

# Crown Office and Procurator Fiscal Service

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Your ref:  
Our ref:

15 February 2017

Dear Convenor

## **INQUIRY INTO THE ROLE AND PURPOSE OF THE CROWN OFFICE AND PROCURATOR FISCAL SERVICE**

Thank you for your letter dated 9 February 2017 in which you ask for additional information in relation to the number of times that COPFS has paid damages or compensation to victims or witnesses as a result of their being detained due to errors by COPFS.

As indicated in my letter dated 24 January 2017, the current system for recording such information has been in place since 2014. We have further analysed that information. The 22 instances where ex gratia payments were made between 10 January 2014 and 10 January 2017 can be broken down as follows:-

- 2 payments related to victims (£720 paid in total).
- 4 payments related to witnesses (£1170 paid in total).
- 16 payments related to accused persons (£10,777.80 in total).

When giving evidence to the Committee I was asked by Mr Ross to provide the amount for each year for the past ten years or whatever other period could be provided. In my letter of 24 January 2017 I sought to provide the Committee with information in which I have full confidence. Whilst some additional information has now been extracted from our earlier records, I must emphasise that these records are not complete.

The records available in relation to specific individuals indicate that between 2008 and 2017, ex gratia payments have been made in 59 instances (including those referred to above), broken down as follows:

- 2 payments related to victims (£720.00 paid in total)
- 10 payments related to witnesses (£3,346.30 paid in total)
- 40 payments related to accused persons (£23,760.48 paid in total)
- 7 payments that are uncategorised (3,396.88 paid in total).

The annex attached to this letter breaks this information down into yearly figures.

I hope that this additional information, albeit caveated, is helpful.

Yours sincerely,



David Harvie  
Crown Agent

**Summary of Ex Gratia Payments made for Unlawful Detention**

**Number of Cases**

	2008*	2009	2010	2011	2012	2013	2014	2015	2016	2017**	Total
Victim	-	-	-	-	-	-	1	-	1	-	2
Witness	-	2	1	-	-	3	1	2	1	-	10
Accused	3	7	4	1	2	7	5	4	6	1	40
Not Categorised	3	1	-	3	-	-	-	-	-	-	7
<b>Total</b>	<b>6</b>	<b>10</b>	<b>5</b>	<b>4</b>	<b>2</b>	<b>10</b>	<b>7</b>	<b>6</b>	<b>8</b>	<b>1</b>	<b>59</b>

**Amounts Paid**

	2008*	2009	2010	2011	2012	2013	2014	2015	2016	2017**	Total
Victim	-	-	-	-	-	-	520.00	-	200.00	-	720.00
Witness	-	1,064.30	200.00	-	-	912.00	520.00	400.00	250.00	-	3,346.30
Accused	720.28	3,252.75	1,073.13	1,250.00	1,658.52	5,028.00	1,136.00	1,160.00	6,681.80	1,800.00	23,760.48
Not Categorised	1,176.88	340.00	-	1,880.00	-	-	-	-	-	-	3,396.88
<b>Total</b>	<b>1,897.16</b>	<b>4,657.05</b>	<b>1,273.13</b>	<b>3,130.00</b>	<b>1,658.52</b>	<b>5,940.00</b>	<b>2,176.00</b>	<b>1,560.00</b>	<b>7,131.80</b>	<b>1,800.00</b>	<b>31,223.66</b>

**Notes**

\*Data starts on 8 July 2008

\*\* Data ends on 31 January 2017

Data includes Ex-gratia payment of legal fees as well as amounts paid to individuals