

# COVID-19 Recovery Model Sheriff Court Summary Trials



August 2020



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The majority of criminal trials, with the exception of custody trials and other priority trials, were suspended in March as a result of the Coronavirus outbreak. The challenge now for all jurisdictions is how to tackle the inevitable trial backlog which exists in the High Court and Sheriff courts. The current restrictions and physical distancing requirements in Scotland mean there cannot be a return to pre COVID courts. In Scotland, only a small number of summary trials have proceeded in courtrooms and by virtual summary courts since March. In this report, a number of trial options have been modelled establishing the impact in terms of trial delay and recovery times.

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## Background

There are 33 summary trial courts that sit each day, spread across all 39 sheriff courts. During the pandemic, with the exception of a small number of priority trials that called, all scheduled trials due to call between April 2020 and July/August 2020 were adjourned. In August 2020 summary trials began to be re-introduced into the court programme, however, in order to comply with physical distancing, it has been necessary to reduce the number of cases that can call in each court.

The figure used for Scheduled Trials is based on the figure at the start of the crisis – around 14,000 scheduled Sheriff Court Summary trials. There has been a reduced number of new complaints registered since March although priority business such as custody cases have been calling in court to enter a plea during the pandemic, therefore some additional trial diets have been fixed.

Virtual Summary Trials were piloted in Grampian, Highland and Islands in May and the pilot has now been extended to other sheriffdoms. For modelling purposes it is assumed that Virtual Trials can support Physical Distancing court requirements, rather than provide additional trial capacity.

To understand the scale of the challenge, a numerical modelling tool has been developed to analyse the effect of physical distancing on the business as usual model and to consider alternative operational models that deliver access to justice within an acceptable time period. The model is based on ongoing physical distancing requirements and targeted lockdown being in place for some time in the recovery period.

## Sheriff Court Summary Trial Options

The options considered against the pre COVID-19 baseline model are:

1. **Trial Courts Physically Distanced.**  
This model is based on a single courtroom with Physical Distancing measures in place. 33 Trial courts are available.
2. **Trial Court Add 10**  
Adding 10 Trial courts (43)
3. **Trial Courts Plus Saturday Courts**  
33 Trial Courts with the addition of Saturday Trial courts
4. **Trial Courts Add 10 Plus Saturday Courts**  
43 Trial Courts with the addition of Saturday Trial courts

### Modelling notes:

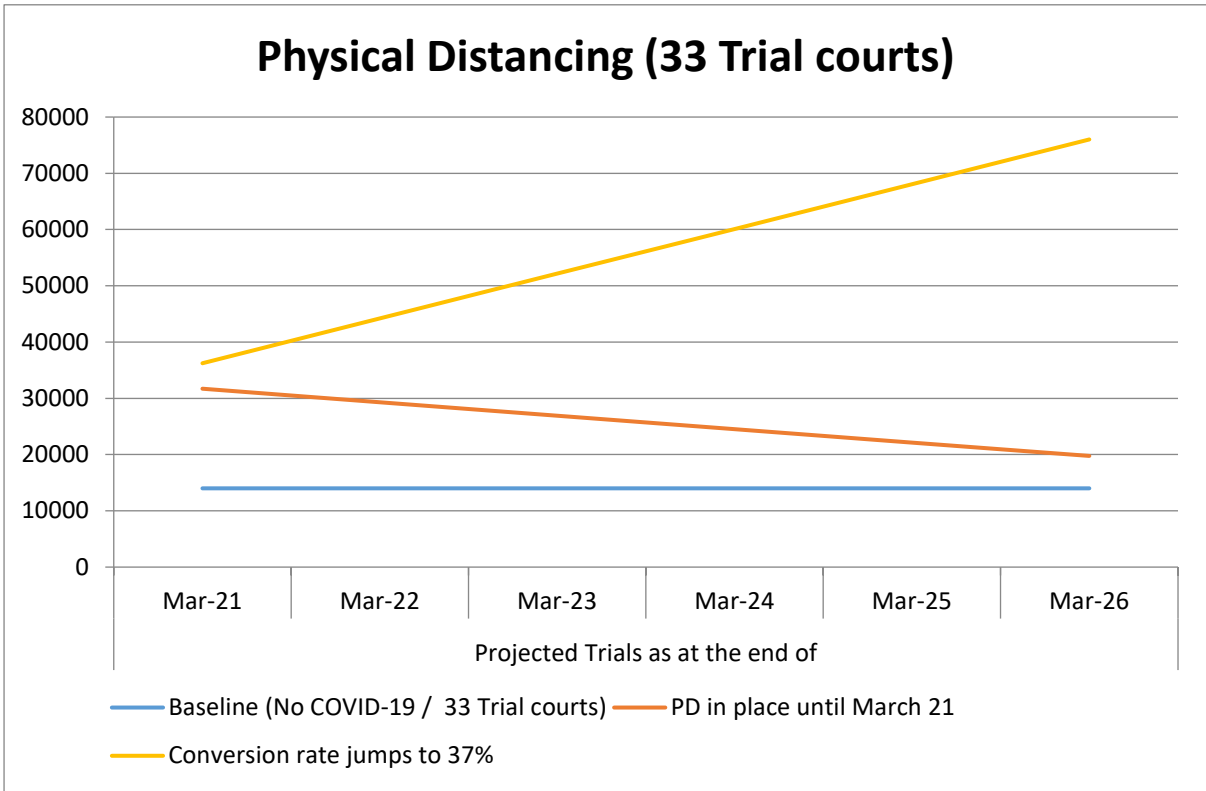
1. **Physical Distancing (PD):** variations on the length of time that PD is in place.
2. **Number of courtrooms:** available courtrooms and capacity.
3. **Projected Number of Trials:** number of cases with a trial allocated – may not all proceed to evidence led trial.
4. **Conversion rate.** Not all trials proceed. Historically this equates to a conversion rate of 17% of cases which proceed to an evidence led trial. Should accused behaviour change and fewer guilty pleas are made, that could rise to a conversion rate of 37%.
5. **Incoming complaints:** The number of complaints registered per month impacts on volume and courtroom capacity.

# 1. Trial Courts Physically Distanced

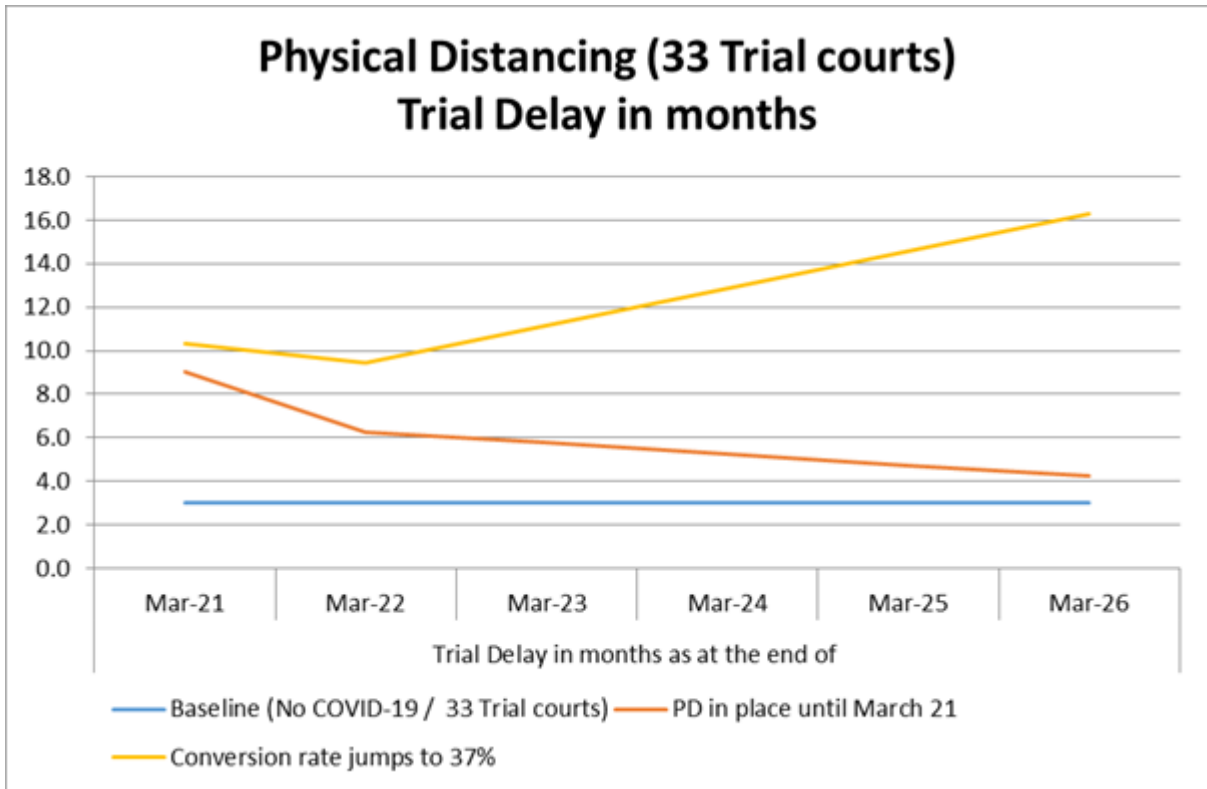
Physical Distancing	Projected Trials as at the end of					
	Mar-21	Mar-22	Mar-23	Mar-24	Mar-25	Mar-26
33 Trial courts 5500 Complaints Registered per month						
Baseline (No COVID-19 / 33 Trial courts)	14000	14000	14000	14000	14000	14000
PD in place until March 21	31710	29320	26931	24541	22152	19762
Conversion rate jumps to 37%	36236	44192	52148	60104	68060	76017

Physical Distancing	Trial Delay in months as at the end of					
	Mar-21	Mar-22	Mar-23	Mar-24	Mar-25	Mar-26
33 Trial courts 5500 Complaints Registered per month						
Baseline (No COVID-19 / 33 Trial courts)	3.0	3.0	3.0	3.0	3.0	3.0
PD in place until March 21	9.0	6.3	5.8	5.3	4.7	4.2
Conversion rate jumps to 37%	10.3	9.5	11.2	12.9	14.6	16.3

## Projected Scheduled Trials



# Trial Delay in Months



## Modelling impact

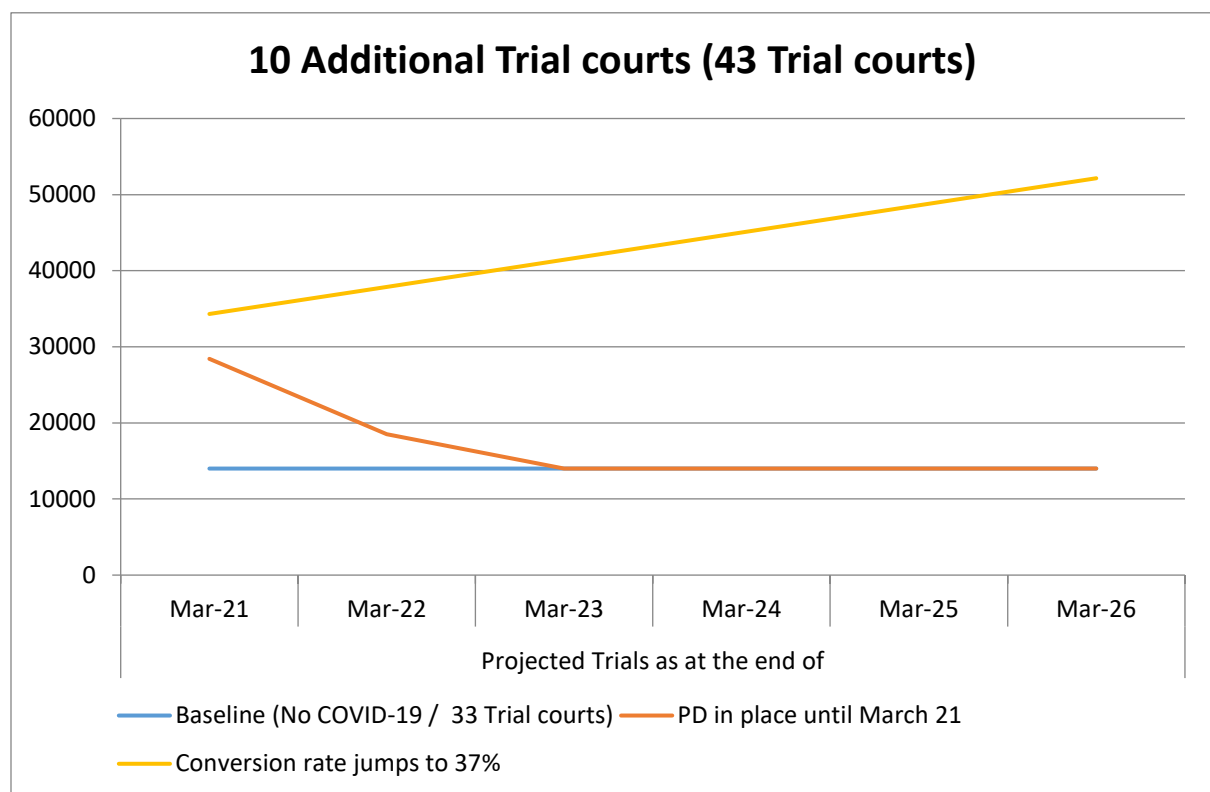
- Without Covid-19 Scheduled trials were around 14,000.
- If Physical Distancing is in place until March 21 the trials increase substantially up to March 21 to around twice the pre-COVID-19 level. There would then be an easing with return to pre-COVID levels estimated at March 2029.
- If the number of trials where evidence is led increases to an 37% conversion rate, this would see a substantial increase after March 22 with cases climbing by 8,000 each year and resulting in long trial delays.

## 2. Trial Courts Add 10

10 Additional Trial Courts 43 Trial courts 5500 Complaints Registered per month	Projected Trials as at the end of					
	Mar-21	Mar-22	Mar-23	Mar-24	Mar-25	Mar-26
Baseline (No COVID-19 / 33 Trial courts)	14000	14000	14000	14000	14000	14000
PD in place until March 21	28418	18504	14000	14000	14000	14000
Conversion rate jumps to 37%	34316	37883	41450	45017	48584	52151

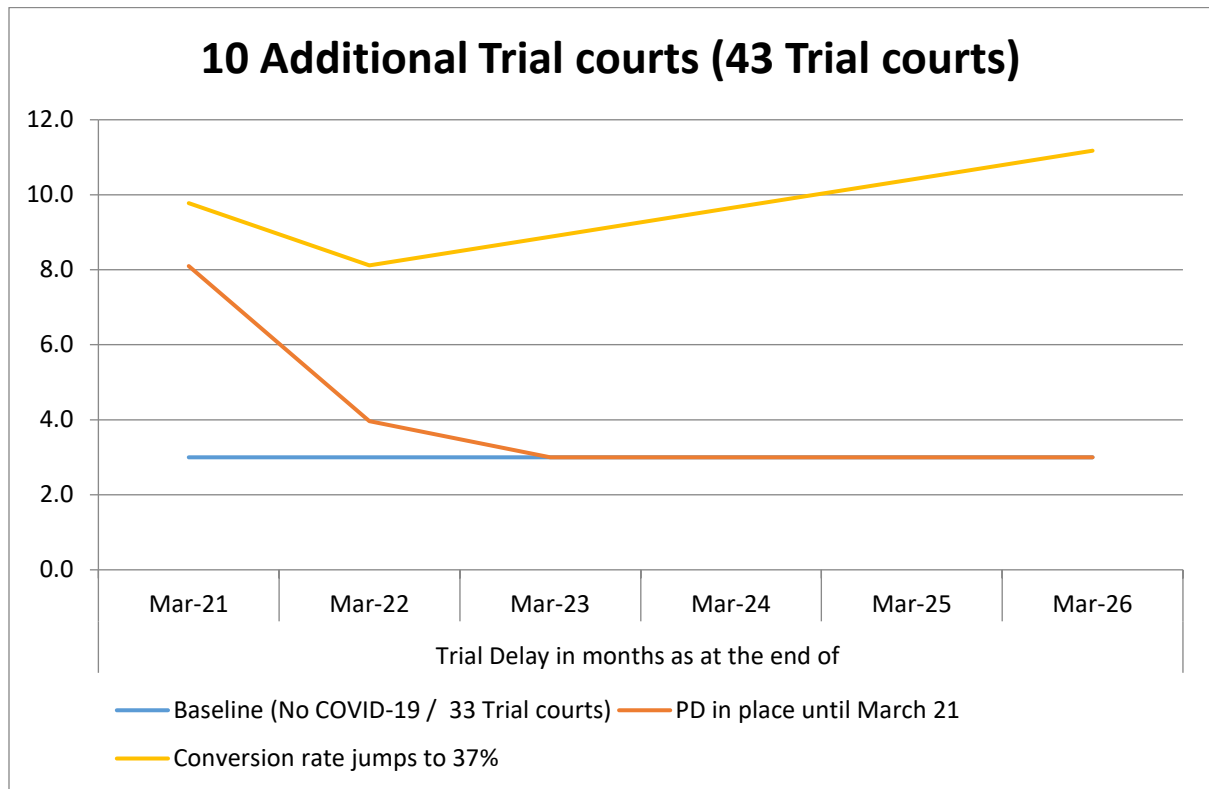
10 Additional Trial Courts 43 Trial courts 5500 Complaints Registered per month	Trial Delay in months as at the end of					
	Mar-21	Mar-22	Mar-23	Mar-24	Mar-25	Mar-26
Baseline (No COVID-19 / 33 Trial courts)	3.0	3.0	3.0	3.0	3.0	3.0
PD in place until March 21	8.1	4.0	3.0	3.0	3.0	3.0
Conversion rate jumps to 37%	9.8	8.1	8.9	9.6	10.4	11.2

### Projected Scheduled Trials





## Trial Delays in months



### Modelling Impact

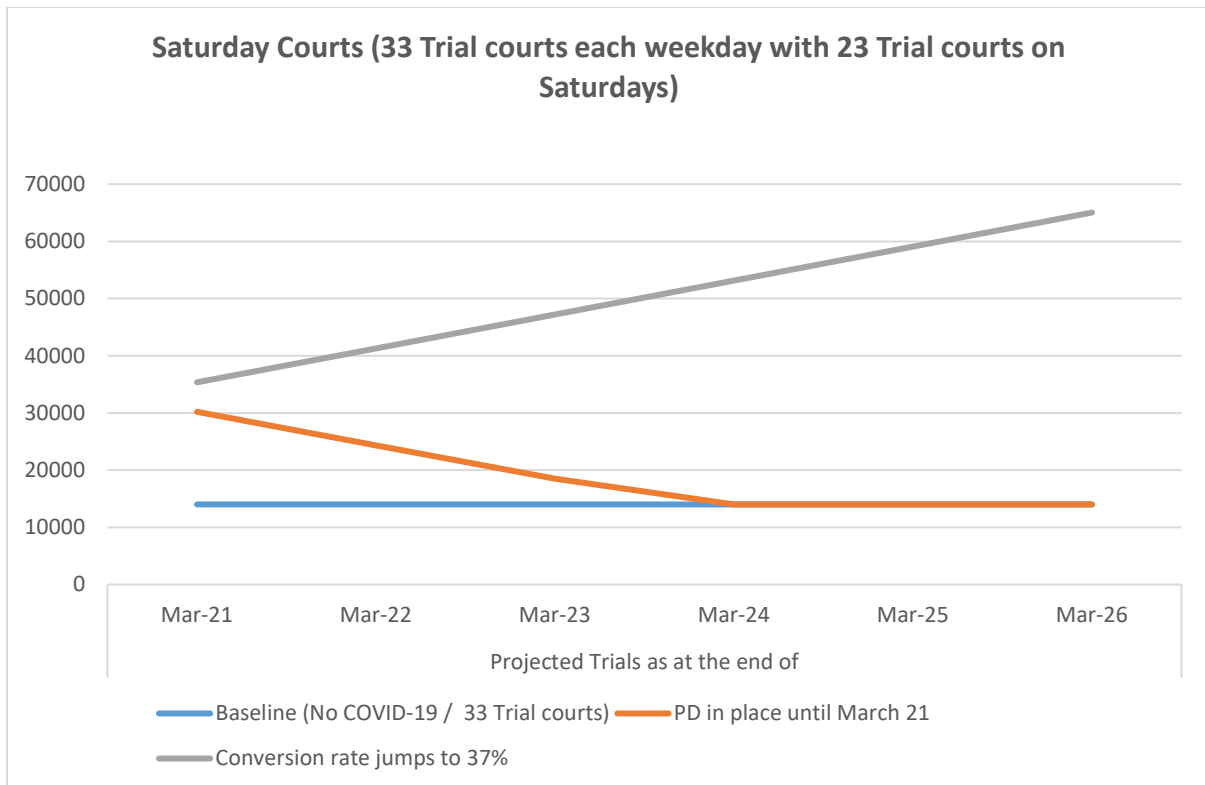
- The results show that an additional ten trial courts per day could return Scheduled Trials and the Trial Delay to pre-COVID level by March 2023.
- Court capacity can be created by remote hearings, administrative hearings and the use of virtual courts across civil and criminal business.
- If the number of trials where evidence is led increases to an 37% conversion rate, this would see a consistent increase in outstanding trials and long delays.

### 3. Trial Courts Plus Saturday Courts

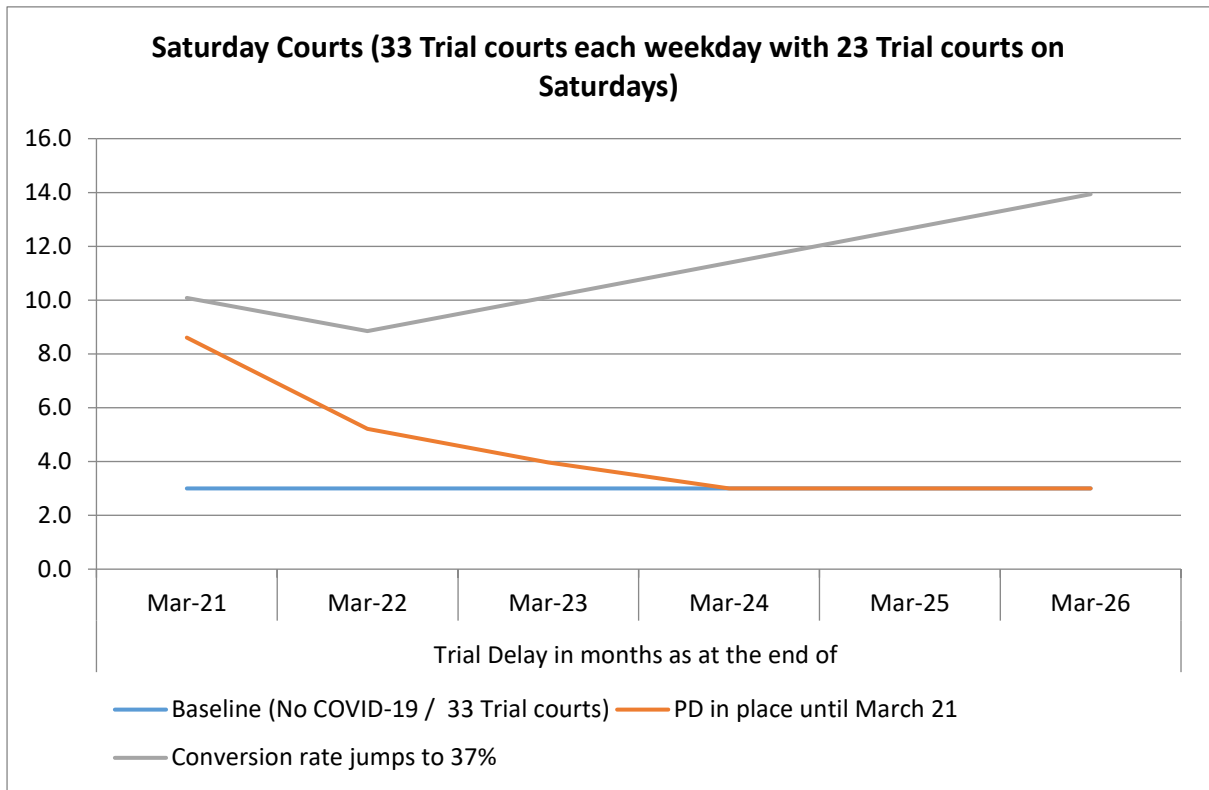
Saturday Courts 33 Trial courts each weekday plus 23 Saturday courts 5500 Complaints Registered per month	Projected Trials as at the end of					
	Mar-21	Mar-22	Mar-23	Mar-24	Mar-25	Mar-26
Baseline (No COVID-19 / 33 Trial courts)	14000	14000	14000	14000	14000	14000
PD in place until March 21	30195	24345	18494	14000	14000	14000
Conversion rate jumps to 37%	35353	41290	47227	53164	59101	65038

Saturday Courts 33 Trial courts each weekday plus 23 Saturday courts 5500 Complaints Registered per month	Trial Delay in months as at the end of					
	Mar-21	Mar-22	Mar-23	Mar-24	Mar-25	Mar-26
Baseline (No COVID-19 / 33 Trial courts)	3.0	3.0	3.0	3.0	3.0	3.0
PD in place until March 21	8.6	5.2	4.0	3.0	3.0	3.0
Conversion rate jumps to 37%	10.1	8.8	10.1	11.4	12.7	13.9

### Projected Scheduled Trials



# Trial Delays in months



## Modelling Impact

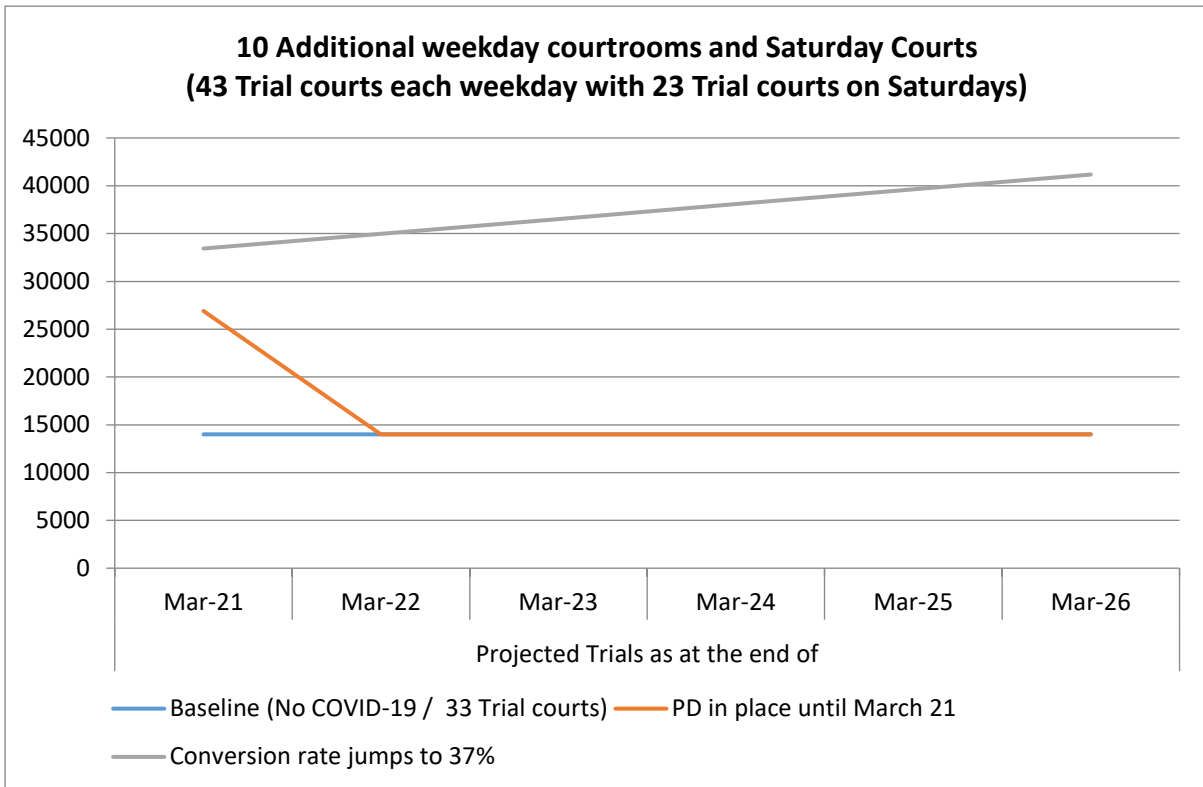
- The model indicates that running 23 Saturday trial courts could return Scheduled Trials and the Trial Delay to pre-COVID level by March 2024.
- If the number of trials where evidence is led increases to an 37% conversion rate, this would see trial delays increasing over time.
- Given the consultation and engagement required with the legal profession and other justice and third party organisations to resource this model, it would be unlikely to be able to commence until April 21.

## 4. Trial Courts Add 10 and Saturday Courts

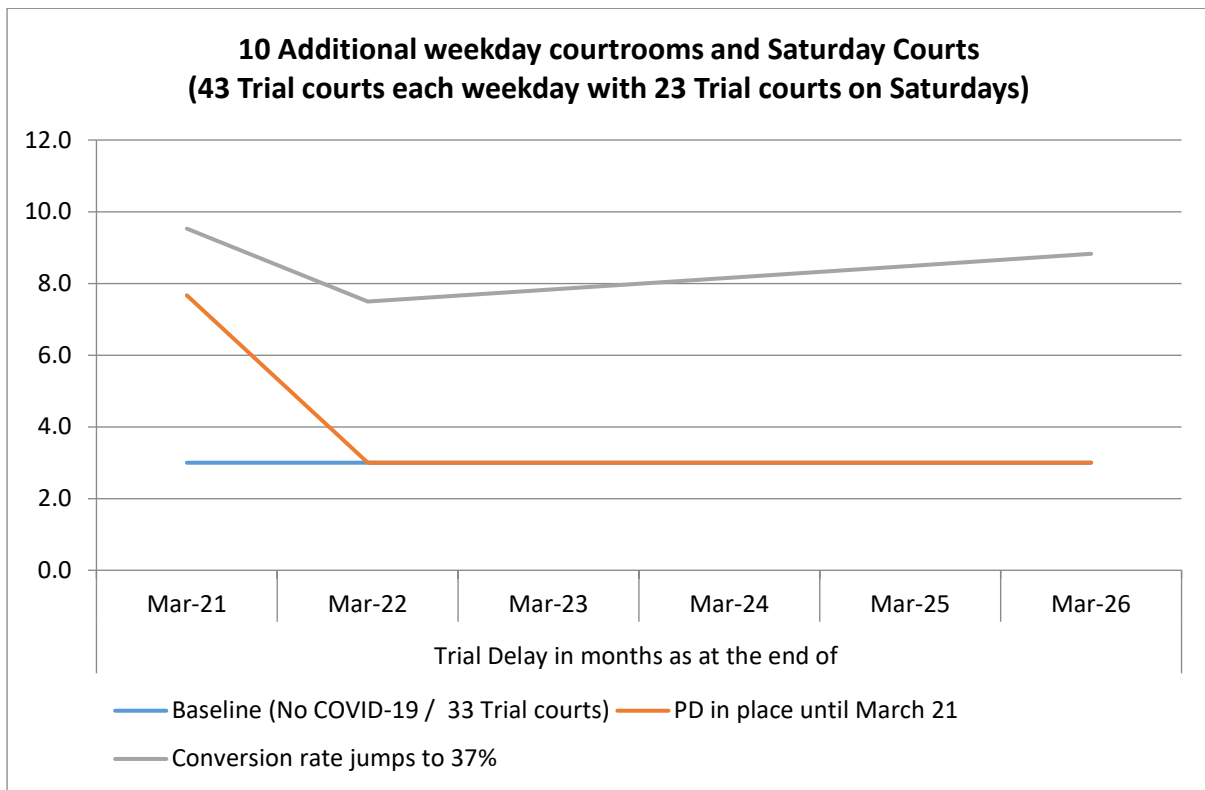
<b>10 Additional weekday courtrooms and Saturday courts</b> 43 Trial courts each weekday plus 23 Saturday courts 5500 Complaints Registered per month	Projected Trials as at the end of					
	Mar-21	Mar-22	Mar-23	Mar-24	Mar-25	Mar-26
Baseline (No COVID-19 / 33 Trial courts)	14000	14000	14000	14000	14000	14000
PD in place until March 21	26904	14000	14000	14000	14000	14000
Conversion rate jumps to 37%	33432	34980	36529	38077	39625	41173

<b>10 Additional weekday courtrooms and Saturday courts</b> 43 Trial courts each weekday plus 23 Saturday courts 5500 Complaints Registered per month	Trial Delay in months as at the end of					
	Mar-21	Mar-22	Mar-23	Mar-24	Mar-25	Mar-26
Baseline (No COVID-19 / 33 Trial courts)	3.0	3.0	3.0	3.0	3.0	3.0
PD in place until March 21	7.7	3.0	3.0	3.0	3.0	3.0
Conversion rate jumps to 37%	9.5	7.5	7.8	8.2	8.5	8.8

### Projected Scheduled Trials



# Trial Delays in months



## Modelling Impact

- The results show that employing an additional ten trial courts on weekdays and running Saturday courts could return Scheduled Trials and the Trial Delay to pre-COVID level by March 2022.
- If the number of trials where evidence is led increases to an 37% conversion rate, the number of trials scheduled continues to increase.
- Given the consultation and engagement required with the legal profession and other justice and third party organisations to resource this model, it would be unlikely to be able to commence until April 21.

