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XXXXXX
 XXXXX
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Your reference:

Our reference: FOI 09-06-120433-002

Date: 30 June 2010

Dear XXXXXX,

Thank you for your email dated 2 June 2010 which has been considered to be a request for information in accordance with the Freedom of Information Act 2000. Your request has been passed to my department and I have been asked to respond.

You requested the following information:

" I'm writing under the terms of the Freedom of Information Act to find out about the number of court martials that have taken place and for a break down of what they have been for etc. I am looking to cover a period of 10 years.

So the specific questions I have are as follows:-

- 1. How many court martials has there been over the past decade?**
- 2. Can they be broken down into the three services?**
- 3. How many have resulted in personnel being made to leave the military?**
- 4. How many have resulted in personnel being required to serve a custodial sentence?**
- 5. Can the court martials be broken down into category of offence?**
- 6. How many have been held to resolve desertion?**
- 7. How many have been held because of drug use?**
- 8. How many have been held because of violence? "**

Based on information recorded by the Military Court Service (MCS), I am able to provide the following information. RAF data, however, prior to 2008 only refers to RAF officers, as statistics for RAF other ranks were not recorded by the MCS before 2008. Therefore RAF other ranks data prior to this date is not available.

1. How many Court Martials has there been over the past decade?

YEAR	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Number of Courts martial	517	699	566	537	596	714	687	706	741	705

2. Can they be broken down into the three services?

SERVICE	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
RN	56	62	57	61	72	65	54	50	43	52
ARMY	455	630	505	470	521	645	630	653	644	622
RAF	6	7	4	6	3	4	3	3	54	31

3. How many have resulted in personnel being made to leave the military?

- Please note these figures do not include administrative discharge where Court Martial proceedings may have been a contributing factor in the decision to end employment.

SERVICE	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
RN	4	14	8	13	7	5	9	8	6	9
ARMY	110	123	142	103	131	149	112	85	82	See note *
RAF	2	1	2	1	2	0	1	1	12	7

- * Army figures are not recorded in a way that could be collated and are therefore not provided for questions 3 or 4.

4. How many have resulted in personnel being required to serve a custodial sentence?

- Please note these figures reflect committed custodial sentences served either at Military Corrective Training Centre Colchester (MCTC) or HM Prisons and do not include suspended sentences of detention/imprisonment.

SERVICE	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
RN	8	13	15	14	19	20	28	20	17	28
ARMY	36	25	26	19	16	19	21	17	10	See note *
RAF	1	1	0	0	1	0	1	1	15	6

- * Army figures are not recorded in a way that could be collated and are therefore not provided for questions 3 or 4.

5. Can the Court Martials be broken down into category of offence?

The tables at Annex A provide Courts Martial data broken down by offence. This will not include desertion/AWOL, drug use or violence, which are given in the tables below.

6. How many have been held to resolve desertion?

Figures for desertion are reflected below, as requested, but figures for instances of persons charged with absence without leave (AWOL), which is more common, are also shown.

SERVICE	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
RN AWOL	0	1	3	4	5	12	4	6	9	6
DESSERTION	0	0	1	0	0	0	0	0	0	0
ARMY AWOL	93	129	122	111	127	159	259	236	321	265
DESSERTION	7	3	6	3	3	5	7	7	8	10
RAF AWOL	1	0	1	0	0	0	0	0	2	0
DESSERTION	0	0	0	0	0	0	0	0	0	0

7. How many have been held because of drug use?

- Please note these figures reflect proceedings for offences of possession of illegal or controlled drugs and failure to provide a sample for testing rather than specifically for drug use. A separate system of random drug testing exists where a positive test result will result in administrative discharge rather than court martial proceedings.

SERVICE	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
RN	2	8	6	2	2	1	2	3	1	1
ARMY	7	13	11	8	7	8	7	10	12	6
RAF	0	0	0	0	0	0	0	0	0	0

8. How many have been held because of violence?

SERVICE	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
RN	22	27	23	30	27	27	23	19	15	16
ARMY	192	291	215	171	222	275	174	207	144	178
RAF	1	1	0	0	0	1	0	0	8	9

Your attention is also drawn to the accompanying statements.

Yours sincerely,

XXXXXX

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If you are not satisfied with this response or you wish to complain about any aspect of the handling of your request, then you should contact me in the first instance. If informal resolution is not possible and you are still dissatisfied then you may apply for an independent internal review by contacting the Head of Corporate Information, 6th Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail CIO-FOI-IR@mod.uk). Please note that any request for an internal review must be made within 40 working days of the date on which the attempt to reach informal resolution has come to an end.

If you remain dissatisfied following an internal review, you may take your complaint to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not investigate your case until the MOD internal review process has been completed. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website, <http://www.ico.gov.uk>.

COURT MARTIAL STATISTICS BROKEN DOWN BY CATEGORY OF OFFENCE

ROYAL NAVY

Sexual Offences

2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
1	2	2	3	5	3	2	4	3	0

Theft/Fraud Offences/Misapplication and other like offences

2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
9	11	7	12	7	9	12	7	3	12

Disobedience/Insubordinate or contemptuous behaviour/conduct prejudicial/threatening words and other like offences

2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
3	5	6	15	17	12	6	8	11	14

Drunkenness

2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
14	7	7	2	7	5	3	3	7	6

Criminal damage/damage to Service property

2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
2	0	1	3	0	3	1	1	1	1

Leaving place of duty/sleep on watch/use force against person on watch/fail to attend and other like offences

2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
3	2	5	3	3	3	2	1	6	2

Public order

2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
0	0	0	0	0	0	4	2	0	0

Weapons/firearms

2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
0	0	0	0	0	0	0	1	0	0

Ill treatment of subordinates/Harassment and other like offences

2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
1	0	0	0	0	0	1	0	0	0

Neglect of duty/negligence/wilful neglect and other like offences

2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
4	5	6	6	4	1	0	0	0	0

COURT MARTIAL STATISTICS BROKEN DOWN BY CATEGORY OF OFFENCE

ARMY

Violence

2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
192	291	215	171	222	275	174	207	144	178

Sexual Offences

2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
34	34	24	24	26	33	27	34	32	34

Supply

2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
4	4	0	2	1	0	4	2	4	1

Theft

2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
66	79	61	61	53	75	72	53	69	70

Drunkenness

2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
18	12	17	15	10	16	10	15	9	3

Criminal Damage

2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
3	4	2	10	11	12	10	13	8	13

General

2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
31	61	47	65	61	62	60	76	37	42

COURT MARTIAL STATISTICS BROKEN DOWN BY CATEGORY OF OFFENCE

ROYAL AIR FORCE OFFICER COURTS MARTIAL 2000 – 2009

2000

1 x s.70 (1) of Air Force Act 1955 (AFA 55) – Theft contrary to s.1(1) of the Theft Act 1968
1 x s.70(1) of AFA 55 – False Accounting contrary to s.17(1)(a) of the Theft Act 1968.
1 x Negligently Performing a Duty contrary to s.29a(b) of AFA 55.
7 x making a False Entry in an Official Document contrary to s.62(1)(b) of AFA 55.
1 x s.70(1) of AFA 55 – deception contrary to s.15 of the Theft Act 1968.
10 x s.70(1) of AFA 55 – Theft contrary to S1(1) of the Theft Act 1968.
1 x s.70(1) of AFA 55 – Battery contrary to s.39 of the Criminal Justice Act 1988

2001

2 x Disobedience to Standing Orders contrary to s.36(1) of AFA 55
1 x Using Threatening, Abusive, Insulting or Provocative Words likely to cause a Disturbance contrary to s.43A(b) of AFA 55
4 x Negligently Performing a Duty contrary to s.29A(b) of AFA 55
3 x s.70(1) of AFA 55 – False Accounting contrary to s17(1)(a) of the Theft Act 1968
1 x s.70(1) of AFA 55 – False Accounting contrary to s.17(1)(b) of the Theft Act 1968
1 x Disobedience to Standing Orders, that is to say, Being in Charge of a Vehicle when under the Influence of Alcohol
4 x s.70(1) of AFA 55 – Common Assault contrary to s.39 of the Criminal Justice Act 1988
1 x Doing Acts tending, and intended, to Pervert the Course of Public Justice contrary to s.70(1) of AFA 55
1 x s.70(1) of AFA 55 – Furnishing False Information contrary to s.17(1)(b) of the Theft Act 1968

2002

2 x s.70(1) of AFA 55 – Indecent Assault contrary to s.14(1) of the Sexual Offences Act 1956
2 x Disobedience to Standing Orders, that is to say, Proxy Purchase of Motor Vehicles contrary to s.36(1) of AFA 55.
2 x s.70(1) of AFA 55 – Forgery contrary to s.1 of the Forgery and Counterfeiting Act 1981.
1 x Failing to Report an Accident contrary to s.36(1) of AFA 55
1 x Dangerous Driving contrary to s.36(1) OF AFA 55.
1 x Wasting Police Time by Making False Statement contrary to s.69 of AFA 55

2003

2 x Causing Loss of Life contrary to s.49 of AFA 55.
1 x Negligently Performing a Duty contrary to s.29A(b) of AFA 55
1 x Drink Driving contrary to s.36(1) of AFA 55
1 x s.70(1) of AFA 55 – Theft contrary to s.1(1) of the Theft Act 1968
1 x s.70(1) of AFA 55 – Indecent Assault contrary to s.14(1) of the Sexual Offences Act 1956.
1 x Drunk contrary to s.43(1) of AFA 55
12 x s.70(1) of AFA 55 – False Accounting contrary to s.17(1)(a) of the Theft Act 1968.
1 x s.70(1) of AFA 55 – Using a Copy of a False Instrument contrary to s.4 of the Forgery and Counterfeiting Act 1981
1 x Disobedience to Standing Orders contrary to s.36(1) of AFA 55 – Drink Driving

2004

2 x s.70(1) of AFA 55 – Possession of Indecent Photographs of Children contrary to s.160(1) of the Criminal Justice Act 1988.
11 x s.70(1) of AFA 55 – Making Indecent Photographs of Children contrary to s.1(1)(a) of the Protection of Children Act 1978.
2 x s.70(1) of AFA 55 – Showing Indecent Photographs of Children contrary to s.1(1)(b) of the Protection of Children Act 1978.
1 x s.70(1) of AFA 55 – Obtaining a Money Transfer by Deception contrary to s.15A of the Theft Act 1968.

2005

2 x s.70 AFA 55: 1x Battery contrary to s.39 of the Criminal Justice Act 1988. 1x AOABH contrary to s.47 of the Offences Against the Person Act 1961
1 x s.70(1) of the AFA 55 - indecent assault contrary s.14(1) of the Sexual Offences Act 1956.
1x Unlawful low flying contrary to s.51 of the AFA 55.
1x Negligently causing damage to an aircraft belonging to Her Majesty contrary to s.44(1)(d) of the AFA 55
2 x s.36(1) AFA 55 - Carrying civilian passengers without appropriate approval, and flying a helicopter below 250ft whilst carrying civilian passengers without the appropriate approval. 2 x s.62(1) AFA 55 - Making a false entry in an official document.

2006

1 x s.70(1) of AFA 55 - Racially Aggravated Common Assault contrary to s.29(1)(C) of the Crime and Disorder Act 1998
5 x Failed to Attend
2 x Possessing a controlled drug contrary to section 5(2) for the Misuse of Drugs Act

2007

1 x Theft
1 x Child Pornography
11 x Obtaining money by deception.

2008

2 x Obtaining services by deception. 1 x Obtaining a money transfer by deception.
1 x Sexual Assault.
1 x Prohibited low flying contrary to Regulation 5(3)(e) of the Rules of the Air Regulation 2007.
1 x Possessing ammunition/explosives. 6 x Using a false instrument (Forgery Act). 1 x Conduct to the prejudice of good order and military discipline.

2009

1 x Perjury

ROYAL AIR FORCE OTHER RANKS COURTS MARTIAL 2008 – 2009

	<i>Violence</i>	<i>Sexual Offences</i>	<i>Theft</i>	<i>Drunkenness</i>	<i>General</i>
2008	8	6	12	2	20
2009	9	5	6	3	7