having multiple convictions. All that is to say, findings from this population would suggest that it appears more unusual to commit multiple 'other and BoP' offences and no other type of index offending, than to commit a variety of index offence types which may also include 'other' or BoP offences.

The age ranges in both groups is notable; those in the 'other and BoP' subgroup had greater representation in the younger age groups (age 25 and below, with two individuals being below the age of 21). Additionally, most individuals (80%) in the 'other and BoP' subgroup had previously spent time in a YOI; a much higher percentage than seen in the 'index – sexual or violent' subgroup. This finding could reflect differences seen in the age of first conviction between the two subgroups. Whilst across both subgroups, the majority of individuals received their first conviction prior to the age of 25, in the case of the 'index – other and BoP' subgroup, all individuals fell into this bracket, whilst the range was slightly larger in the 'index – sexual or violent' subgroup (note, too, that exact age of first conviction was unknown for 13.7% of the 'index – sexual or violent' subgroup). Further, by far the greatest percentage of individuals in the 'index – other and BoP' subgroup had received their first conviction prior to the age of 18 – a much higher percentage than that seen in the 'index – sexual or violent' subgroup. This pattern is an interesting one, and might be worthy of further exploration in future studies – particularly in light of the findings regarding the nature of previous convictions.

All but one individual in the 'other and BoP' group had previous convictions; a number which actually translated to a higher percentage of the group as compared with the number of individuals with no previous convictions in the 'sexual and violent' subgroup. Of those in the 'other and BoP' group with previous convictions, all had convictions for offending of a violent nature – accompanied in the vast majority of instances by convicted offending of an additional type/types. This finding was in slight contrast to that seen in the 'violent and sexual' subgroup however does, somewhat interestingly, match the pattern of previous offending seen in the group of young people, whereby again all individuals had previous convictions of a violent nature. Further exploration of this crossover, potentially through comparison of other factors (such as particular socioecological factors) and consideration of the nature of the exact violent convictions between groups, could prove interesting. Interesting to note too, in the 'index – other and BoP' group, was the prevalence of previous convictions of a sexual nature, and the complexity of previous conviction profiles more broadly. Nearly all individuals in the 'index – other and BoP' subgroup who had previous convictions had such convictions

consisting of three or more offence types; a higher percentage than seen in the 'index – sexual or violent' subgroup. Considering this in light of what is known about the high percentage of individuals in the 'index – other and BoP' group who received their first conviction before the age of 18, future studies could explore the trajectory of offending amongst this group, particularly the ages at which they received the first conviction for each offence type.

Whilst the majority of the group had convictions from a young age, at the time of OLR imposition over half were aged 31+, suggesting that for many offending had continued over a prolonged period. As discussed within Section 3.7, further exploration of these patterns, particularly in relation to relevant theories regarding offending across the life course, could provide useful insight.

Analysis of alleged offending also revealed differences between the groups, as well as interesting patterns within the 'other and BoP' group itself. IPV allegations were much lower in the 'other and BoP' group, while the numbers of sexual, violent, and 'other' allegations were generally closer between the two groups. Similar to the pattern seen in previous convictions, almost all individuals in the 'other and BoP' group were the subject of violent allegations. Interestingly, whilst in both groups a majority had alleged offending of mixed types, this differential was much smaller in the 'index – other and BoP' group. In other words, a higher percentage of individuals had alleged offending of only one type, as compared with the 'index – sexual or violent' subgroup. Where alleged offending was of mixed types, it broadly followed the same pattern seen in previous offending – that is, it was primarily of three types or more.

As detailed in the introduction, in light of the fact that the index offence(s) of those made subject to an OLR does not need to be a serious violent or sexual offence, concerns about net-widening in relation to the OLR have been raised. Specifically, Morrison and Van Zyl Smit (2020) suggested there is a risk of net-widening whereby the OLR could be used for 'relatively minor offences' in addition to serious offences, if there is considered to be a potential future risk. The data considered within this chapter would suggest that, in the majority of cases, individuals with index offences of an 'other and BoP' nature had multiple previous convictions (primarily of more than one type) and/or multiple incidents of alleged offending. It is important to note here however that one individual in the index 'other and BoP' subgroup had no previous convictions. One could argue, on paper, that such a profile in particular may constitute net-widening, however it is suggested that drawing such a conclusion from this data alone would be presumptive.

Firstly, as has been made clear at multiple points throughout this document, the aim of this study was to gain an understanding of the offending profiles of those subject to an OLR, through looking at convicted, alleged and self-reported offending. Data concerned with motivation and intent of convicted offending has not been considered here, nor detail gleaned from the formulation – all of which collectively feed into decision making during the risk assessment process. Focusing on such detail within future studies – both within this and other subgroups considered within this study – is clearly warranted, and would enable a more holistic understanding of individuals within such subgroups to be established. Specifically, it would enable a greater understanding of their perceived risk – something which cannot be established through considering offending data alone.

Secondly, as outlined within the introduction, the subgroup under consideration here is an artificial one, created – using specific criteria – for the purposes of this study. Whilst the criteria applied identified individuals sentenced to the OLR whose index offending would likely

not be considered a sexual or violent crime, it is not suggested that it be automatically assumed that the group represents those who are considered to have a "...propensity to commit' a sexual or violent offence" (as outlined within Section 210B (1) (b) of the Criminal Procedure [Scotland] Act 1995)⁵⁴. Furthermore, whilst the imposition of an OLR relates to an individual's risk, which is assessed by an accredited assessor who will assign a risk rating based on their assessment, it is ultimately a question for the Judge to determine as to whether the risk criteria are met and, as such, whether an OLR is imposed. Whilst these caveats need to be borne in mind, it is not being suggested that this complexity be used to shy away from attempts to understand this, and other OLR subpopulations (such as those with a medium risk rating, for example). Rather that, as per the process adopted here, subgroups with clearly defined criteria are identified and care taken not to generalise those findings beyond those specific criteria. In addition to the avenue for further research outlined in the above paragraph, of additional interest within future studies could be further exploring the crossover between subpopulations, as well as comparing characteristics between subgroups.

⁵⁴ Accessible at [Criminal Procedure \(Scotland\) Act 1995 \(legislation.gov.uk\)](https://legislation.gov.uk)

7. THE OFFENDING PROFILE OF INDIVIDUALS MADE SUBJECT TO AN OLR WITH NO PREVIOUS CONVICTIONS

This chapter is concerned with the subgroup of individuals (December 2006 – 31st March 2021) who had no convictions prior to that which prompted an RAO. Of focus within this chapter is the pattern of index offending of that group, in addition to the pattern of alleged and self-reported offending.

As with all other chapters, information relating to this subgroup's index, alleged and self-reported offending will first be presented, followed by a consideration of those findings.

7.1 Demographic and Overall Group Information

7.1.1 Age Groups

Across all years, 10 individuals made subject to an OLR had no previous convictions. The age of individuals within this subgroup, as clustered into age categories, is provided in Figure 120.

Whilst both groups showed largely analogous patterns – i.e., with percentages increasing to peak at 31-40, before declining – the two groups showed an inverse pattern when looking at the 41-50 and 51-59 age categories. Specifically, the percentage of individuals in the 'no previous convictions' subgroup in the 51-59 category ($n = 2$, 20%) was greater than that in the 41-50 category ($n = 1$, 10%), whilst the reverse pattern was seen in the 'previous convictions' subgroup. A higher percentage of individuals with no previous convictions were aged 25 or under at the time of sentencing, as compared with the 'previous convictions' subgroup.

7. THE OFFENDING PROFILE OF INDIVIDUALS MADE SUBJECT TO AN OLR WITH NO PREVIOUS CONVICTIONS

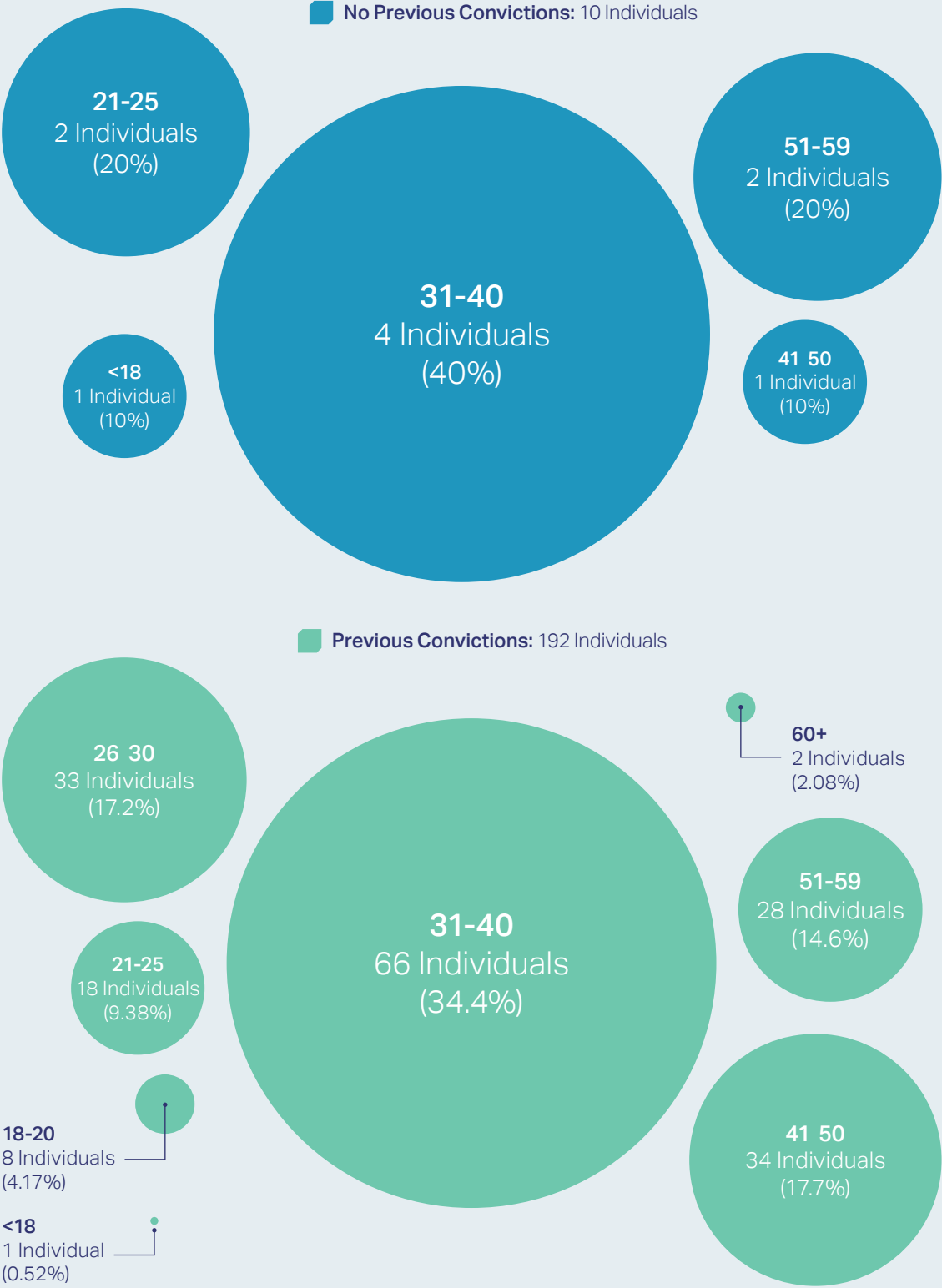


Figure 120. The age of individuals according to the presence of previous convictions

7.1.2 Years OLR Imposed

To date, OLRs have been imposed for individuals with no previous convictions across six separate years, with the most recent being in 2017. As illustrated in Figure 121, when looking at the overall totals per year, it was evident that individuals with no previous convictions were most prevalent within the 2010 cohort.

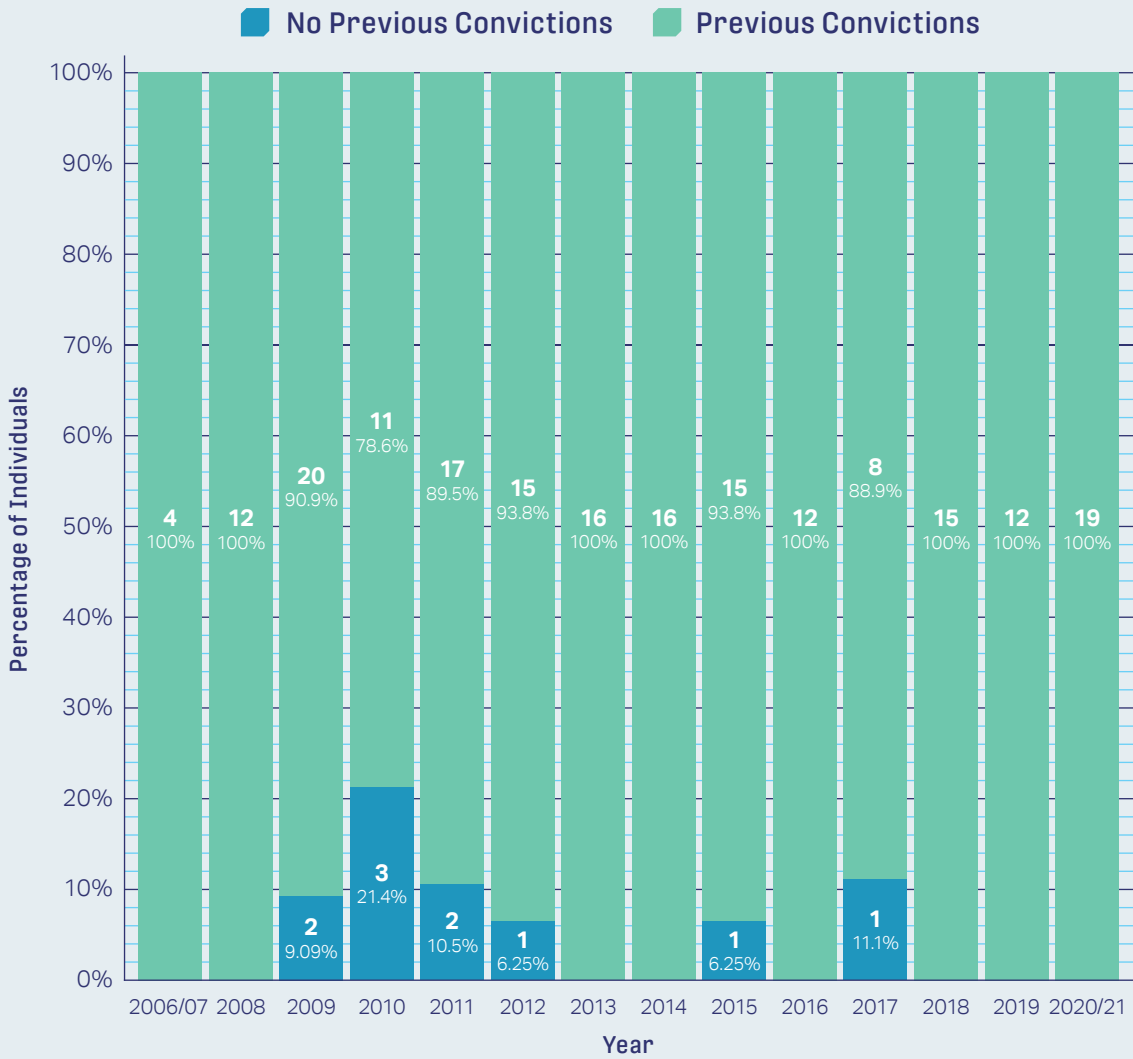


Figure 121. The number and percentage of individuals made subject to an OLR per year, according to the presence of previous convictions

7.1.3 Risk Rating

Whilst again in both groups the majority of individuals were assigned a risk rating of 'high', the differential (as compared with the percentage of individuals assigned a risk rating of 'medium') was greater in the 'previous convictions' subgroup. By extension, the percentage of individuals with no previous convictions assigned a risk rating of 'medium' was much greater than that in the 'previous convictions' subgroup (for detail, see Figure 122).

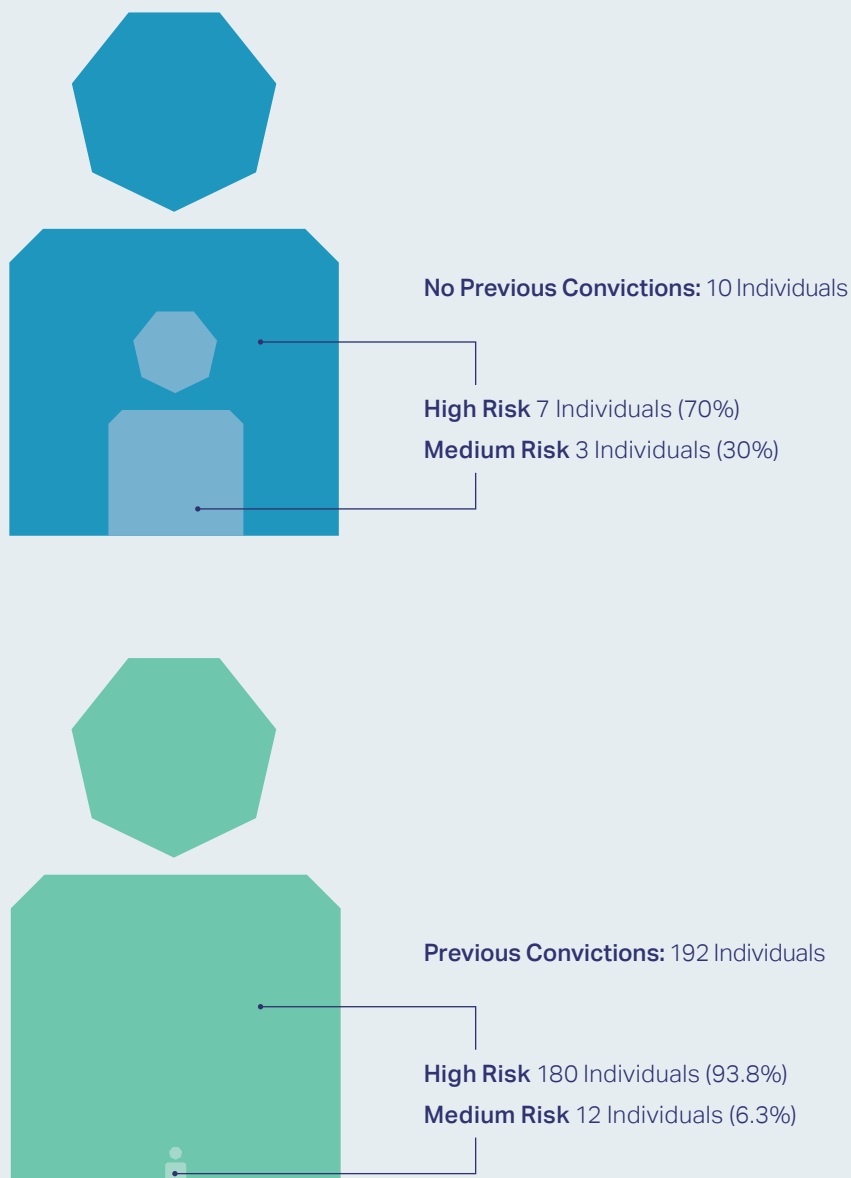


Figure 122. The number and percentage of individuals assigned each risk rating, according to the presence of previous convictions

7.2 Index Offending

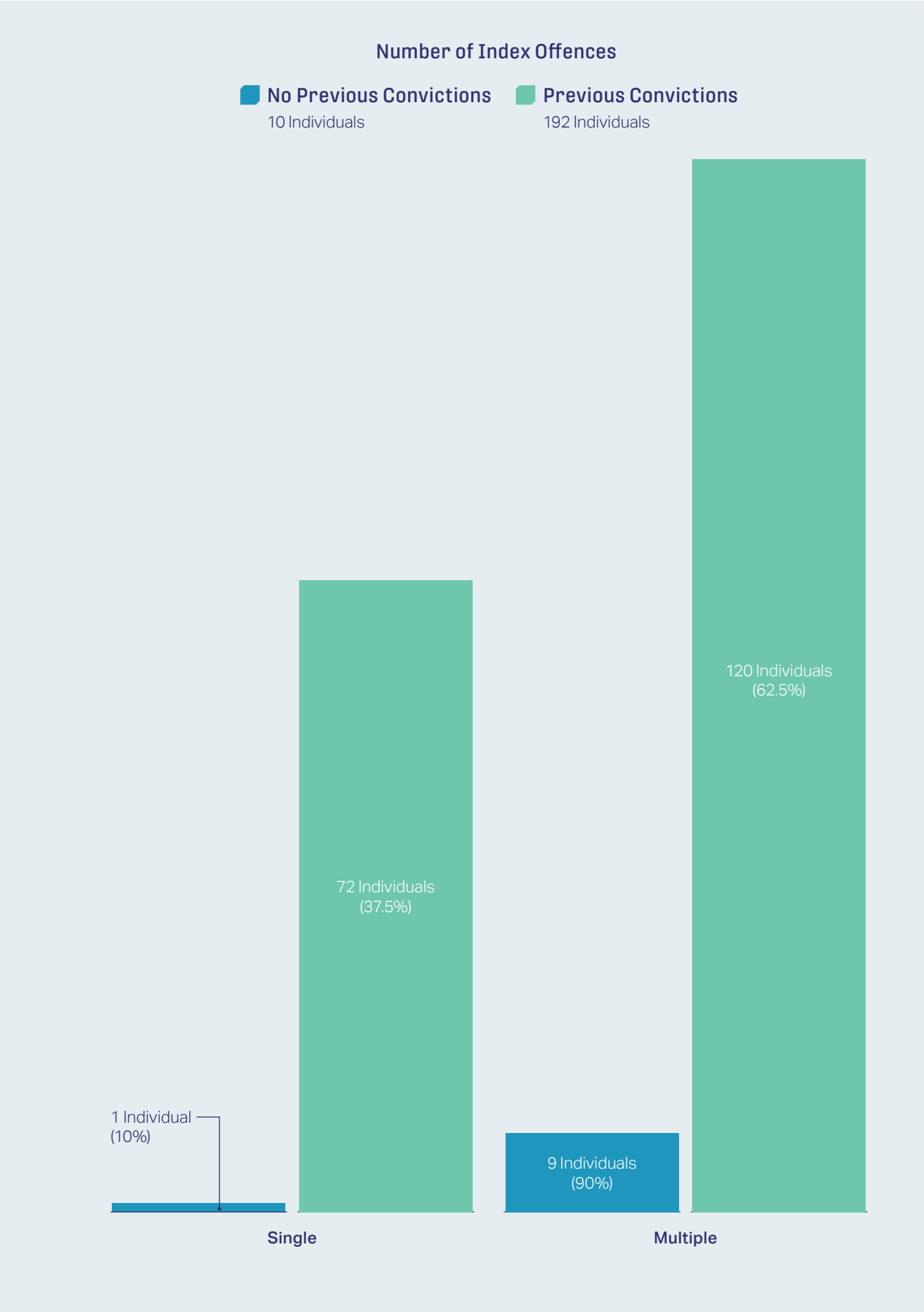
7.2.1 Index Offending - Frequency

In both subgroups – i.e., individuals both without and with previous convictions – a greater percentage of individuals had multiple index offences.⁵⁵ The differential was noticeably greater in the ‘no previous convictions’ subgroup however, with 90% of individuals having multiple index offences, as compared with the 10% of individuals who had a single index offence (see Figure 123).

Whilst some individuals in the ‘previous convictions’ subgroup (*Range* = 2-49, *Mean* = 7.01, *SD* = 6.89), had a higher number of index offences than anyone in the ‘no previous convictions group’, (*Range* = 2-32, *Mean* = 13.44, *SD* = 11.1), overall the latter group had a higher percentage of individuals with 11+ index offences (see Figure 123 for full detail).

⁵⁵ Please note that, due to the way offences are charged, one conviction may cover multiple instances of the offence occurring over an extended period. This might occur, for example, when it is known that the offence was committed against an individual on multiple occasions, but the exact dates on which each of those offences occurred is not known (for more information about the way offences are charged, please see the Scottish Crime Recording Standard (Scottish Crime Reporting Board, 2019). This means that one individual with multiple offences of which the dates are unknown and another individual with the same number of offences but where the dates are known could have a different number of convictions, albeit for similar patterns of offending.

7. THE OFFENDING PROFILE OF INDIVIDUALS MADE SUBJECT TO AN OLR WITH NO PREVIOUS CONVICTIONS



7. THE OFFENDING PROFILE OF INDIVIDUALS MADE SUBJECT TO AN OLR WITH NO PREVIOUS CONVICTIONS

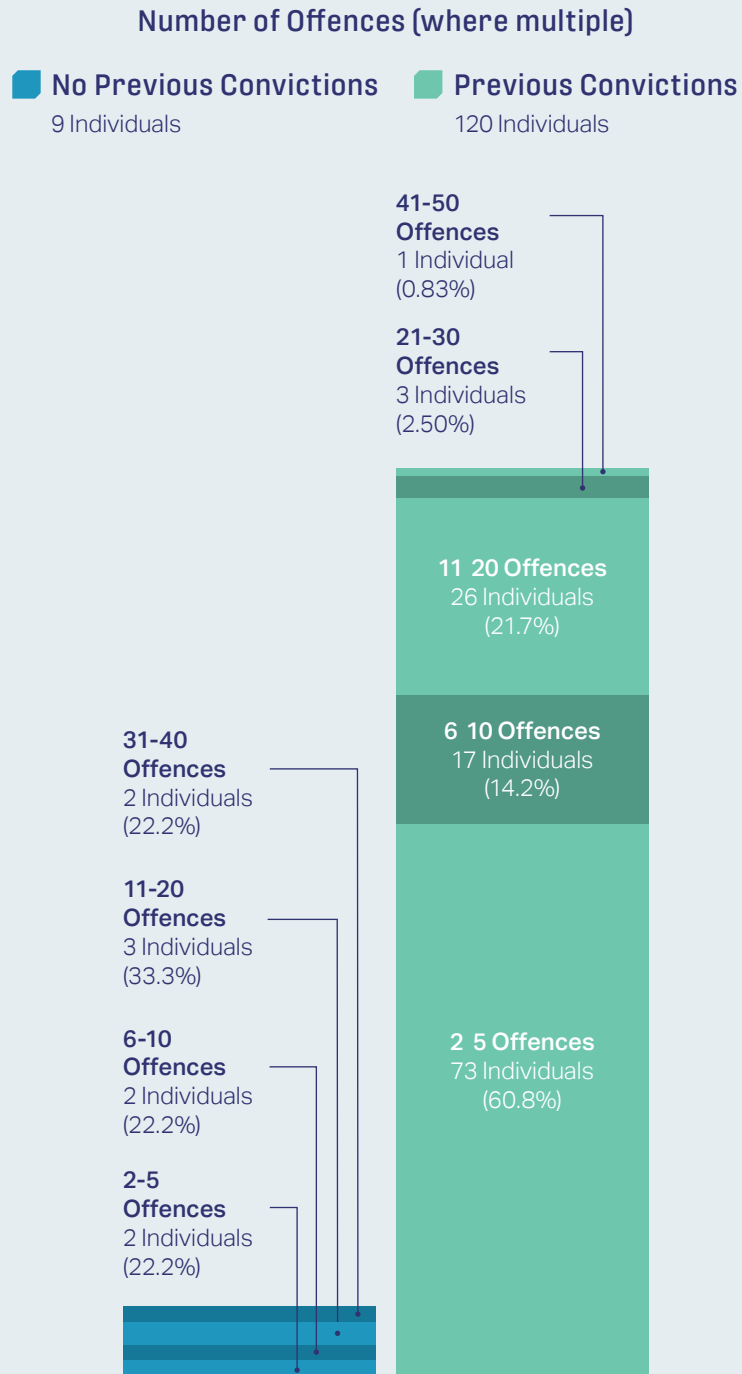


Figure 123. The number and percentage of individuals made subject to an OLR with single and multiple index offences, according to the presence of previous convictions, and the number of such offences where multiple

7.2.2 Index Offending - Nature

There were some differences between the groups when considering the nature of index offending.^{56,57} Sexual offending was the most common index offending for those with no previous convictions ($n = 8$, 80%). This was a much higher proportion than those with previous convictions; just under half ($n = 91$, 47.4%) of that sample had sexual index offending. When looking at IPV index offending, there was only 1 individual from the group with no previous convictions (10%), compared to just over a quarter of those with previous convictions ($n = 54$, 28.1%). Whereas, 40% of individuals with no previous convictions fell into the violent or 'other' index offending groups. In terms of violent index offending this was comparable to the group with previous convictions ($n = 94$, 49%). However the rates of 'Other' index offending were much lower in those with previous convictions ($n = 31$, 16.1%).

Considering this alongside Figure 124 demonstrates that over 95% of those with violent and/or IPV index offending had previous convictions, compared to just over 90% with sexual index offending, and nearly 80% with 'other' index offending. In terms of individuals with no previous convictions, there was 1 individual with IPV index offending and a few individuals with 'other's and/or violent index offending. However the most common form of index offences for individuals with no previous convictions was sexual offending; 80% of this sample had sexual index offending.

In terms of whether the index offending of individuals in each subgroup was of one type or mixed types, for the majority of individuals with no previous convictions they had index offending of a mixed type ($n = 6$, 60%); a pattern inverse to that seen in previous convictions subgroup ($n = 60$, 31.3%).

For individuals who had index offending of one type, the nature of that offending can be found detailed in Figure 125. For the subgroup of individuals with no previous convictions, the nature of offending, where it was of one type, was divided equally between 'sexual' and 'violent'. In contrast all offending types were seen in the 'previous convictions' subgroup, however again the majority clustered between offending of a sexual or violent nature.

When looking across the individuals with index offending of a mixed nature, it was evident that all individuals in the 'no previous convictions' subgroup had convictions of a sexual nature as part of their offending. For full detail, and for additional information relating to the subgroup of individuals with previous convictions, see Figure 125.

⁵⁶ Intimate Partner Violence (IPV) included any offence where the victim was an intimate partner or ex-partner. Within this category, whether the IPV was of a violent, sexual, or 'other' nature was captured. Please note that convictions relating to the Domestic Abuse Act were categorised under 'violent'. For full detail, please refer to Section 2.3 and Section 2.4.

⁵⁷ Examples of offences which fell under the category of 'other' included convictions such as theft, housebreaking, vandalism, or white collar crime. For a full list please see Appendix 2.

7. THE OFFENDING PROFILE OF INDIVIDUALS MADE SUBJECT TO AN OLR WITH NO PREVIOUS CONVICTIONS

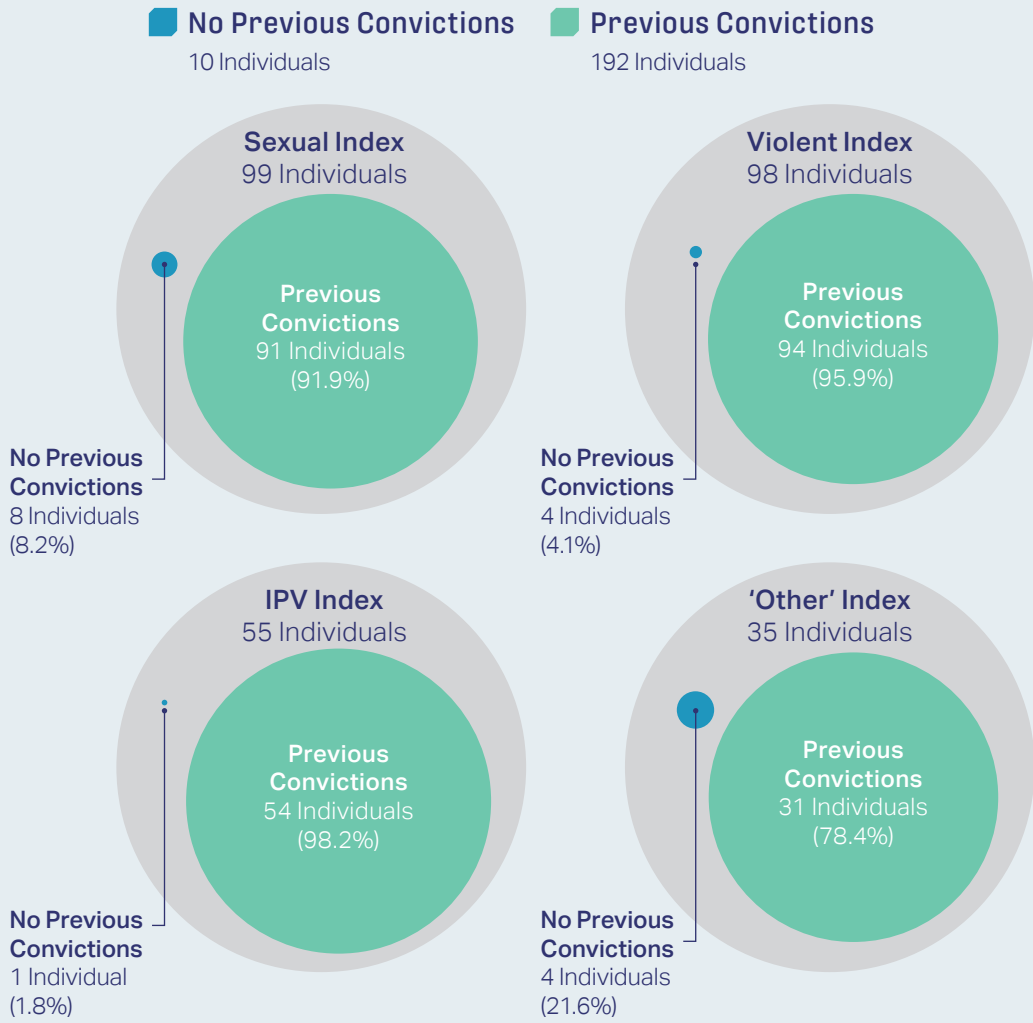
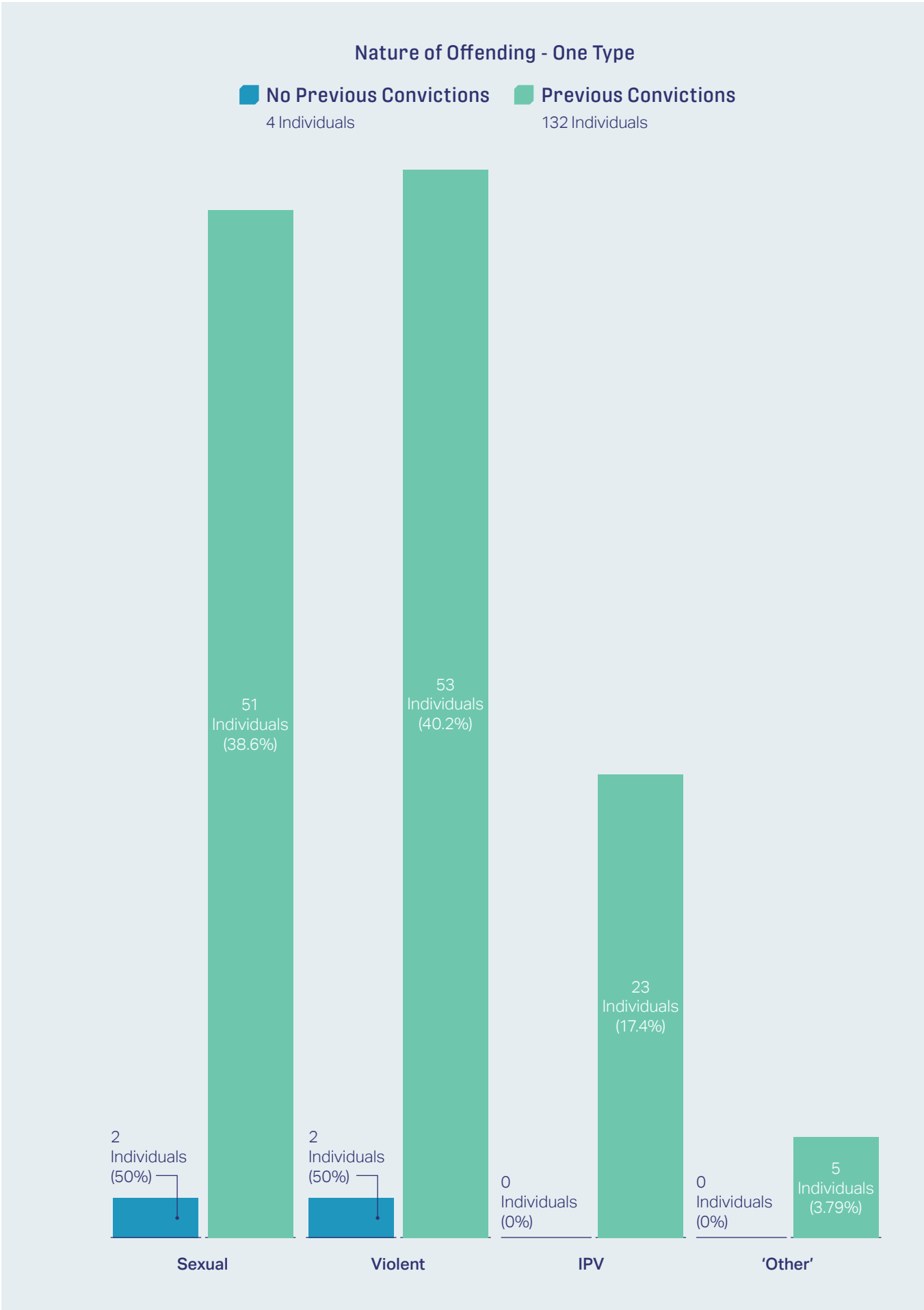


Figure 124. The number and percentage of individuals convicted of each index offending type, according to the presence of previous convictions (NB: percentages per subgroup may total more than 100% due to overlap).

7. THE OFFENDING PROFILE OF INDIVIDUALS MADE SUBJECT TO AN OLR WITH NO PREVIOUS CONVICTIONS



Nature of Offending - Mixed Types

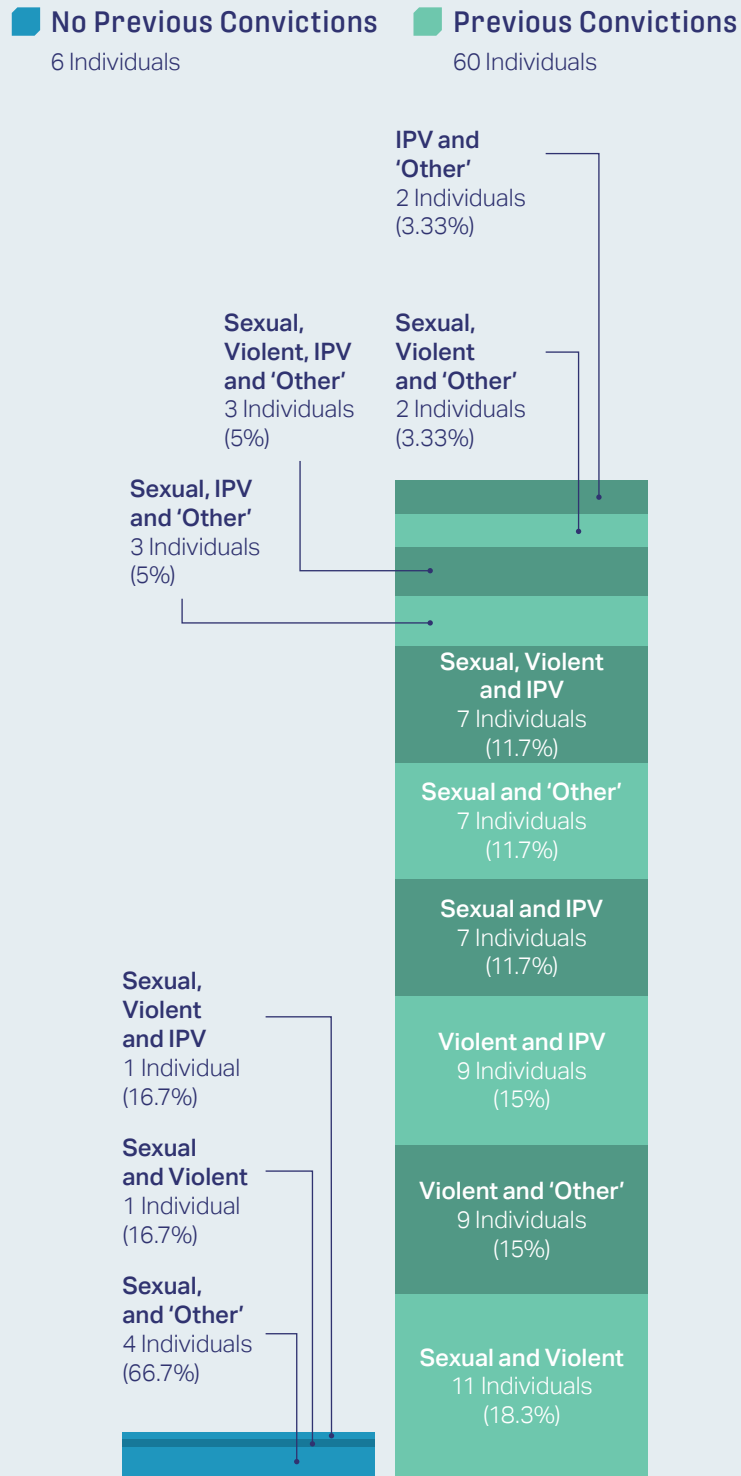


Figure 125. The number and percentage of individuals with index offending comprised of one type or mixed types, according to the presence of previous convictions, and the nature of such offending

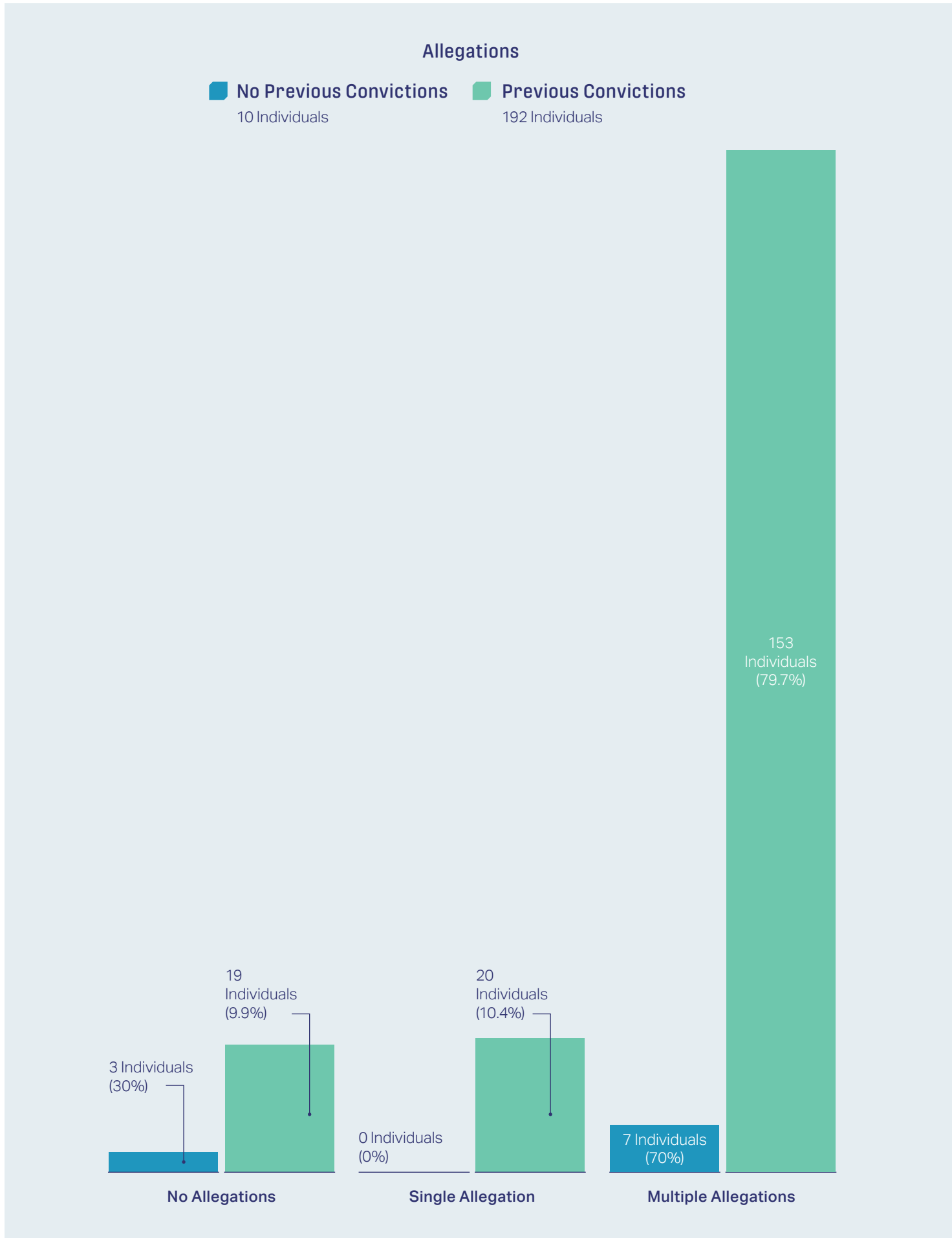
7.3 Alleged and Self-Reported Offending

7.3.1 Alleged Offending - Frequency

An illustration of the number of individuals with no, a single, or multiple instances of alleged offending is provided in Figure 126. Of the 70% of individuals ($n = 7$) with no previous convictions who had allegations relating to them, in all instances the number of such allegations was multiple. As compared with the 'previous convictions' subgroup, a higher percentage of individuals with no previous convictions also had no instances of alleged offending.

Across the 'no previous convictions' subgroup, the number of allegations, where multiple ($n = 7$) ranged from 3-34, averaging 8.14 ($SD = 11.45$). Where the number of allegations was known in the 'previous convictions' subgroup ($n = 127$), this ranged from 2-110, averaging 15.24 ($SD = 15.0$). Indeed, as can be seen in Figure 126, when collapsed across categories, in contrast to the 'previous convictions' subgroup, the vast majority of individuals in the 'no previous convictions' subgroup had between 2-5 allegations relating to them.

7. THE OFFENDING PROFILE OF INDIVIDUALS MADE SUBJECT TO AN OLR WITH NO PREVIOUS CONVICTIONS



7. THE OFFENDING PROFILE OF INDIVIDUALS MADE SUBJECT TO AN OLR WITH NO PREVIOUS CONVICTIONS

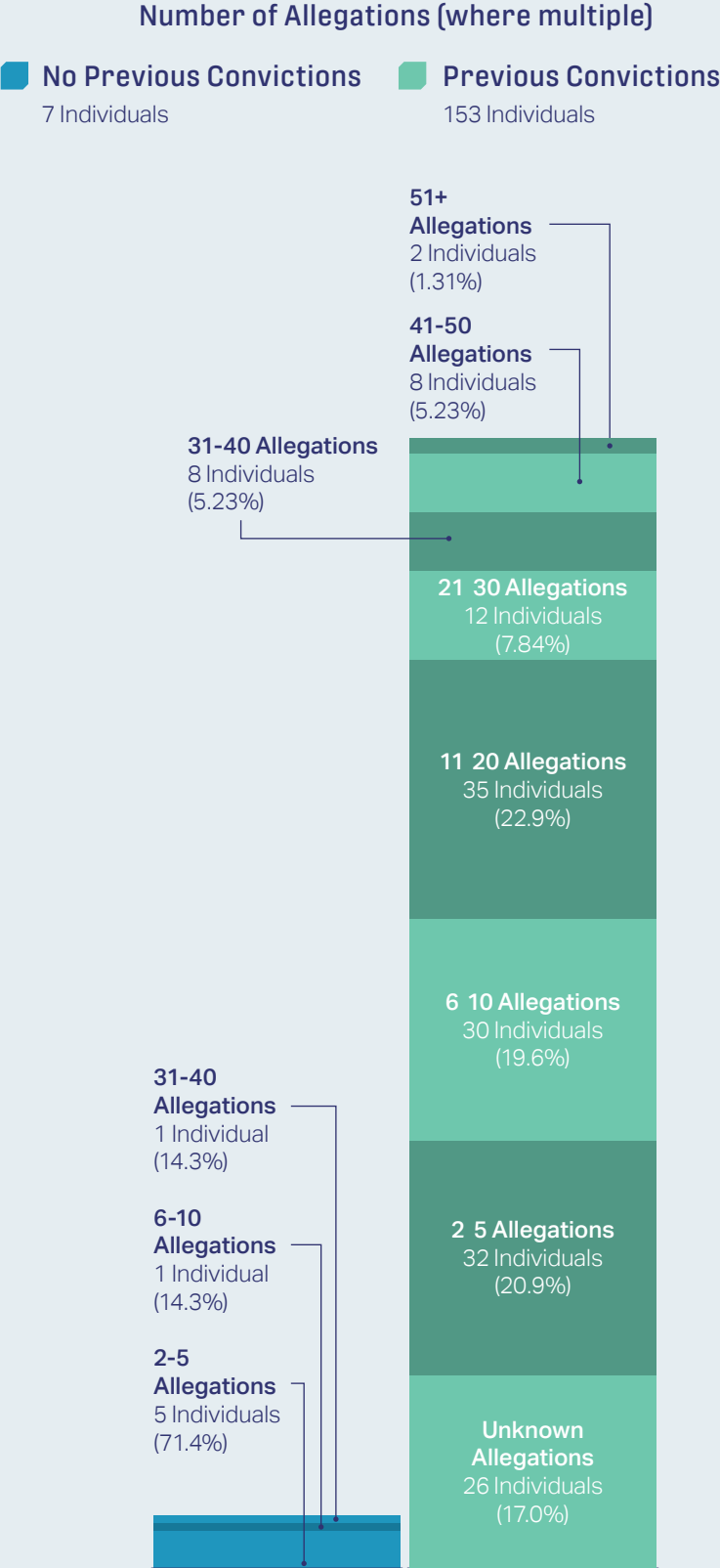


Figure 126. The number and percentage of individuals who had no, a single, or multiple allegations, according to the presence of previous convictions, and the number of such allegations where multiple

7.3.2 Alleged Offending - Nature

Across both subgroups, alleged instances of sexual and violent offending were prevalent.⁵⁸ In contrast with the 'previous convictions' subgroup, no individual with no previous convictions had alleged offending relating to an intimate partner (see Figure 127). Please note that, in the case of three individuals in the 'previous convictions' subgroup, no detail regarding the nature of the alleged offending was obtainable. Thus, they are not included in the following analyses concerned with the nature of alleged offending (subgroup of individuals with previous convictions and allegations of offending: $n = 170$).

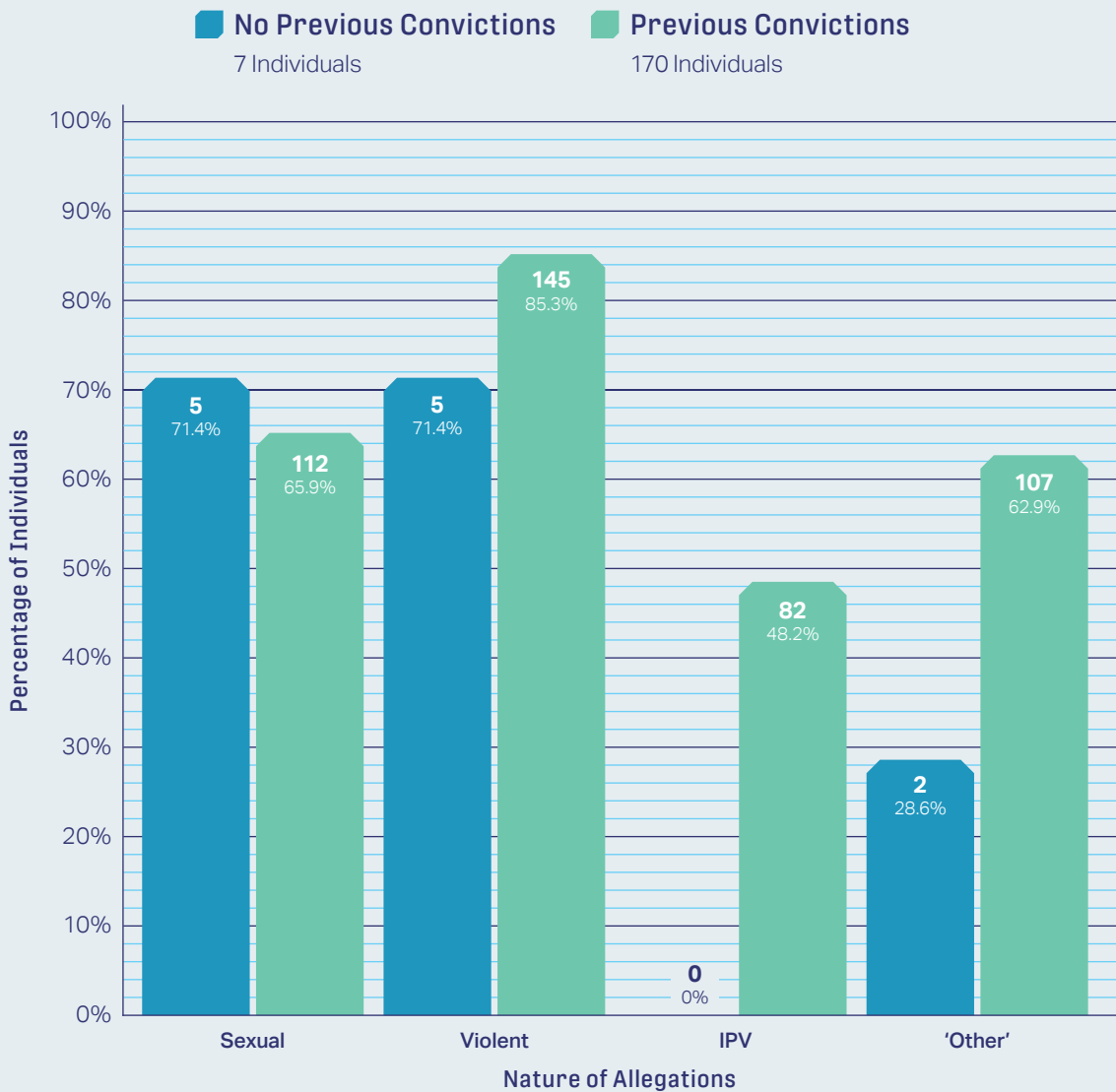


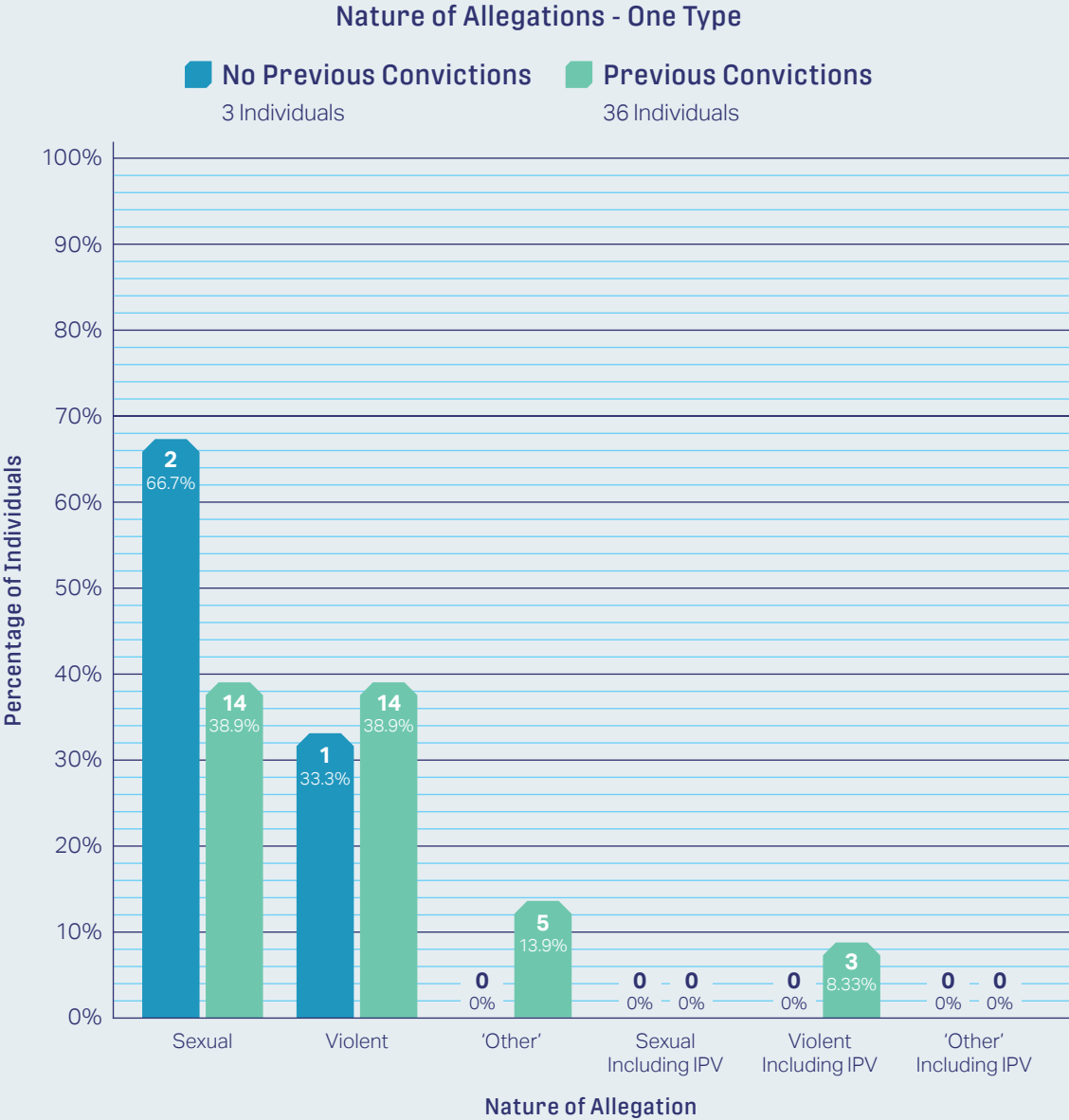
Figure 127. The number and percentage of individuals with allegations relating to each offending type ($n = 177$), according to the presence of previous convictions (NB: percentages per subgroup may total more than 100% due to overlap)

⁵⁸ Please note that in the case of alleged offending, IPV was double counted. This means that the total number of sexual, violent and 'other' offences includes any instances of IPV of each type. From the reverse perspective, the alleged IPV figure refers to the number of incidents of alleged offending which constituted IPV, and those same incidents are also captured in the overall tallies for each offending type.

7. THE OFFENDING PROFILE OF INDIVIDUALS MADE SUBJECT TO AN OLR WITH NO PREVIOUS CONVICTIONS

In both subgroups, a greater percentage of individuals had alleged offending of a mixed⁵⁹ nature. However this more pronounced in those with previous convictions, where 78.8% (*n* = 134) had mixed types of allegations, compared to 57.1% (*n* = 4) in those with no previous convictions.

As with the pattern seen when considering index offending, a high percentage of individuals in the 'no previous convictions subgroup' with allegations of one type had allegations of a sexual nature (see Figure 128). Please note that the three examples of individuals with one allegation type which included IPV in the 'previous convictions' subgroup all had a single allegation, and the nature of that single allegation was violence involving an intimate partner.



⁵⁹ To reiterate, the information collected regarding alleged offending was less detailed than that concerned with convicted offending. As such, it was only possible to consider allegation information with IPV double counted. For the purposes of this calculation, any individuals with, for example, multiple allegations of a sexual nature including IPV, are included under 'mixed' offending.

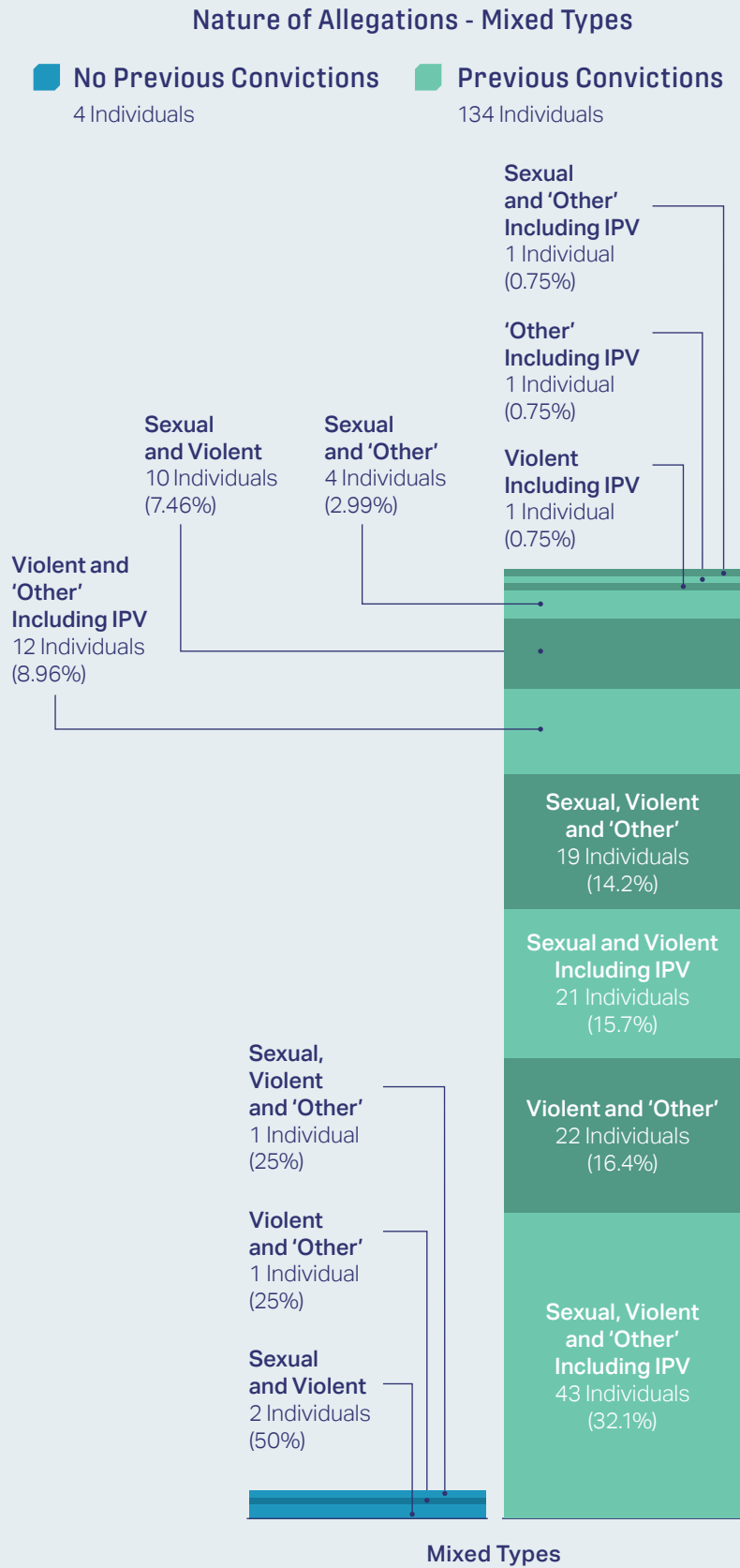


Figure 128. The number and percentage of individuals with previous allegations comprised of one type or mixed types ($n = 177$), according to the presence of previous convictions, and the nature of such allegations

7. THE OFFENDING PROFILE OF INDIVIDUALS MADE SUBJECT TO AN OLR WITH NO PREVIOUS CONVICTIONS

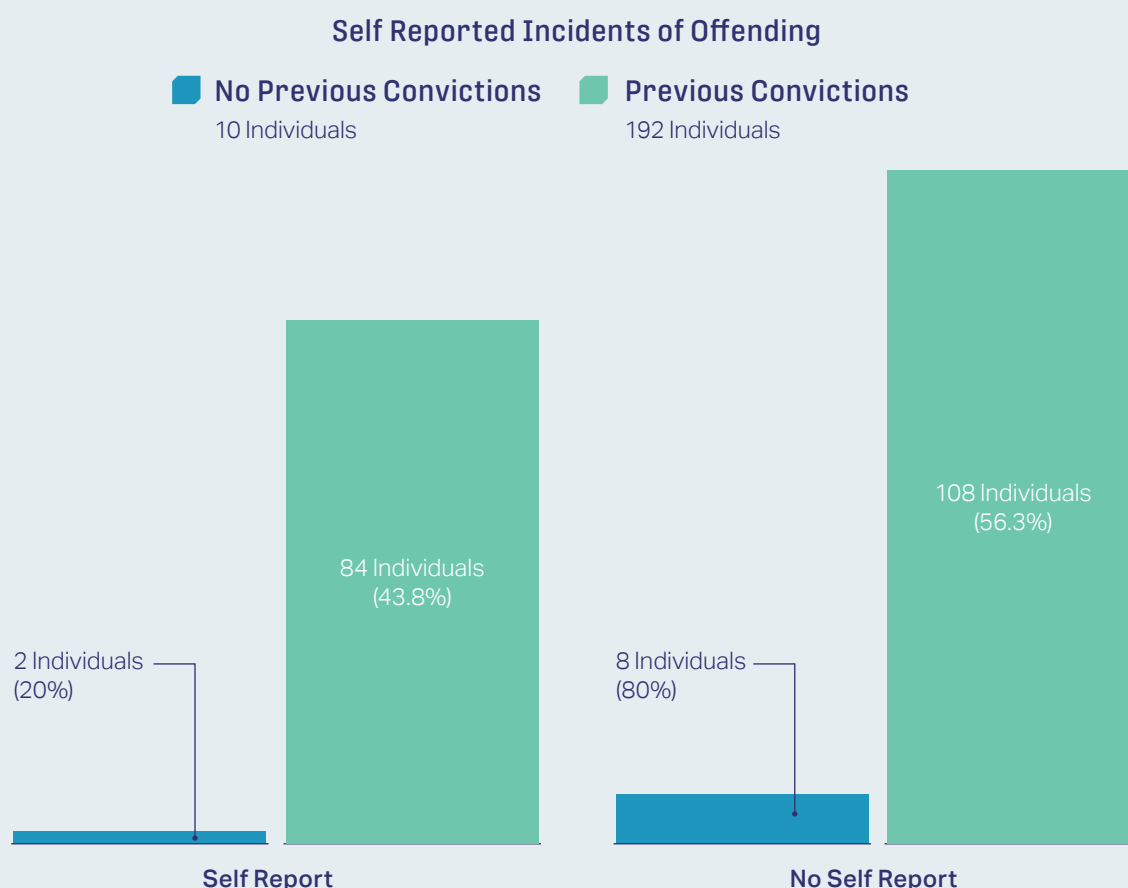
When looking at the nature of offending of those with mixed pattern of alleged offending, violence was common to all in the 'no previous convictions' group (see Figure 128). Again, sexual allegations were common, appearing in the offending combinations of three quarters of individuals with no previous convictions – a figure similar to that of the 'previous convictions' subgroup.

Across both groups, in relation to eight individuals it was specified that alleged offending had influenced the risk rating. Of those eight, one was in the 'no previous convictions' subgroup, with the remainder all having previous convictions.

7.3.3 Self-Reported Incidents – Frequency & Nature

When considering self-reported further offending, it became evident that a greater percentage of individuals with previous convictions had self-reported further offending, as compared with the subgroup with no previous convictions (see Figure 129).

In the case of the 'no previous convictions' subgroup, all reported further incidents of offending were of a sexual nature,⁶⁰ in contrast to the group of individuals with previous convictions (see Figure 129). More specifically, self-reported offending of a sexual nature was rarely seen in the previous convictions subgroup, with incidents of a violent nature being the most prominent by far.



⁶⁰ Please note that, as with alleged offending, IPV is double counted such that, for example, self-reported IPV of a sexual nature will appear both in 'IPV' and 'sexual'.

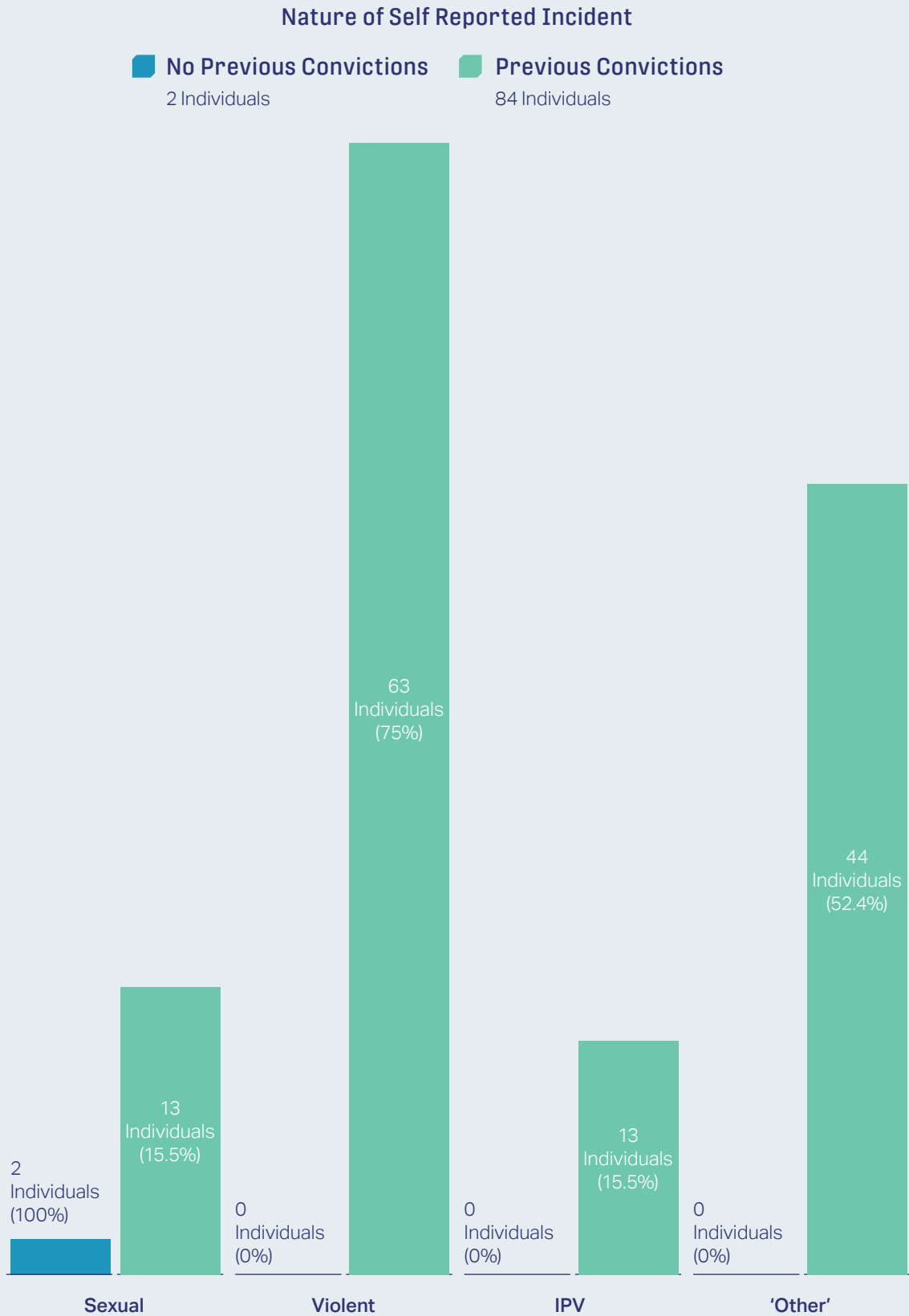


Figure 129. The number and percentage of individuals with self-reported further incidents of offending, according to the presence of previous convictions, and, where present, the nature of such self-reported incidents (NB: percentages regarding the nature of self-reported incidents may total more than 100% due to overlap)

7.4 Discussion

This chapter was interested in examining the individuals subject to an OLR with no previous convictions. Of the 202 RARs examined, 10 were for individuals who had no previous convictions. The age range of this group was broadly similar to the age range of the group of individuals with previous convictions, with the highest percentage of both subgroups falling into the 31-40 years age category. Important to note here is that one individual within the 'no previous convictions' subgroup was under the age of 18 at the time of OLR imposition. The individual in question, whilst having no previous convictions, did have multiple allegations of a mixed nature – the nature of which matched the mixed nature of their index convictions. As was discussed at length within the previous chapter (see Section 6.5), whilst this profile is undoubtedly worthy of further consideration, this study was concerned with and only provided information on the pattern and nature of offending. Conclusions regarding this individual, and potential net-widening, require additional consideration of, for example, offending motivation, alongside other factors.

Since its inception in 2006, OLRs have been imposed on individuals with no previous convictions across six separate years. The most recent year this occurred was 2017. However, the largest cluster of individuals without previous convictions were sentenced in 2010.

When comparing the offending of those with no previous convictions with those who had previous convictions, some interesting findings emerged. One such finding was the difference which was evident between groups in the number of index offences present. The majority of individuals in both groups had multiple index offences, however this majority was much greater in the group with no previous convictions: specifically, 90% of this group had multiple index offences, compared with 62.5% of those in the 'previous convictions' group. Regarding the number of index offences, whilst the overall range was greater in those with previous convictions, on average the group of individuals with 'no previous convictions' had a greater number of index convictions, and just over half the group had 11 convictions or more. One potential explanation for this pattern could be the circumstances under which the offending of those with no previous convictions came to light and was prosecuted. It seems plausible to hypothesise that, in some instances at least, this higher number of index offences may reflect offending which had been occurring over a prolonged period, but had previously done so undetected. That, in turn, presents the possibility that those with no previous convictions may, again in some circumstances at least, be very similar in profile to those with previous convictions – separated only by the point of detection and therefore at the time point of convictions. This would be interesting to explore in future studies, both in terms of frequency and duration of overall offending between those with and without previous convictions, and in terms of the number of individuals in each subgroup with a single conviction for offending which occurred over a prolonged period (for more detail regarding this latter point and how offences are charged, see Scottish Crime Reporting Board, 2019).

Interestingly, sexual offending featured prominently in both the index offending and the alleged offending of the 'no previous convictions' group: half of those with offending of a singular nature had sexual convictions, while sexual offending was present for all of those who had index offending of a mixed type. That is to say, of those in the 'no previous convictions' group with multiple types of index offences, all had offending combinations that included sexual convictions. Similarly, regarding allegations, a large number of individuals in the 'no previous convictions' group had sexual allegations. Of those with allegations of a single type, the majority had sexual allegations.

This pattern is an important and interesting one to consider. There is the possibility – building on the hypothesis outlined within the previous paragraph – that individuals whose multiple and/or prolonged offending was convicted on a single date (thus, appearing solely within their index offending with no previous convictions) were more likely to have sexual offending as part of that profile. The majority of individuals had convictions for sexual offending alongside convictions for offending of another type – thus, it may be the case that the profile of these individuals is actually not so dissimilar (in terms of nature and duration of offending) to those with index offending of a sexual nature and previous convictions of a different type. Also of interest might be the circumstances under which the offending of those individuals with no previous convictions came to light. Further research into such potential patterns – e.g., comparing the ‘overall’ offending profile of those with sexual index offending both with and without previous convictions, could be beneficial.

The heightened presence of sexual offending within the sample of individuals with no previous convictions could also be explored from the perspective of considering perceptions of crime, certain types of offending, and how these may influence an assessment and decision-making process. For example, a recent review of the literature regarding attitudes towards ‘sex offenders’ (Harper, Hogue & Bartels, 2017) discussed work that showed a relationship between the attitudes (regarding sexual offenders) of professionals working in the field of forensics and their judgements regarding risk (Hogue, 2015, as cited in Harper et al., 2017, p. 208). They also refer to the influence of ‘offender-specific’ information on attitudes, including amongst criminal justice professionals (Harper et al., 2017 – see Section 3.2, p. 205). However it should be noted that this study didn’t aim to explore and nor does it address these potential questions regarding attitudes towards individuals who have committed sexual offences and associated professional decision making. Much like the conclusions of the authors of the aforementioned review outline, much further work is required in this field. Nonetheless, it does present potentially interesting avenues of exploration to be considered within further studies involving the OLR population.

Whilst overall it was found that a greater percentage of individuals with previous convictions had self-reported further offending as compared with the subgroup with no previous convictions, intriguingly, all instances of self-reported further offending among the ‘no previous convictions’ group were of a sexual nature. This stands in contrast to the pattern shown across the whole population, where self-reported offending of a sexual nature occupied the lowest percentage. This finding – i.e., the low percentage of individuals across the whole population with self-reported incidents of a sexual nature – was discussed in relation to stigma (see Section 3.7). Assuming that assertion were to be proven accurate, one potential explanation for the pattern seen here (in relation to the subgroup of individuals with no previous convictions) is a reduced awareness of such stigma in individuals who have not previously been convicted of any offending, but especially of sexual offending. A slightly alternative, or potentially interacting hypothesis, could be that this group of individuals with no previous convictions will likely have had less contact with forensic professionals (note however many had allegations, which could have included acquitted charges, for example), which may potentially reflect in their levels of ‘openness’. Further exploration into these patterns could prove interesting, particularly – in tandem potentially with further exploration regarding patterns of self-report more generally – in relation to perceptions and awareness of stigma.

In summary, the individuals with no previous convictions tended to have multiple, mixed-type index offences, which largely included sexual offending. They also had multiple allegations of

7. THE OFFENDING PROFILE OF INDIVIDUALS MADE SUBJECT TO AN OLR WITH NO PREVIOUS CONVICTIONS

offending, with the largest cluster within this group having between two and five allegations. These allegations tended to be sexual or violent, with no allegations of IPV. Self-reported additional offending, while uncommon, exclusively referred to sexual offending.

As detailed in the introduction and discussed in previous chapters, there has been concerns that the OLR could result in net-widening. The subgroup of individuals of interest here – i.e., those with no previous convictions – could be considered at risk of falling into this category. As has been discussed however, there is an indication that this group of individuals have (on average) more index offending than their counterparts with previous convictions, and it is perfectly possible that the duration across which offending took place was similar across both groups, but proceeded undetected for longer in the group of those with no previous convictions. Further, as noted elsewhere in this report, an OLR will have been imposed where the Judge determines the risk criteria to be met. There is no stipulation that for the risk criteria to be met, someone must have previous convictions or offending behaviour prior to the index offence. The nature or circumstances of the index offence could demonstrate that there is a likelihood that if at liberty, the individual will seriously endanger the lives or physical or psychological well-being of members of the public at large. In such a case, an OLR would be imposed due to the risk criteria being met. Offending information alone cannot provide all answers regarding this population, and further research – potentially along the lines outlined throughout this discussion, and in relation to factors such as motivation etc. – will likely be of benefit.

8. THE OFFENDING PROFILE OF INDIVIDUALS SUBJECT TO AN OLR ACCORDING TO THE RISK RATING

In line with other chapters this subgroup is related to those sentenced to an OLR between December 2006 and 31st March 2021.

As part of the process of completing a RAR, assessors are required to assign a rating to denote the individual's level of risk. Three ratings can be assigned – low, medium, or high – according to the descriptors provided by the RMA within the Standards and Guidelines for Risk Assessment (2018, pp. 60-61):⁶¹

Risk Rating – High Risk

The nature, seriousness and pattern of this individual's behaviour indicate a propensity to seriously endanger the lives, physical or psychological well-being of the public at large. The individual has problematic, persistent, and pervasive characteristics that are relevant to risk and which are not likely to be amenable to change, or the potential for change with time and/or intervention is significantly limited. Without changes in these characteristics the individual will continue to pose a risk of serious harm:

- There are few protective factors to counterbalance these characteristics
- Concerted long-term measures are indicated to manage the risk, including restriction, monitoring, supervision, and where the individual has the capacity to respond, intervention
- The nature of the difficulties with which the individual presents are such that intervention is unlikely to mitigate the need for long-term monitoring and supervision.

In the absence of identified measures, the individual is likely to continue to seriously endanger the lives, or physical or psychological well-being of the public at large.

Risk Rating – Medium Risk

The nature, seriousness and pattern of this individual's behaviour indicate a propensity to seriously endanger the lives, physical or psychological well-being of the public at large. The individual may have characteristics that are problematic, persistent and/or pervasive but:

- There is reason to believe that they may be amenable to change or are manageable with appropriate measures
- There is some evidence of protective factors
- The individual has the capacity and willingness to engage in appropriate intervention
- They may be sufficiently amenable to supervision, or
- There are other characteristics that indicate that measures short of lifelong restriction maybe sufficient to minimise the risk of serious harm to others.

⁶¹ Available from [Risk Assessment - RMA - Risk Management Authority](#)

Risk Rating – Low Risk

The nature, seriousness and pattern of this individual's behaviour suggests a capacity to seriously endanger the lives, physical or psychological well-being of the public at large, but there is no apparent long-term or persistent motivation or propensity to do so. The individual may have caused serious harm to others in the past, but:

- It is unlikely that they will cause further serious harm
- There is clear evidence of protective factors which will mitigate such risk
- They are likely to respond to intervention
- They are amenable to supervision
- They do not require long-term restrictions in order to minimise the risk of serious harm to others.

While the individual may have, or had, characteristics that are problematic and/or persistent and/or pervasive, they can be adequately addressed by existing or available services or measures.

Of interest within this chapter is the offending patterns of individuals made subject to an OLR according to the risk rating they were assigned. Looking across the group, no individuals made subject to an OLR had a risk rating of 'low', thus attention was focussed on two subgroups: those with an assigned risk rating of 'medium' and those with an assigned risk rating of 'high'. It should be stressed that, in a somewhat similar vein to the caveat raised when considering the nature of individuals' index offending (see Chapter 6), it is not being suggested here that a straight line can be drawn between individuals' pattern of offending and the level of risk they are considered to pose. Indeed, as part of the process of preparing a RAR, assessors are expected to gather and review information from a range of information sources, for example, relevant information regarding an individual's medical, social and educational history, in addition to detail regarding their offending history.⁶² Thus, the opinion reached regarding an individual's level of risk extends far beyond their patterns of offending alone. With that in mind, it is stressed that the information contained here is designed solely to provide an overview of individuals' pattern and nature of offending, according to the classifying feature of risk rating.

The same structure is adopted within this chapter as with all those preceding it. Information regarding individuals' offending will first be presented, before consideration of these findings is then provided.

⁶² [Standards-and-Guidelines-for-Risk-Assessment-Report-Writing-Update.pdf \(rma.scot\)](#)

8.1 Demographic and Overall Group Information

Of the overall group, the number of individuals with a risk rating of medium was small, comprising 15 individuals (translating to 7.43% - see Figure 130).

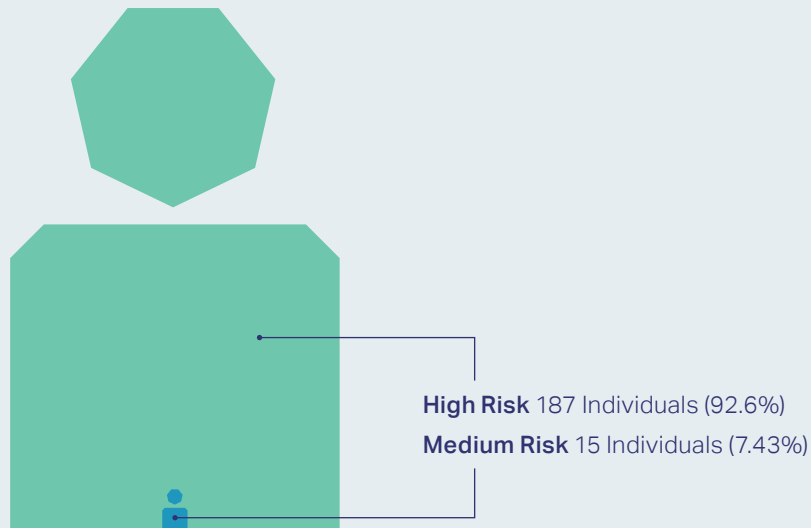


Figure 130. The number and percentage of individuals assigned each risk rating

8. THE OFFENDING PROFILE OF INDIVIDUALS SUBJECT TO AN OLR ACCORDING TO THE RISK RATING

8.1.1 Age Groups

As can be seen illustrated in Figure 131, the age range of individuals in both groups was broad, with the greatest percentage of individuals in both risk rating groups clustering into the 31-40 age category. As compared with the 'high risk rating' group, a slightly higher percentage of individuals in the 'medium risk rating' group were aged 25 or under at the time of sentencing.

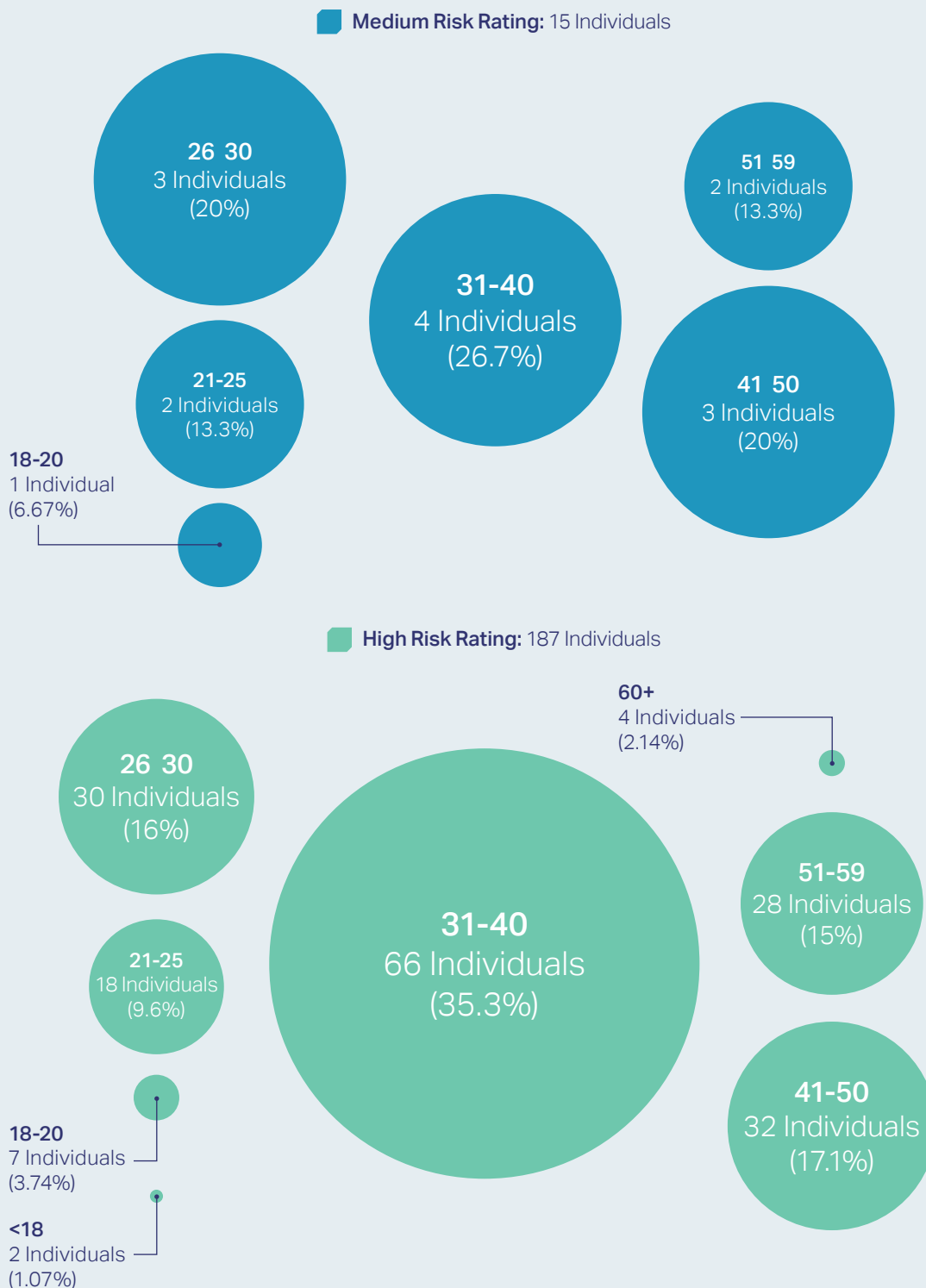


Figure 131. The age of individuals subject to an OLR, according to risk rating

8.1.2 Years OLR Imposed

Given the smaller size of the group of individuals with a risk rating of 'medium', it is perhaps unsurprising that they are not represented in all years across which OLRs have been imposed. As shown in Figure 132, the greatest percentage clustered in 2010, where just over a quarter of individuals made subject to the OLR had a risk rating of 'medium'.



Figure 132. The percentage of individuals made subject to an OLR per year, according to risk rating

8.2 Overall Offending

8.2.1 Overall Offending - Nature

Looking across the overall offending history in each group, the patterns were noticeably similar. Whilst the percentage of individuals with offending of a violent and/or 'other' nature within their overall offending history was higher in the 'high risk rating' group, the pattern – in terms of the proportion of each type, within each group – was broadly similar across groups (see Figure 133).^{63, 64}

The percentage of individuals in the 'medium risk rating' group with sexual convictions was slightly higher than those in the 'high risk rating' group, whilst the reverse was true (i.e., the percentage was slightly smaller) for all remaining offending types.



Figure 133. The number and percentage of individuals convicted of each offending type, according to risk rating (NB: percentages per subgroup may total more than 100% due to overlap)

⁶³ Intimate Partner Violence (IPV) included any offence where the victim was an intimate partner or ex-partner. Within this category, whether the IPV was of a violent, sexual, or 'other' nature was captured. Please note that convictions relating to the Domestic Abuse Act were categorised under 'violent'. For full detail, please refer to Section 2.3 and Section 2.4.

⁶⁴ Examples of offences which fell under the category of 'other' included convictions such as theft, housebreaking, vandalism, or white collar crime. For a full list please see Appendix 2.

This same data was also considered with IPV double counted such that IPV of, for example, a sexual nature, would appear both under 'IPV' and under 'sexual'. As can be seen in Table 8, there was no alteration in figures in the 'medium risk rating' group, suggesting that the nature of the IPV offending present was also present in those individuals' non-IPV offending. Conversely in the 'high risk rating' group some alteration was evident, suggesting that that some individuals within this subgroup had convictions for IPV of a type that did not appear in their non-IPV offending.

Table 8. The number of individuals with each offending type within their overall offending history, with IPV both single and double counted, according to risk rating

| | Medium Risk Rating (n = 15) | | | High Risk Rating (n = 187) | | |
|---------|-----------------------------|--------------------|-------------|----------------------------|--------------------|---------------|
| | IPV Single Counted | IPV Double Counted | Difference* | IPV Single Counted | IPV Double Counted | Difference* |
| Sexual | 10 (66.7%) | 10 (66.7%) | 0 (0%) | 112 (59.9%) | 126 (67.4%) | 14 (7.49%) |
| Violent | 12 (80%) | 12 (80%) | 0 (0%) | 169 (90.4%) | 174 (93%) | 5 (2.67%) |
| IPV | 6 (40%) | 6 (40%) | N/A | 85 (45.5%) | 85 (45.5%) | N/A |
| 'other' | 11 (73.3%) | 11 (73.3%) | 0 (0%) | 166 (88.8%) | 167 (89.3%) | 1 (0.53%) |

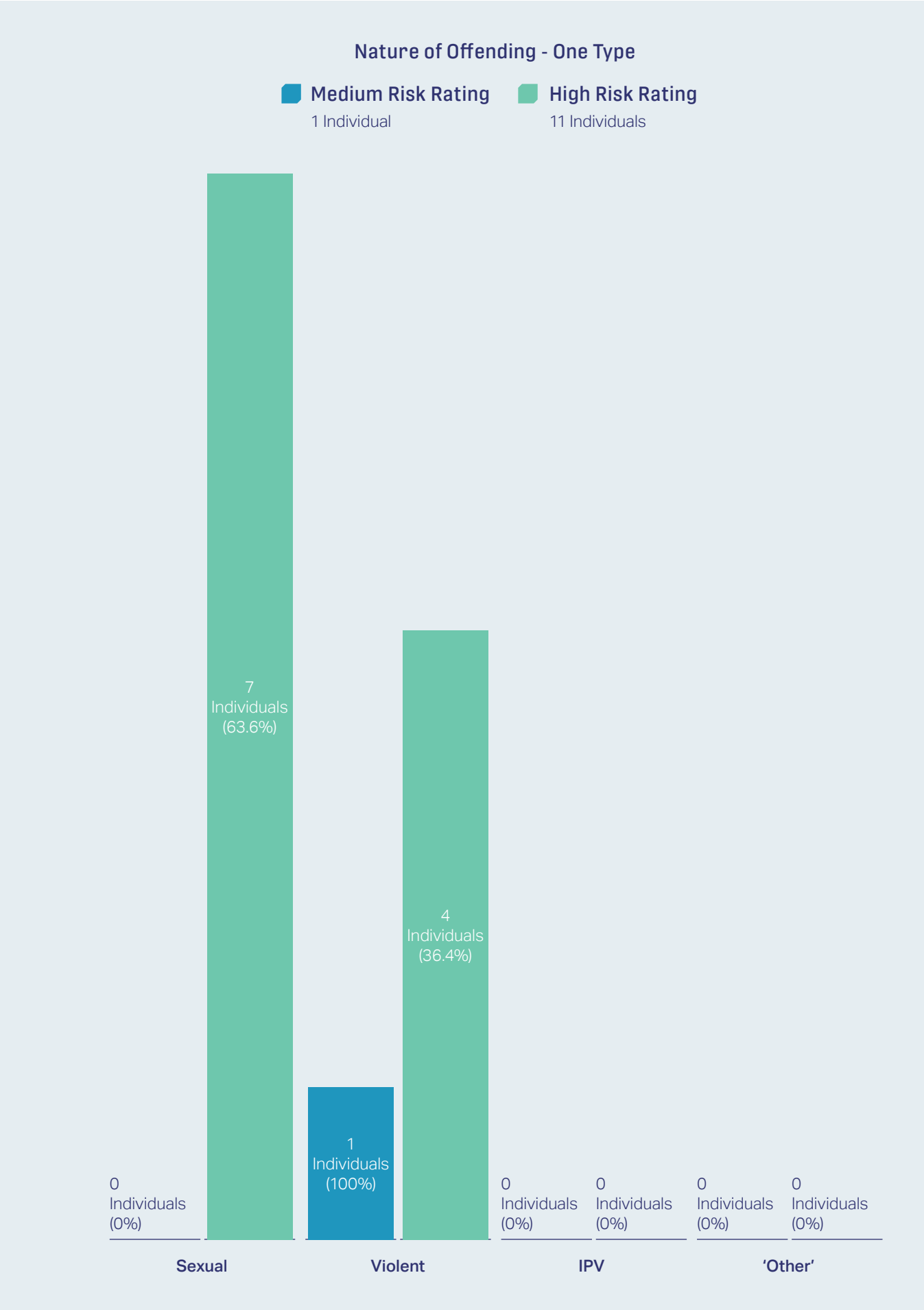
*This figure represents the number of individuals with offending of that nature solely against an intimate partner, and no other victims.

When considering the nature of offending across groups, the vast majority of individuals within both groups had offending of a mixed nature within their overall offending history. In fact only 1 individual in the medium risk rating group had one type of offending, with 93.3% (n = 14) have mixed types of offending. In comparison, for individuals with a high risk rating there were 11 individuals (5.88%) with one type of offending, compared to 94.1% (n = 176) with mixed types of offending.

Where the groups differed noticeably was in the nature of the offending of individuals whose offending was all of one type. In the 'medium risk rating' group, the individual with such a profile had offending of a violent nature. In the 'high risk rating' group, the greater percentage of individuals with one type of offending had convictions of a sexual nature (see Figure 134).

The patterns of offending of those individuals with offending of a mixed nature can be found illustrated in Figure 134. As can be seen, in both groups the combinations of offending were multiple and various. In the 'high risk rating' group, offending of a violent nature featured prominently, appearing in the offending combinations of 93.8% of individuals – a higher percentage than that seen in the 'medium risk rating' group (73.6%). The reverse pattern was seen however when considering sexual offending, with a greater percentage of individuals in the 'medium risk rating' group (71.4%) having offending of a sexual nature within their mixed-nature history, as compared with the 'high risk rating' group (59.7%).

8. THE OFFENDING PROFILE OF INDIVIDUALS SUBJECT TO AN OLR ACCORDING TO THE RISK RATING



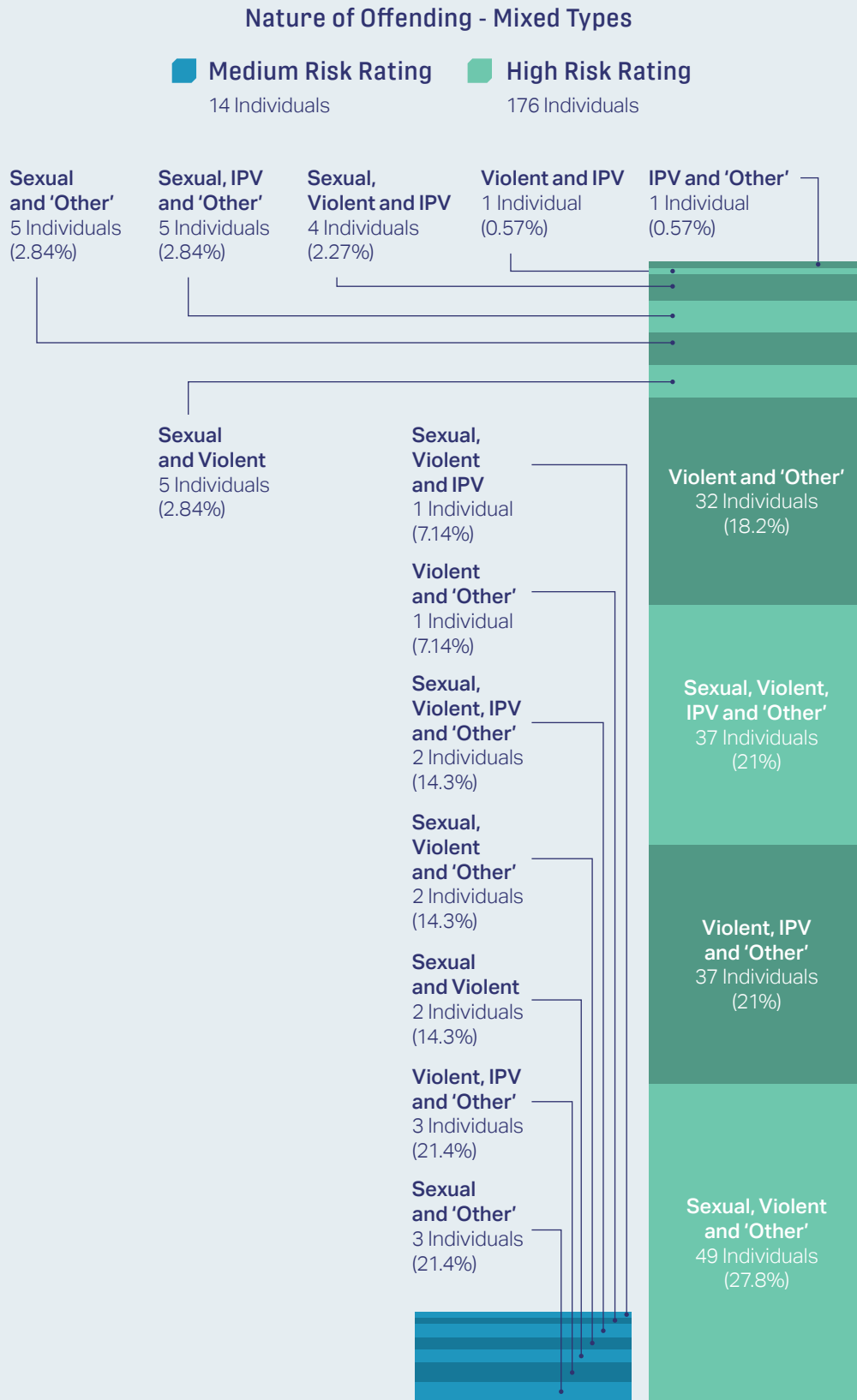


Figure 134. The nature of individuals overall offending history when comprised of one type or mixed types, according to risk rating

8.2.2 Overall Offending – Duration

Taking this same data – i.e., with IPV double counted⁶⁵ – detail regarding the duration of individuals' convictions by type is presented in Table 9 below.⁶⁶ The data is divided according to four main categories: solely index offending, one previous conviction, duration known and duration 'unknown'. 'Duration known' and 'duration unknown' cover individuals who have multiple convictions – either across their index and previous convictions, or solely across their previous convictions – the duration of which has either been able to be established or not, respectively. Please note that 'solely index offending' means that the individual had one conviction date for offending of that nature. That does not mean necessarily that they only have one conviction for that offending type, but that any such convictions were made on one conviction date.

Table 9. *The overall duration of each type of offending, according to risk rating*

| | Medium Risk Rating (n = 15) | | | | Total n |
|---------|--|---|--|--|---------|
| | Solely Index Offending n % per nature of offending | One Previous Conviction n % per nature of offending | Duration Known n % per nature of offending | Duration Unknown n % per nature of offending | |
| Sexual | 8 (80%) | 0 (0%) | 2 (20%) | 0 (0%) | 10 |
| Violent | 2 (16.7%) | 3 (25%) | 6 (50%) | 1 (8.33%) | 12 |
| IPV | 2 (33.3%) | 0 (0%) | 3 (50%) | 1 (16.7%) | 6 |

| | High Risk Rating (n = 187) | | | | Total n |
|---------|--|---|--|--|---------|
| | Solely Index Offending n % per nature of offending | One Previous Conviction n % per nature of offending | Duration Known n % per nature of offending | Duration Unknown n % per nature of offending | |
| Sexual | 56 (44.4%) | 8 (6.35%) | 55 (43.7%) | 7 (5.56%) | 126 |
| Violent | 6 (3.45%) | 3 (7.47%) | 118 (66.8%) | 37 (21.3%) | 174 |
| IPV | 15 (17.6%) | 19 (22.4%) | 41 (48.2%) | 10* (11.8%) | 85 |

* This figure includes one individual whose IPV offending spanned index and previous convictions, the index of which was solely of an 'other' nature. Because duration information was not gathered for 'other' offences, the data has been logged as 'unknown'.

⁶⁵ The data did not allow for separation of the duration of non-IPV offending from IPV offending. Thus, the data outlining the duration of sexual and violent offending presented here includes any convictions that involved an intimate partner, of either a sexual, violent, or 'other' nature respectively, and were thus classed as IPV. The figure concerned with the duration of IPV encompasses all IPV, whether that be IPV of a sexual, violent, or 'other' nature.

⁶⁶ Please note that this duration of overall convicted offending reflects the dates at which individuals have received a conviction. A single conviction date however does not necessarily translate to a single conviction. For example, if an individual was convicted of multiple offences at a single court appearance, one conviction date is logged. Elsewhere in the chapter, when considering the number and nature of convictions, each of those individual convictions, made at the same court appearance, is logged separately. Because the exact conviction date was not always obtainable for index offending, the date used for this calculation was the date at which the RAO was made, in order to ensure consistency.

For the individuals within each subgroup (i.e., individuals in the medium risk rating group and the high risk rating group) for whom the duration of convictions was known, detail regarding such duration – per offending type – is provided in Figure 135 - 137 below.

When considering sexual offending, there was a noticeable difference in duration between the risk rating groups. Specifically, whilst all individuals in the 'medium risk rating' group (for whom duration was known) had convictions spanning less than five years, in the 'high risk rating' group the majority of individuals had convictions spanning five years or more. Interestingly, across both groups the percentage of individuals with solely index offending was noticeably higher in the case of sexual offending, as compared with both violent offending and IPV.

When considering offending of a violent nature, both subgroups had a high percentage of individuals with convictions spanning five years or more. Whilst the groups followed roughly the same pattern, in the 'high risk rating' group a slightly higher percentage of individuals clustered in the 15+ years and beyond categories, as compared with the 'medium risk rating' group. Further, in contrast to the 'high risk rating' group, no individuals in the 'medium risk rating' group had offending spanning 25 years or more. The pattern seen in IPV was more akin to that seen when considering sexual convictions – i.e., a greater percentage of individuals in the 'medium risk rating' group had convictions spanning less than five years, whilst the reverse was true of the 'high risk rating' group.

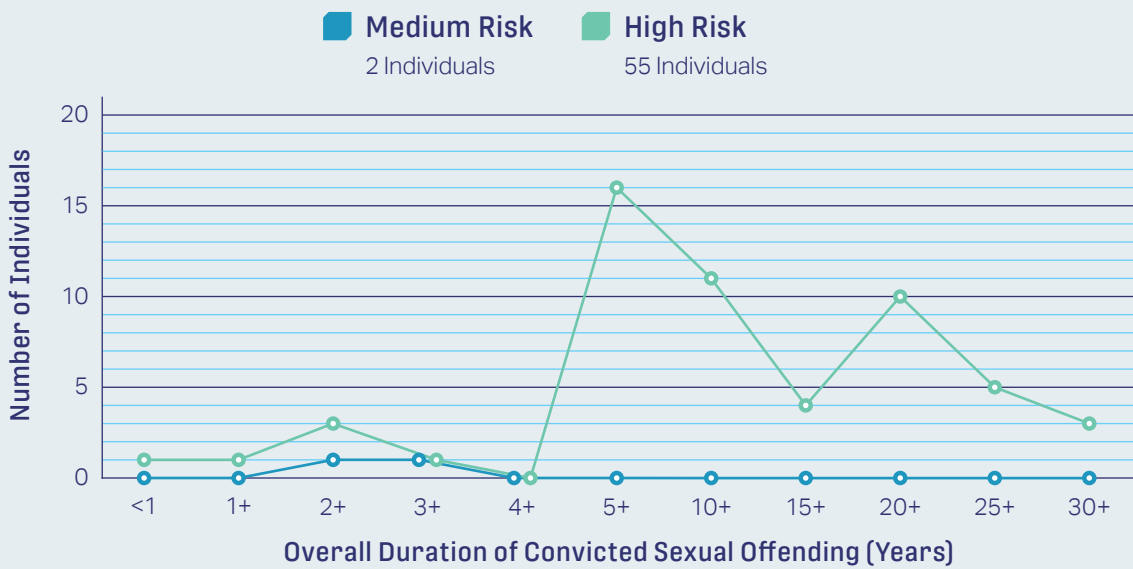


Figure 135. Duration of convictions for individuals convicted of sexual offending (where known) (n = 57), according to risk rating

8. THE OFFENDING PROFILE OF INDIVIDUALS SUBJECT TO AN OLR ACCORDING TO THE RISK RATING

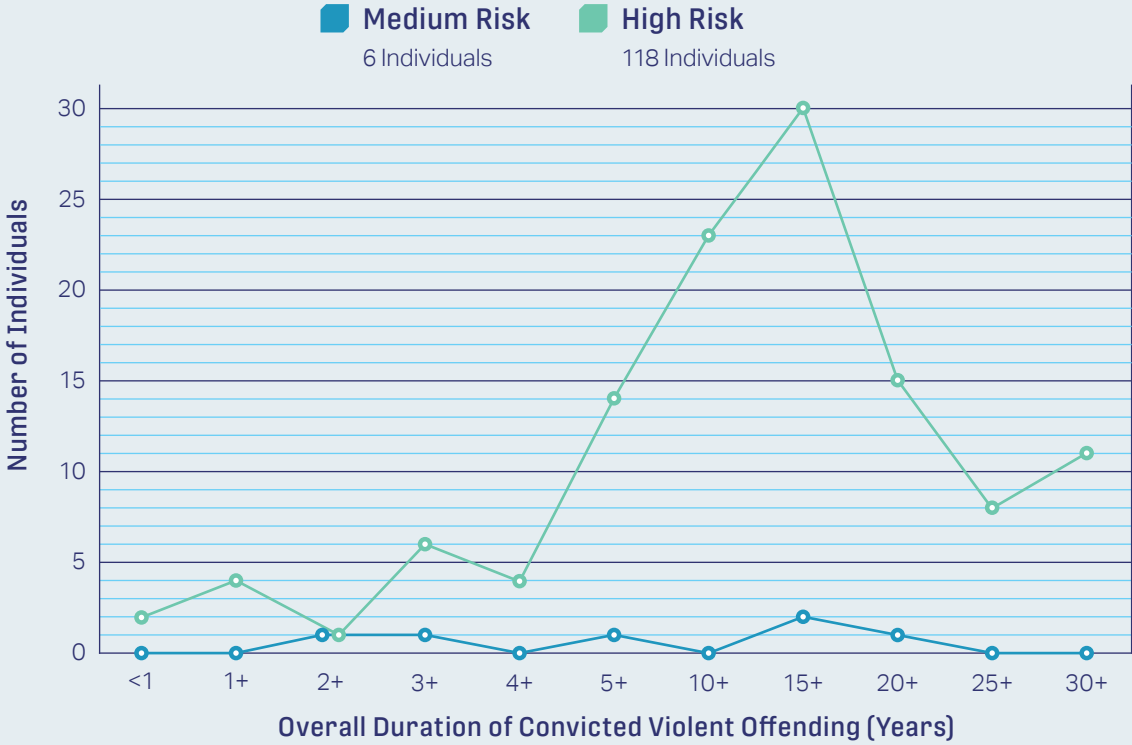


Figure 136. Duration of convictions for individuals convicted of violent offending (where known) (n = 124), according to risk rating

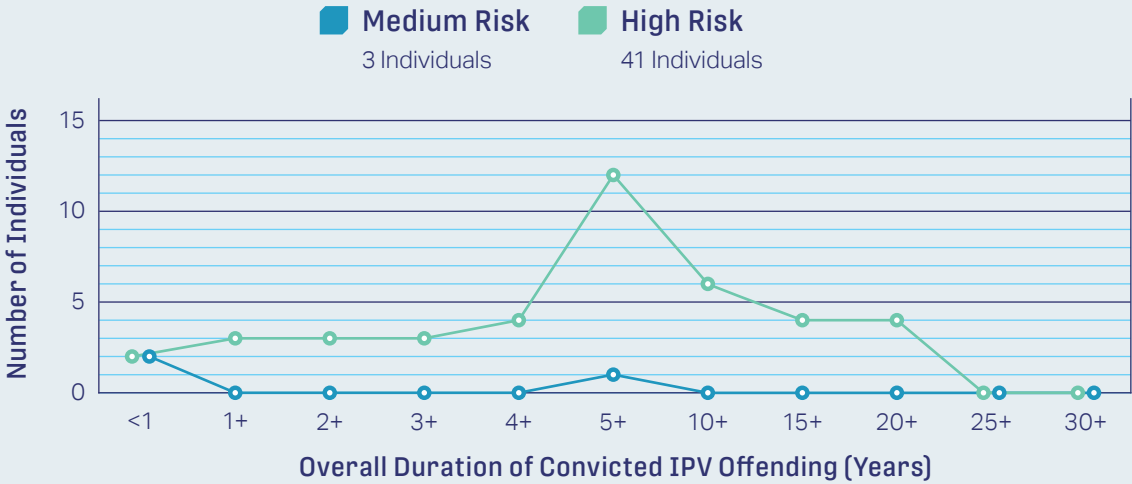


Figure 137. Duration of convictions for individuals convicted of IPV (where known) (n = 44), according to risk rating

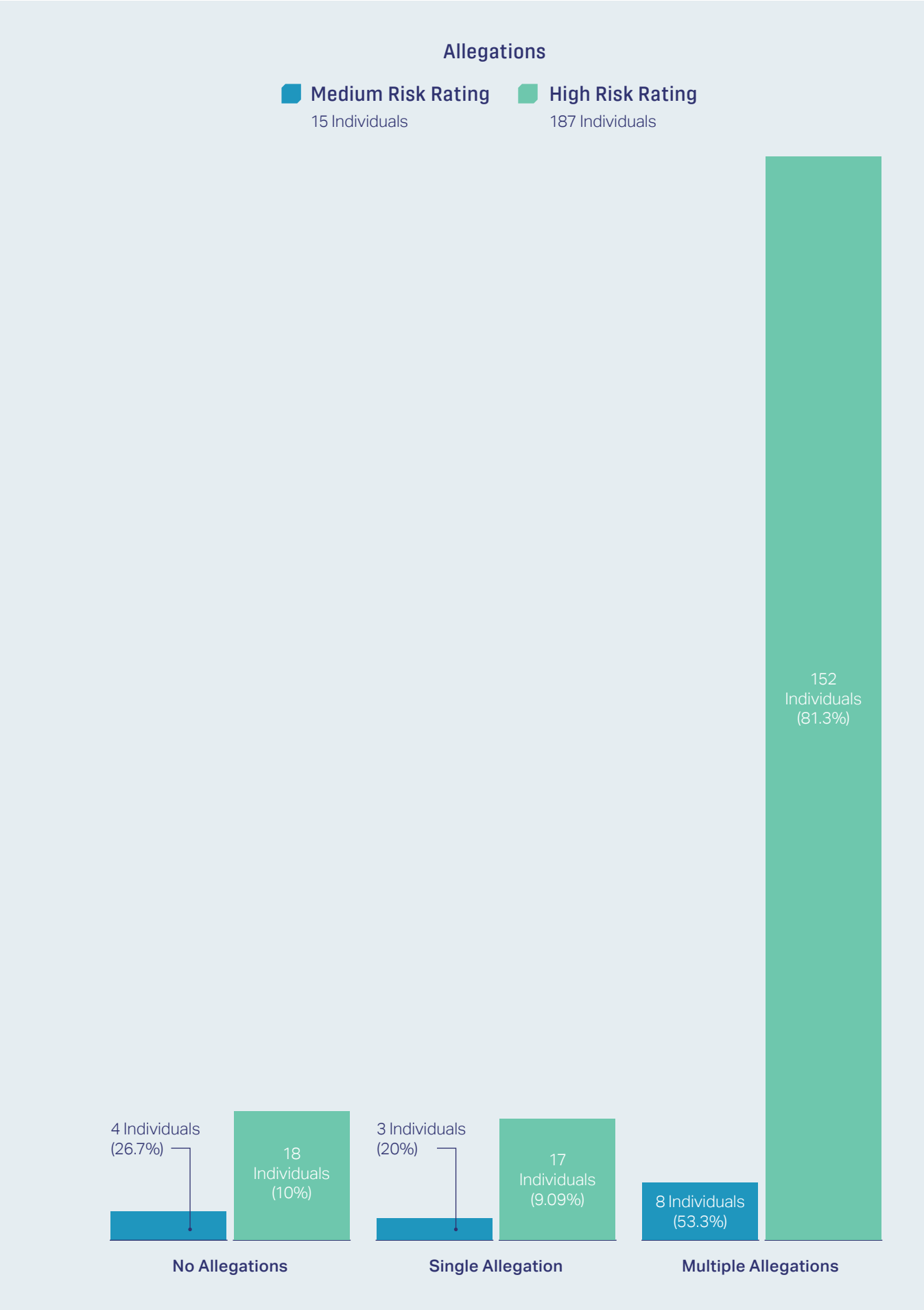
8.3 Alleged and Self-Reported Offending

8.3.1 Alleged Offending - Frequency

An illustration of the number of individuals with no, a single, or multiple instances of alleged offending is presented in Figure 138. As can be seen, the percentage of individuals in the 'medium risk rating' group without any instances of alleged offending was over double that of the 'high risk rating' group.

When considering the number of such allegations – in instances where they were multiple – the range was greater in the 'high risk rating' group (*Range* = 2-110, *M* = 15.2, *SD* = 15.1) as compared with the 'medium risk rating' group (*Range* = 2-34, *M* = 10.0, *SD* = 10.1). Excluding those for whom the number of allegations was unknown (medium risk rating: *n* = 8; high risk rating: *n* = 126), across both groups the majority of individuals had 10 allegations or less. That being said, that majority was much larger in the 'medium risk rating' (*n* = 7, 87.5%) as compared with the 'high risk rating' (*n* = 61, 58.4%) group (see Figure 138 for full detail).

8. THE OFFENDING PROFILE OF INDIVIDUALS SUBJECT TO AN OLR ACCORDING TO THE RISK RATING



8. THE OFFENDING PROFILE OF INDIVIDUALS SUBJECT TO AN OLR ACCORDING TO THE RISK RATING

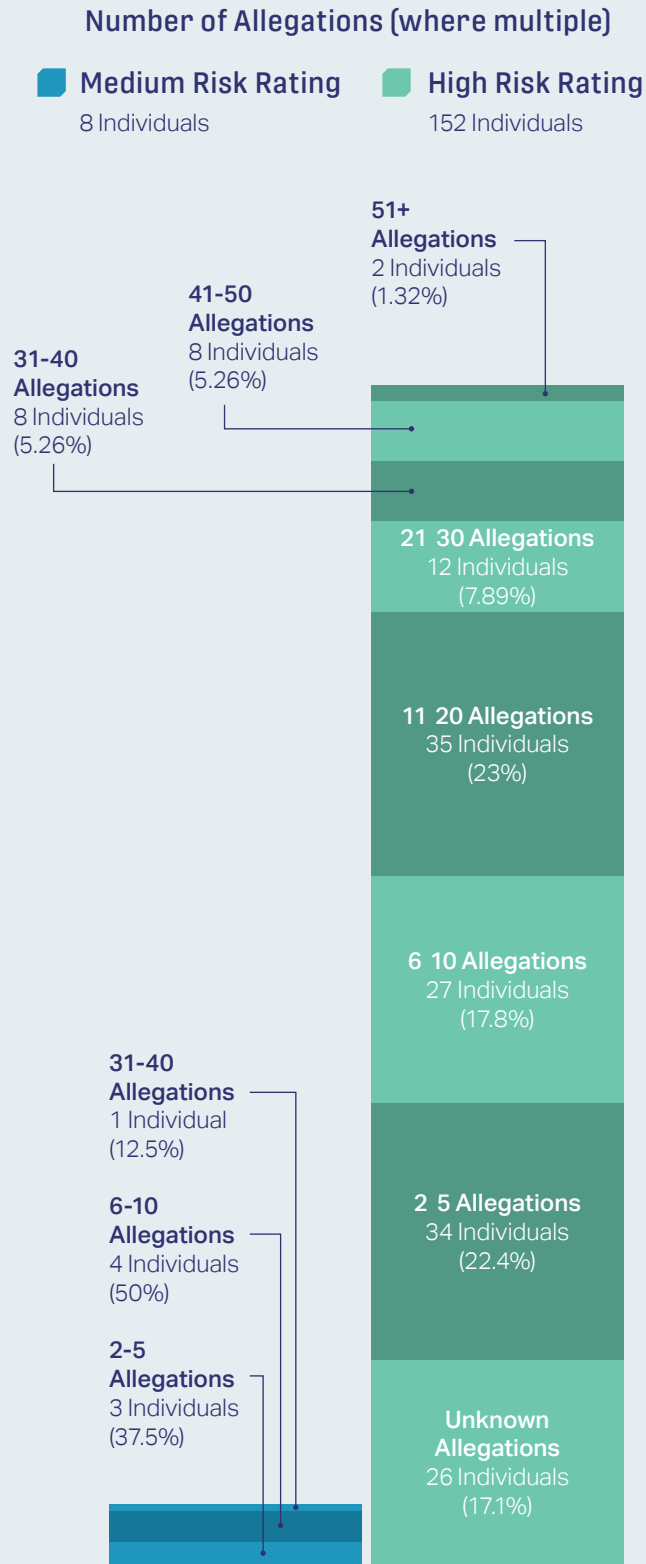


Figure 138. The percentage of individuals who had no, a single, or multiple allegations, according to risk rating, and the number of such allegations where multiple

8.3.2 Alleged Offending – Nature

Please note that, in the case of three individuals – one in the ‘medium risk rating’ group and two in the ‘high risk rating’ group – no detail regarding the nature of the alleged offending was retrievable. Thus, those three individuals are not included within the following analyses concerned with nature of offending (‘medium risk rating’ group: $n = 10$; ‘high risk rating’ group: $n = 167$).

As with convicted offending, when considering the nature⁶⁷ of alleged offending there was similarity in the patterns evident between groups. Where the groups noticeably differed however was in the percentage of individuals with alleged incidents of IPV, which was much higher in the ‘high risk rating’ as compared with the ‘medium risk rating’ group (for full detail, see Figure 139).

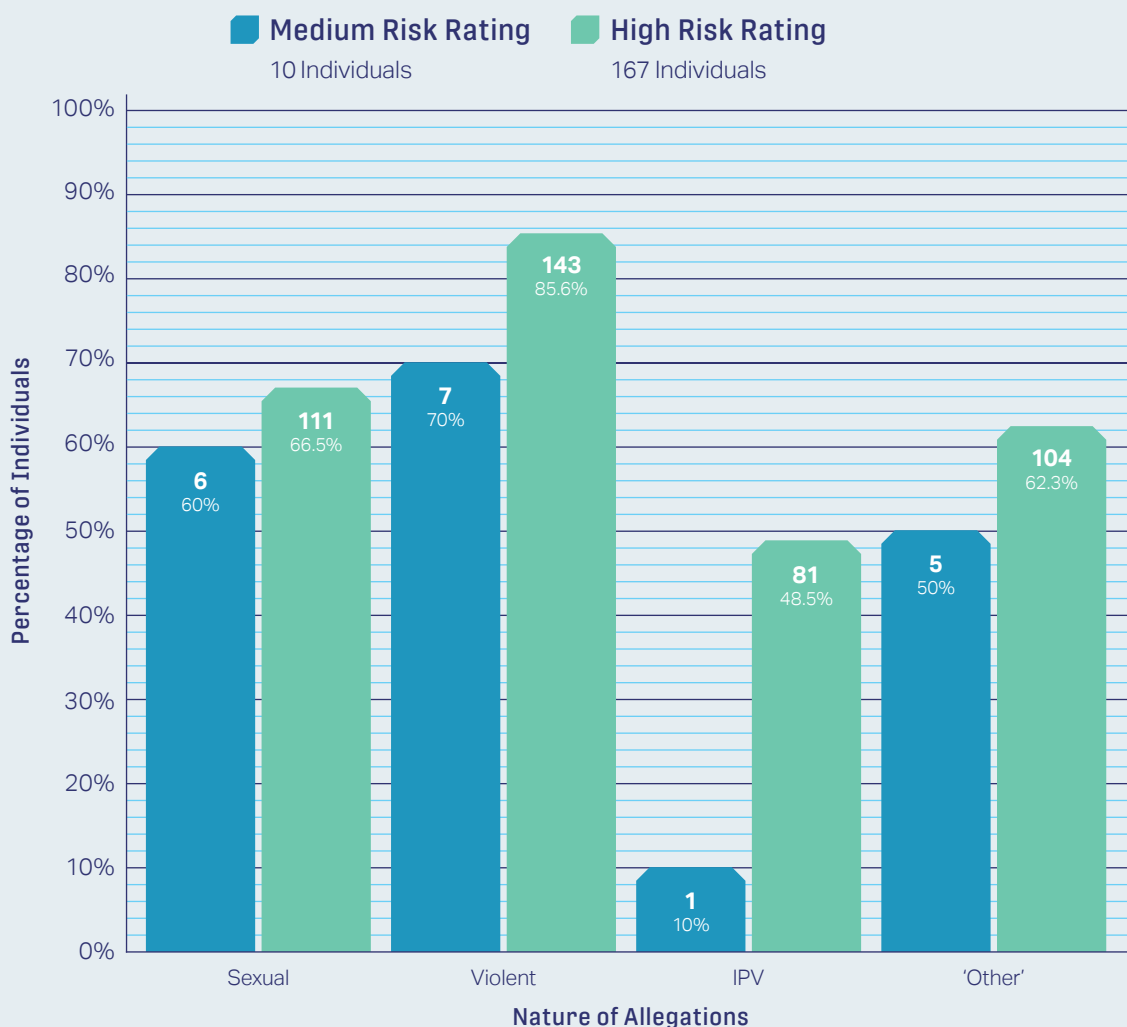


Figure 139. The number and percentage of individuals with allegations relating to each offending type, according to risk rating ($n = 177$) (NB: percentages per subgroup may total more than 100% due to overlap)

⁶⁷ Please note that in the case of alleged offending, IPV was double counted. This means that the total number of sexual, violent and ‘other’ offences includes any instances of IPV of each type. From the reverse perspective, the alleged IPV figure refers to the number of incidents of alleged offending which constituted IPV, and those same incidents are also captured in the overall tallies for each offending type.

The groups again differed in composition when considering whether the alleged offending was all of one type, or of a mixed nature.⁶⁸ In the 'medium risk rating' group individuals were evenly split between having one or mixed types of allegations. Whereas in the 'high risk rating' group the vast majority had alleged offending of a mixed nature ($n = 133$, 79.6%).

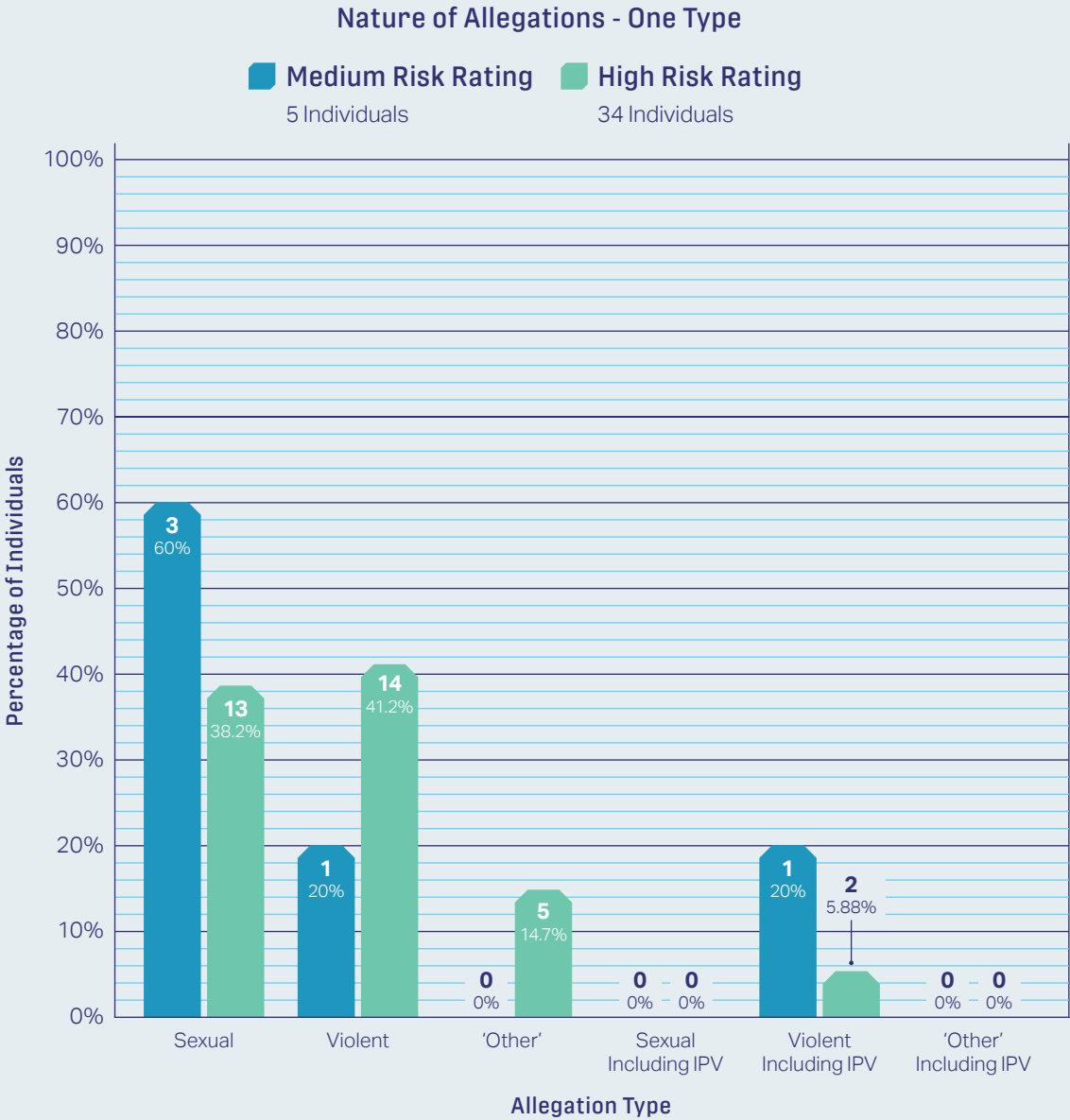
An illustration of the nature of alleged offending in each group, where this was of one type, can be found in Figure 140. The pattern of alleged sexual and violent offending in particular is interesting to observe between the groups: namely the fact that a higher percentage of individuals in the 'medium risk rating' group, as compared with the 'high risk rating' group, had allegations of a sexual nature, whilst the reverse pattern was true when considering violent allegations. Please note that the individuals with one allegation type which included IPV all had a single allegation, and the nature of that single allegation was violence involving an intimate partner.

Looking at the nature of alleged offending where the nature of such offending was mixed, common to all patterns in the 'medium risk rating' group was the presence of violent and 'other' offending (see Figure 140). The range of combined alleged offending types was much broader in the 'high risk rating' group (see Figure 140).

Alleged offending was not outlined to have influenced the risk rating of any individuals in the 'medium risk rating' subgroup. In the 'high risk rating' group, in the case of eight individuals it was specified that allegation information had influenced the risk rating.

⁶⁸ To reiterate, the information collected regarding alleged offending was less detailed than that concerned with convicted offending. As such, it was only possible to consider allegation information with IPV double counted. For the purposes of this calculation, any individuals with, for example, multiple allegations of a sexual nature including IPV, are included under 'mixed' offending.

8. THE OFFENDING PROFILE OF INDIVIDUALS SUBJECT TO AN OLR ACCORDING TO THE RISK RATING



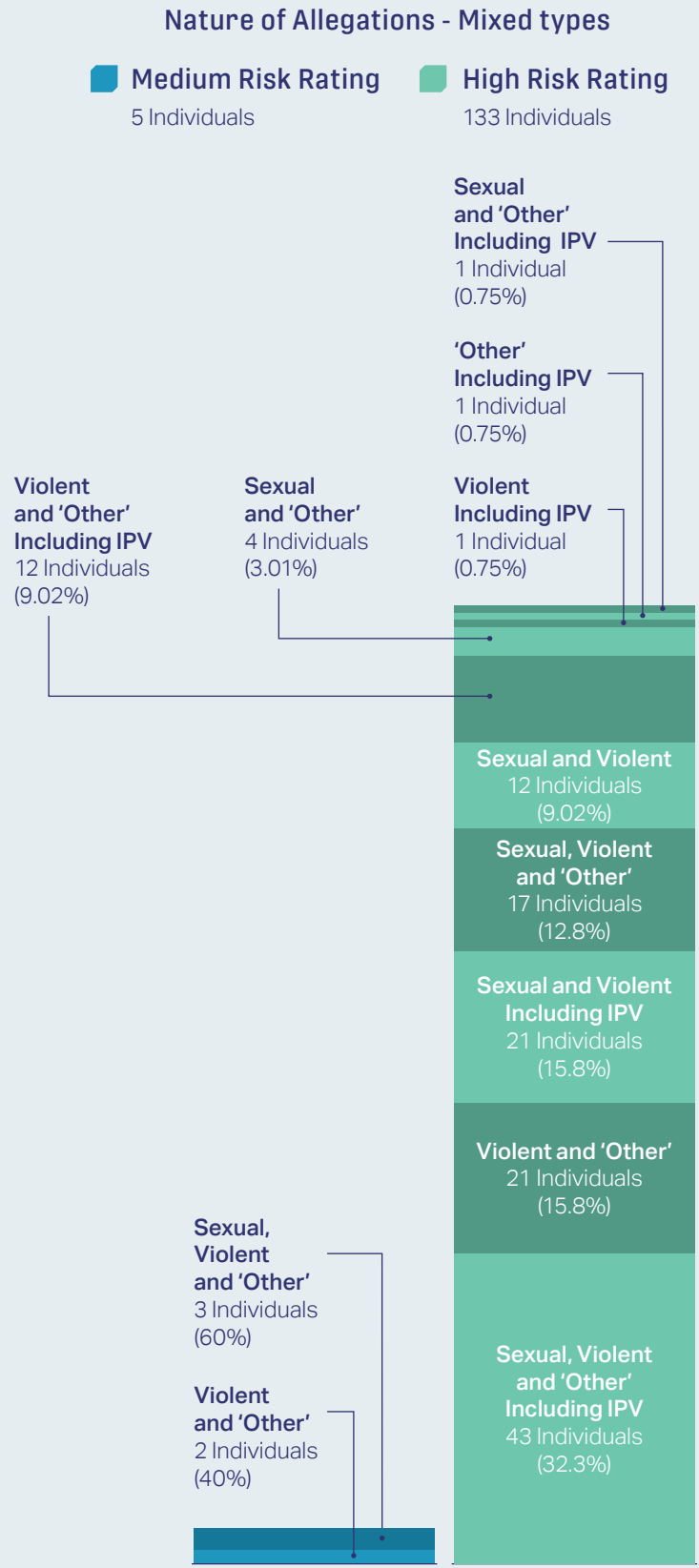
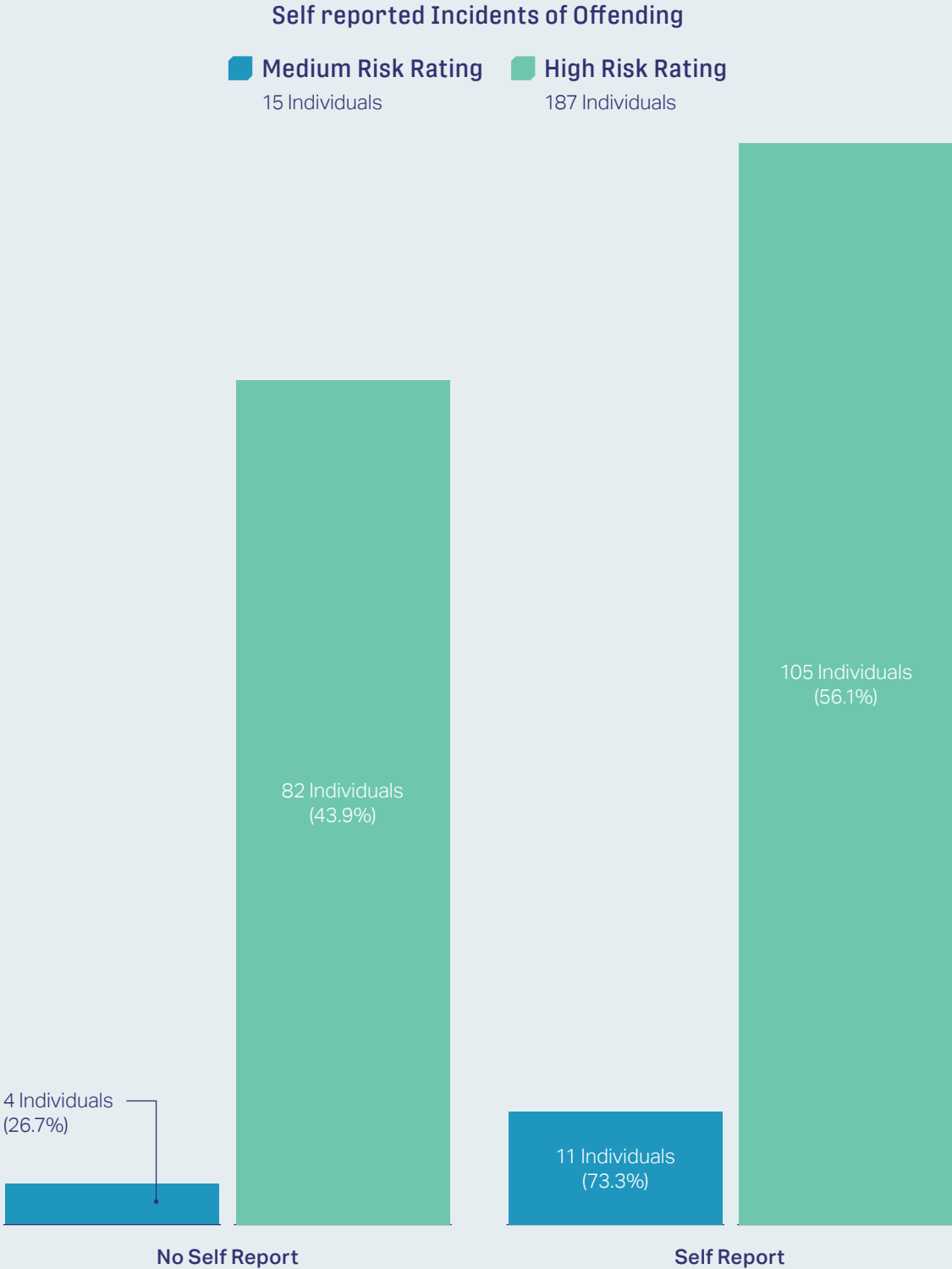


Figure 140. The nature of multiple allegations when comprised of one type or mixed types, according to risk rating (n = 177)

8.3.3 Self-Reported Incidents - Frequency

Moving on to consider incidents of self-reported further offending, again an interesting pattern emerged when looking between the groups: specifically, a noticeably higher percentage of individuals in the 'high risk rating' group self-reported further incidents of offending (see Figure 141).



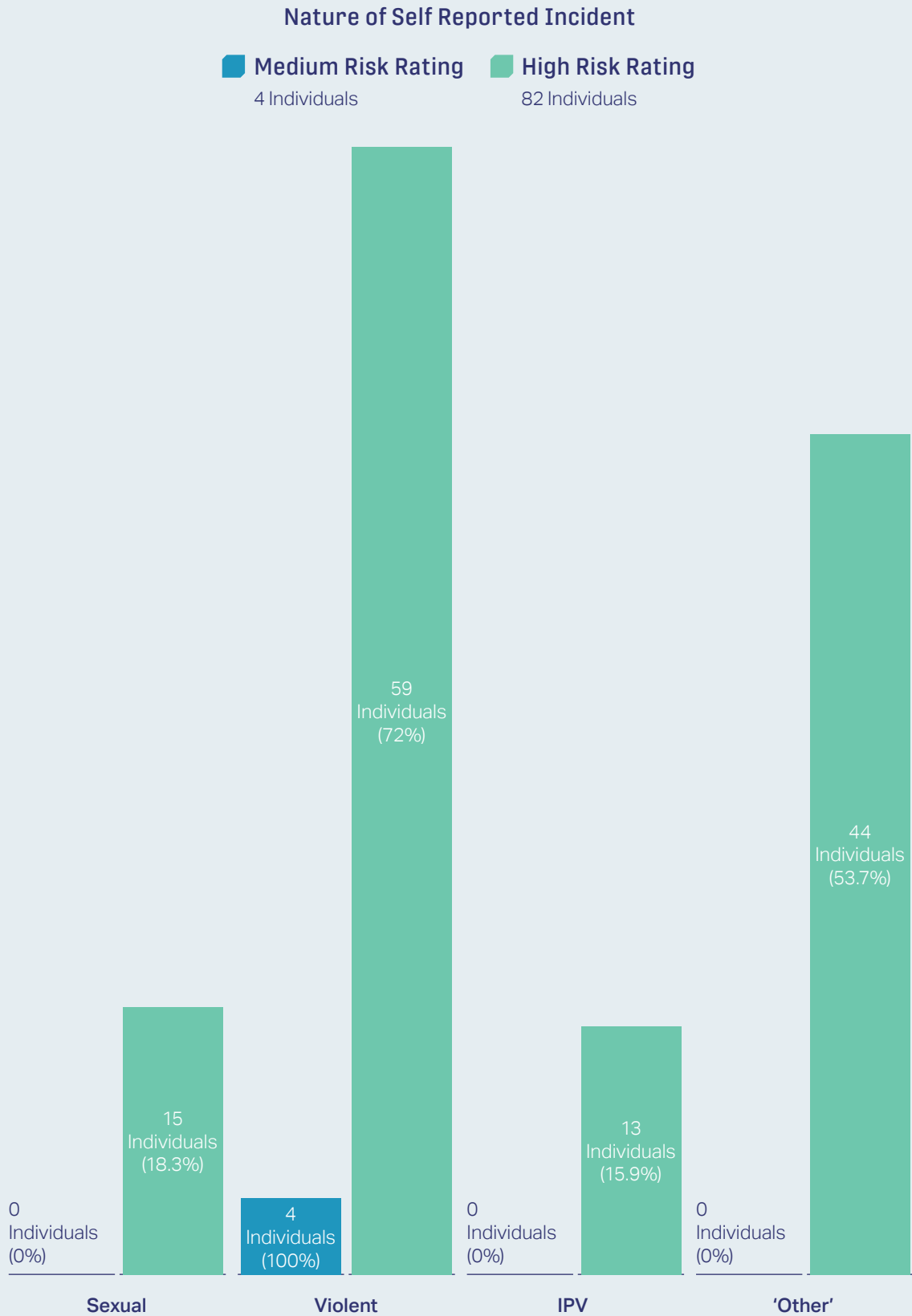


Figure 141. The number and percentage of individuals with self-reported further incidents of offending, according to risk rating, and the nature of such self-reported incidents (NB: percentages regarding the nature of self-reported incidents may total more than 100% due to overlap)

8.3.4 Self-Reported Incidents - Nature

Again, difference was seen between the groups when considering the nature⁶⁹ of such self-reported offending. In the 'medium risk rating' subgroup, all self-reported incidents were of a violent nature. In the 'high risk rating' subgroup meanwhile, whilst self-reported offending of a violent nature occupied the highest percentage, all offending types were represented (see Figure 141).

8.4 Discussion

This chapter was interested in the risk rating assigned to those subject to the OLR. The assessor must include their opinion regarding whether the risk mentioned in Section 210B(3) (a) of the 1995 Act⁷⁰ is 'high', 'medium' or 'low'. For each risk rating, there are standardised definitions outlined in the Standards and Guidelines for Risk Assessment (RMA, 2018), as outlined at the beginning of this chapter. In writing the RAR, it is outlined within the aforementioned Standards and Guidelines (2018)⁷¹ that the assessor must demonstrate how elements of the descriptors within the definition are met and in presenting their evaluation of the level of risk, there should be specific reference to the risk definitions. Of the group of 202 individuals, no individual was concluded to pose a 'low risk'; the entire sample was therefore comprised of individuals considered to pose a 'medium risk' and 'high risk'. However, it is important to note again that the risk rating alone does not determine who receives an OLR. The decision of whether the risk criteria is met is a decision for the Judge alone and if the criteria is considered to be met, an OLR will be imposed. That being said, as Ferguson (2021) details, the assigned risk rating is 'closely bound up' in the determination of whether the risk criteria is met.

The number of people concluded to pose a 'medium risk' was relatively small: 15 (7.43%) of 202 individuals. As it is a smaller group, it is not surprising that this group is not represented across all the years that the sentence has been available. The greatest percentage of OLRs imposed on those considered 'medium risk' occurred in 2010, with the most recent year within which an individual with a risk rating of medium was made subject to an OLR being 2019. Interestingly, from the previous chapter on individuals with no previous convictions, 2010 was also the year with the most individuals receiving an OLR with no previous convictions.

A comparison of the 'medium risk rating' group and 'high risk rating' group revealed a number of interesting patterns. When considering sexual offending and alleged sexual offending, it was found that the majority (80%) of individuals in the medium risk group who had sexual convictions had these represented solely in their index offending (i.e., they had no previous convictions for sexual offending). Interestingly however, among the half of individuals in the 'medium risk rating' group who had allegations of one type, the nature of these allegations was sexual. Thus it would appear that several individuals had sexual offending allegations, despite few individuals in this group having previous sexual convictions. The remaining 20% of individuals in the 'medium risk rating' group had sexual offending durations of between 2+ and 3+ years (note that no individuals in the medium risk rating group had only one previous conviction, or convictions of a 'unknown' duration). In contrast, amongst the 'high risk rating'

⁶⁹ Please note that, as with alleged offending, IPV is double counted such that, for example, self-reported IPV of a sexual nature will appear both in 'IPV' and 'sexual'.

⁷⁰ Accessible at [Criminal Procedure \(Scotland\) Act 1995 \(legislation.gov.uk\)](https://legislation.gov.uk)

⁷¹ Available from [Risk Assessment - RMA - Risk Management Authority](#)

group, of those who had convictions of a sexual nature across both their index and previous offending or multiple previous convictions, of which the duration was known, the majority had convictions spanning five years or more. A similar pattern was also seen when considering IPV of known duration, with convictions typically spanning a longer time period in the 'high risk rating group' as compared with the 'medium risk rating group'.

Convictions for violent offending were common amongst the 'medium risk rating' group, whether their offending was of one type or mixed types. Interestingly, the duration of this (violent) offending had a greater range than the duration of sexual offending among this group, with a majority of those who had violent convictions across index and previous offending, or multiple previous convictions (of which the duration was known) having convictions spanning five years or more. Whilst the 'high' risk group followed broadly this same pattern, a slightly higher percentage of that group had offending spanning 15 years or more, as compared with the 'medium risk rating' group. More particularly, in contrast with the 'high risk rating' group, no individuals in the 'medium risk rating' group had convictions spanning 25 years or more. No firm conclusions can be drawn from this data alone regarding whether a greater offending duration contributed to a higher risk rating. Nonetheless, the patterns observed here – both in terms of duration generally between the groups, and across different offending types – could be interesting to consider further within future studies.

Staying for a moment with violent offending, an interesting pattern emerged when considering those in the medium risk group with offending of one, as opposed to a mixed, type. Specifically, in the 'medium risk rating' group, in those who had only one type of offending, the nature of that offending was violent (please note the small sample size here – $n = 1$). In contrast, in the 'high risk rating' group the majority of individuals with one type of offending had offending of a sexual nature. This collective pattern was somewhat reversed however when looking at patterns of mixed offending – here, the percentage of individuals with sexual offending as part of their mixed profile was higher in the 'medium risk rating' group as compared with the 'high risk rating' group. It should be stressed however that, across both groups, the combination of offending types which appeared were multiple and various. Nonetheless, exploring the aforementioned pattern in greater detail within future studies (for example, looking at the type of convictions appearing under the category of sexual in each group, according to whether the individual has offending of one, or mixed types) could prove interesting.

It is interesting, too, to consider the general prevalence of sexual offending in the 'medium risk rating' group, which was greater as compared with the 'high risk rating' group, across individuals' overall offending histories. A similar pattern was seen, too, when considering the pattern of previous offending in those with index offences of an 'other or BoP' nature, and the index offending of those with no previous convictions. In all instances, the percentage of individuals in those groups with convictions of a sexual nature was higher than that in the comparator group – i.e., those in the 'index – sexual and violent' or 'previous convictions' subgroups, respectively. As discussed within the previous chapter (see Section 7.4), this pattern might be interesting to consider further in relation to perceptions of crime and the potential influence of the attitudes regarding 'sex offenders' of forensic professionals on decision making, including risk judgements (Harper et al., 2017).

There was a marked difference in the makeup of alleged offending between the 'medium risk rating' and 'high risk rating' groups. Most individuals in the 'high risk rating' group were the subject of allegations of a mixed nature, while the 'medium risk rating' group was split evenly

8. THE OFFENDING PROFILE OF INDIVIDUALS SUBJECT TO AN OLR ACCORDING TO THE RISK RATING

between those with allegations of a singular nature and of a mixed nature. Additionally, a much higher percentage of individuals in the 'high risk rating' group had allegations of IPV: 48.5% compared to 10.0% in the medium risk rating group. Further, it was found that 81.3% of the 'high risk rating' group had multiple allegations in comparison with 53.3% of the 'medium risk rating' group. As previously detailed, it is specified within the Standards and Guidelines for Risk Assessment (RMA, 2018)⁷² that allegations can be considered as part of the preparation of a RAR but assessors must explain the extent to which the allegation and evidence influenced their opinion on the individual's risk. As such, assessors must list each allegation, outline any additional evidence supporting it and explain the extent to which it influenced their opinion on the level of risk. Alleged offending was not outlined to have influenced the risk rating of any of the individuals in the 'medium risk rating' group. In the 'high risk rating' group, in the case of eight individuals, it was outlined that allegation information had influenced the risk rating.

In summary, individuals in the 'high risk rating' group tended to have longer durations of offending and were more likely to have allegations of IPV. The 'high risk rating' group also had a greater combination of mixed alleged offence types, and were more likely to have multiple allegations of offending behaviour. Additionally, all self-reported incidents of those in the 'medium risk rating' subgroup were of a violent nature, whereas for the 'high risk rating' subgroup, whilst the majority of self-reported incidents were of a violent nature, all types of offending were represented across self-reported incidents (violent, sexual, IPV and 'other').

⁷² Available from [Risk Assessment - RMA - Risk Management Authority](#)

9. GENERAL DISCUSSION

The OLR was implemented in 2006 and since that time, OLRs have been imposed every year. As of the 31st March 2021, there were 222 individuals subject to an OLR. This number has since increased and it will continue to increase over the coming years. The OLR remains a complex and unique sentence. The aim of this publication was to provide information about the offending characteristics of the group of individuals subject to an OLR: specifically, detail regarding the number and nature of convictions and allegations, the duration of offending, and information about behaviour in custody. It provides information, albeit comprehensively, about only one facet of this population – their offending behaviour – and is not designed to enable conclusions to be made about the appropriateness of the sentence, nor to contribute to any broader theorisation of the OLR. Rather, the information provided is intended to provide a starting point from which further research can then develop in order to increase our understanding of the OLR population.

A total of 222 RARs relating to individuals subject to the OLR were initially considered. Seven RARs were removed from the sample as they related to individuals who had successfully appealed the sentence. A further 13 were removed due to difficulty in coding them reliably. As such, a total of 202 RARs were examined for this project.

The project was divided into two broad sections:

- a summary and consideration of the pattern and nature of offending of all individuals sentenced to the OLR since its inception to March 31st 2021
- a summary and consideration of five specific subgroups within the population, namely young people, those with no previous convictions, those whose index convictions were solely of an 'Other' nature or Breach of the Peace, those who were assessed as 'medium' risk, and those who had convictions for IPV

This chapter opens with a summary of the pattern and nature of offending of the OLR population as a whole, and each of the subgroups considered within this project. This leads into a general discussion of findings from across the study as a whole, each individually considered in depth within the discussion sections in Chapters 3 to 8. Additionally, the imposition of the OLR on young people, and the use of allegation information, will be explored in more depth. As highlighted within the introduction, previous publications have made a number of recommendations which can be considered in light of the findings of this project. For example, Gailey et al. (2017) recommended that consideration should be given to a 'presumption against' consideration of the OLR for individuals aged below 21, whilst Ferguson (2021) recommended that allegation information should not inform opinion of risk but instead should solely be used to establish patterns of behaviour and inform risk management. The chapter closes with details regarding the limitations of this work, and future directions.

9.1 Summary of Pattern and Nature of Offending

In examining offending behaviour, this project sought to explore the pattern (which included the onset, duration, and frequency of offending) and nature of offending. The nature of offending included the nature of index and previous offending; the type of offences committed and diversity of offences committed by individuals.

Outlined in the following sections is a summary of the pattern and nature of offending of the whole population of individuals made subject to an OLR, and the five subgroups of interest.

9.1.1 The OLR Population as a Whole

The average age at OLR imposition was found to be 37.4 years of age. The majority of the sample – 92.6% ($n = 187$) were assigned a risk rating of high, the definition of which is as follows (as taken from the RMA's Standards and Guidelines for Risk Assessment, 2018)⁷³ –

The nature, seriousness and pattern of this individual's behaviour indicate a propensity to seriously endanger the lives, physical or psychological well-being of the public at large. The individual has problematic, persistent, and pervasive characteristics that are relevant to risk and which are not likely to be amenable to change, or the potential for change with time and/or intervention is significantly limited. Without changes in these characteristics the individual will continue to pose a risk of serious harm... (p. 60)

The remainder of the sample, 7.43% ($n = 15$) were assigned a risk rating of medium. No individuals have been assigned a risk rating of low and received an OLR.

Pattern of Offending

The age of individuals at OLR imposition ranged from 16-68 years, with an average age of 37.4 years ($SD = 11.6$).

In terms of index offending, it was found that the majority of the sample (63.9%, $n = 129$) had multiple index offences. The number of index offences ranged from 2-49, with the majority having committed between 2-5 index offences (58.1%). Of those who had committed multiple index offences ($n = 129$), the duration of offending was known in 115 cases and unknown in 14 cases. For just under half the subgroup, it was found that their offending took place over less than one year (46.1%) meaning they committed multiple index offences in less than a year. Group sizes were fairly evenly spread across the remaining year groups with the exception of 5+ years where there is a slight spike with 12.2% of the subgroup committing multiple index offences over 5+ years.

It was found that the majority (95%) of the sample had previous convictions ($n = 192$). Further, most (91.1% of the whole population) were found to have multiple previous convictions ($n = 184$). In some instances the number of previous convictions was unknown, but where it was known, it was found that the number of previous convictions ranged from 2-164. Furthermore, of those with multiple previous convictions ($n = 184$), it was found that the majority (94.6%) of that group had multiple previous convictions for mixed types of offending. In other words, they had multiple previous convictions for different types of offences (Sexual, Violent, IPV and 'other').

⁷³ Available from [Risk Assessment - RMA - Risk Management Authority](#)

Of those with previous convictions ($n = 192$), it was found that the earliest age of conviction ranged from 9 to 44 years of age. Nearly half (49%) received their first conviction before the age of 18, extending this to the age of 20, it was found that 67.8% received their first conviction before the age of 20 years of age.

The overall duration of offending was not known for the full sample known; duration was unknown in just over 5%, 10% and 20% of those with sexual, IPV and violent offending, respectively. This was partly attributed to conviction dates not always being provided or where one individual had multiple convictions but only one conviction date therefore it is unknown whether all convictions were dealt with on one date or not. However, the overall duration of offending was examined for the sub-group where the duration was known based on conviction dates provided, for sexual offending that was 41.9% of cases ($n = 57$), for violent offending it was 66.7% of cases ($n = 124$) and for IPV it was 48.4% ($n = 44$). Generally, the sample of those with sexual offending clustered around 5+ years, with a proportion of the sample having sexually offending over a period of longer than 20 years. There were 3 individuals with sexual offending over a period longer than 30 years. In terms of violent offending a quarter of the sample had over 15 years of offending, with nearly a tenth going beyond 30 years of violent offending. Finally, for IPV, this peaked around 5 years (but less than 10) which was similar to sexual. However there was no one who more than 25 years of IPV offending.

The majority of the population ($n = 180$) had incidents of alleged offending. For most ($n = 160$), these were multiple in number, with numbers ranging from 2-110. The number of individuals who self-reported further incidents of offending was much lower ($n = 86$, 42.6%). Just over half the group ($n = 112$, 55.4%) had recorded incidents of behaviour in custody.

Nature Of Offending

In terms of the overall offending history of the 202 individuals, it was found that 89.9% ($n = 181$) had offending of a violent nature within their overall offending history (i.e – either an index or previous conviction or both). A similar percentage, 87.6% ($n = 177$) had offending of an 'other' nature whilst 60.4% ($n = 122$) had offending of a sexual nature within their overall offending history. Just under half, 45% ($n = 91$) had IPV offending within their overall offending history.

The majority ($n = 190$, 94.1%) had an offending history that encompassed more than one type of offence. In other words, the majority of individuals had convictions for some combination of violent, sexual, IPV and 'other' offences. Interestingly, it was found that just over a quarter (26.8%) had convictions for sexual, violent and 'other' offences. Whilst a fifth (20.5%) had convictions for all four offence types, as such they had convictions for sexual, violent, IPV and 'other' offences. The latter findings highlight the diversity of offending amongst this population in the sense that their offending has spanned more than one type (See p.28 for Figures).

The index offence which triggers consideration of an OLR does not have to be a sexual or violent offence. In terms of the nature of index offending, it was found that 49% had index offending of a sexual nature ($n = 99$), 48.5% had index offending of a violent nature ($n = 98$). The percentage of those with index offending of IPV was lower at 27.2% ($n = 55$) and 17.3% had index offending of an 'other' nature ($n = 35$).

There were 73 individuals who committed a single index offence and all types of offending were evident; though violent or sexual offending were most prominent. However it was found that the majority of individuals ($n = 129$) had committed multiple index offences and where this was the case, a mix of offending across all four types was evident. Interestingly though, of those who committed multiple index offences, 51.2% committed multiple types of offences ($n = 66$) compared with 48.8% who committed the same type of offence multiple times ($n = 63$).

Of those who committed multiple index offences but of one offence type ($n = 63$), it was found that the group was fairly distributed across all offending types (sexual: $n = 21$; violent: $n = 23$; IPV: $n = 18$) with the exception of 'other' ($n = 1$). In summary, it was found that the majority of the sample had committed multiple index offences that encompassed more than one type of offence. Where individuals had committed a single index offence or multiple index offences of one type, violent and sexual offending were most prominent (See p.36).

The majority of the sample were found to have previous convictions ($n = 192$). All offending types were evident across previous convictions but it was found that violent ($n = 174$) and 'other' ($n = 172$) convictions were the most prominent. Furthermore, the majority were found to have multiple previous convictions ($n = 184$) whilst a much smaller group had a single previous conviction ($n = 8$) which was predominantly found to be of a violent nature ($n = 6$). Of those with multiple previous convictions, it was found that the majority ($n = 174$) had convictions which spanned more than one offending type (i.e – violent, sexual, IPV and 'other'). The largest proportion of which was for a combination of violent and 'other' convictions (32.2%), followed by violent, IPV and 'other' convictions (28.2%) and sexual, violent and 'other' convictions (21.3%). Just under 10% ($n = 17$) had multiple previous convictions for all offence types (sexual, violent, IPV and 'other').

Of the group of individuals with incidents of alleged offending ($n = 180$), 84.7% ($n = 150$) had allegations of a violent nature. A similar percentage, 66.1% ($n = 117$) and 61.6% ($n = 109$) had allegations of a sexual and 'other' nature, respectively. Just under half ($n = 82$, 46.3%) had allegations of IPV. Where allegations were multiple in number, these were most commonly mixed in nature, with a small number ($n = 19$) having multiple allegations of one type. These were evenly split between sexual or violent allegations, with no individuals having multiple allegations solely relating to IPV.

Of those who self-reported further incidents of offending ($n = 86$), few reported offending of a sexual ($n = 15$, 17.4%) or IPV ($n = 13$, 15.1%) nature. Nearly three quarters reported incidents of a violent nature (73.3%), and just over half reported incidents of an 'other' nature.

9.1.2 Individuals Subject to an OLR with Convictions for IPV

Of the 202 individuals subject to an OLR, 45% ($n = 91$) had convictions for IPV within their overall offending history. Per year, the percentage of individuals made subject to an OLR increased noticeably in 2014 and, whilst fluctuating slightly, has remained above 50% of the population (per year) since that time.

Pattern of Offending

Fifty five individuals had index convictions for IPV. In the vast majority of instances these convictions were multiple, with seven of the group (12.7%) having a single conviction for IPV. The number of offences, where multiple, was unknown for one individual, with the number of IPV convictions in the remaining group ranging from 2-29. The number of individuals with previous convictions for IPV was slightly higher, at 74 individuals. In this instance however, the group were nearly evenly split in terms of number of convictions, with 41.9% ($n = 31$) having a single IPV conviction, and 58.1% ($n = 43$) having multiple previous IPV convictions. Of the group, 17 had convictions for IPV solely within their index offending, and 19 had a single previous conviction for IPV. Of the remaining number, the duration of IPV convictions was known for 44 individuals. Of that group of 44, the majority of individuals had convictions spanning five years or more. No individual had IPV convictions spanning 25 years or longer.

Nature of Offending

Of those individuals with a single index conviction for IPV ($n = 7$), the majority ($n = 5$) were of a violent nature. Of those with multiple index IPV offences ($n = 48$), these were most commonly of a mixed nature ($n = 38$), with IPV offending of a 'sexual and violent' nature appearing most commonly ($n = 30$, 78.9%). Of those with multiple IPV index offences of a single type ($n = 10$), the nature of such offending was sexual in half of instances, and violent in the other half.

Of the group of individuals with a single previous conviction for IPV, again the nature of this IPV was most commonly violent. Of the remaining group of individuals with multiple previous convictions for IPV, the nature of such offending was singular in 22 instances. In all such cases, the nature of this offending was violent – in other words, where individuals had multiple previous convictions for the one type of IPV, that type was violent. Of those with multiple convictions of a mixed type, the greatest percentage ($n = 15$, 71.4%) had IPV convictions of a violent and 'other' nature.

Just over three quarters of the group of individuals with IPV, for whom the nature of alleged offending was known, had alleged incidents of IPV. Few however self-reported further incidents of IPV.

9.1.3 Young People Subject to an OLR

Across the group of individuals made subject to an OLR, 12 individuals in total were aged under 21 at the time of sentencing. Two individuals were necessarily excluded from this analysis due to difficulties in coding the RAR reliably, leaving a total of 10 young people.

Of the group of young people, two were under 18 at the time of sentencing, with the remainder being between 18-20 years. The year within which the highest percentage of the group of young people received an OLR was 2008, with no young person made subject to an OLR since 2014.

Pattern of Offending

The majority of young people, 60% ($n = 6$), had a single index offence – almost double the percentage of the 21+ age group. Of those young people with multiple index offences, the number ranged from 2-4.

All but one of the group of young people had previous convictions. Of those with previous convictions, for all but one individual these convictions were multiple in number, ranging from 3-58. Nearly all young people with previous convictions received their first conviction aged 16 or under, with two individuals in the group (22.2%) receiving their first conviction aged 17-18. All but two young people had previously been detained, either in YOI and/or adult prison.

When considering duration of overall convictions (of those with either multiple previous convictions, or index and previous convictions, of each type, of which the duration of convictions was known), the groups showed largely inverse patterns. A greater percentage of young people had convictions spanning less than five years, whilst a greater percentage of individuals aged 21+ had convictions spanning five years or more. This pattern was less clearly seen however when considering sexual convictions, with one individual in the young people group having convictions spanning 3+ years, and one having convictions spanning 5+ years.

As with the pattern seen when considering previous convictions, all but one young person had alleged incidents of offending (please note that this was not the same person who had no previous convictions) and in the main (eight of the nine individuals) these were multiple. The number of alleged incidents ranged from 4-44. Whilst the range of the number of alleged incidents in the 21+ year group was broader than that seen the group of young people, a greater percentage of young people – as compared with the 21+ age group – had 11 or more alleged incidents of offending.

Very few young people ($n = 2$, 20%) self-reported further incidents of offending. This percentage was much lower than that seen in the 21+ group, where 43.8% of the group ($n = 84$) had self-reported further incidents of offending.

Nature of Offending

Across their overall offending history, all young people had convictions for offending of a violent nature, whilst very few ($n = 1$) had convictions for IPV.

Nearly all young people ($n = 8$) had index offending of one type – a greater percentage than the 21+ age group. Of the group of young people with a single type of index offending, in half of instances the nature was sexual, and in the other half violent. Of those with a mixed nature of offending, violence was common to both; specifically one individual had index offending of a sexual and violent nature, and one of a violent and 'other' nature.

All those with previous convictions had convictions of a violent nature, and two thirds convictions of an 'other' nature. Most young people ($n = 6$, 66.7%) had previous convictions of mixed types, with the combination of violent and 'other' offending appearing most frequently, followed by 'sexual, violent and 'other''. Of those young people with previous convictions of a single nature, in all instances that nature was violent.

Similarly, for 88.9% ($n = 8$) of young people with incidents of alleged offending, the nature of such incidents was mixed. The combination of alleged offending types for half this group ($n = 4$) was 'sexual, violent and 'other''.

Where young people had self-reported further incidents of offending, in all instances these were violent in nature.

9.1.4 Individuals Subject to an OLR with Index Offending of an 'Other' Nature

Of those made subject to an OLR, 11 individuals had index offending solely of an 'other and BoP' nature (for full detail regarding the criteria applied to this, please see Section 6). Individuals in the 'Index offending - other and BoP' subgroup were made subject to an OLR across seven consecutive years, the last being 2014.

Pattern of Offending

Of those in the 'Index – other and BoP' subgroup, the majority ($n = 7$) had a single index offence – the reverse of the pattern seen in the 'Index – sexual or other subgroup'.

Of the group of individuals with index offending of an 'other or BoP' nature, all but one had previous convictions, and in all instances these were multiple in number, ranging from 3-45. All individuals in the 'index – other and BoP' subgroup received their first conviction aged 25 or below, with the majority ($n = 8$) receiving their conviction prior to the age of 18 (a higher percentage than that seen in the 'index – sexual or violent' subgroup). All individuals in the 'index – other or BoP' subgroup with previous convictions had previously been detained within either a YOI and/or adult prison.

All but one individual in the 'index – other and BoP' subgroup had alleged instances of offending (please note that this was not the same individual who had no previous convictions). The number of such allegations was multiple for all but one individual, with the number ranging from 3-18.

Just under half the group ($n = 5$) of individuals with index offending of an 'other and BoP' nature had self-reported further incidents of offending. This percentage was very similar to that of the 'index – sexual or violent' subgroup.

Nature of Offending

All those individuals in the 'index – other and BoP' subgroup with previous convictions had convictions of a violent nature, and a vast majority ($n = 9$) had previous convictions for offending of an 'other' nature. The percentage of those in the 'index – other and BoP' subgroup with previous convictions of a sexual nature ($n = 7$, 70%) was greater than that seen in the 'index – sexual or violent subgroup' ($n = 62$, 34.1%).

Nearly all individuals in the 'index – other and BoP' subgroup, with previous convictions, had convictions of a mixed nature ($n = 9$). Offending of a violent and 'other' nature was common to all combinations, with the greatest percentage of individuals ($n = 6$, 66.7%) having previous convictions of a 'sexual, violent and 'other'' nature.

Of those in the 'index – other and BoP' subgroup with alleged incidents of offending, 40% ($n = 4$) had alleged incidents of a single type; a percentage higher than that seen in the 'index – sexual or violent' subgroup. Similar to the pattern seen when considering previous convictions, of those in the 'index – other or BoP' subgroup with allegations of a mixed nature, alleged offending of a violent and 'other' nature was common to all combinations. The combinations of 'violent and 'other'' offending, and 'sexual, violent and 'other'' offending occupied the (equal) highest percentages.

Of those who self-reported further incidents of offending in the 'index – other and BoP' subgroup, 60% ($n = 3$) self-reported incidents of a violent nature, and the same percentage

reported incidents of an 'other' nature. A small percentage ($n = 1$, 20%) self-reported incidents of a sexual nature, and the same percentage incidents of IPV.

9.1.5 Individuals Subject to an OLR with No Previous Convictions

Ten individuals made subject to an OLR had no previous convictions. The OLRs relating to these individuals were made across six separate years, with the most recent being 2017. Of those with no previous convictions, 30% were assigned a risk rating of medium. This percentage was higher than that seen in the subgroup of individuals with previous convictions.

Pattern of Offending

Of those with no previous convictions, all but one had multiple index offences, with the number ranging from 2-32. Whilst the range of the number of index offences was greater in the group of individuals with previous convictions (2-49), a higher percentage of individuals with no previous convictions – as compared with those with previous convictions – had 11 or more index offences.

Seven individuals (70%) with no previous convictions had alleged incidents of offending. In all instances these were multiple (ranging from 3-34) with the majority of the group (71.4%) having between 2-5 allegations. As compared with the group of individuals with previous convictions, a higher percentage of individuals with no previous convictions had no instances of alleged offending (30%, as compared with 9.9% in the 'previous convictions' subgroup).

Two individuals with no previous convictions self-reported further incidents of offending - a lower percentage than that seen in the group of individuals with previous convictions.

Nature of Offending

Of those with no previous convictions, 60% ($n = 6$) had index offending of mixed types – a higher percentage than seen amongst individuals with previous convictions. Of those individuals with no previous convictions and index offending of one type, the nature of such offending was violent in half of instances, and sexual in the other. Of those with no previous convictions and mixed types of index offending, offending of a sexual nature was common to all, with the combination of 'sexual and other' occupying the highest percentage. When looking across the board, a higher percentage of individuals with no previous convictions had index offending of a sexual nature (80%), as compared with those with previous convictions (47.4%).

When looking at alleged offending, the group of those with no previous convictions (who had alleged instances of offending) was fairly evenly divided, with three individuals (42.9%) having allegations of one type, and four individuals (57.1%) having allegations of mixed types. Of those with allegations of a single type, two individuals had allegations of a sexual nature, and one of a violent nature. When looking at those with alleged offending of mixed types, allegations of a 'violent' nature were common to all combinations, with the combination of 'sexual and violent' occupying the highest percentage.

Of those with no previous convictions who self-reported further incidents of offending, in all instances these were sexual in nature. This pattern was in contrast to that seen in the group of those with previous convictions. Specifically, of those with previous convictions who self-reported further incidents of offending, the percentage of those who self-reported incidents of a sexual nature was small (15.5%, $n = 13$).

9.1.6 Individuals Subject to an OLR according to Risk Rating

Of those subject to an OLR, the vast majority had been assigned a risk rating of 'high' ($n = 187$, 92.5%). The remaining 15 individuals had been assigned a risk rating of 'medium', with no individuals made subject to an OLR assigned a risk rating of 'low'.

Individuals assigned a risk rating of 'medium' have been made subject to an OLR across eight separate years, the most recent being 2019.

Pattern of Offending

Of those in the 'medium risk rating' group with convictions of a sexual nature across their offending histories, for the majority (80%) this appeared solely within their index offending. Of those in the 'medium risk rating' group who had either index and previous convictions of a sexual nature, or multiple previous convictions, of which the duration was known, these occurred over a period of less than four years. This pattern is in contrast to that seen in the 'high risk rating' group, where the majority of individuals with sexual convictions, of which the duration was known, had convictions spanning five years or more.

When considering the duration (where known) of convicted violent offending, the 'medium risk rating' and 'high risk rating' groups followed broadly similar patterns, with a majority of both groups having offending spanning five years or more. The period of convictions spanned further however in the 'high risk rating' group, with no individuals in the 'medium risk rating' group having violent offending spanning 25+ years or more.

The duration of convictions (where known) for IPV followed the same pattern as seen when considering sexual offending – in other words, for the majority of those in the 'medium risk rating' group the duration of convictions was less than five years, whilst the reverse was true in the 'high risk group'.

For all offending types, a higher percentage of individuals in the 'medium risk rating' group had that offending type represented solely within their index offending, as compared with those in the 'high risk rating' group.

Of those individuals in the 'medium risk rating' group, four individuals had no alleged instances of offending; a figure which translated to a higher percentage of the group, as compared with those in the 'high risk rating' group. Where allegations were present in the 'medium risk rating' group, they were most often multiple, with numbers ranging from 2-34.

Four individuals in the 'medium risk rating' group self-reported further incidents of offending – a lower percentage (26.7%) as compared with those in the 'high risk rating' group (73.3%).

Nature of Offending

Across both risk rating groups, the vast majority (and a similar percentage) of individuals had overall offending histories comprised of mixed types of offending. Where this was not the case in the 'medium' risk rating group, the nature of the one type of offending was 'violent'. Across both groups, the combinations of offending types seen were various and multiple. Whilst offending of a violent nature was common amongst the offending combinations of both groups, as compared with those in the 'high risk rating' group, a higher percentage of individuals in the 'medium risk rating' group had sexual offending within their profiles of mixed offending.

Of the individuals in the 'medium risk rating' group with instances of alleged offending, of which the nature was known, these were of one type in half of instances, and mixed types in

the other. Of those in the medium risk rating group with alleged offending of one type, in 60.0% of instances ($n = 3$) the nature of such alleged offending was sexual – a higher percentage as compared with the ‘high’ risk rating group. When looking at patterns of mixed alleged offending in the ‘medium risk rating’ group, alleged offending of a violent and ‘other’ nature was common to all, with the combination of ‘sexual, violent and ‘other’ occupying the highest percentage.

Where further incidents of offending were self-reported by those individuals in the ‘medium risk rating group’ these were solely violent in all cases. When looking at the ‘high risk rating’ group, the nature of self-reported further incidents of offending were most commonly violent (72% of individuals) and ‘other’ (53.7% of individuals).

9.2 General Discussion of Findings

When considering the overall offending history of those subject to an OLR, the nature of offending of the vast majority was shown to be mixed: specifically, 94.1% of the population had convictions for more than one type of offending, with a fifth of the sample (20.5%) having convictions for all offence types examined – violent, sexual, IPV and ‘other’. Violent offending was prominent, appearing in the overall offending profiles of just under 90% of individuals, closely followed by offending of an ‘other’ nature. As discussed at length within Section 3.7, the prominence of violent offending may however, at least in part, reflect the breadth of the category and necessary criteria imposed when coding to ensure consistency.

Offending of a violent nature also featured prominently when looking more specifically at the nature of convicted IPV, with just over 90% of individuals with IPV across their offending history having convictions for IPV of a violent nature. Furthermore, the vast majority of individuals with convictions for IPV of a violent nature also had convictions for violence against someone other than an intimate or ex-partner, suggesting – albeit bearing in mind the caveats just outlined – violence to be pervasive amongst individuals with convictions for violent IPV. Also interesting to observe was that, whilst not directly comparable to the findings just outlined due to the focus on previous convictions, of those individuals with previous convictions in the ‘young people’ subgroup, and the subgroup of individuals with index offending of an ‘other and BoP’ nature, all had previous convictions of a violent nature. This crossover, in terms of pattern, between these two subgroups was interesting to observe and further investigation across and between these two groups, looking for example at the exact nature of violent offending, could be elucidating.

Whilst violent offending was clearly prominent within the previous convictions of those with index offending of an ‘other and BoP’ nature, also interesting to observe amongst this subgroup was the prevalence of sexual offending, more particularly as compared with the ‘index – sexual or violent group’. The percentage of individuals in the ‘index – other and BoP’ group with previous convictions of a sexual nature was almost double that of the comparator group; a pattern also seen when considering the nature of index offending of those without previous convictions and, albeit to a lesser degree, the nature of overall offending of those in the medium risk rating group. As has been discussed in detail in the relevant chapters, there are a number of reasons why such patterns may have emerged and it is not necessarily the case that one explainer underpins all of them. Nonetheless, these patterns – both individually and collectively – may well warrant further investigation, particularly in relation to perceptions of crime and attitudes towards ‘sex offenders’ (Harper et al., 2017).

Whilst across all offending types, the majority of the group of individuals with multiple convictions (either in the form of index and previous convictions, or multiple previous convictions) of which the duration was known had convictions spanning 5 years or more, the range of durations extended further when considering both sexual and violent convictions, as compared with IPV convictions. Also interesting to observe across offending types was the noticeable difference in the number of individuals with 'solely index offending', and the percentage of individuals for whom it was known that they had multiple convictions (either in the form of index and previous convictions, or multiple previous convictions) but of which the exact duration could not be established.

Just under half the group of individuals with convictions for sexual offending within their overall offending history had such offending solely within their index offending – much higher than the percentages seen for violent offending, or IPV. It should be stressed however that one index conviction date does not necessarily translate to one index offence. Individuals may have multiple index offences convicted at the same court hearing, and the possibility that this finding may be explained by the presence of a greater likelihood of multiple sexual offences being convicted at one court hearing, as compared with other offending types, cannot be ruled out. Interestingly and somewhat relatedly, sexual offending also featured prominently in the subgroup of individuals with no previous convictions, often in combination with other offending types. Further exploration of these patterns again could be beneficial – particularly, as just outlined within the previous paragraph, in relation to perceptions of crime.

In relation to those with offending of an unknown duration, the percentage of such individuals was noticeably higher when considering violent offending, as compared with both other offending types (i.e., sexual and IPV). One potential explanation for this was the breadth of the 'violent' category; specifically, the inclusion of Breach of the Peace offences, which could potentially have encompassed behaviour akin to that recorded within the category of 'other', and may therefore have been of lesser focus when the RAR was being compiled. Somewhat relatedly, it was interesting to observe that the percentage of individuals for whom the number of previous convictions was unknown was greater in those who had multiple index offences, as compared with those who had a single index offence. Again, whether this might potentially reflect the degree of detail provided in some areas according to the volume of detail in others, might be interesting to consider further within future studies.

A further interesting pattern to arise in relation to offending of a sexual nature concerned self-reported incidents of further offending. When looking at a whole population level, the percentage of individuals self-reporting incidents of a sexual nature was low – a finding which was considered in relation to potential stigma (see Chapter 3). In some contradiction however, of those with no previous convictions who self-reported further incidents of offending, all such incidents were of a sexual nature. It is fully acknowledged that the subgroup of individuals with no previous convictions was small – nonetheless, further exploration and consideration of why this disparity in pattern might be appearing could be beneficial in extending understanding of this population.

Many of the individuals subject to an OLR started offending from a young age, with the youngest receiving their first conviction aged 9 and almost half (49%) receiving their first conviction below the age of 18. Keeping this in mind, the average age at time of OLR imposition was found to be 37.4 years, suggesting that many of the OLR population engaged in criminal behaviour from a young age which has persisted into adulthood. These findings are interesting to consider in relation to theories of offending such as the age-crime curve and

Moffitt's (1993) developmental taxonomy (for further discussion relating to this point, see Section 3.7) and could be interesting to consider further within future studies.

9.2.1 Young People

For the purposes of this project, young people were defined as those under the age of 21; an age chosen as it was not considered likely that the OLR would be imposed on individuals under the age of 21 (Scottish Executive, 2001). It is important to note that, when looking across publications, the definition of a young person varies considerably. For example, the United Nations (UN) defines 'youth' as an individual aged between 15 and 24 years of age, and UN statistics on youth consequently reflect that definition (United Nations [UN], 2018). This difference in definition that exists naturally affects the ease with which information regarding young people can be compared across publications, and is therefore important to be kept in mind.

Of the 202 RARs examined, there were 10 individuals who were aged 21 or under at the time of sentencing, which equates to 4.95% of the sample. In terms of age, the majority (80%) of the 10 individuals were aged between 18-20 at the time of sentencing with 20% under the age of 18. The youngest individual subject to an OLR was 16 at the time of sentencing. The overall offending of the 10 young people spanned all offence types, with all young people having violent convictions. Interestingly, it was found that a small proportion of the young people with convictions spanning both index and previous offending or multiple previous convictions, of a known duration, had violent and sexual offending that spanned 5+ years – 50% in the case of sexual offending, and 14.3% in the case of violent offending. With the exception of one individual, the remaining young people all had previous convictions, the number of which ranged from 3 to 58. Of those nine individuals, it was found that almost half (44.4%) received their first conviction aged between 14-16 whilst a third (33.3%) received their first conviction aged 13 or under, with the youngest individual receiving their first conviction aged 9 years of age. Whilst these findings regarding convictions and age are interesting, it should be noted that the age of first conviction was often difficult to discern from RARs. This is largely attributed to the presence of Children's Hearing appearances of which the outcome was unclear. For this reason, the age of first conviction should be read with an understanding that it is possible that individuals may have acquired convictions at a younger age.

The period across which young people have been made subject to the OLR spanned several years, the greatest percentage of which occurred in 2008 (40% of young people). It was found however that, from 2008, there was a general decline in the number of young people receiving OLRs, with none having been imposed on a young person since 2014. It is interesting to note that the total number of young people in custody has also decreased over time, from around 864 in 2010-2011 to around 325 individuals in 2019-2020 (Scottish Government, 2020) - a finding which may in part be attributed to the opportunity to divert young people from prosecution, early and effective intervention, community alternatives to secure care and custody amongst other strategies. As this project did not examine in detail those who were considered for an OLR but did not receive one, it is unknown whether any young people have been made subject to an RAO since 2014.

Whilst the exact reason for the general decline seen in the use of the OLR with young people since 2008 is unknown (and, indeed, is out with the intended scope of this project), it is worth highlighting a number of potentially relevant and notable developments in the field of youth justice since the implementation of the OLR in 2006. Please note that the information outlined

here represents a mere snapshot of practice and policy developments relating to young people; there have been many notable changes in the youth justice landscape in recent years, including a greater understanding of how and why young people may engage in crime.

In 2006 itself, GIRFEC principles⁷⁴ were nationally introduced, which placed an emphasis on child welfare. Two years later the Government published 'Preventing Offending by Young People – A Framework for Action'⁷⁵, which has been described as the first policy document specifically focusing on youth justice (Robertson, 2017). It has been suggested that this policy document indicated a movement "...back towards a more welfarist approach, underpinned by GIRFEC" (Hammond, 2019, p. 7). The Whole Systems Approach (WSA), which is again underpinned by GIRFEC, was introduced in 2011. This approach places an emphasis on individualised and multi-agency responses for young people involved in offending. A new Youth Justice Strategy was further published in 2015.

There continues to be changes in practice and policy in relation to youth justice, reflecting the growing understanding around young people and offending behaviour. It is known that children's early life experiences can have a significant impact on their development (O'Rourke et al., 2020) and young people involved in offending have been described as some of the most vulnerable, victimised and traumatised children (CYCJ, 2021). Indeed, it is suggested that young people in custody are likely to have already experienced multiple adverse experiences by the time they enter custody which could include abuse, neglect and household plus family dysfunction (CYCJ, 2021). Additionally, young people with experience of being in care have been found to be overrepresented in the criminal justice system. There have been attempts to understand why this may be the case, for example it has been proposed that the risk factors for entering the care system may be similar to the risk factors for young people engaging in offending behaviour, such as trauma, abuse, neglect and experience of adversity (Moodie & Nolan, 2016). It has also been suggested that being in care itself may increase the risk of involvement in offending, and that it could increase the likelihood of criminalisation as the response of the justice system to looked after children in comparison to their non-looked after peers (Bateman, Day & Pitts, 2018). It has also been proposed that the likelihood of entering the justice system may be related to the type of placement, with it indicated that young people placed in residential care are more likely to enter the youth justice system as compared with their peers in foster care or those who were adopted (Youth Justice Board, 2015). Upon examining a sample of 49 young people accommodated in residential and secure care, Webb and Johnson (2019) found high rates of traumatic event exposure, with half the sample meeting the criteria for a likely diagnosis of PTSD. The severity of PTSD symptoms was also found to be associated with verbal and physical aggression.

Collectively, the research considered here would suggest that trauma is highly relevant to risk practice within youth justice. Overall, the evidence surrounding the impact that trauma can have upon an individual has been growing for decades and has led to a greater emphasis on trauma informed practice (TIP). In Scotland, NHS Education Scotland (NES) has produced a knowledge and skills framework known as 'Transforming Psychological Trauma' (NHS Education for Scotland, 2017). Aimed at the entire Scottish workforce, the framework is split into four tiers relating to the nature, setting and context of the role.

Also important to draw attention to is the sentencing guideline for sentencing young people,

⁷⁴ For more detail see [Getting it right for every child \(GIRFEC\) - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/getting-it-right-for-every-child/girfec-2006/pages/12.aspx)

⁷⁵ For more detail see [Preventing Offending by Young People: A Framework for Action \(webarchive.org.uk\)](https://web.archive.org/web/20110805120000/http://www.gov.scot/Publications/2006/08/20060805120000)

approved by the High Court of Justiciary on 9th November 2021 and coming into effect on January 2022. For the purposes of the sentencing guideline, a young person is considered to be someone under the age of 25 at the date of their guilty plea or when a finding of guilt is made against them (Scottish Sentencing Council, 2021). The guidelines detail that the sentencing of a young person is different to the sentencing of an older individual; attributed to the fact that they tend to have a lower level of maturity as well as a greater capacity for change and rehabilitation (Scottish Sentencing Council, 2021). This is in line with many other European countries which consider young people involved in crime to be a distinct age group that should be considered differently from adults involved in offending (Pruin & Dunkel, 2015).

The Scottish Sentencing Council guidelines detail that when assessing culpability, the Court should have regard to both the intellectual plus emotional maturity of the young person at the time of the offence (Scottish Sentencing Council, 2021). This is based on research which evidences that the brain does not fully mature until as late as approximately 25-30 years of age (O'Rourke et al., 2020). The result of this is that young people are less able to employ good judgement in terms of decision making, they may be more vulnerable to negative influences and less likely to consider the consequences of their actions as well as engage in more risks (Scottish Sentencing Council, 2021). Furthermore, it is detailed that the Court should ensure that it should have adequate information to assess the maturity of the young person and to assist with identification of the appropriate sentence and this could include information and reports about: trauma, adverse childhood experiences, the living environment including whether the young person has been in care and more (Scottish Sentencing Council, 2021).

In 2018, the RMA provided Ministerial advice in relation to the presumption against a consideration of an OLR for young people under the age of 21. This advice was informed by the evidence base that was growing in relation to young people involved in offending behaviour which has since continued to grow. The findings of this research as well as the work of partners in justice including the Scottish Sentencing Council, will inform any further Ministerial advice in relation to the use of the OLR with young people.

9.2.2 Allegations

In addition to examining convicted index and previous offending, this project sought to explore alleged offending. Assessors are able to consider allegations information as part of the RAR process, as per Section 210C (2) of the 1995 Act.⁷⁶ For the purposes of this project, the definition of allegations involved the assessor identifying an allegation in a specific table that is included in all RARs, or the allegation having police involvement in some way, including witness statements related to court proceedings.

It was found that the majority of RARs included some form of alleged offending behaviour. Of the 202 RARs examined, 180 RARs (89.1%) contained information relating to alleged offending. In terms of the nature of alleged offending, it was found to span all four offending types examined (sexual, violent, IPV and other). The majority had allegations of a violent nature (84.7%), followed by allegations of a sexual nature (66.1%) and of an 'other' nature (61.6%). Just under half had allegations of IPV (46.3%). Similar to the findings for index offending and previous offending, it was found that the majority had multiple allegations (79.2%) and of this group, the majority (87.9%) had multiple allegations of a mixed nature (see pp. 55-57).

⁷⁶ Accessible at [Criminal Procedure \(Scotland\) Act 1995 \(legislation.gov.uk\)](https://legislation.gov.uk)

One interesting finding is that there were a number of instances where individuals had allegations of a certain type of offending but did not have convictions for that same type. For example, an individual with convictions for violent offending but alleged offending of a sexual nature. This highlights that there are instances where the inclusion of alleged offences would have highlighted other risks beyond that which may be indicated by the convicted offending behaviour alone. This is relevant for assessing risk but also when considering the risk management of that individual.

The inclusion of allegation information as part of the risk assessment process has been viewed as one of the more contentious aspects of the OLR (in the sense that something that someone may or may not have done can be considered when assessing risk) and concerns have been raised regarding the use of such information. McSherry and Keyzer (2009) suggested that it undermines the presumption of innocence, whilst Zyl Smit and Morrison (2020, p.90) outlined their opinion that "...the fact that unproven allegations can influence future sentences at all is alarming". In relation to these points, it is worth noting that an RAO will be made where it is considered that an OLR may be necessary and proportionate to manage someone's risk and this decision is made before the RAR is undertaken. In other words, there will be a reason for the court to consider that the risk criteria might be met before it has access to information in the RAR that may not be included in other reports such as Criminal Justice Social Work Reports (Ferguson, 2021). As outlined above, there were instances where individuals had convictions for one or more types of offending but allegations of a different nature, highlighting a difference between the nature of convicted offending and alleged offending which is relevant for risk assessment and management of that individual.

Indeed, in the White Paper (Scottish Executive, 2001), it is detailed that consideration of allegations could "...maximise the accuracy..." (p.25) of the RAR:

In order to maximise the accuracy of the risk assessment report and all its constituent parts, it is vital that all relevant information is taken into account. Therefore, as well as information on prior convictions, unproven allegations of criminal behaviour will be taken into account, as will the fact that the offender had been prosecuted for and acquitted of offences in the past (although the fact that the person was acquitted on these previous occasions will be given equal weight to the fact that there was a prosecution). (p.25)

As such, it seems as though the provision of allegations being considered as part of the risk assessment process may have achieved the function set out by the MacLean Committee in that there are instances where such information has highlighted that individuals may have a wider pattern and nature of offending beyond that which is known from convicted offending alone.

As outlined within the Standards and Guidelines for Risk Assessment (RMA, 2018),⁷⁷ assessors must list each of the allegations in the report and any additional evidence that supports it. The assessors must also clearly state if allegation information influenced the risk rating. Of the 180 RARs which contained alleged offending, it was found that in eight cases (4.44%) alleged offending was stated to have influenced the risk rating. In terms of the nature of the alleged offending that influenced the risk rating, 75% of the subgroup of eight individuals had allegations of a sexual nature which influenced the risk rating, with the same percentage having allegations of a violent nature. Alleged offending of an 'other' nature or IPV both (individually) also featured with, in both instances, two of the 8 individuals (25%) having

alleged offending of that type which influenced the risk rating. As it is such a small sample, it is difficult to interpret any trends or patterns related to this; nonetheless, it is interesting to observe the prevalence of sexual and violent allegations amongst those which were outlined to have influenced the risk rating.

The risk rating does not trigger the imposition of an OLR therefore no conclusions can be drawn regarding the influence of alleged offending on whether an individual was sentenced to an OLR. As noted earlier, the test of whether an OLR will be imposed is that on the balance of probabilities, the risk criteria are met. To determine this, the Sentencing Judge will consider information from a range of sources, one of which is the RAR. The Judge may disregard allegations referred to in the RAR so the extent to which allegations influence sentencing is not known. Nonetheless, it is interesting that the majority of individuals in the sample (89.1%) had alleged offending, and that that alleged offending encompassed all four offence types, with the majority of individuals having multiple allegations of a mixed nature. Of those with alleged offending, in a small number of cases, this was found to have influenced the risk rating. Whereas in the majority of cases where alleged offending was present, the information was not outlined to have impacted the assessors determination of the risk rating.

9.2.3 Net-widening

In relation to the fact that the index offending of those made subject to an OLR does not need to be a serious violent or sexual offence, concerns about net-widening in relation to the OLR have been raised (Zyl Smit and Morrison, 2020). This study aimed to explore this by looking at subgroups involving index offending of an 'other' nature or involving Breach of the Peace, and where individuals had no previous convictions. There are some findings that stand out when considering the potential of net-widening. Firstly there is the finding that the percentage of individuals with a medium risk rating was higher in the individuals with 'other' or Breach of the Peace index offending, than compared to those with violent or sexual index offending. There are also several notable profiles that provoke consideration of net-widening. One was of an individual in 'other or BoP' index offending with no previous convictions, and another was an individual with no previous convictions who had a single index offence. Furthermore, in the subgroup with no previous convictions ($n = 10$), the individuals with 'other' index offending are of interest in relation to net-widening. Although interpreting the data based on conviction and not motivation or function of behaviour does mean this perspective is limited.

It is also important to put forward that the size of the group with 'other and BoP' index offending was small ($n = 11$). As a group they also averaged 19.2 previous convictions, and all but one of the group had allegations of further offending, with half of them also self-reporting further offending. Furthermore in the no previous convictions subgroup the majority had multiple index offences, as well as allegations of further offending, with an average of over 8 allegations per individual. Additionally allegations of a sexual or violent nature were common in this subgroup. It is also important to point out that across the entire sample of OLR's included the overwhelming majority had some form of allegation information, and there were numerous instances where allegation information suggested a different type of offending than what individual's were convicted (e.g. 43.8% of those not convicted of violent offending had violent allegations).

⁷⁷ Available from [Risk Assessment - RMA - Risk Management Authority](#)

Therefore it is important when considering net-widening arguments that conclusions are not based solely on index offending data as this doesn't paint the entire picture, and the risk assessment process underpinning OLR sentencing is in itself designed to explore an individual's entire offending history. Whilst there are several unique offending profiles that might be used as support for suggesting net-widening, there are also numerous examples of group profiles that suggest the opposite. However whilst such concerns have been under consideration throughout this report, it was not expected that the information gleaned from this study alone – i.e., information relating to individuals' pattern and nature of offending – would in itself be able to provide conclusions regarding such concerns.

Risk assessment is a complex and skilled practice that requires the assessor to take account of various aspects of an individual's life and make judgements on function and relevance. This requires more than an accounting of an individual's offending history. However, the patterns and trends identified within subgroups and across the whole population spark interesting avenues for potential further research and could also be used in combination with other detail – such as particular socioecological factors, for example – to begin to address complex questions such as that concerning net-widening in more detail.

9.3 Limitations

The findings of this project come from retrospective analysis of secondary data, in so far as the information contained within the RARs was accepted as being accurate. As detailed in Chapter 2, information was only cross-referenced in relation to other court related documents that may have existed at the time of sentencing.

The project had several areas where data could be difficult to accurately extract and code. This was sometimes attributed to the availability of information in the report. The researchers maintained a codebook and decision log, as well as holding weekly meetings, to ensure a consistent coding system. This included criteria to ensure consistency in areas where RARs were vague or, for example, where counting convictions and allegations was not straightforward (see Appendix 1).

The name and number of convictions could be difficult to discern, primarily due to various RAR assessors writing in different styles, and the RARs not being written with research in mind. For example, there were instances where assessors provided information regarding offences over a period of time but did not outline dates of all offences mentioned, meaning there were gaps in the information which made it difficult to discern the timeline of offences. Another example concerns instances, most commonly in relation to historical information, whereby offences were mentioned but it was unclear if it resulted in prosecution or conviction. Case files for more recent OLR cases often contained information such as court minutes or sentencing statements that could be used to confirm dates, conviction names, and the number of convictions (see Method section for details on where cross-referencing was permissible). These documents were often not present in early OLR case files.

The criteria employed by the researchers regarding how and when to code something as a conviction were intentionally rigid, to ensure inter-rater reliability. This may have resulted in some convictions being incorrectly counted as allegations, thus inflating allegation numbers and undercounting convictions. This was deemed preferable to potentially inflating conviction numbers. As a result, later documents, such as RMPs or meeting minutes, may cite different conviction totals or names than those noted in this research. It is unavoidable that others would code convictions and allegations differently than the researchers, given the

researchers were working within a defined set of rules to be applied across all RARs, which could not be bent depending on context or narrative surrounding the conviction. See Appendix 1 for further details and an example of when discrepancies between this project and other documents (e.g., RMPs) may not agree.

Assault convictions proved particularly difficult to count. These convictions often had additional offences within the conviction name, causing some difficulty in discerning the number of convictions being described. For example, RARs may record “assault and abduction” without further clarity on whether this was one conviction or two. The researchers aimed to be as consistent as possible in their approach to this; this is detailed in Appendix 1. Information about how Police Scotland name and count offences can be found within the Scottish Crime Recording Standard (Scottish Crime Reporting Board, 2019).

There was varying degrees of detail regarding dates of previous offences. As a result, it was not always possible to accurately calculate the duration of offending. Some dates were only available as years, with no further information about which month or day the offence occurred. There is therefore a risk that some periods of offending may be misleading in their duration: if the RAR noted that someone’s first offence occurred in a given year but did not state which month, then the overall duration could be incorrect by almost a year, depending on whether the offence occurred in January or December of that year.

As noted earlier, Section 210C (2) of the 1995 Act⁷⁸ enables assessors to consider allegations as part of the risk assessment process. As detailed earlier in the report, in line with the Standards and Guidelines for Risk Assessment (RMA, 2018)⁷⁹, assessors must follow a process where they must list each allegation, provide any additional evidence that supports it and explain the extent to which the allegation plus evidence influenced their opinion of the individual’s risk. For this project, the researchers had a specific definition of what constitutes an “allegation”, which may have differed from that used by RAR assessors (see Appendix 1). As a result, there may be some allegations that were not considered as such by the assessor, and thus the assessor did not comment on whether the allegation influenced their overall risk rating. There is a large number of “unknown” results regarding whether allegations influenced the risk rating; this is due to a combination of this difference in definition and assessors not always stating whether allegations influenced their risk rating or not. While legislation requires assessors to state whether allegation information influenced their risk rating, this was not always evident, particularly in early OLR cases.

The RMA’s Standards and Guidelines for Risk Assessment⁸⁰ have been updated and revised over time, with the first version published in 2006 and subsequent updates in 2013 and 2018. The 2013 and 2018 updates revised aspects of the definitions of each risk rating level. While it is not known whether a given individual’s risk level would be different if the updated definitions were applied, caution should be taken when comparing risk levels across years, particularly before and after 2013, and again in 2018.

⁷⁸ Accessible from [Criminal Procedure \(Scotland\) Act 1995 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/1995/210/c2)

⁷⁹ Available at [Risk Assessment - RMA - Risk Management Authority](https://www.rma.scot.nhs.uk/standards-guidelines/risk-assessment/)

⁸⁰ Available from <https://www.rma.scot/standards-guidelines/risk-assessment/>

9.4 Future Directions

The findings of this report can be considered to provide a starting point from which further research can be undertaken to provide greater insight and understanding of this population. As noted throughout the report, there have been many interesting findings worthy of further exploration, as well as many areas and aspects which were not the focus of this report but would benefit from research.

9.4.1 OLR Population

This project focused solely on patterns of offending behaviour however, as highlighted consistently throughout this report, the risk assessment process considers more than offence history alone.

When undertaking a RAR, the assessor will seek to understand the individual, which includes exploring their personal history, education and employment, physical and mental health, relationships and more. In learning about someone's personal history, assessors will look to gain insight into the individual's childhood, development and upbringing. Any experience of abuse, neglect or involvement with the care system or Hearing system would also be explored as part of the process of gaining an understanding of someone's personal history. In relation to health, assessors will ask about the individual's physical health but also their mental health, sexual health and/or substance use. As part of the risk assessment process assessors should, as outlined within the Standards and Guidelines for Risk Assessment (RMA, 2018),⁸⁰ describe and analyse both the impact and relevance of any physical health problems or disabilities. Assessors will also include information about the individual's previous and current relationships, including intimate and non-intimate relationships. The individuals functioning within such relationships and the impact of these relationships will be explored in the RAR (RMA, 2018). Assessors will also seek to explore education and employment including the individuals functioning within these settings and the relevance of such (RMA, 2018).

As a consequence, RARs contain a wealth of information about an individual, all of which is considered relevant to the risk assessment process and is considered as part of the sentencing process. Therefore, exploring these areas within future research would be beneficial and assist in gaining a fuller insight into this population as a whole.

9.4.2 Non – OLR Population

This project only collected data on those subject to the OLR; it did not collect data or examine those who were considered under the auspices of an RAO but did not receive an OLR. To have been considered under an RAO, there must have been reason to consider the risk criteria could be met. Keeping in mind that an OLR will only be imposed where on the balance of probabilities, the risk criteria is met, in instances where someone has been considered under an RAO but an OLR has not been imposed, it is because it is deemed that the risk criteria are not met.

It would be interesting to compare those who received an RAO but did not receive an OLR with those who did receive an OLR; in other words, the individuals who were not considered to have met the risk criteria with those who were considered to have met the risk criteria. Particularly interesting to consider within future research could be differences which exist between the two populations (i.e., those for whom an OLR was, and was not, imposed) along various measures, with the aim of establishing what the distinguishing factors may be between those who do not receive an OLR and those who do.

9.4.3 Experience of the OLR

The OLR was envisioned as a sentence for those considered to be 'exceptional offenders' and as such, it would be anticipated that the population would be small in comparison with the number of individuals who receive other forms of disposals. It is a unique sentence in that it is a true lifelong sentence for which the individual will be subject to risk management for the rest of their life. Whilst there will no doubt be research exploring individuals' experiences of life sentences, the OLR sentence is only available in Scotland and differs from life sentences in the sense that all individuals subject to an OLR will be the subject of an RMP for the rest of their life. The management of individuals through RMPs whilst subject to the OLR allows for more intensive supervision, treatment and monitoring.

Further research may wish to explore the experience of the OLR from those who are subject to the sentence. Indeed, the RMA are currently undertaking research to better understand the experience of individuals with an OLR who have been released into the community. This research will be published later this year and whilst it will focus on a subgroup of those subject to the OLR (those who have been released into the community) it will provide an insight into the experience of the OLR and the experience of custody through to management in the community.

9.4.4 Young People

In the *Serious Violent and Sexual Offenders White Paper*, the Scottish Executive (2001) detailed

...given the nature of the offending which will attract an OLR, that it is extremely unlikely that offenders under the age of 21 will be considered for an OLR. However, in the interests of public safety, we consider that it is desirable to make the disposal available for any high risk offender regardless of age. (p.22)

As such, there was a view that it was 'extremely unlikely' (Scottish Executive, 2001, p.22) that young people would be considered for an OLR, however it was deemed to be "...in the interests of public safety..." (p.22) that the OLR was available regardless of age. Within this project it was found that since 2014, no young person has been subject to an OLR. It is suggested that this should continue to be monitored within future research over the coming years to establish if it is a continuing trend. Future research may also wish to explore the social and political context of the early years of the OLR and how this may have impacted on the sentencing of young people at that time.

Young people involved in offending are considered to be some of the most vulnerable individuals who often have complex needs (Scottish Government, 2021c). Research looking beyond the offending behaviour of young people subject to the OLR would be beneficial to better understand this population. This could include exploring early life experiences, education, mental health and experience of trauma. To receive a lifelong sentence at such a young age poses many questions about this population which spans more than their offending behaviour alone.

Additionally, it would be interesting to expand the definition used in this project (<21) to 25 years of age and examine that cohort. As noted earlier, the sentencing guidelines for young people (Scottish Sentencing Council, 2021) adopt the definition of a young person as someone below the age of 25. The data from this study would suggest the pattern followed by the cohort of individuals aged 21-25, whilst broadly similar, was not identical, and future research including this cohort could provide useful information.

As mentioned above, the project did not examine those who were considered under the auspices of an RAO but did not receive an OLR. It would be interesting to compare young people who received an OLR with those who were considered for the sentence but did not receive it.

9.4.5 Allegations

As noted, the use of allegation information is one of the more contentious parts of the OLR. Assessors outlined that alleged offending had an influence on the risk rating in eight of 180 cases that contained alleged offending. However, as highlighted in the limitations section, there were instances where assessors did not state either way as to whether allegations influenced their risk rating.

The ways in which allegations are considered relevant to an individual's level of risk and how this may or may not influence the imposition of the OLR are areas which would benefit from research. This could include research with assessors to better understand the ways in which allegation information inform the risk assessment process and influence the risk rating.

9.4.6 Net-widening

Several of the areas of interest within this project, such as the offending patterns of each sub-group, are intertwined with the question of net-widening, or whether the OLR has been imposed in circumstances that were not envisioned within the MacLean Committee's report. This question is, however, a deeply complicated one and, just as the data looking at patterns of offending across the whole population provides only part of the picture in our effort to understand the OLR population, the data collected and analysed for this project is insufficient to answer questions about net-widening alone.

The sentence was implemented to target those considered to be exceptional offenders and whether the sentence has achieved this - whilst beyond the scope of this project alone - would be a worthy avenue of future research. What can however be seen from the data considered within this project is that whilst there has been peaks and troughs in the imposition of the OLR, there has not been considerable growth beyond the early years of the sentence.

9.4.7 Current RMA Research Plans

The RMA is committed to publishing a series of research regarding the OLR. The current scope of this planned series of research projects includes; offending behaviour (i.e. this study), victim profiles, psychopathy and personality disorder, exploring individuals' experience of the OLR, and reviewing the implementation of the OLR sentence. However, as highlighted above, there are many further avenues worthy of research.

The RMA plan to undertake and publish research which explores the profiles and characteristics of those who have been victim of offences committed by individuals subject to the OLR. This will include exploring demographic information such as age and gender of victims as well as whether individuals were victim of various or repeated offences. As with this project, the data will be derived from RARs.

The RMA also plan to undertake and publish research that explores psychopathy amongst those subject to the OLR. This will include examining the prevalence of psychopathy. This will be informed by the findings of the Psychopathy Checklist-Revised (PCL-R; Hare, 2003) which may have been undertaken by the Assessor when completing the RAR.

Qualitative research regarding the experience of those subject to the OLR is ongoing. Specifically, this research seeks to explore the experience of custody through to release into the community. The findings will inform discussions with Ministers around the OLR sentence in addition to the day-to-day management of individuals with an OLR being managed in custody and the community.

In the period 2022-2024, the RMA have committed to conducting a review of the implementation of the Order for Lifelong Restriction. This will involve evaluating the implementation of the sentence at each key stage, from assessment, through to community release. The study will draw on data from a range of sources, including (but not limited to) OLR case files, engagement with key professional stakeholders and engagement with individuals on the sentence. The aim of this work is to evaluate the effectiveness of the implementation of the sentence, and to identify areas of improvement and development.

In summary, over the coming years the RMA are committed to providing a research base that explores the sentence and those subject to it which will be used to inform recommendations for practice as well as discussions with Ministers and Ministerial advice.

9.5 Conclusion

By presenting an overview of the number and nature of convictions and allegations relating to those sentenced to the OLR, this publication hopes to give a broad profile of these individuals' offending history. This can be used to support further research into specific areas of interest, which have been briefly touched upon in the five chapters and the section above. As ever, further research is needed to explore questions relating to why and how individuals come to be sentenced the OLR, and what separates these individuals from those who receive other sentences. The RMA has plans for further publications in this series of OLR research, specifically looking at victims of those sentenced to the OLR, as well as psychopathy and personality disorder in those sentenced.

10. REFERENCES

- Alexander, N. (2015). What's more general than a whole population?. *Emerging themes in epidemiology*, 12(1), 1-5. <https://doi.org/10.1186/s12982-015-0029-4>
- Ali, P. A., Dhingra, K., & McGarry, J. (2016). A literature review of intimate partner violence and its classifications. *Aggression and Violent Behavior*, 31, 16–25. <https://doi.org/10.1016/j.avb.2016.06.008>
- Andrews, D. A., Bonta, J., & Wormith, S. (2004). *The Level of Service Case Management Inventory (LS/CM)*. Toronto: Multi-Health Systems.
- Bateman, T., Day, A., & Pitts, J. (2018). *Looked after children and custody: a brief review of the relationship between care status and child incarceration and the implications for service provision*. Retrieved from <https://www.beds.ac.uk/media/87833/nuffield-literature-review-final.pdf>
- Children and Young People's Centre for Justice (CYCJ) (2021). *A Guide to Youth Justice in Scotland: policy, practice and legislation*. Retrieved from <https://www.cycj.org.uk/wp-content/uploads/2021/06/Section-1-PG-1.pdf>
- Crown Office and Procurator Fiscal Service (COPFS) (2021). *Domestic Abuse and Stalking Charges in Scotland 2020-21*. Retrieved from <https://www.copfs.gov.uk/media-site-news-from-copfs/1976-domestic-abuse-and-stalking-charges-in-scotland-2020-21>
- Cubellis, M. A., Evans, D. N., & Fera, A. G. (2019). Sex offender stigma: An exploration of vigilantism against sex offenders. *Deviant Behavior*, 40(2), 225-239. <https://doi.org/10.1080/01639625.2017.1420459>
- Farrington, D. P., Piquero, A. R., & Jennings, W. G. (2013). *Offending from Childhood to Late Middle Age: Recent Results from the Cambridge Study in Delinquent Development*. New York: Springer.
- Ferguson, E., A. (2021) 'A Sentence of Last Resort': the order for lifelong restriction and the sentencing of dangerous offenders in Scotland. (Doctoral dissertation, University of Glasgow, Glasgow, Scotland). Retrieved from <https://theses.gla.ac.uk/82066/>
- Fyfe, I., & Gailey, Y. (2011). *The Scottish Approach to High Risk Offenders: Early Answers and Further Questions*. In B. McSherry & P. Keyzer (Eds.), *Dangerous People: Policy, Prediction, and Practice* (pp. 201–216). London: Routledge.
- Gailey, Y., Martin, L. & Webb, R., (2017). 'An Exceptional Sentence': Exploring the Implementation of the Order for Lifelong Restriction'. In K. McCartan & H. Kemshall (Eds.), *Contemporary Sex Offender Risk Management*, Vol 1. (pp.115-143). Palgrave.
- Gibbs, B. G., Shafer, K., & Dufur, M. J. (2012). Why infer? The use and misuse of population data in sport research. *International review for the sociology of sport*, 50(1), 115-121. <https://doi.org/10.1177/1012690212469019>
- Gilman, A. B., Hill, K. G., Kim, B. E., Nevell, A., Hawkins, J. D., & Farrington, D. P. (2014). Understanding the relationship between self-reported offending and official criminal charges across early adulthood. *Criminal behaviour and mental health*, 24(4), 229-240.

- Hammond, C. (2019). *Youth offending and sentencing in Scotland and other jurisdictions*. Retrieved from <https://www.scottishsentencingcouncil.org.uk/media/1961/youth-offending-and-sentencing-in-scotland-and-other-jurisdictions-literature-review-2.pdf>
- Hare, R. D. (2003). *Hare Psychopathy Checklist-Revised (2nd Edition)*. Pearson.
- Harper, C. A., Hogue, T. E., & Bartels, R. M. (2017). Attitudes towards sexual offenders: What do we know, and why are they important? *Aggression and Violent Behavior, 34*, 201-213. <https://doi.org/10.1016/j.avb.2017.01.011>
- Holtzworth-Munroe, A., & Stuart, G. L. (1994). Typologies of male batterers: Three subtypes and the differences among them. *Psychological Bulletin, 116*, 476-497. <https://doi.org/10.1037/0033-2909.116.3.476>
- IBM Corp. (2016). *IBM SPSS Statistics for Windows, Version 24.0*. Armonk, NY: IBM Corp.
- Jolliffe D., & Farrington, D. P. (2014). *Self-reported offending: Reliability and validity*. In G. J. N. Bruinsma & D. Weisburd (eds.) *Encyclopedia of Criminology and Criminal Justice*. New York: Springer-Verlag.
- Loeber, R. & Farrington, D.P. (2014). Age-crime curve. In *Encyclopedia of Criminology and Criminal Justice* (1st ed., pp. 12-18). Springer Link.
- Matthews, B., & Minton, J. (2018). Rethinking one of criminology's 'brute facts': The age-crime curve and the crime drop in Scotland. *European journal of criminology, 15*(3), 296-320. <https://doi/full/10.1177/1477370817731706>
- McSherry, B., & Keyzer, P. (2009). *Sex offenders and preventive detention: Politics, policy and practice*. Federation Press.
- Moffitt, T. E. (1993). Adolescence-limited and life-course-persistent antisocial behavior: A developmental taxonomy. *Psychological Review, 100*(4), 674-701. <https://doi.org/10.1037/0033-295X.100.4.674>
- Moodie, K., & Nolan, D. (2016). *'Between a Rock and a Hard Place': Responses to Offending in Residential Childcare*. Retrieved from <http://www.cycj.org.uk/wp-content/uploads/2016/10/Responses-to-Offending-in-Residential-Childcare.pdf>
- Murray, K., McGuinness, P., Burman, M., & McVie, S. (2015). *Evaluation of the Whole System Approach to Young People who Offend in Scotland*. Retrieved from <http://www.sccjr.ac.uk/wp-content/uploads/2015/06/Evaluation-of-the-Whole-System-Approach-to-Young-People-Who-Offend-in-Scotland.pdf>
- NHS Education for Scotland. (2017). *Transforming Psychological Trauma: A knowledge and Skills Framework for the Scottish Workforce*. Retrieved from <https://transformingpsychologicaltrauma.scot/media/x54hw43l/nationaltraumatrainingframework.pdf>
- O'Rourke, S., Whalley, H., Janes, S., MacSweeney, N., Skrenes, A., Crowson, S., Maclean, L. & Schwannauer, M. (2020). *The development of cognitive and emotional maturity in adolescents and its relevance in judicial contexts*. Retrieved from <https://www.scottishsentencingcouncil.org.uk/media/2044/20200219-ssc-cognitive-maturity-literature-review.pdf>

- Paul Hutton v. Parole Board for Scotland and Others. Court of Session, 2021
- Piquero, A. R., Schubert, C., & Brame, R. (2014). Comparing official and self-report records of offending across gender and race/ethnicity in a longitudinal study of serious youthful offenders. *Journal of Research in Crime and Delinquency*, 51: 526–556
- Pruin, I. & Dunkel, F. (2015). *Better in Europe? European responses to young adult offending*. Retrieved from https://barrowcadbury.org.uk/wp-content/uploads/2015/02/T2A_Better-in-Europe_Report-_online.pdf
- Risk Management Authority (RMA) (2011). *Framework for Risk Assessment, Management and Evaluation: FRAME*. Retrieved from <https://www.rma.scot/standards-guidelines/frame/>
- Risk Management Authority (RMA) (2018). *Standards and Guidelines for Risk Assessment*. Retrieved from <https://www.rma.scot/standards-guidelines/risk-assessment/>
- Robertson, L. (2017). *A Practice-based Approach to Youth Justice: The Whole System Approach in Scotland*. (Doctoral dissertation, University of Glasgow, Glasgow, Scotland). Retrieved from <https://theses.gla.ac.uk/8493/>
- SafeLives (n.d.). *How long do people live with domestic abuse, and when do they get help to stop it?* <https://safelives.org.uk/policy-evidence/about-domestic-abuse/how-long-do-people-live-domestic-abuse-and-when-do-they-get>
- Scottish Crime Reporting Board (2019). *Scottish Crime Recording Standard: crime recording and counting rules*. Retrieved from <https://www.scotland.police.uk/spa-media/emvh5hyz/scottish-crime-recording-standard-new.pdf>
- Scottish Executive (2000). *Report on the Committee on Serious Violent and Sexual Offenders*. Available at: https://content.iriss.org.uk/throughcare/files/pdf/longterm/lt4_risk2.pdf
- Scottish Executive (2001). *Serious Violent and Sexual Offenders*. White Paper. Edinburgh.
- Scottish Government (2020). *Scottish prison population: statistics 2019 to 2020*. Retrieved from <https://www.gov.scot/publications/scottish-prison-population-statistics-2019-20/pages/3/>
- Scottish Government (2021a). *Domestic Abuse: statistics recorded by the police in Scotland, 2020-2021*. Retrieved from <https://www.gov.scot/publications/domestic-abuse-recorded-police-scotland-2020-21/>
- Scottish Government (2021b). *Youth justice: risk assessment management framework and evaluation guidance*. Retrieved from <https://www.gov.scot/publications/framework-risk-assessment-management-evaluation-guidance/>
- Scottish Government (2021c). *Supporting learners who offend, or who are at risk of offending*. Retrieved from <https://education.gov.scot/improvement/learning-resources/supporting-learners-who-offend-or-who-are-at-risk-of-offending/>
- Scottish Government and COSLA (2016). *Violence Against Women Partnership Guidance*. Retrieved from https://www.cosla.gov.uk/___data/assets/pdf_file/0019/18280/vawpartnershipguidance-aug-2016.pdf
- Scottish Government and COSLA (2018). *Equally Safe: Scotland's strategy to eradicate violence against women*. Retrieved from <https://www.gov.scot/publications/equally-safe-scotlands-strategy-prevent-eradicate-violence-against-women-girls/>

- Scottish Sentencing Council (2021). *Sentencing Young People: Sentencing Guideline*. Retrieved from <https://www.scottishsentencingcouncil.org.uk/media/2171/sentencing-young-people-guideline-for-publication.pdf>
- Tanskanen, M. & Kivivuori, J. (2021). Understanding intimate partner violence in context: social and community correlates of special and general victimization. *Nordic Journal of Criminology*, 22(1), 72-89. <https://doi.org/10.1080/2578983X.2021.1904605>
- The University of Glasgow (School of Education) and The Scottish Centre for Crime and Justice Research (SCCJR) (2019). *Violence Against Women and Girls*. Retrieved from <https://www.sccjr.ac.uk/wp-content/uploads/2019/10/4-Violence-against-women-and-girls.pdf>
- Theobald, D., Farrington, D. P., Loeber, R., Pardini, D. A., & Piquero, A. R. (2014). Scaling up from convictions to self-reported offending. *Criminal Behaviour and Mental Health*, 24(4), 265-276.
- United Nations. (2018). *World Youth Report*. Retrieved from <https://www.un.org/development/desa/youth/wp-content/uploads/sites/21/2018/12/WorldYouthReport-2030Agenda.pdf>
- van Zyl Smit, D., & Morrison, K. (2020). The Paradox of Scottish Life Imprisonment. *European Journal of Crime, Criminal Law and Criminal Justice*, 28(1), 76-102. https://brill.com/view/journals/eccl/28/1/article-p76_76.xml
- Verbruggen, J., Maxwell, C. D. & Robinson, A. L. (2020). The relationship between the development of general offending and intimate partner violence perpetration in young adulthood. *Journal of Interpersonal Violence*, 37, 1179-1205. <https://doi.org/10.1177/0886260520922340>
- Waltz, J., Babcock, J. C., Jacobson, N. S., & Gottman, J. M. (2000). Testing a typology of batterers. *Journal of Consulting and Clinical Psychology*, 68(4), 658-669. <https://doi.org/10.1037/0022-006X.68.4.658>
- Webb, R. & Johnson, D. (2019). The association between aggression, traumatic event exposure and post-traumatic stress disorder of looked after young people. *Scottish Journal of Residential Child Care*, 18, 6-23. https://www.celcis.org/application/files/8115/7305/2502/SJRCC_Vol_18.3.pdf#page=7
- Weldon, S., & Gilchrist, E. (2012). Implicit theories in intimate partner violence offenders. *Journal of Family Violence*, 27(8), 761-772.
- Women's Aid (n.d.). *Why don't women leave abusive relationships?* <https://www.womensaid.org.uk/information-support/what-is-domestic-abuse/women-leave/>
- Youth Justice Board. (2015). *Keeping children in care out of trouble: an independent review chaired by Lord Laming*. Retrieved from https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/543582/YJB_response_Laming_Review_keeping_children_in_care_out_of_custody.pdf

11. APPENDICES

Appendix 1. Coding Framework

RARs rarely listed a clear and concise history of someone's index and previous offending. This is due to various factors, including records being contradictory or inaccessible, and required the researchers to make decisions on when and how to prioritise various pieces of information. In rare cases where a second RAR commissioned by the Defence was accessible, this was only used to confirm or provide further information for offences already noted in the original RAR. While a RAR commissioned by the Defence must follow the same Standards and Guidelines for Risk Assessment Report Writing as the original RAR, researchers prioritised the original RAR as the primary and best source of information throughout the project. At times, the RAR author's summary of convictions was at odds with the indictment quoted elsewhere in the RAR. Additionally, there were occasions where the number of convictions did not add up depending on whether the information was taken from a quoted indictment within the RAR, or elsewhere in the RAR. The researchers developed a system to ensure consistency: the researchers generally prioritised the quoted indictment within the RAR; however, if the assessor repeatedly referred to a specific conviction name, rather than discussing an offence or behaviour, this was prioritised. For example, several RARs discussed "assault" while the indictment referred to assault to severe injury, or a sexual crime such as rape where assault was included in the offending behaviour but was not the name of the conviction. If the RAR assessor repeatedly referred to Assault to Severe Injury, this was taken as the conviction name. If the assessor referred to "the assault," and this was at odds with the quoted indictment, then the specific offence named in the indictment was coded.

Assault offences proved particularly difficult to count and name. Some RARs were inconsistent in their name of an assault conviction; for example, some RARs would use "assault to severe injury, danger of life, and attempted murder" while shortening this to "attempted murder" elsewhere in the RAR. As noted above, there were also times where the offence name would differ between the quoted indictment within the RAR (which would often use the longer example above of "assault to...and attempted murder"), and the author's own reporting of the conviction elsewhere within the RAR (which may be shortened to "attempted murder"). The researchers consulted the Scottish Crime Recording Standard (Scottish Crime Reporting Board, 2019), which details rules on counting convictions and when to subsume one offence into another. However, decisions on when offences are subsumed rely largely on the order in which the offences occurred during a course of behaviour. This required significant interpretation, which the researchers felt was inconsistent with the general rule of not interpreting convictions based on descriptions within the RAR. Additionally, while the Recording Standard could tell the researchers what the rules are for counting offences, it could not shed light on what the individual of a particular RAR was ultimately convicted of. Therefore, the researchers used the same system noted above, whereby they prioritised the quoted indictment within the RAR in most cases, unless the RAR author clearly and consistently named a conviction, such as repeatedly stating that the individual had a conviction for assault or for attempted murder. This differs from the author describing an individual's behaviour by saying they "committed an assault" or "assaulted" someone. This is further detailed in the codebook that was developed and maintained throughout the project.

Additionally, it was not always possible to determine whether offences such as "assault and abduction" amounted to a single conviction, or two. Again the researchers considered the

author's consistency in naming the conviction, and used information throughout the RAR (such as totals of previous convictions, where available) to untangle this. However, there may be inaccuracies in the total number of convictions where it was not always possible to differentiate whether an offence represented one or multiple convictions.

Convictions included Children's Hearings where the grounds were accepted or that led to statutory orders being imposed. Appearances at a Children's Hearings where the outcome was unclear were coded as allegations.

There are several instances where the total number of previous convictions, or the number within each offence category (sexual, violent, or 'other') is "unknown." This is due to the RAR assessor summarising a person's previous offences without providing exact numbers, e.g., describing a history of "road traffic offences." At times, assessors included a list of types of previous convictions without further detail on the number of each or when they occurred (e.g., "a history of assaults, thefts, housebreaking. . ."). In these cases the specific offence ("road traffic offences"), total within that category ('other'), and total previous convictions would all be Unknown. However, where an "unknown" number affected only a single category (e.g., 'other' convictions is Unknown, but totals are available for previous sexual and violent convictions), the researchers calculated the total of the known categories to be able to capture this detail. Therefore there are individuals for whom there are total numbers of previous violent and sexual convictions, but not the overall number of previous offences, because the total for the 'other' category is unknown.

The project defined allegations as any non-convicted offending behaviour that either a) was listed in the "Allegation Information" table in the RAR's appendix, or; b) referred to police involvement. This could mean that the matter was reported to police at the time, that police attended an incident of offending behaviour, that the incident was contained in recorded witness statements or court testimony, or that the RAR sourced the information from police intelligence. Where information listed in the Allegation Information table did not refer to actual offending behaviour, this was not coded. For example, if the table advised that someone was seen loitering outside of a high school, but the individual was not under any legal orders not to approach schools or people of a certain age, then this was not coded as an allegation. This was done for two reasons: first, coding non-criminal behaviour as allegations under the categories of violent, sexual, or 'other' rendered the categories meaningless or required coders to read into the individual's intentions; second, these parameters helped separate out a history of offending behaviour from other instances of possible rumour or third-party information, the source and credibility of which is often unclear.

The RARs were not written with research in mind, and therefore did not always contain information to the level of detail required to fully and easily understand someone's history in terms of offending, allegations, IPV, weapon use, and behaviour in custody. This was particularly true in trying to differentiate between allegations and convictions, and often in cases where someone had been charged but not necessarily convicted. The researchers used information throughout the RAR to try to clarify convictions and allegations, however in many cases this was not clear. The researchers opted not to potentially inflate the number of previous convictions, and therefore coded offences as allegations unless there was clear evidence that this led to conviction. Being charged with an offence was coded as an allegation unless the RAR provided information to indicate that the individual plead guilty or was found guilty at trial. There is therefore a risk that the number of allegations may be inflated, while convictions are undercounted. This is especially true of Children's Hearing appearances, where the outcome was often not reported in the RAR.

Where individual convictions were described but not named, these were coded by entering a free text description of the offence in the appropriate category (sexual, violent, or 'other'). For example, some RARs only referred to a "sexual offence" or a "violent attack," or "attacking someone with a weapon." These were coded the way the assessor reported them (e.g. "violent attack") under sexual, violent, or 'other'. Researchers used the assessor's conclusions about the nature of the attack (violent or sexual) to categorise the offence, rather than relying on their own interpretation of the nature of the offence.

In calculating duration of offending, the researchers used the date of the RAO as the closest approximation to the conviction date. Conviction dates for index offences were rarely available, and so this was deemed the best solution to determine the approximate date when a conviction would have occurred. However, it is recognised that RAOs are not always ordered at the same court appearance as when a conviction is made. Additionally, duration of offending was a measure of the time between the first conviction and the RAO, and did not consider the number of convictions acquired in that period. Therefore, an individual with one previous offence five years before their index offence date would be coded as having an offending duration of 5+ years, even if there was no offending during the intervening years.

Behaviour in Custody captured whether a sexual, violent, or 'other' (general antisocial that is neither violent nor sexual, such as failing a drugs test) behaviour occurred, and whether it was against staff, other imprisoned individuals, or no one. The researchers did not count the number of separate incidents of violent, sexual, or antisocial behaviour in custody. These did not need to be criminal offences.

Further detail about the coding process and parameters is available in the project's codebook.

Appendix 2. Offending Categories

Convictions were divided into four categories: sexual, violent, IPV and 'other'. For full detail regarding the offences included within each offending category, please see Table 10 below.

Table 10. *Detail regarding the offences included within each offending category*

| Sexual Offences | Violent Offences | IPV | 'Other' Offences |
|--|---|--|---|
| <ul style="list-style-type: none"> • Sexual Assault • Penetrative Sexual Assault • Attempted Rape • Rape • Trafficking • Non-Contact Sexual Exposure • Non-Contact Voyeurism • IIOC (Possession) • IIOC (Making/Distributing) • IIOC (Online Communications/Solicitation) • Indecent Communication • Offences Relating to the Protection of Children Act Section 1 • Lewd and Libidinous Practices and Behaviour • Unlawful Sexual Intercourse • Unlawful Intercourse With A Girl Under 13 • Unlawful Intercourse With A Girl Under 16 • Sodomy • Homosexual Act Involving A Boy Under 16 • Historical Sexual (specify) • Sexual Offence Other (specify) | <ul style="list-style-type: none"> • Threats • Assault* • Attempted Murder • Culpable Homicide • Murder[^] • Stalking/Harassment • Domestic Abuse Act Offences⁺ • Firearm Possession • Firearm Use • Bladed Article (inc. knife) Possession • Bladed Article (inc. knife) Use • Other Weapon Possession • Other Weapon Use • Fire Raising • Hate Crime⁺ • Terrorist Activity • Kidnapping/Abduction • Robbery • Culpable and Reckless Conduct • Breach of the Peace* • Threatening or Abusive Behaviour* • Historical Violent (specify) • Violent Offence Other (specify) | <ul style="list-style-type: none"> • Sexual • Violent • Other | <ul style="list-style-type: none"> • Road Traffic Offences • Theft • White Collar Crime • Housebreaking • Drug Offences • Organised Crime • Breach of Conditions and Orders (excluding SOPO) • Breach of SOPO • Abscond Custody • Attempt to Defeat the Ends of Justice • Property Offences • Public Disorder Offences • Offences Relating to Communications Act • Animal Related Offences • Conspiracy • 'Other' Offence Other (specify) |

* Please note that these offences all adopted a 'profile' system, whereby further detail about the conviction was collected (e.g., aggravating factors)

[^] Previous Offending Only

⁺ These specific offences were confined to convictions relating to the Domestic Abuse Act 2018 and the Hate Crime and Public Order (Scotland) Act 2021 respectively. All offending that was known to relate to an intimate partner or ex-partner was logged under the appropriate conviction – e.g., assault – and also logged under the category of IPV (and, more, specifically in this example, as IPV of a violent nature). Offending which was aggravated in relation to any protected characteristic was again logged according to the conviction – e.g., harassment – and the presence of an aggravator separately logged (e.g., racial aggravation).

Appendix 3. List of Tables and Figures

Chapter 3

Tables

| | |
|--|----|
| Table 1. <i>The age distribution and proportions per calendar year of individuals made subject to an OLR</i> | 25 |
| Table 2. <i>The number of individuals with each offending type within their overall offending history, with IPV both single and double counted</i> | 27 |
| Table 3. <i>The overall duration of offending, per nature of offending</i> | 30 |
| Table 4. <i>The overall duration of index offending</i> | 37 |

Figures

| | |
|--|----|
| <i>Figure 1. Per calendar year, the total number of OLRs imposed, the number successfully appealed, and the number necessarily removed</i> | 23 |
| <i>Figure 2. The total number of OLRs included within this analysis, per calendar year</i> | 23 |
| <i>Figure 3. The number and percentage of individuals assigned each risk rating</i> | 24 |
| <i>Figure 4. The age of individuals made subject to the OLE from 2006 – March 2021</i> | 24 |
| <i>Figure 5. The number and percentage of individuals with each offending type within their overall offending (NB: percentages may total more than 100% due to overlap)</i> | 26 |
| <i>Figure 6. The nature of individuals' offending behaviour when comprised of one type (n = 12) or mixed types (n = 190)</i> | 28 |
| <i>Figure 7. Duration of convictions (where known) for individuals convicted of sexual offending (n = 57)</i> | 30 |
| <i>Figure 8. Duration of convictions (where known) for individuals convicted of violent offending (n = 124)</i> | 31 |
| <i>Figure 9. Duration of convictions (where known) for individuals convicted of IPV offending (n = 44)</i> | 32 |
| <i>Figure 10. The number and percentage of individuals subject to an OLR with single (n = 73) or multiple (n = 129) index offences, and for those with multiple index offences, the total number of index offences</i> | 33 |
| <i>Figure 11. The number and percentage of individuals convicted of each type of index offence (NB: percentages may total more than 100% due to overlap)</i> | 34 |
| <i>Figure 12. The nature of index offending of those convicted of a single index offence (n = 73)</i> | 35 |
| <i>Figure 13. The nature of offending for individuals with multiple index offences (n = 129) comprised of one type (n = 63) or mixed types (n = 66) of offending</i> | 36 |
| <i>Figure 14. Duration of index offending for those with multiple index offences, for which the duration was known (n = 115)</i> | 38 |

| | |
|---|----|
| <i>Figure 15.</i> The number and percentage of individuals made subject to an OLR with no ($n = 10$), a single ($n = 8$), or multiple ($n = 184$) previous convictions, and the number of such convictions where multiple..... | 39 |
| <i>Figure 16.</i> The number of previous convictions of individuals with multiple previous convictions and a single index offence ($n = 68$) (NB: percentages included in the breakdown of multiple convictions relate solely to the proportion of each range of multiple convictions and not across all 3 categories)..... | 41 |
| <i>Figure 17.</i> The number of previous convictions of individuals with multiple previous convictions and multiple index offences ($n = 116$) (NB: percentages included in the breakdown of multiple convictions relate solely to the proportion of each range of multiple convictions and not across all 3 categories)..... | 42 |
| <i>Figure 18.</i> Age at first conviction for those with previous convictions ($n = 192$)..... | 43 |
| <i>Figure 19.</i> Imprisonment of individuals with previous convictions ($n = 192$)..... | 44 |
| <i>Figure 20.</i> The number and percentage of individuals previously convicted of each offending type ($n = 192$) (NB: percentages may total more than 100% due to overlap)..... | 45 |
| <i>Figure 21.</i> The nature of previous offending of those convicted of a single previous offence ($n = 8$)..... | 46 |
| <i>Figure 22.</i> The nature of individuals offending in relation to having multiple previous convictions comprised of one type ($n = 10$) or mixed types ($n = 174$)..... | 47 |
| <i>Figure 23.</i> The number and percentage of individuals previously convicted of sexual offending according to the presence or absence of a sexual index offence (NB: percentages on this figure are reported as a percentage of the entire OLR sample)..... | 49 |
| <i>Figure 24.</i> The number and percentage of individuals previously convicted of violent offending, according to the presence or absence of a violent index offence (NB: percentages on this figure are reported as a percentage of the entire OLR sample)..... | 49 |
| <i>Figure 25.</i> The number and percentage of individuals previously convicted of IPV offending, according to the presence or absence of an IPV index offence (NB: percentages on this figure are reported as a percentage of the entire OLR sample)..... | 50 |
| <i>Figure 26.</i> The number and percentage of individuals previously convicted of 'other' offending, according to the presence or absence of an 'other' index offence (NB: percentages on this figure are reported as a percentage of the entire OLR sample)..... | 50 |
| <i>Figure 27.</i> The nature of offending of those with index offending of a sexual nature, but no previous sexual offending and conversely with previous offending of a sexual nature, but no index sexual offending (NB: percentages may total more than 100% due to overlap)..... | 51 |
| <i>Figure 28.</i> The nature of offending of those with index offending of a violent nature, but no previous violent offending and conversely with previous offending of a violent nature, but no index violent offending (NB: percentages may total more than 100% due to overlap)..... | 52 |
| <i>Figure 29.</i> The nature of offending of those with index offending of an IPV nature, but no previous IPV offending and conversely with previous offending of an IPV nature, but no index IPV offending (NB: percentages may total more than 100% due to overlap)..... | 52 |

| | |
|--|----|
| <i>Figure 30.</i> The nature of offending of those with index offending of an 'other' nature, but no previous 'other' offending and conversely with previous offending of an 'other' nature, but no index 'other' offending (NB: percentages may total more than 100% due to overlap)..... | 53 |
| <i>Figure 31.</i> The number and percentage of individuals made subject to an OLR with no ($n = 22$), a single ($n = 20$) or multiple ($n = 160$) allegations, and the number of such allegations where multiple..... | 54 |
| <i>Figure 32.</i> The number and percentage of individuals with allegations relating to each offending type ($n = 177$) (NB: percentages may total more than 100% due to overlap)..... | 55 |
| <i>Figure 33.</i> The nature of alleged offending of those with a single allegation ($n = 20$)..... | 56 |
| <i>Figure 34.</i> The nature of allegations for individuals with multiple allegations comprised of one type ($n = 19$) or mixed types ($n = 138$)..... | 57 |
| <i>Figure 35.</i> The number and percentage of individuals with alleged incidents of sexual offending, according to the presence or absence of convictions for sexual offending ($n = 100$) (NB: percentages relate to the proportions of each category within either sexual or no sexual convictions and not the overall population)..... | 59 |
| <i>Figure 36.</i> The number and percentage of individuals with alleged incidents of violent offending, according to the presence or absence of convictions for violent offending ($n = 199$) (NB: percentages relate to the proportions of each category within either violent or no violent convictions and not the overall population)..... | 59 |
| <i>Figure 37.</i> The number and percentage of individuals with alleged incidents of IPV offending, according to the presence or absence of convictions for IPV offending ($n = 199$) (NB: percentages relate to the proportions of each category within either violent or no violent convictions and not the overall population)..... | 60 |
| <i>Figure 38.</i> The number and percentage of individuals with alleged incidents of 'other' offending, according to the presence or absence of convictions for 'other' offending ($n = 199$) (NB: percentages relate to the proportions of each category within either 'other' or no 'other' convictions and not the overall population)..... | 60 |
| <i>Figure 39.</i> The nature of convicted offending of those with alleged offending of a sexual nature, but no convicted sexual offending ($n = 20$) (NB: percentages may total more than 100% due to overlap)..... | 61 |
| <i>Figure 40.</i> The nature of convicted offending of those with alleged offending of a violent nature, but no convicted violent offending ($n = 7$) (NB: percentages may total more than 100% due to overlap)..... | 61 |
| <i>Figure 41.</i> The nature of convicted offending of those with alleged offending of an IPV nature, but no convicted IPV offending ($n = 14$) (NB: percentages may total more than 100% due to overlap)..... | 62 |
| <i>Figure 42.</i> The nature of convicted offending of those with alleged offending of an 'other' nature, but no convicted 'other' offending ($n = 8$) (NB: percentages may total more than 100% due to overlap)..... | 62 |
| <i>Figure 43.</i> The number of RARs, per year, with allegations outlined to have influenced the risk rating ($n = 8$)..... | 63 |

| | |
|---|----|
| <i>Figure 44.</i> The number and percentage of individuals with allegations relevant to the risk rating ($n = 8$) across each type of allegation (NB: percentages may total more than 100% due to overlap)..... | 64 |
| <i>Figure 45.</i> The number and percentage of individuals with self-reported further incidents of offending ($n = 86$), and the nature of such incidents where present (NB: percentages regarding the nature of self-reported incidents may total more than 100% due to overlap)..... | 65 |
| <i>Figure 46.</i> The number and percentage of individuals with self-reported further incidents of offending, according to convicted offending type (NB: Individuals may have convictions of more than one type and will therefore appear in more than one category)..... | 66 |
| <i>Figure 47.</i> The number and percentage of individuals with self-reported incidents of sexual offending, according to the presence or absence of convictions for sexual offending (NB: percentages relate to the proportions of each category within either sexual or no sexual convictions and not the overall population)..... | 68 |
| <i>Figure 48.</i> The number and percentage of individuals with self-reported incidents of violent offending, according to the presence or absence of convictions for violent offending (NB: percentages relate to the proportions of each category within either violent or no violent convictions and not the overall population) | 68 |
| <i>Figure 49.</i> The number and percentage of individuals with self-reported incidents of IPV offending, according to the presence or absence of convictions for IPV offending (NB: percentages relate to the proportions of each category within either IPV or no IPV convictions and not the overall population) | 69 |
| <i>Figure 50.</i> The number and percentage of individuals with self-reported incidents of 'other' offending, according to the presence or absence of convictions for 'other' offending (NB: percentages relate to the proportions of each category within either 'other' or no 'other' convictions and not the overall population)..... | 69 |
| <i>Figure 51.</i> The nature of self-reported further incidents in individuals with convictions for sexual offending but no self-reported incidents of that type ($n = 42$) (NB: percentages regarding the nature of self-reported incidents may total more than 100% due to overlap)..... | 70 |
| <i>Figure 52.</i> The nature of self-reported further incidents in individuals with convictions for violent offending but no self-reported incidents of that type ($n = 19$) (NB: percentages regarding the nature of self-reported incidents may total more than 100% due to overlap)..... | 70 |
| <i>Figure 53.</i> The nature of self-reported further incidents in individuals with convictions for IPV offending but no self-reported incidents of that type ($n = 30$) (NB: percentages regarding the nature of self-reported incidents may total more than 100% due to overlap)..... | 71 |
| <i>Figure 54.</i> The nature of self-reported further incidents in individuals with convictions for 'other' offending but no self-reported incidents of that type ($n = 35$) (NB: percentages regarding the nature of self-reported incidents may total more than 100% due to overlap)..... | 71 |

| | |
|---|----|
| <i>Figure 55.</i> The number and percentage of individuals with recorded incidents in custody ($n = 112$) and the location in which such incidents occurred | 72 |
| <i>Figure 56.</i> The nature of recorded incidents in custody ($n = 112$) (NB: percentages may total more than 100% due to overlap)..... | 73 |
| <i>Figure 57.</i> The number and percentage of individuals with recorded incidents in custody, according to convicted offending type..... | 74 |
| <i>Figure 58.</i> The number and percentage of individuals with convictions of each type, according to the nature of reported incidents in custody (NB: percentages may total more than 100% due to overlap)..... | 75 |

Chapter 4

Tables

| | |
|---|----|
| Table 5. <i>The overall duration of IPV offending</i> | 90 |
|---|----|

Figures

| | |
|---|----|
| <i>Figure 59.</i> The number and percentage of individuals with convictions for IPV..... | 80 |
| <i>Figure 60.</i> The number and percentage of individuals made subject to an OLR per year, according to the presence of convictions for IPV | 81 |
| <i>Figure 61.</i> The age distribution of individuals with and without convictions for IPV..... | 82 |
| <i>Figure 62.</i> The number and percentage of individuals assigned each risk rating, according to the presence or absence of IPV convictions..... | 83 |
| <i>Figure 63.</i> The number and percentage of individuals convicted of each IPV offending type ($n = 90$) (NB: percentages may total more than 100% due to overlap)..... | 84 |
| <i>Figure 64.</i> The number and percentage of individuals with IPV offending comprised of one type or mixed types ($n = 90$)..... | 85 |
| <i>Figure 65.</i> The number and percentage of individuals with non-IPV convictions of a sexual nature, according to the presence or absence of sexual IPV offending ($n = 90$)..... | 86 |
| <i>Figure 66.</i> The number and percentage of individuals with non-IPV convictions of a violent nature, according to the presence or absence of violent IPV offending ($n = 90$)..... | 87 |
| <i>Figure 67.</i> The number and percentage of individuals with non-IPV convictions of an 'other' nature, according to the presence or absence of 'other' IPV offending ($n = 90$)..... | 87 |
| <i>Figure 68.</i> The nature of non-IPV offending of those with IPV offending of a sexual nature, but no non-IPV sexual offending and conversely with non-IPV offending of a sexual nature, but no IPV sexual offending ($n = 30$) (NB: percentages may total more than 100% due to overlap)..... | 88 |
| <i>Figure 69.</i> The nature of non-IPV offending of those with IPV offending of a violent nature, but no non-IPV offending and conversely with non-IPV offending of a violent nature, but no IPV violent offending ($n = 12$) (NB: percentages may total more than 100% due to overlap)..... | 89 |

| | |
|---|----|
| <i>Figure 70. The nature of non-IPV offending of those with IPV offending of an 'other' nature, but no non-IPV 'other' offending and conversely with non-IPV offending of an 'other' nature, but no IPV 'other' offending (n = 57) (NB: percentages may total more than 100% due to overlap).....</i> | 89 |
| <i>Figure 71. Duration of convictions (where known) for individuals convicted of IPV (n = 44).....</i> | 90 |
| <i>Figure 72. The number and percentage of individuals with either a single (n = 7) or multiple (n = 48) IPV index offences, and where multiple the number of offences.....</i> | 91 |
| <i>Figure 73. The nature of IPV index offending of those convicted of a single IPV index offence (n = 7).....</i> | 92 |
| <i>Figure 74. The nature of individuals index offending when comprised of one type (n = 10) or mixed types (n = 38) of offending.....</i> | 93 |
| <i>Figure 75. The number and percentage of individuals where multiple previous convictions for IPV (n = 43), and the number of such convictions.....</i> | 94 |
| <i>Figure 76. The nature of previous IPV in individuals with one previous conviction for IPV (n = 30).....</i> | 94 |
| <i>Figure 77. The nature of offending for individuals with multiple previous IPV convictions comprised of one type (n = 22) or mixed types (n = 21) of offending.....</i> | 95 |
| <i>Figure 78. The number and percentage of individuals with alleged incidents of IPV, according to the presence or absence of convictions for IPV (n = 199).....</i> | 96 |
| <i>Figure 79. The nature of convictions of those with alleged incidents of IPV, but no convictions for IPV (n = 14) (NB: percentages may total more than 100% due to overlap).....</i> | 97 |
| <i>Figure 80. The number and percentage of individuals with self-reported incidents of IPV, according to the presence or absence of convictions for IPV.....</i> | 97 |
| <i>Figure 81. The nature of self-reported further incidents in individuals with convictions for IPV but no self-reported incidents of that type (n = 30) (NB: percentages may total more than 100% due to overlap).....</i> | 98 |

Chapter 5

Tables

| | |
|---|-----|
| <i>Table 6. The number of individuals with each offending type within their overall offending history, with IPV both single and double counted, according to age group.....</i> | 109 |
| <i>Table 7. The overall duration of each type of offending, according to age group.....</i> | 110 |

Figures

| | |
|--|-----|
| <i>Figure 82. The number and percentage of individuals in each age group, with a breakdown of the ages of those made subject to an OLR under the age of 21 (n = 10).....</i> | 104 |
| <i>Figure 83. The percentage of young people made subject to an OLR (n = 10) per year.....</i> | 105 |
| <i>Figure 84. Distribution of years within which individuals under the age of 21, and aged 21-15, have been made subject to an OLR.....</i> | 106 |

| | |
|---|---------|
| <i>Figure 85.</i> The number and percentage of individuals assigned each risk rating, according to age group | 107 |
| <i>Figure 86.</i> The number and percentage of individuals convicted of each offending type, according to age group (NB: percentages may total more than 100% due to overlap)..... | 108 |
| <i>Figure 87.</i> The number and percentage of individuals with an overall offending history comprised of one type or mixed types, according to age groups..... | 19 |
| <i>Figure 88.</i> Duration of sexual convictions (where known) ($n = 57$), according to type..... | 111 |
| <i>Figure 89.</i> Duration of violent convictions (where known) ($n = 124$), according to age group | 111 |
| <i>Figure 90.</i> Duration of IPV convictions (where known) ($n = 44$), according to age group | 112 |
| <i>Figure 91.</i> The number and percentage of individuals made subject to an OLR with single and multiple index offences, according to age group, and the number of such offences where multiple..... | 113 |
| <i>Figure 92.</i> The number and percentage of individuals convicted of each index offending type, according to age group (NB: percentages may total more than 100% due to overlap) | 114 |
| <i>Figure 93.</i> The nature of individuals index offending when comprised of one type or mixed types, according to age group..... | 116 |
| <i>Figure 94.</i> The number and percentage of individuals who had no, a single, or multiple previous convictions, according to age group, and the number of such convictions where multiple..... | 118-119 |
| <i>Figure 95.</i> The age at which young people made subject to an OLR, with previous convictions, received their first conviction ($n = 9$)..... | 120 |
| <i>Figure 96.</i> The age at which individuals made subject to an OLR aged 21+, with previous convictions, received their first conviction | 120 |
| <i>Figure 97.</i> The imprisonment of individuals with previous convictions, across Young People ($n = 9$) and those 21 Years+ ($n = 183$)..... | 121 |
| <i>Figure 98.</i> The number and percentage of individuals previously convicted of each offending type ($n = 192$), according to age group (NB: percentages may total more than 100% due to overlap)..... | 122 |
| <i>Figure 99.</i> The nature of individuals previous convictions ($n = 192$) when comprised of one type or mixed types of offending, according to age group | 123-124 |
| <i>Figure 100.</i> The number and percentage of individuals who had no, a single, or multiple allegations, according to age group, and the number of such allegations where multiple..... | 126-127 |
| <i>Figure 101.</i> The number and percentage of individuals with allegations ($n = 177$) relating to each offending type, according to age group (NB: percentages may total more than 100% due to overlap)..... | 128 |

Figure 102. The number and percentage of people with allegations ($n = 177$) comprised of one type or mixed types, according to age group, and the nature of such allegations 130-131

Figure 103. The nature of self-reported incidents from young people ($n = 2$) and those over 21 years old ($n = 84$) (NB: percentages may total more than 100% due to overlap)..... 133

Chapter 6

Tables

Charts

Figure 104. The nature of offending of those in the 'Index - other and BoP' subgroup ($n = 11$)..... 139

Figure 105. The age of individuals according to the nature of index offending group ('other and BoP' and 'sexual or violent') 140

Figure 106. The number and percentage of people with index offending of an 'other and BoP' nature made subject to an OLR, per calendar year ($n = 11$)..... 141

Figure 107. The percentage of individuals made subject to an OLR per year, according to nature of index offending group 142

Figure 108. The number and percentage of individuals assigned each risk rating, according to nature of index offending group 143

Figure 109. The number of index offences across the Index (Other and BoP) ($n = 11$) and the Index (Sexual and Violent) ($n = 191$) groups..... 144

Figure 110. The percentage of individuals who had no, a single, or multiple previous convictions, according to nature of index offending group, and the number of such convictions where multiple 146-147

Figure 111. Age at first conviction, according to nature of index offending group ($n = 192$)..... 148

Figure 112. The imprisonment of individuals with previous convictions ($n = 192$), according to nature of index offending group 149

Figure 113. The number and percentage of individuals previously convicted of each offending type ($n = 192$), according to the nature of index offending group (NB: percentages may total more than 100% due to overlap)..... 150

Figure 114. The nature of previous convictions ($n = 192$) when either one or mixed types according to the nature of individuals' index offending 152-153

Figure 115. The number and percentage of individuals who had no, a single, or multiple allegations, according to nature of index offending group, and the number of such allegations where multiple 155-156

Figure 116. The number and percentage of individuals with allegations relating to each offending type, according to nature of index offending group ($n = 177$) (NB: percentages may total more than 100% due to overlap) 157

| | |
|---|---------|
| <i>Figure 117.</i> The number and percentage of individuals with previous allegations ($n = 177$) comprised of one type or mixed types, according to nature of index offending group, and the nature of such allegations..... | 158-159 |
| <i>Figure 118.</i> The number and percentage of individuals with self-reported further incidents of offending, according to nature of index offending group..... | 161 |
| <i>Figure 119.</i> The nature of self-reported incidents reported ($n = 86$), according to nature of index offending group (NB: percentages may total more than 100% due to overlap)..... | 162 |

Chapter 7

Tables

Charts

| | |
|---|---------|
| <i>Figure 120.</i> The age of individuals according to the presence of previous convictions..... | 167 |
| <i>Figure 121.</i> The number and percentage of individuals made subject to an OLR per year, according to the presence of previous convictions..... | 168 |
| <i>Figure 122.</i> The number and percentage of individuals assigned each risk rating, according to the presence of previous convictions..... | 169 |
| <i>Figure 123.</i> The number and percentage of individuals made subject to an OLR with single and multiple index offences, according to the presence of previous convictions, and the number of such offences where multiple..... | 171-172 |
| <i>Figure 124.</i> The number and percentage of individuals convicted of each index offending type, according to the presence of previous convictions (NB: percentages may total more than 100% due to overlap)..... | 174 |
| <i>Figure 125.</i> The number and percentage of individuals with index offending comprised of one type or mixed types, according to the presence of previous convictions, and the nature of such offending..... | 175-176 |
| <i>Figure 126.</i> The number and percentage of individuals who had no, a single, or multiple allegations, according to the presence of previous convictions, and the number of such allegations where multiple..... | 178-179 |
| <i>Figure 127.</i> The number and percentage of individuals with allegations relating to each offending type ($n = 177$) according to the presence of previous convictions (NB: percentages may total more than 100% due to overlap)..... | 180 |
| <i>Figure 128.</i> The number and percentage of individuals with previous allegations comprised of one type or mixed types ($n = 177$), according to the presence of previous convictions, and the nature of such allegations..... | 181-182 |
| <i>Figure 129.</i> The number and percentage of individuals with self-reported further incidents of offending, according to the presence of previous convictions, and, where present, the nature of such self-reported incidents (NB: percentages may total more than 100% due to overlap)..... | 183-184 |

Chapter 8

Tables

| | |
|--|-----|
| Table 8. The number of individuals with each offending type within their overall offending history, with IPV both single and double counted, according to risk rating..... | 194 |
| Table 9. The overall duration of each type of offending, according to risk rating | 197 |

Charts

| | |
|--|---------|
| Figure 130. The number and percentage of individuals assigned each risk rating..... | 190 |
| Figure 131. The age of individuals subject to an OLR, according to risk rating | 191 |
| Figure 132. The percentage of individuals made subject to an OLR per year, according to risk rating | 192 |
| Figure 133. The number and percentage of individuals convicted of each offending type, according to risk rating (NB: percentages may total more than 100% due to overlap) | 193 |
| Figure 134. The nature of individuals overall offending history when comprised of one type or mixed types, according to risk rating | 195-196 |
| Figure 135. Duration of convictions for individuals convicted of sexual offending (where known) ($n = 57$), according to risk rating | 198 |
| Figure 136. Duration of convictions for individuals convicted of violent offending (where known) ($n = 124$), according to risk rating | 199 |
| Figure 137. Duration of convictions for individuals convicted of IPV offending (where known) ($n = 44$), according to risk rating | 199 |
| Figure 138. The percentage of individuals who had no, a single, or multiple allegations, according to risk rating, and the number of such allegations where multiple..... | 201-202 |
| Figure 139. The number and percentage of individuals with allegations relating to each offending type, according to risk rating ($n = 177$) (NB: percentages may total more than 100% due to overlap) | 203 |
| Figure 140. The nature of multiple allegations when comprised of one type or mixed types, according to risk rating ($n = 177$)..... | 205-206 |
| Figure 141. The number and percentage of individuals with self-reported further incidents of offending, according to risk rating, and the nature of such self-reported incidents (NB: percentages regarding the nature of self-reported incidents may total more than 100% due to overlap) | 207-208 |

