

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

**November 2021**

Published 21 December 2021

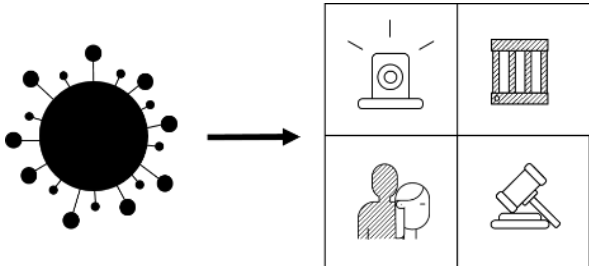


Scottish Government  
Riaghaltas na h-Alba  
gov.scot

# Summary

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

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



## Police activity

- The number of crimes recorded in November 2021 was lower than that in both November 2020 and November 2019.
- The number of Domestic Abuse incidents recorded by the Police in November 2021 was higher than the level seen in November 2020 and November 2019.

## 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.
- The number of accused given a First Substantive Marking by COPFS in November 2021 returned to pre-pandemic levels.
- 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 risen by around 100 to over 7,600 since October 2021.

# Contents

- Summary ..... 1
- How crime flows through the Justice System ..... 3
- Recorded Crime in Scotland..... 5
  - Police Recorded Domestic Abuse Incidents ..... 9
- COP26 note..... 13
- Reports received by COPFS ..... 13
- First substantive marking..... 15
- Summary of COPFS First Substantive Markings ..... 16
- Subjects marked for Direct Measure..... 17
- Subjects marked for court..... 18
- COP26 note..... 20
- Criminal Registered & Scheduled Trials ..... 20
- Criminal Disposals ..... 21
- Sheriff Court Civil Case Volumes ..... 22
  - Initiations and disposals ..... 22
  - Sheriff Court cases by procedure..... 23
  - Focus on case types ..... 24
- Prison population..... 26
  - Remand Arrival Offences ..... 27
- Sources and further information ..... 29

### **101 & 999 call volumes and incidents recorded**

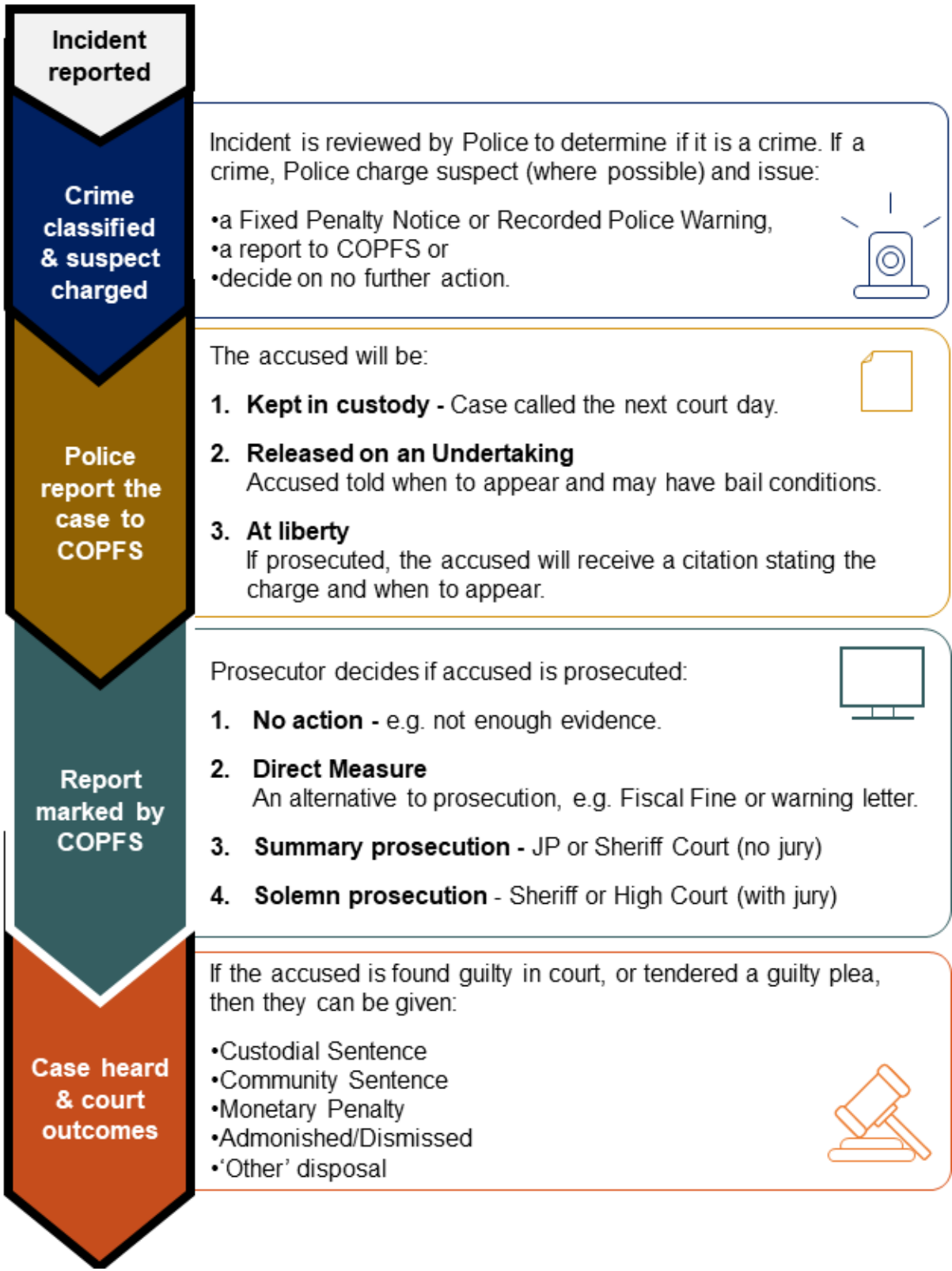
Owing to the stopping of the Operation Talla daily overview in mid-November we are no longer including these figures here.

A full breakdown of calls and incident volumes is still available from Police Scotland's [Enforcement and response data page](#).

### **Coronavirus legislation intervention activity**

Following a decline to almost zero interventions, Operation Talla reporting of interventions was stopped in mid-November. The [final report](#) from 17<sup>th</sup> November 2021 showed no interventions in November to that point.

# How crime flows through the Justice System



---

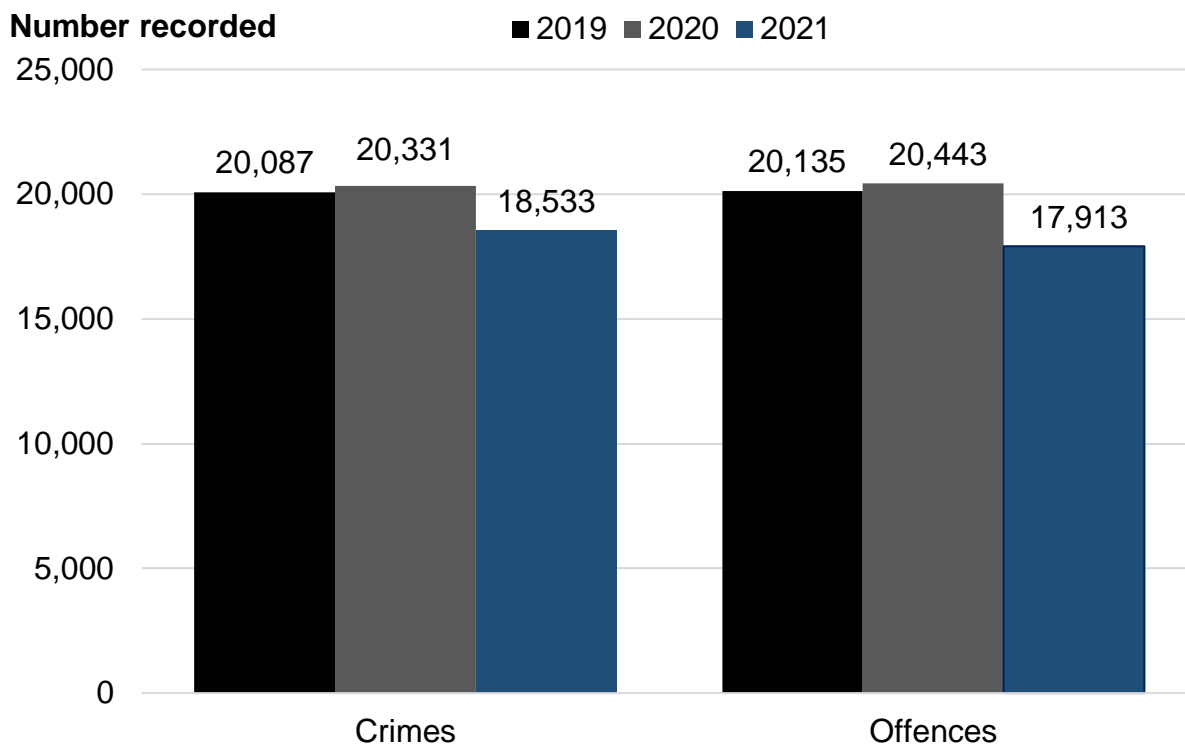
# **Police Activity (Police Scotland)**

---

# 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, November 2019, 2020 and 2021

## November 2021

The number of crimes recorded in November 2021 was 9% lower than in November 2020 and 8% lower than in November 2019. The number of offences was 12% lower compared to November 2020 and 11% lower than in November 2019.

Non-sexual crimes of violence were 30% higher (or 225 crimes) compared to November 2020, increasing from 738 to 963 crimes, and 17% higher compared to November 2019 (increasing from 822 crimes). Within this, Attempted murder and serious assault increased by 9% compared to November 2020 (from 263 to 286). Other violence increased by 107% compared to November 2020 (from 166 to 344) and also increased by 94% from November 2019 (from 177 to 344). The increase in Other violence between November 2020 and November 2021 was due to rises in Drugging (from 1 to 170 crimes) and Threats and extortion (from 78 to 103 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 increased by 16% compared to November

2020 (from 146 to 170), and were 21% higher than in November 2019 (increasing from 140 to 170).

Sexual crimes were 23% higher (or 258 crimes) compared to last November, increasing from 1,105 to 1,363 crimes. This was also 13% higher than in November 2019 (increasing from 1,211 crimes). Sexual assault saw the largest increase since November 2020, increasing by 33% (from 385 to 512). This was also 17% higher compared to November 2019 (from 437 to 512). Rape and attempted rape increased by 19% compared to November 2020, from 187 to 222 crimes, but this was also a 6% decrease compared to November 2019 (from 235 to 222 crimes). Other sexual crimes increased by 18% (from 526 to 620) compared to November 2020 and increased by 17% (from 532 to 620) compared to November 2019. The rise in Other sexual crimes since 2019 was driven by crimes including Voyeurism, Coercing a person into looking at sexual activity or images and Disclosing or threatening to disclose intimate images. Research published in the recent 2020-21 Recorded Crime National Statistics showed that the majority of these crimes are likely to be cyber-crimes.

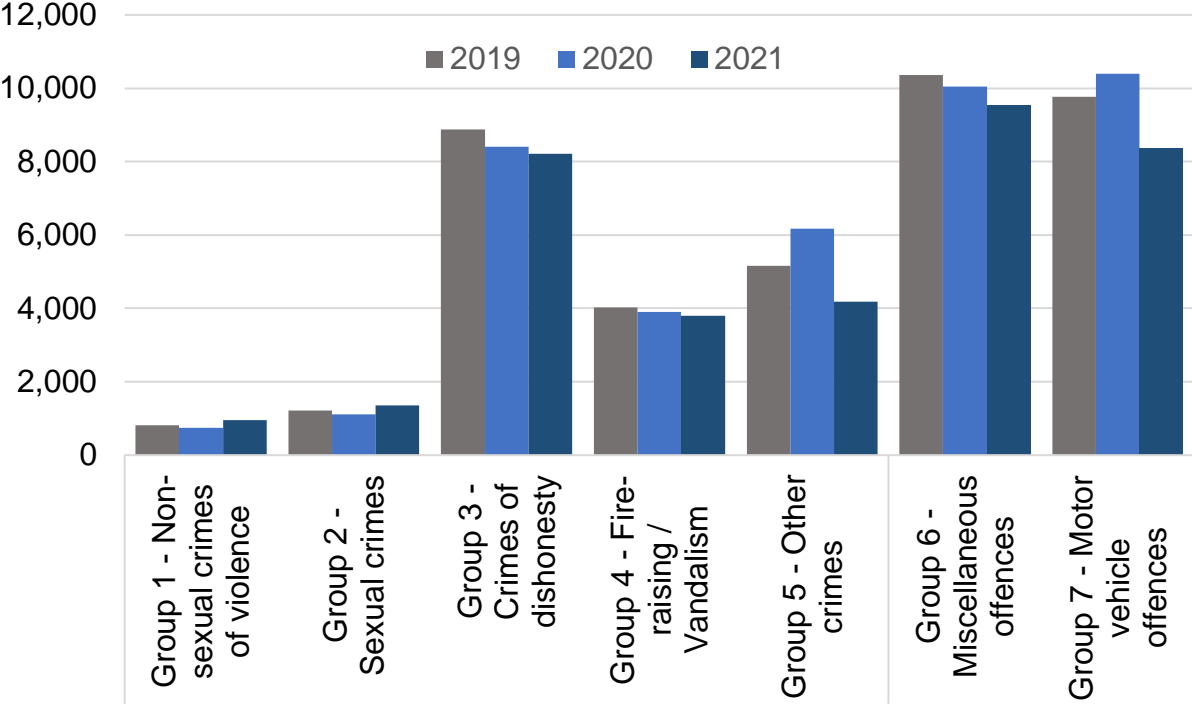
Fire-raising, vandalism etc. was 3% lower (or 99 crimes) compared to November 2020, decreasing from 3,904 to 3,805 crimes, and was 5% lower than November 2019. Vandalism etc. has fallen 2% since November 2020 (decreasing from 3,644 to 3,566). This is 6% lower than November 2019 levels.

Crimes of dishonesty were 2% lower (or 195 crimes) compared to November 2020, decreasing from 8,411 to 8,216 crimes. This was 7% lower than in November 2019 (decreasing from 8,875 crimes). Crimes of Fraud have increased throughout the pandemic. Despite a 4% decrease since November 2020 (from 1,577 to 1,511), this follows a 71% increase since November 2019 (from 885 to 1,511). 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 dishonesty has been the biggest contributor (by volume) to the decrease since 2020 having fallen by 37% compared to November 2020 (from 422 to 265 crimes), and was 36% lower when compared to November 2019.

Other crimes were 32% lower (or 1,987 crimes) than in November 2020, decreasing from 6,173 to 4,186 crimes. This is also 19% lower than November 2019 (decreasing from 5,155 to 4,186 crimes). The main contributors to these decreases were Drugs (which fell by 48% compared to November 2020 and 41% compared to November 2019) and Crimes against public justice (which fell by 16% compared to November 2020 but were 16% higher compared to November 2019).

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

**Crimes and offences recorded**



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



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

The biggest decreases over this period were:

### **Drugs**

↓ 48% (or 1,537 crimes)

↓ 41% (or 1,134 crimes) compared to November 2019

### **Crimes against public justice**

↓ 16% (or 343 crimes)

↑ 16% (or 255 crimes) compared to November 2019

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

### **Other violence**

↑ 107% (or 178 crimes)

↑ 94% (or 167 crimes) compared to November 2019

### **Other theft**

↑ 5% (or 146 crimes)

↓ 6% (or 216 crimes) compared to November 2019

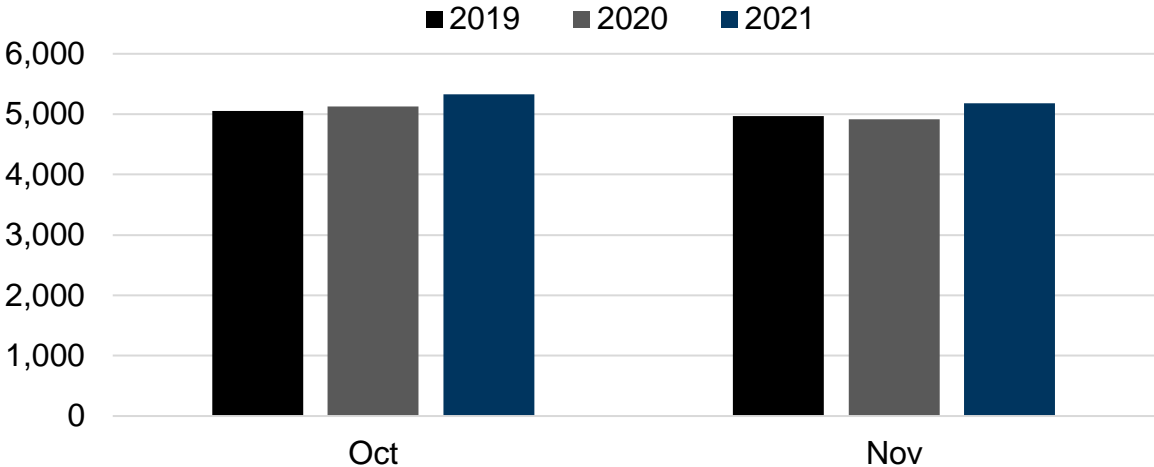
**Further Information:** The data in this section comes from the monthly Official Statistics on crimes and offences recorded by the police in Scotland during the COVID-19 pandemic. For more information, please see [Recorded Crime in Scotland: November 2021](#).

## Police Recorded Domestic Abuse Incidents

The number of Domestic Abuse incidents recorded in November 2021 was higher than the level seen in November 2020 and November 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 2020-21 reporting year.

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



### In November 2021:

5,177 Domestic incidents recorded	↑	Up 5% since November 2020 (4,919 incidents)	↑	Up 4% since November 2019 (4,964 incidents)
--------------------------------------	---	---	---	---

### In April to November 2021:

42,491 Domestic incidents recorded	↓	Down 4% since the same months in 2020 (44,154 incidents)	↑	Up 2% since the same months in 2019 (41,708 incidents)
---------------------------------------	---	---	---	---

The proportion of April to November 2021 incidents that included the recording of at least one crime or offence was 42.5%, lower than for the equivalent period in 2020-21, at 43.3%.

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 170 such crimes recorded by the police in November 2021, this is 16% higher than November 2020 (146 crimes) and 21% higher than November 2019 (170 crimes).

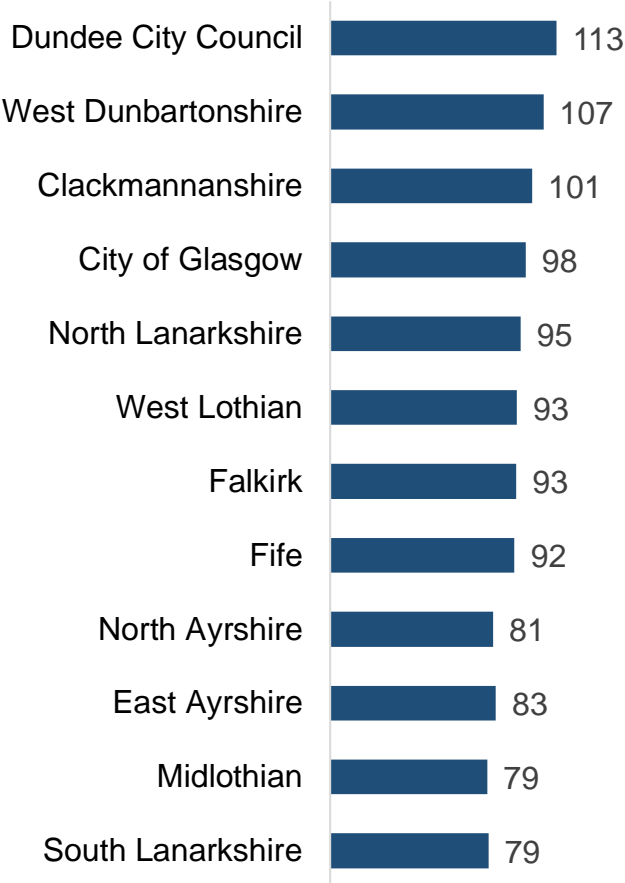
**Police Recorded Domestic Abuse Incidents per 10,000 population**

---

Across Scotland as a whole, the police recorded 78 domestic abuse incidents per 10,000 population<sup>1</sup> during the period April to November 2021.

The local authorities with the highest rates were Dundee City (113), West Dunbartonshire (107) and Clackmannanshire (101).

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



---

<sup>1</sup> [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 November 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)**

---

# COP26 note

There were substantial contingencies put in place across the Justice System to deal with the potential for increased business as a result of COP26. These included an increase in prosecution resource (particularly for marking cases), a scaling down of normal court business and the provision of weekend custody courts. Any unexpected changes in figures in November should therefore be viewed with caution as it is likely that temporary system changes have impacted those figures.

## 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 February 2021.**

- Custody report numbers are consistently around two-thirds of 19-20 average levels (around 1,000 less per month).
- Although November saw a decrease in the number of undertaking reports, until this time, numbers remained 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 November 2021, dashed line 19-20 average)

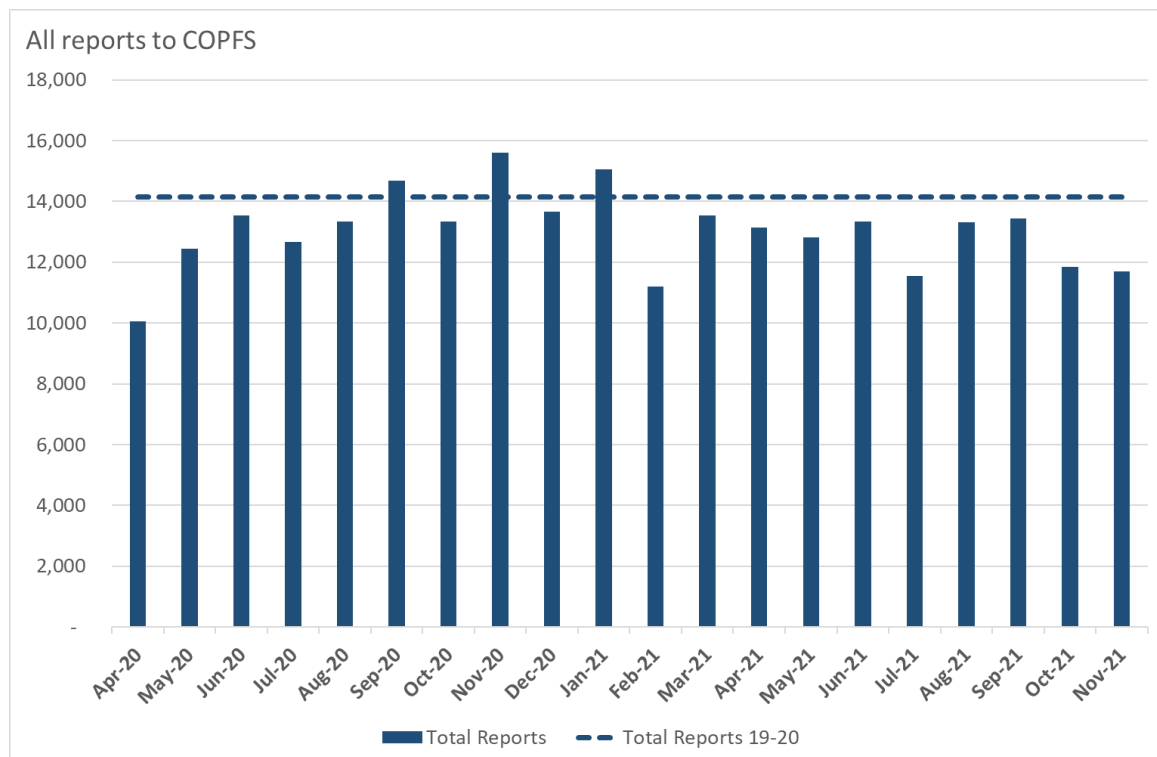


Chart: Custody reports received by COPFS (bars – monthly count April 2020 to November 2021, dashed line 19-20 average)

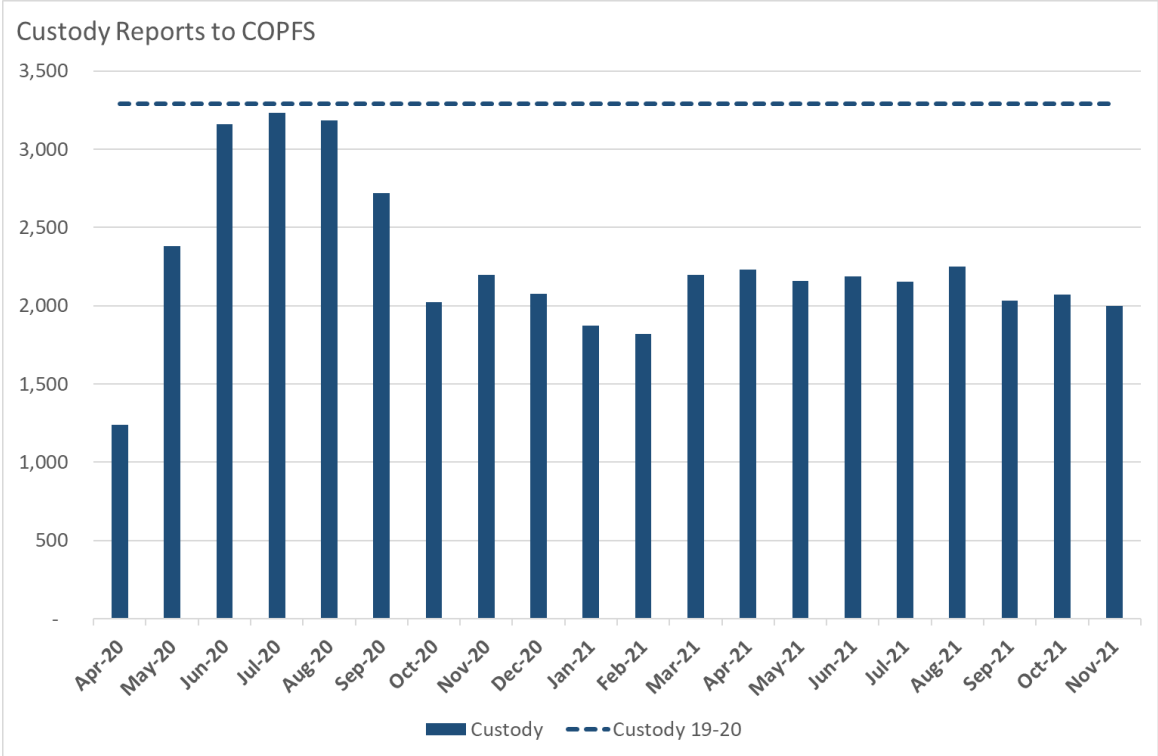
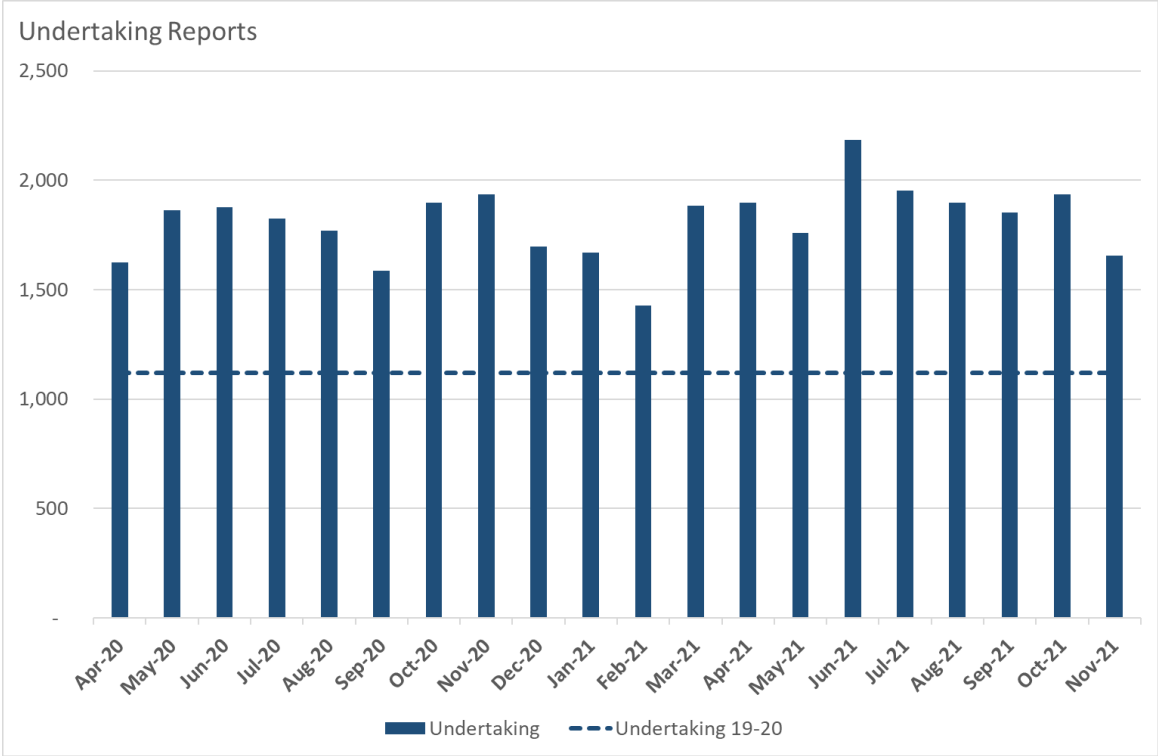


Chart: Undertaking reports received by COPFS (bars – monthly count April 2020 to November 2021, dashed line 19-20 average)

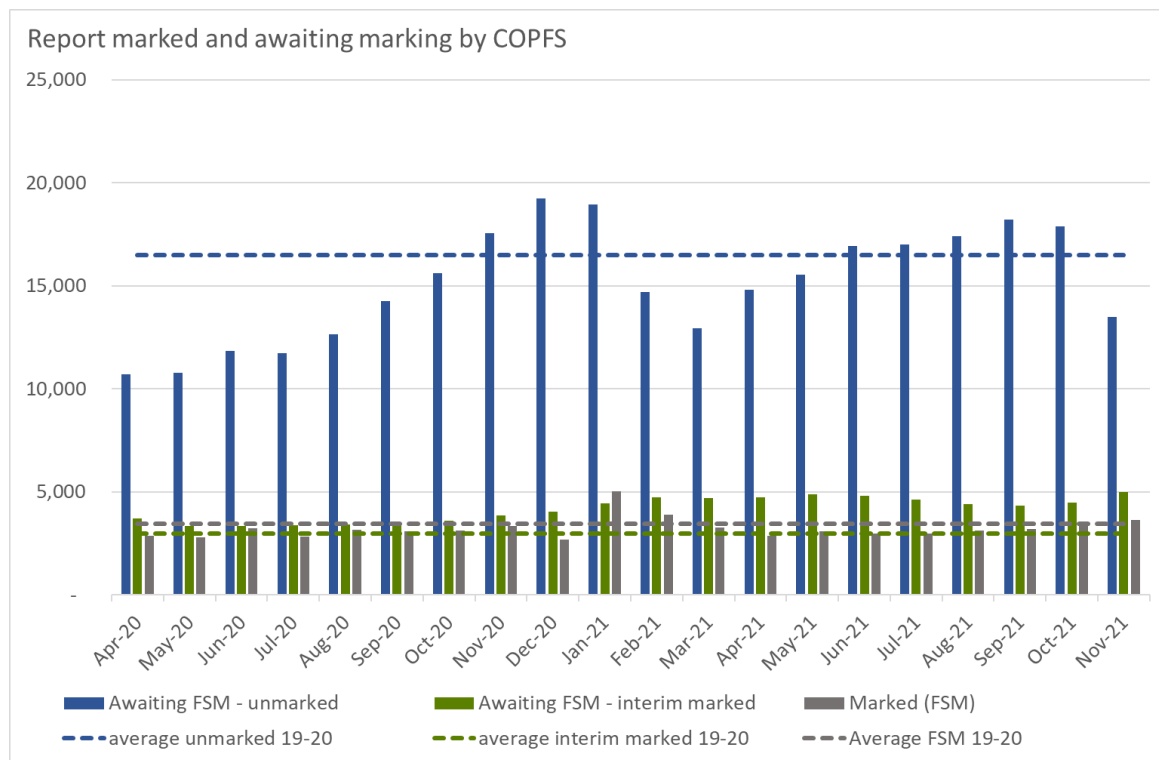


# First substantive marking

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 in November 2021 returned to pre-pandemic levels. The number of unmarked reports reduced substantially in November 2021 and the number of interim marked reports increased (see note on COP26 above).

Chart: Marking status of COPFS reports (bars – monthly count April 2020 to November 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

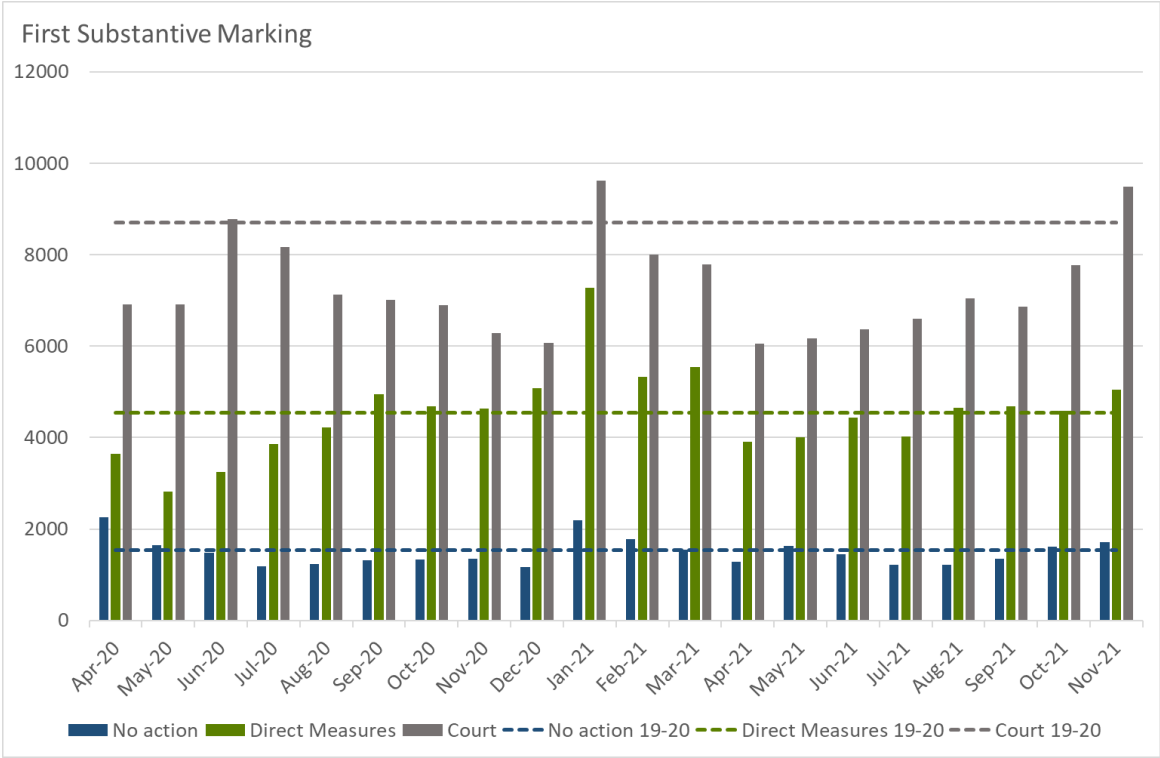
No action markings have increased over recent months and are now above pre-pandemic levels.

Direct measure markings have been stable at around pre-pandemic levels over recent months and saw an increase in November.

Markings for court have been increasing since Spring 2021 and they were above pre-pandemic levels in November 2021.

(See note on COP26 above).

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



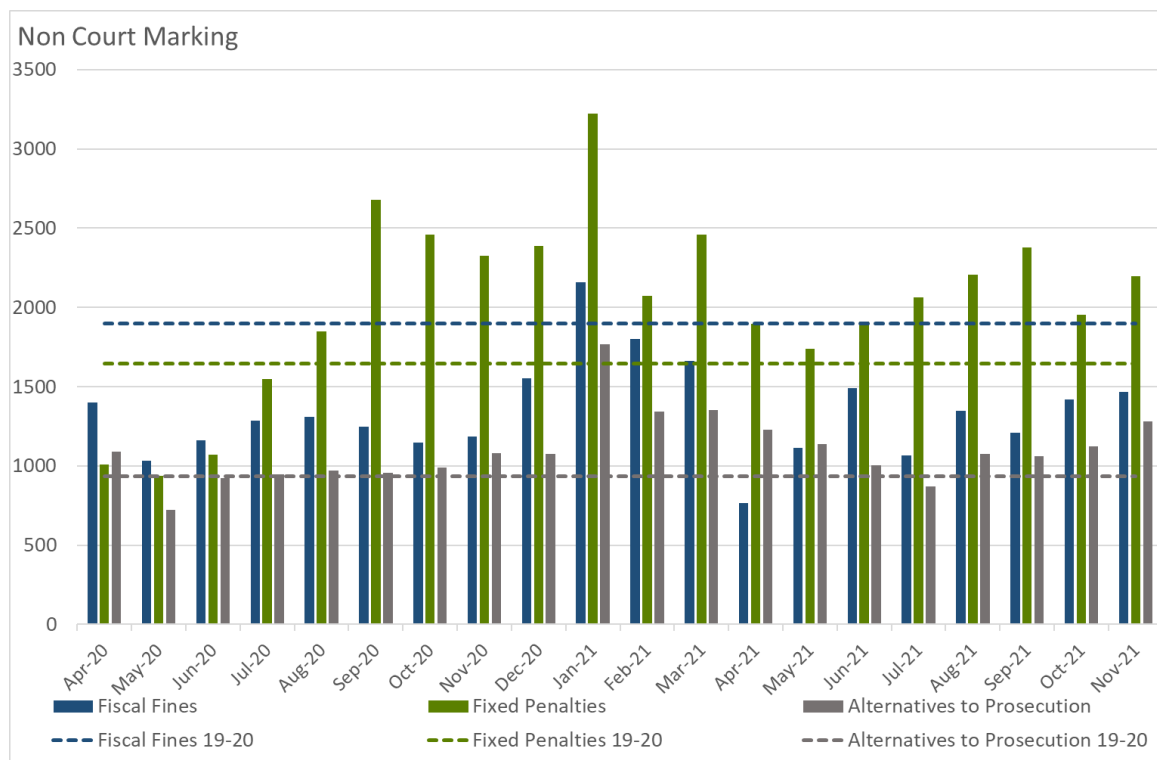
# Subjects marked for Direct Measure

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 number 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 November 2021, dashed lines 19-20 average)



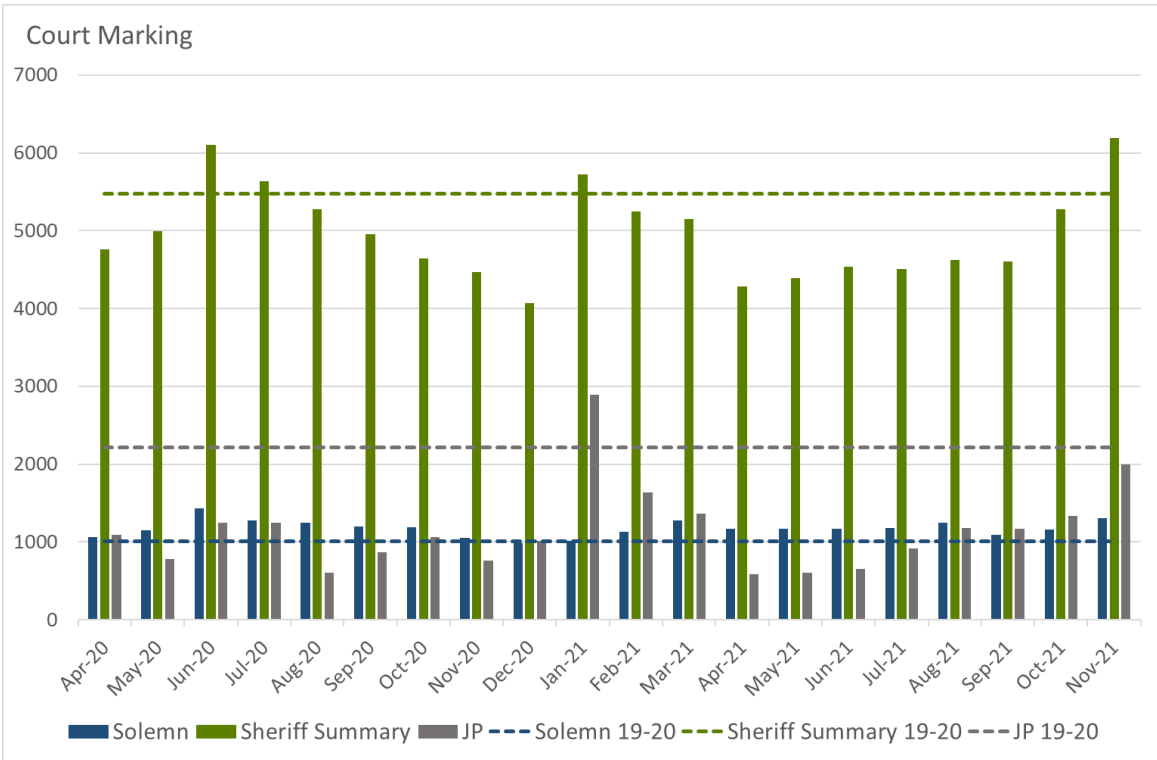
# Subjects marked for court

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.

Increased resource (COP26) for markings resulted in an increase in cases marked for court across all court types in November.

- 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 November 2021, numbers recovered and are above 19-20 average.
- Markings for JP court have remained below the 19-20 average but increased substantially in November 2021.

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



# Fatal Accident Inquiries (as of 01 December 2021)

FAIs with scheduled court dates: 37

FAIs with First Notice lodged, awaiting court dates: 1

Source:

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

---

# Scottish Courts & Tribunal Service (SCTS)

---

## COP26 note

See note on page 13.

## Criminal Registered & Scheduled Trials

Since the initial lockdown in March 2020, there have been 133,856 criminal registrations in the courts. 612 of these registrations have been COVID-19 related (0.5%).

In November 2021, all types of court registration except Sheriff Solemn indictments remained lower than 2019-20 averages. Sheriff court indictments were 19% higher than pre-pandemic levels.

Cases Registered	19-20 monthly average	November 2021	Change from 19-20 monthly average	Outstanding trials March 2020	Outstanding trials November 2021
<b>Indictments</b>					
High Court	85	54	-31 (-36%)	390	476
Sheriff Court	454	541	87 (19%)	497	2,053
<b>Complaints</b>					
Sheriff Court	5,458	4,770	-688 (-13%)	13,971	33,015
JP Court	2,799	2,034	-765 (-27%)	3,497	8,053

At the end of November 2021 there were 43,597 trials outstanding. This compares to 18,355 at the end of 2019-20. In addition, SCTS have forecast that there are another 1,563 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 November 2021 there were 5,845 disposals (excluding secondary disposals and the 'other' disposal category) from Scotland's courts. This is 80% of the 19-20 monthly average of 7,276 and higher than October 2021 (5,495 disposals).

Between April 2020 and November 2021 there were 52,873 (36%) 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 39% fewer community disposals imposed by the courts than might have been expected.

To:	Monthly			Estimated*	Actual	
<b>30 November 2021</b>	average	November	Change	April 2020	April 2020	
	2019-20	2021	%	– Nov	– Nov	Change %
				2021	2021	
Imprisonment	1,010	777	-23%	20,200	13,563	-33%
Community Disposal (CPO & DTTO)	1,383	1,159	-16%	27,660	16,791	-39%
Restriction of Liberty Order	296	285	-4%	5,920	5,029	-15%
Fine etc.	3,105	2,506	-19%	62,100	36,700	-41%
Admonished/ Discharged	1,482	1,118	-25%	29,640	20,594	-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.

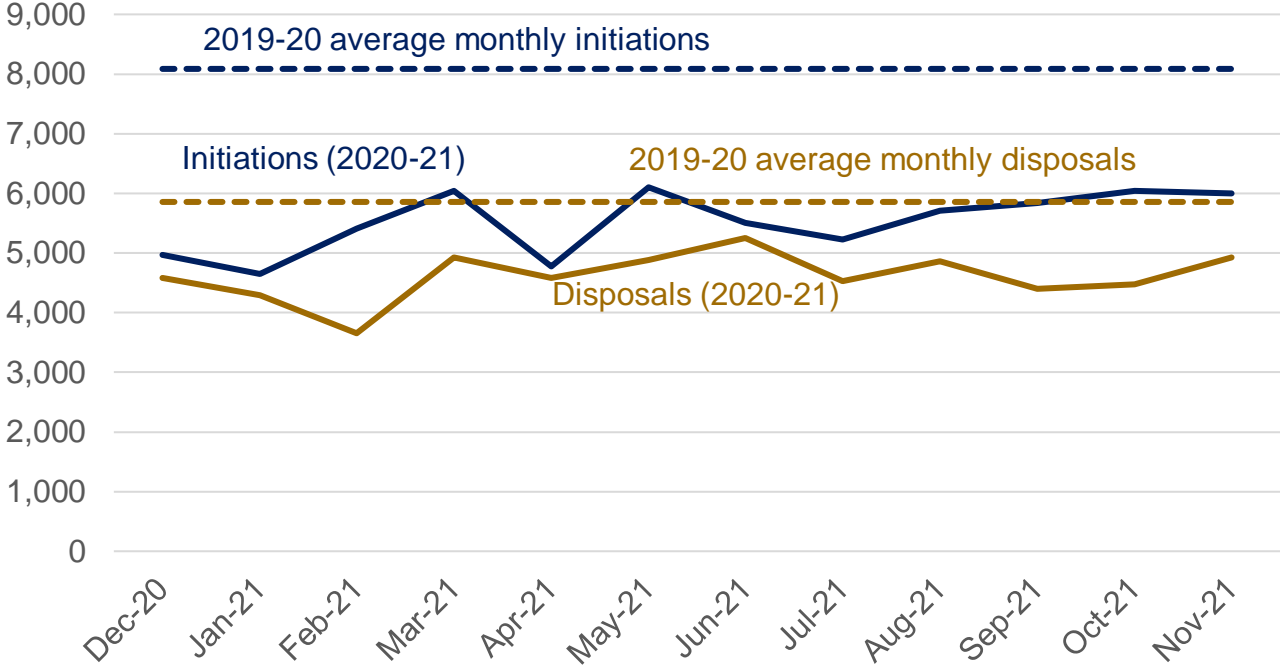
**Further Information:** Latest [SCTS published official statistics](#)

# 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 November there was an increase in disposals, but initiations saw a small decrease 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 in November nearly matched 2019-20 average levels. There was a decrease in simple procedure cases in November. Summary cause is much lower than 2019-20 levels, and the number of cases is comparable to the past two months. 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 November were 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, with fluctuations observed from month to month since July.

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	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	2019/20 monthly average
<b>Initiated</b>						
Ordinary cause	1,753	1,856	1,804	1,783	1,908	1,928
Summary cause	303	287	349	345	361	1,132
Small claim	0	0	0	0	0	2
Simple procedure	1,267	1,824	1,854	2,130	1,715	2,695
<b>Total initiated</b>	<b>3,323</b>	<b>3,967</b>	<b>4,007</b>	<b>4,258</b>	<b>3,984</b>	<b>5,758</b>
<b>Disposed</b>						
Ordinary cause	1,400	1,501	1,383	1,420	1,412	1,445
Summary cause	556	658	578	647	561	1,096
Small claim	8	18	8	1	2	5
Simple procedure	1,772	1,892	1,526	1,682	2,022	2,306
<b>Total disposed</b>	<b>3,736</b>	<b>4,069</b>	<b>3,495</b>	<b>3,750</b>	<b>3,997</b>	<b>4,852</b>

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 and Children’s Referrals cases in November were higher than the 2019-20 average levels, while the other case types shown are lower.
- Family and Children’s Referrals disposals in November were higher than the 2019-20 average levels, while Debts are closer to 2019-20 average, at 93%. Personal Injury disposals are lower.

Case Type	Initiated Cases (Nov 2021)		Disposed Cases (Nov 2021)	
	Nov 2021	Change from 19-20	Nov 2021	Change from 19-20
 Family	1,124	111% of 19-20 average month (1,014 cases)	939	105% of 19-20 average month (892 cases)
 Children’s Referrals	636	106% of 19-20 average month (602 cases)	292	112% of 19-20 average month (260 cases)
 Debt	2,015	70% of 19-20 average month (2,883 cases)	2,192	93% of 19-20 average month (2,368 cases)
 Personal Injury	316	79% of 19-20 average month (402 cases)	195	64% 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 November 2021 (up until the morning of Wednesday 1st December 2021):

- the population increased by 76 to 7619
- 2213 were on remand: 1880 (25%) untried & 333 (4%) awaiting sentence
- 66% of arrivals were untried (621 of 944), and 17% awaiting sentence (161)

The remand population grew through October and November, again exceeding its previous peak. On 23 November the remand population was 2,272 – 30% – is the highest daily number on record. The increase in remand in November drove an increase in the prison population overall. The specific needs of remand prisoners means this changing population profile poses additional challenges to staff and estate.

Chart: Total prison population

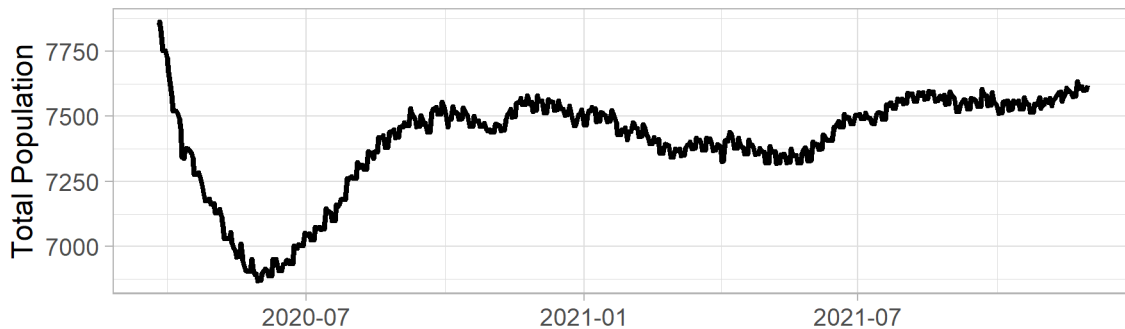
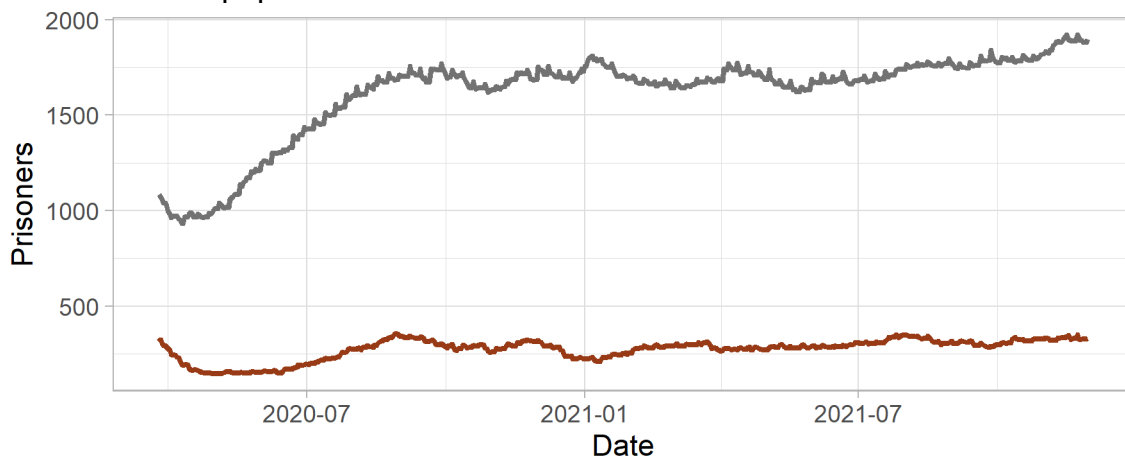


Chart: Remand population

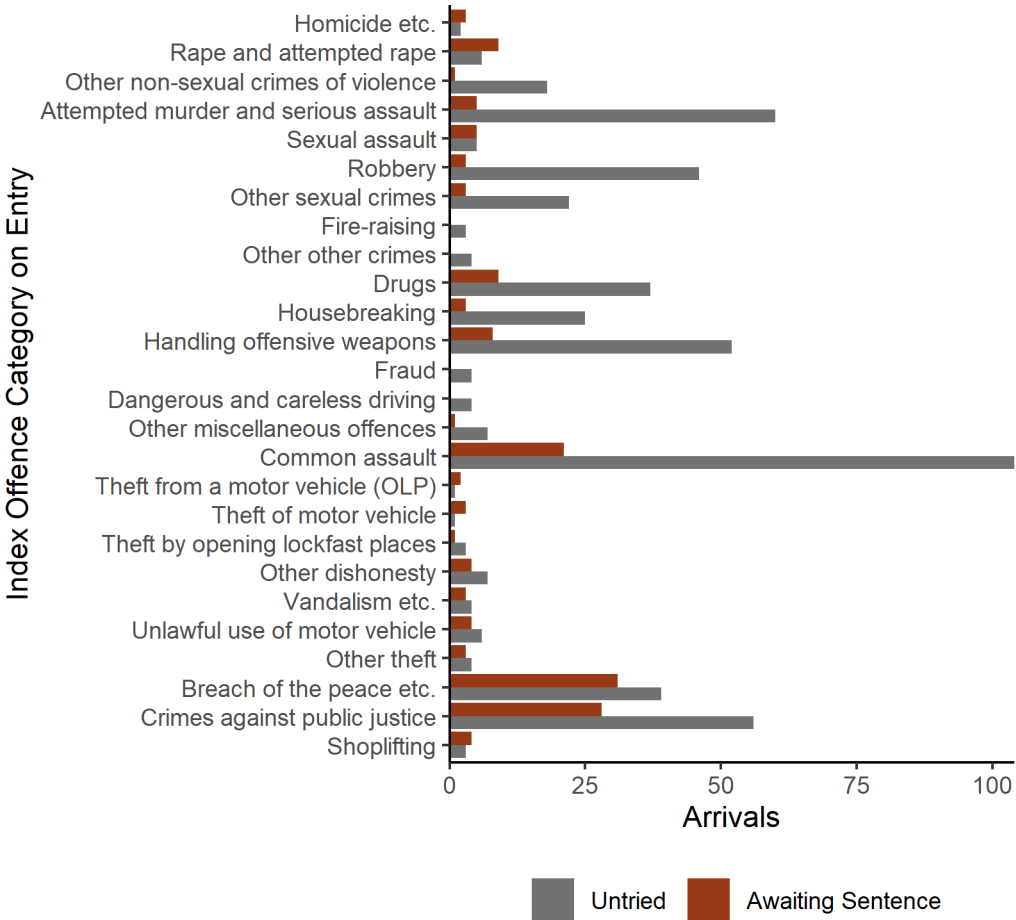


Status — Untried — Awaiting Sentence

## Remand Arrival Offences

There were 677 un-sentenced arrivals to prison with known offence types in November, 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.
- [Domestic Abuse Statistics: 2019-20](#) Official statistics on domestic abuse in Scotland.
- Quarterly [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.

### 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](mailto: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](http://www.gov.scot/statistics)

**Crown Copyright**

You may use or re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. See:

[www.nationalarchives.gov.uk/doc/open-government-licence/](http://www.nationalarchives.gov.uk/doc/open-government-licence/)



Scottish Government  
Riaghaltas na h-Alba  
gov.scot

© Crown copyright 2021

**OGL**

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit [nationalarchives.gov.uk/doc/open-government-licence/version/3](https://nationalarchives.gov.uk/doc/open-government-licence/version/3) or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: [psi@nationalarchives.gsi.gov.uk](mailto:psi@nationalarchives.gsi.gov.uk).

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at [www.gov.scot](http://www.gov.scot)

Any enquiries regarding this publication should be sent to us at

The Scottish Government  
St Andrew's House  
Edinburgh  
EH1 3DG

ISBN: 978-1-80201-873-8 (web only)

Published by The Scottish Government, December 2021

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA  
PPDAS979966 (12/21)

W W W . g o v . s c o t