Justice Analytical Services
Coronavirus (COVID-19) Data Report:

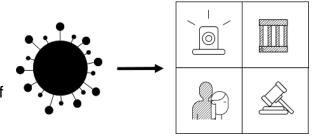
October 2021



Summary

This pack provides information on the impact of COVID-19 on the Justice system during October 2021.

Data has been gathered from a number of different sources and may be subject to future revision.



Public compliance

This pack includes information on COVID-19 related interventions undertaken by Police Scotland. In addition to this, information on the public's compliance with measures to help restrict the spread of COVID-19 is collected from surveys of the population. Findings from these surveys can be found in the <u>Public attitudes to</u> Coronavirus: March Update.

Three quarters of respondents agreed that the best thing to do is to follow the government's advice. This has remained high and stable through January and February. However, those stating they had engaged in a non-compliant activity has risen from the start of January (23% to 33%).

Police activity

- The number of crimes recorded in October 2021 was similar to the level in October 2020 and lower than in October 2019.
- Weekly Police recorded incident numbers have been generally similar in October 2021, compared to October 2020.
- The number of Domestic Abuse incidents recorded by the Police in October 2021 was higher than the level seen in October 2020 and October 2019.
- The use of Police COVID-19 interventions remains at almost zero in October 2021.

Crown Office and Procurator Fiscal Service (COPFS), Courts & Prisons

- Custody reports received by COPFS remain consistently below pre-pandemic levels and undertaking reports remain consistently above pre-pandemic levels.
- Subjects marked for court by COPFS remain below pre-pandemic levels, driven by a decrease in summary court markings.
- 16 additional trial courts per day have been added to address backlogs.
- Initiations in the civil court remain below 19-20 levels, while disposals have almost returned to 19-20 levels.
- The number of prisoners on remand is at a historically high level.
- The prison population has been stable at around 7,500 since November 2020.

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How crime flows through the Justice System

Incident reported

Crime classified & suspect charged Incident is reviewed by Police to determine if it is a crime. If a crime, Police charge suspect (where possible) and issue:

- a Fixed Penalty Notice or Recorded Police Warning,
- ·a report to COPFS or
- decide on no further action.



Police report the case to COPFS The accused will be:

- Kept in custody Case called the next court day.
- Released on an Undertaking Accused told when to appear and may have bail conditions.
- At liberty
 If prosecuted, the accused will receive a citation stating the charge and when to appear.

Prosecutor decides if accused is prosecuted:



- 1. No action e.g. not enough evidence.
- Direct Measure
 An alternative to prosecution, e.g. Fiscal Fine or warning letter.
- 3. Summary prosecution JP or Sheriff Court (no jury)
- 4. Solemn prosecution Sheriff or High Court (with jury)

Report marked by COPFS

If the accused is found guilty in court, or tendered a guilty plea, then they can be given:

- Custodial Sentence
- Community Sentence
- ·Monetary Penalty
- Admonished/Dismissed
- 'Other' disposal



Case heard & court outcomes

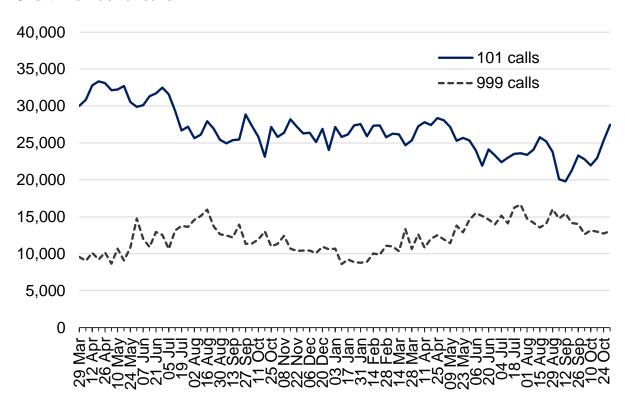
Police Activity (Police Scotland)

101 and 999 call volumes

Total weekly 999 & 101 calls have generally been lower compared to the equivalent weeks from the previous year.

- 101 calls have remained fairly consistent over the past few months with a noticeable increase through October.
- 999 calls increased from February to August before stabilising and have decreased in recent weeks.
- In the week ending 31st October, 40,537 calls were made to Police Scotland.
- When combined, calls were higher than the previous week (38,032).

Chart: Number of calls



Type of call	Week ending	Week ending	
	24th October 2021	31st October 2021	
101 calls	25,311	27,437	
999 calls	12,721	13,064	
Total calls	38,032	40,537	

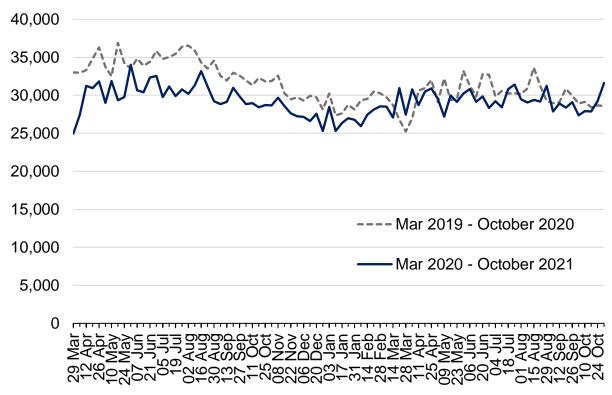
Incidents recorded

Weekly incident numbers have been generally similar in October 2021, compared to October 2020.

Incident levels have generally been similar in recent weeks compared to the equivalent weeks from the previous year.

Scotland entered Phase 2 of its route map on 28th May 2020. There was an increase in incidents during that week (ending Sunday 31st May). However, incident numbers remained below 2019-20 levels in the weeks that followed, and declined from November onwards. Scotland entered a new period of lockdown on 5th January 2021. Since then, there has been evidence of an increasing trend although levels remain generally lower than at the start of the pandemic.

Chart: Number of incidents



In the week ending 31st October:

31,611

incidents recorded



Up 11% compared to the equivalent week in 2020 (28,604 incidents)

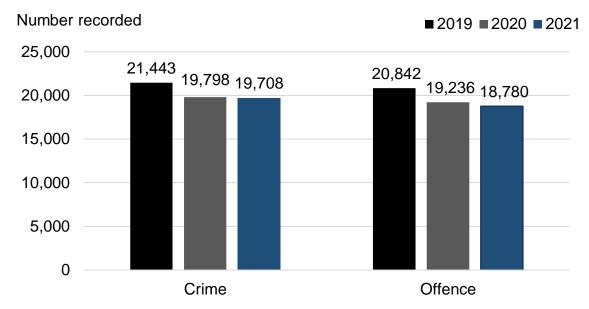
Further information:

A full <u>breakdown of calls & incident volumes</u> is available.

Recorded Crime in Scotland

The recorded crime figures presented below exclude crimes recorded under the coronavirus legislation.

Chart: Number of crimes and offences recorded



Note: Each set of columns shows from left to right, October 2019, 2020 and 2021

October 2021

The number of crimes recorded in October 2021 was relatively unchanged than in October 2020 and 8% lower than in October 2019. The number of offences was 2% lower compared to October 2020 and 10% lower than in October 2019.

Non-sexual crimes of violence were 21% higher (or 161 crimes) compared to October 2020, increasing from 780 to 941 crimes, and 11% higher compared to October 2019 (increasing from 848 crimes). Within this, Attempted murder and serious assault decreased by 1% compared to October 2020 (from 290 to 287). Other violence increased by 89% compared to October 2020 (from 178 to 337) and also increased by 108% from October 2019 (from 162 to 337). The increase in Other violence between October 2020 and October 2021 was due to rises in Drugging (from 2 to 119 crimes) and Threats and extortion (from 82 to 147 crimes). The rise in Drugging is likely due to cases of "spiking", whereas the recently published National Statistics bulletin estimated that more than three-quarters (77%) of Threats and extortion recorded in 2020-21 were cyber-crimes. Crimes under the Domestic Abuse (Scotland) Act 2018 decreased by 1% compared to October 2020 (from 146 to 144), and were 13% lower than in October 2019 (decreasing from 165 to 144).

Sexual crimes were 12% higher (or 128 crimes) compared to last October, increasing from 1,093 to 1,221 crimes. This was also 8% higher than in October 2019 (increasing from 1,134 crimes). Sexual assault saw the largest increase since

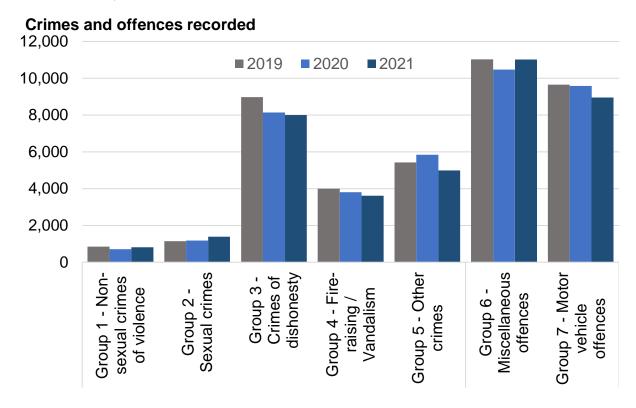
October 2020, increasing by 29% (from 336 to 434). This was almost unchanged compared to October 2019 (from 435 to 434). Rape and attempted rape decreased by 4% compared to October 2020, from 215 to 207 crimes, but this was also a 2% increase compared to October 2019 (from 202 to 207 crimes). Other sexual crimes increased by 6% (from 539 to 570) compared to October 2020 and increased by 17% (from 486 to 570) compared to October 2019. The rise in Other sexual crimes since 2019 was driven by crimes including Communicating indecently, Coercing a person into being present/looking at sexual activity, Disclosure of intimate images and Voyeurism. Research published in the recent 2020-21 Recorded Crime National Statistics showed that the majority of these crimes are likely to be cyber-crimes.

Fire-raising, vandalism etc. was 2% higher (or 63 crimes) compared to October 2020, increasing from 3,735 to 3,798 crimes, but was 11% lower than October 2019. Vandalism etc. has risen 4% since October 2020 (increasing from 3,470 to 3,606). This is 10% lower than October 2019 levels.

Crimes of dishonesty were 3% higher (or 283 crimes) compared to October 2020. increasing from 8,406 to 8,689 crimes. This was 9% lower than in October 2019 (decreasing from 9,571 crimes). Crimes of Fraud have increased throughout the pandemic. There was a 5% increase since October 2020 (from 1,506 to 1,582), and a 71% increase since October 2019 (from 927 to 1,582). The Changes in levels of recorded fraud section in the monthly crime publication provides users with further background on what may be contributing to this change. Other theft has been the biggest contributor (by volume) to the increase since 2020 having risen by 7% compared to October 2020 (from 3,066 to 3,287 crimes), but was 11% lower when compared to October 2019.

Other crimes were 13% lower (or 725 crimes) than in October 2020, decreasing from 5,784 to 5,059 crimes. This is also 10% lower than October 2019 (decreasing from 5,631 to 5,059 crimes). The main contributors to these decreases were Drugs (which fell by 18% compared to October 2020 and 26% compared to October 2019) and Crimes against public justice (which fell by 7% compared to October 2020 but were 16% higher compared to October 2019).

The following chart shows a breakdown of the crime and offence groups, comparing October 2019, 2020 and 2021



Note: each category shows columns from left to right for October 2019, 2020 and 2021

The biggest decreases from October 2020 to October 2021 were Drugs and Crimes against public justice.

The biggest decreases over this period were:

Drugs

- ↓ 18% (or 489 crimes)

Crimes against public justice

- √ 7% (or 147 crimes)
- ↑ 16% (or 263 crimes) compared to October 2019

The biggest increases from October 2020 to October 2021 (by volume) were:

Other violence

- ↑ 89% (or 159 crimes)
- ↑ 108% (or 175 crimes) compared to October 2019

Other theft

- ↑ 7% (or 221 crimes)
- ↓ 11% (or 394 crimes) compared to October 2019

Further Information: The data in this section comes from the monthly Official Statistics on crimes and offences recorded by the police in Scotland during the COVID-19 pandemic. For more information, please see Recorded Crime in Scotland: October 2021.

Coronavirus legislation intervention activity

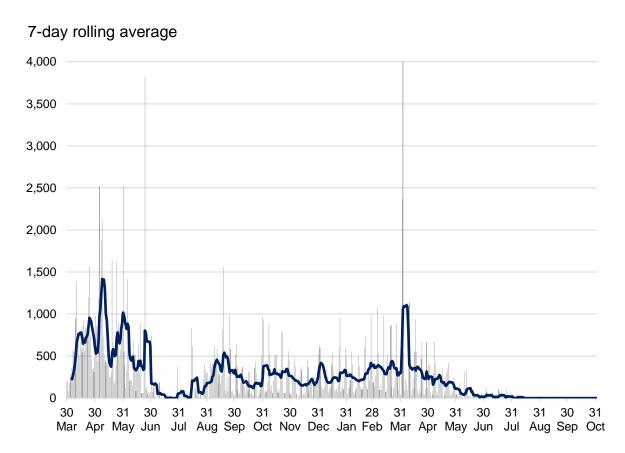
This information is drawn from Police Scotland's 'Coronavirus Interventions' application, which relies on manual input from Police Officers. Due to this manual input, these figures should be viewed as indicative only.

This system currently provides the broadest picture of the differing levels of cooperation experienced by Police across Scotland.

The use of interventions remains at almost zero in October 2021, with only one case recorded (compared to 2 in September). This will likely be due to the lifting of restrictions.

In October, the single intervention was an FPN. Throughout the pandemic, the majority of interventions have been dispersals.

Chart: Number of interventions (including 7-day rolling average)



Further Information:

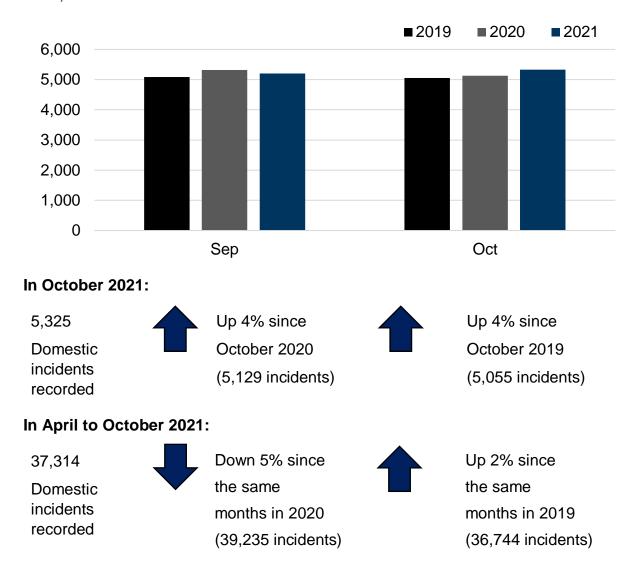
A full <u>breakdown of interventions</u> is available from Police Scotland.

Police Recorded Domestic Abuse Incidents

The number of Domestic Abuse incidents recorded in October 2021 was higher than the level seen in October 2020 and October 2019.

These updates (including the proportion with a crime or offence) will be reflected in future editions of the Official Statistics on Domestic Abuse in Scotland. The most recent edition covers the 2019-20 reporting year.

Chart: Number of domestic abuse incidents recorded in September and October 2019, 2020 and 2021.



The proportion of April to October 2021 incidents that included the recording of at least one crime or offence was 42.4%, lower than for the equivalent period in 2020-21, at 43.4%.

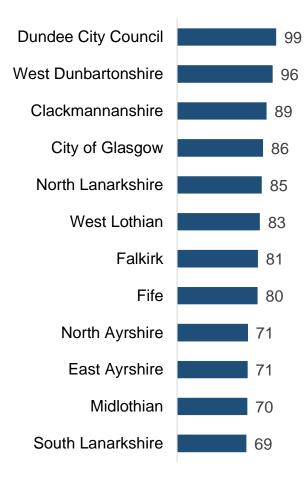
In addition to the above, separate figures on crimes recorded under the Domestic Abuse (Scotland) Act 2018 are available from the Recorded Crime in Scotland monthly Official Statistics. There were 144 such crimes recorded by the police in October 2021, this is 1% lower than October 2020 (146 crimes) and 13% lower than October 2019 (165 crimes).

Police Recorded Domestic Abuse Incidents per 10,000 population

Across Scotland as a whole, the police recorded 68 domestic abuse incidents per 10,000 population¹ during the period April to October 2021.

The local authorities with the highest rates were Dundee City (99), West Dunbartonshire (96) and Clackmannanshire (89).

The following chart shows local authorities with rates above the national average.



¹ NRS Population Projections (2018-based) for 2021 are used for these calculations.

The following map shows local authorities with above the national average (in a darker shading) of Domestic Abuse incidents per 10,000 population, in the period April to October 2021.



Further Information:

The crime data in this section comes from the monthly Official Statistics on crimes and offences recorded by the police in Scotland during the COVID-19 pandemic.

For more information, please see the Monthly Official Statistics on Recorded Crime in Scotland.

Crown Office and Procurator Fiscal Service (COPFS)

Reports received by COPFS

After a crime is classified and a suspect charged, police send a report to the Crown Office Procurator Fiscal Service (COPFS).

Total reports received by COPFS have remained below pre-pandemic levels since March 2021.

- The total number of reports received by COPFS decreased substantially at the beginning of the first lockdown. Numbers then increased towards but on average below pre-pandemic levels.
- Custody report numbers are consistently around two-thirds of 19-20 average levels (around 1,000 less per month).
- Undertaking report numbers remain consistently around 50% higher than 2019-20 levels (around 700 more per month) and were at their highest level since the pandemic started (almost twice the 19-20 average) in June 2021.

Chart: All reports received by COPFS (bars – monthly count April 2020 to October 2021, dashed line 19-20 average)

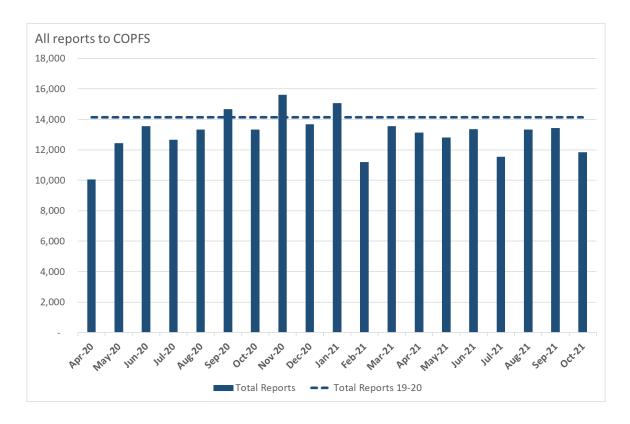


Chart: Custody reports received by COPFS (bars - monthly count April 2020 to October 2021, dashed line 19-20 average)

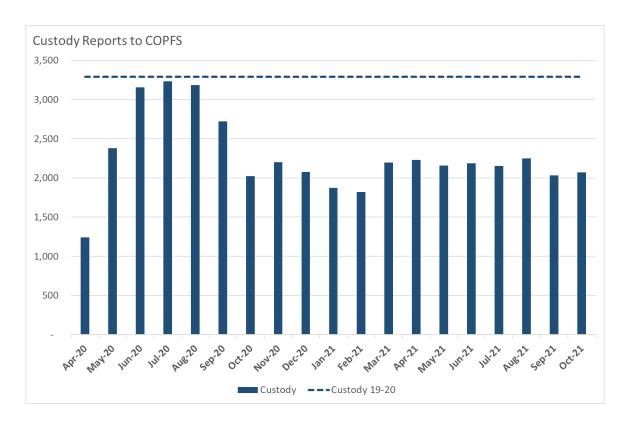
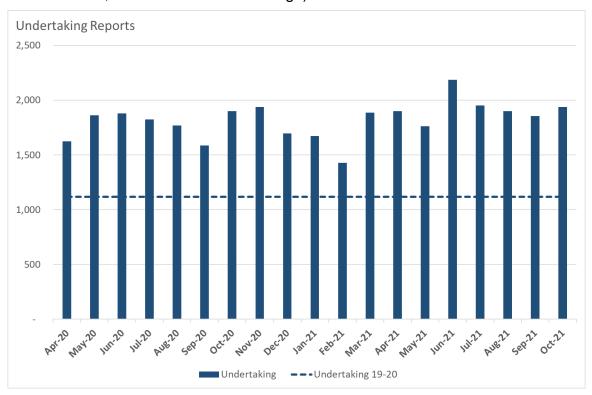


Chart: Undertaking reports received by COPFS (bars - monthly count April 2020 to October 2021, dashed line 19-20 average)

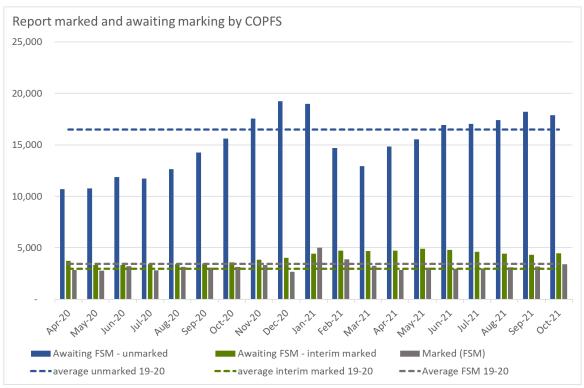


First substantive marking

When COPFS receive a report that someone has committed a crime the prosecutor must decide whether and what action to take. This is recorded on the case as a "marking". If a decision cannot be taken immediately, an interim marking may be recorded. When a substantive decision is reached a First Substantive Marking (FSM) is recorded, to indicate how the prosecutor has decided to proceed.

The number of accused given a FSM by COPFS remains below pre-pandemic levels. The number of reports awaiting marking has been increasing in recent months and sits above 19-20 average levels. The number of reports with an interim marking has been above 19-20 average levels throughout 2020 and into 2021.

Chart: Marking status of COPFS reports (bars - monthly count April 2020 to October 2021, dashed lines 19-20 average)



Summary of COPFS First Substantive Markings

There are 3 types of marking decision available to COPFS:

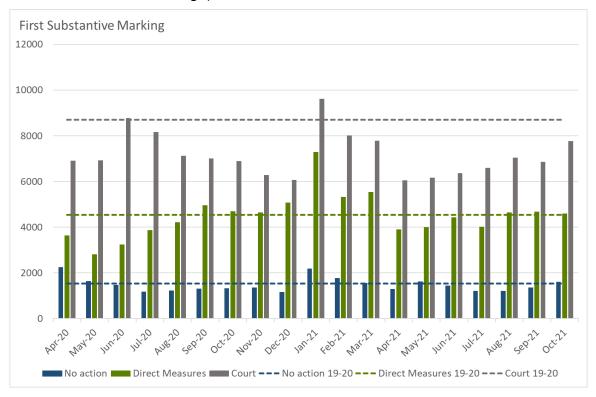
- No Action
- Direct Measures
- Court proceedings

No action markings have increased over recent months have returned to prepandemic levels.

Direct measure markings have been stable at around pre-pandemic levels over recent months.

Markings for court have been incresing since Spring 2021 but are still below repandemic levels.

Chart: First Substantive Marking (bars – monthly count April 2020 to October 2021, dashed lines 19-20 average)



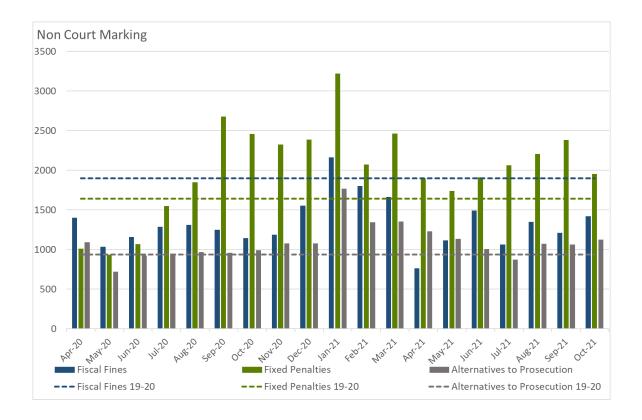
Subjects marked for Direct Measure

Direct measure or alternatives to court include diversion, fiscal fines, fixed penalties, community and work orders. Fiscal fine limits were increased as part of the Coronavirus (Scotland) Act 2020.

In January 2021, for the first time in 2020-21, the numbers of subjects receiving a Fiscal Fine increased to above 19-20 average levels (dotted lines). Numbers fell to a low in April 2021 and although they have increased overall since that time, they remain below pre-pandemic levels.

The number of subjects given Fiscal fixed penalties increased from May 2020, and have remained above 19-20 average levels since August 2020.

Chart: Subjects marked for direct measures (bars - monthly count April 2020 to October 2021, dashed lines 19-20 average)



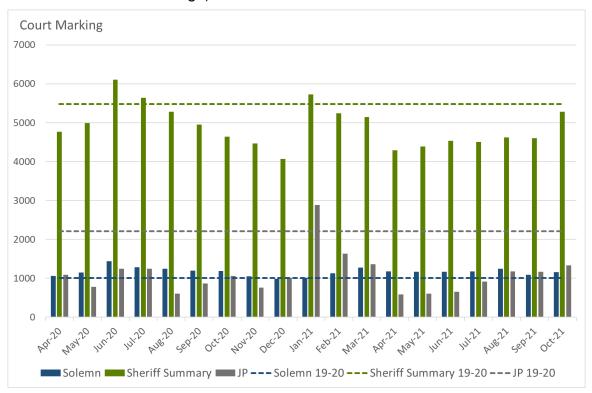
Subjects marked for court

The type of court proceedings appropriate for a case depends on the nature of the crimes or offences involved. The most serious crimes are marked for solemn proceedings, whilst less serious crimes and offences will be marked for Sheriff Summary or JP courts.

The number of people marked for proceedings in:

- Solemn court (High Court or Sheriff & Jury) has been consistently at or above 19-20 average levels since April 2020.
- Sheriff Summary court have, on the whole, remained below pre pandemic levels since April 2020. In October 2021, numbers recovered to around the 19-20 average.
- Markings for JP court have remained well below the 19-20 average.

Chart: Subjects marked for court (bars – monthly count April 2020 to October 2021, dashed lines 19-20 average)



Fatal Accident Inquiries (as of 01 November 2021)

FAIs with scheduled court dates 37

FAIs with First Notice lodged, awaiting court dates: 3

Source:

Data in this section comes from COPFS Internal Management Information System.

Scottish Courts & Tribunal Service (SCTS)

Criminal Registered & Scheduled Trials

Since the initial lockdown in March 2020, there have been 126,457 criminal registrations in the courts. 594 of these registrations have been COVID-19 related (0.5%).

In October 2021, all types of court registration except Sheriff Solemn indictments remained lower than 2019-20 averages. Sheriff court indictments were 6% higher than pre-pandemic levels.

Cases Registered	19-20 monthly average	October 2021	Change from 19-20 monthly average	•	Outstanding trials October 2021
Indictments					
High Court	85	69	-16 (-19%)	390	640
Sheriff Court	454	479	25 (6%)	497	1,923
Complaints					
Sheriff Court	5,458	4,510	-948 (-17%)	13,971	32,488
JP Court	2,799	2,108	-691 (-25%)	3,497	7,941

At the end of October 2021 there were 42,992 trials outstanding. This compares to 18,355 at the end of 2019-20. In addition, SCTS have forecast that there are another 1,404 cases in the system, mostly solemn, which are likely to come to trial but have not yet had a trial date set (see SCTS published monthly criminal statistics for more detail).

Criminal Disposals

In October 2021 there were 5,495 disposals (excluding secondary disposals and the 'other' disposal category) from Scotland's courts. This is 76% of the 19-20 monthly average of 7,276 and lower than September 2021 (6,196 disposals).

Between April 2020 and October 2021 there were 51,442 (37%) fewer disposals from courts than would have been expected based on 19-20 average figures. Over this time period, there have been 33% fewer custodial sentences and 41% fewer community disposals imposed by the courts than might have been expected.

To: 31 October 2021	Monthly average 2019-20	October 2021	Change %	Estimated* April 2020 - Oct 2021	Actual April 2020 – Oct 2021	Change %
Imprisonment	1,010	629	-38%	19,190	12,786	-33%
Community Disposal (CPO & DTTO)	1,383	1,030	-26%	26,277	15,632	-41%
Restriction of Liberty Order	296	327	10%	5,624	4,744	-16%
Fine etc.	3,105	2,406	-23%	58,995	34,194	-42%
Admonished/ Discharged	1,482	1,103	-26%	28,158	19,446	-31%

^{*} based on 19-20 monthly average disposals

Disposals from court at any point in time are related both to the volume of business coming into courts and the length of time it takes that business to proceed through the court system. Therefore, changes in crime levels or the ability of courts to function in the usual way may have associated impacts on disposals.

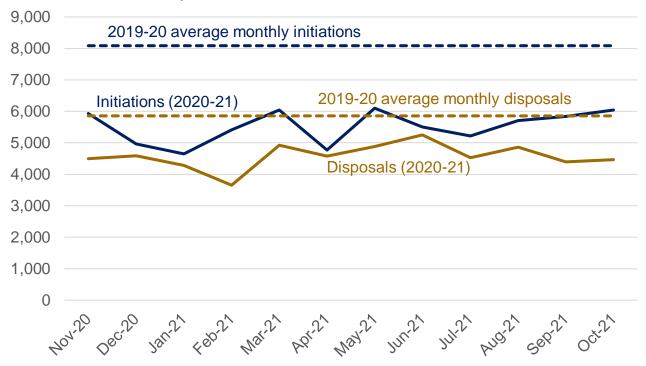
Further Information: Latest SCTS published official statistics

Sheriff Court Civil Case Volumes

Initiations and disposals

Initiations in the Sheriff Civil Courts remain lower than the 2019-20 typical levels, while disposals have almost returned to 2019-20 levels (see dotted lines). In October there was an increase in both initiations and disposals from the previous month.

Chart: Initiations and disposals



Sheriff Court cases by procedure

Initiated case numbers for ordinary cause and simple procedure are returning to 2019-20 monthly average levels, with month to month variation. Ordinary cause numbers are comparable to the previous month. There was an increase in simple procedure cases from September. Summary cause is much lower than 2019-20 levels, and the number of cases is similar to the previous month. Small claims have largely been replaced by simple procedure.

Likewise, disposed cases for ordinary cause and simple procedure are returning to 2019-20 levels. Simple procedure disposals in October were much lower than the 2019-20 average levels while ordinary cause nearly matched 2019-20 levels. Summary cause disposals are returning to 2019-20 monthly average levels, but have been lower than the high in June, for the previous months.

Summary cause figures are heavily influenced by the emergency legislation which protected tenants during the pandemic, brought into force in April 2020 as part of Coronavirus (Scotland) Act 2020. The provisions of the Act expired on 30 March 2021.

Procedures	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	2019/20 monthly average
Initiated						
Ordinary cause	1,796	1,753	1,856	1,804	1,783	1,928
Summary cause	266	303	287	349	345	1,132
Small claim	0	0	0	0	0	2
Simple procedure	1,680	1,267	1,824	1,854	2,130	2,695
Total initiated	3,742	3,323	3,967	4,007	4,258	5,758
Disposed						
Ordinary cause	1,638	1,400	1,501	1,383	1,420	1,445
Summary cause	848	556	658	578	647	1,096
Small claim	26	8	18	8	1	5
Simple procedure	1,928	1,772	1,892	1,526	1,682	2,306
Total disposed	4,440	3,736	4,069	3,495	3,750	4,852

- 1. Figures exclude summary applications.
- 2. Figures for initiations and disposals do not necessarily refer to the same cases.
- 3. Excludes Sheriff Personal Injury Court.

Focus on case types

- The case types presented below show gradual return to 2019-20 levels of initiation, with some month to month variation. Family cases in October were higher than the 2019-20 average levels, while the other case types shown are lower.
- Family disposals in October were higher than the 2019-20 average levels. All the other case types presented below are lower.

	Initiated Cases (Oct 2021)		Disposed Cases (Oct 2021)		
Case Type	Oct 2021	Change from 19-20	Oct 2021	Change from 19-20	
Family	1,026	101% of 19-20 average month (1,014 cases)	925	104% of 19-20 average month (892 cases)	
Children's Referrals	458	76% of 19-20 average month (602 cases)	157	60% of 19-20 average month (260 cases)	
Debt	2,410	84% of 19-20 average month (2,883 cases)	1,879	79% of 19-20 average month (2,368 cases)	
Personal Injury	350	87% of 19-20 average month (402 cases)	199	65% of 19-20 average month (306 cases)	

Further Information:

Latest published Civil Justice Statistics

Prisons

Prison population

While the overall prison population is lower than pre-pandemic levels, the number of people held on remand remains at a historic high. The changing levels across groups that are required by law to be housed separately – like those on remand – pose increasing difficulties in the management of the prison population.

In October 2021 (up until the morning of Monday 1st November 2021):

- the population increased by 2 to 7543
- 2147 were on remand: 1820 (24%) untried & 327 (4%) awaiting sentence
- 66% of arrivals were untried (549 of 834), and 19% awaiting sentence (155)

October saw the continued growth of the remand population, exceeding its previous peak at the end of the month. A total remand population of 2,147 is the highest daily number on record. The steady reduction in the sentenced population has compensated for this change somewhat, meaning the overall population is relatively static. However, the specific needs of remand prisoners means this changing population profile poses additional challenges to staff and estate.

Chart: Total prison population

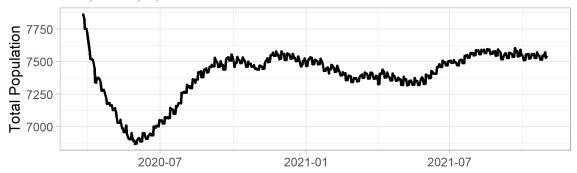
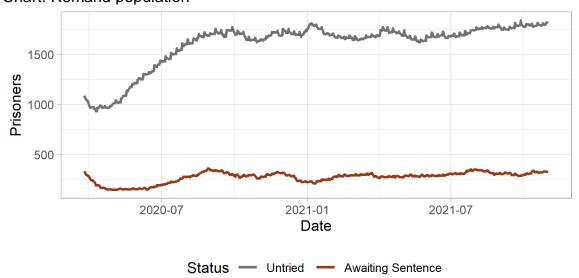


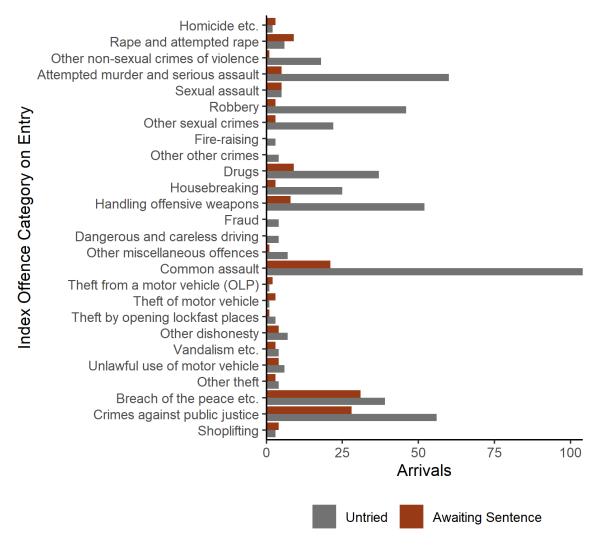
Chart: Remand population



Remand Arrival Offences

There were 677 un-sentenced arrivals to prison with known offence types in October, awaiting trial or sentence for the following alleged offences

Chart: Index offence category on entry of un-sentenced arrivals



Note: Double-counting may occur where an individual arrives, is absent from prison for one or more nights in the month, and then returns before the end of the period. Where an individual has multiple alleged offence types in a single stint, the offence towards the top of the list in the chart is used as the index offence.

Further Information:

Latest published **Annual Prison Population Statistics**

Sources and Further Information

Sources and further information

The information presented in this pack are compiled from a range of sources – including Official Statistics, management information published by partner bodies, and more recent analysis of administrative data. These are combined to provide users with a summary of the latest impacts of the COVID-19 pandemic on Scotland.

It should be noted that where information has come from non-Official Statistics sources, it will be provisional in nature and may be subject to future revision. It's inclusion at this stage is to provide users with more timely and detailed information on how the pandemic has affected different parts of Scotland's Justice system. As such this should be seen as providing a broadly indicative summary - rather than a precise measure of activity.

In due course and as standard practice, many of these measures will be reflected in the associated annual Official Statistics. Links to these related products are provided below, along with management information published by partner organisations.

Police activity:

- Monthly Recorded Crime in Scotland Bulletin. This contains Official Statistics on crimes and offences recorded by the police in Scotland.
- <u>Domestic Abuse Statistics: 2019-20</u> Official statistics on domestic abuse in Scotland.
- Quartery Police Scotland Management Information reports. These contain the number of domestic abuse incidents recorded by the police in Scotland and the proportion of these incidents that resulted in the recording of a crime or offence.
- Police Scotland Enforcement and Response Data. Includes data on enforcement activity and demands on policing. As this is drawn from management information it is subject to change.

Courts and prisons data:

- Annual Civil Justice Statistics Bulletin. This contains Official Statistics on civil justice and court reform as recorded by the Scottish Courts and Tribunals Service (SCTS).
- Scottish Prison Population Statistics, 2019-20. Experimental statistics on Scottish prison populations, exploring population levels and composition and change over time.
- SCTS Official Statistics. Includes quarterly data on fines, financial penalty collection rates, and criminal court activity in Scotland.

Correspondence and enquiries

For enquiries about this publication please contact: Justice Analytical Services, e-mail: Justice Analysts@gov.scot

If you would like to be consulted about statistical collections or receive notification of publications, please register your interest at https://www.gov.scot/publications/scotstat-register-guidance/

Details of forthcoming publications can be found at www.gov.scot/statistics

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