Introduction

CJVSF welcomes the opportunity to provide input into this inquiry on the role and purpose of The Crown Office and Procurator Fiscal Service. COPFS will continue to play a vital part in Scotland’s criminal justice system, and its work will be key in developing and improving justice as experienced by all, including victims, the accused, their families, and partners in community justice.

About CJVSF

The Criminal Justice Voluntary Sector Forum (CJVSF) is a collaboration of voluntary sector organisations working in the field of criminal justice. CJVSF aims to:

- Support voluntary sector providers to continuously improve their own criminal justice services through collaboration and sharing of good practice
- Assist voluntary sector providers to understand, navigate and influence the complex and changing environment in which they operate
- Promote broader awareness of the activities, value and impact of Third Sector services within criminal justice.

CJVSF is hosted by the Coalition of Care and Support Providers in Scotland (CCPS) and receives financial support from The Robertson Trust and The Monument Trust. Further information about the Forum can be found on their website.

1. Please outline your views on the overall efficiency and effectiveness of the COPFS in its core role of considering reports about crime from the police and bringing prosecutions. Are there ways in which the services provided by the COPFS could be improved – for instance, through increased use of technology, further reforms to criminal procedure, or better case management? If so, do those changes also bring risks, in terms of the overall interests of justice or of access to justice (bearing in mind the differing needs of people across Scotland; urban and rural communities, economically disadvantaged people, vulnerable groups, etc)?

CJVSF members deliver a broad range of services to support people affected by the criminal justice system. Those who use the services of our member organisations are a diverse group, which includes individuals with additional needs related to issues, such as learning disability, substance use issues and mental health problems, and families of the accused person. Our members share an interest in reducing offending and reoffending, and the ultimate aim of supporting people, families and communities to experience improved outcomes and reduce harm.

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1. A list of our current members can be found at: [http://www.ccppscotland.org/cjvsf/cjvsf/cjvsf-members/](http://www.ccppscotland.org/cjvsf/cjvsf/cjvsf-members/)
CJVSF members are supportive of the role COPFS play in the criminal justice system, and recognise its importance to the justice process. There are however some key areas where members would support development.

**Alternatives to Prosecution**

COPFS deals with a substantial volume of cases, of which a significant number are related to repeat petty offences by individuals with significant problems. CJVSF members believe that sentencing options and alternatives to prosecution where used appropriately and effectively have the potential to reduce harm, reduce reoffending, and improve long term outcomes for individuals involved in the criminal justice system. Given the central role played by COPFS, it has the potential to be a key partner in raising awareness and promoting the use of these alternative options. The view of CJVSF members is that there is scope for development in this area.

**Diversion from Prosecution**

It is recognised that early intervention and diversion from prosecution can have positive and significant impact on longer term outcomes for individuals, particularly young people\(^3\). The most recent statistics published by the Scottish Government indicate a continued uptake in the use of Diversion from Prosecution\(^4\). Nonetheless, the experience of the CJVSF membership indicates that awareness of local schemes can vary between courts and individuals. This means that appropriate and potentially beneficial schemes are not consistently used, and their potential benefit is reduced. CJVSF members would support a continued and developed use of Diversion from Prosecution schemes. This could be supported with improved mechanisms within COPFS for sentencers to be kept up to date and fully informed about local provisions.

**Restorative Justice**

Restorative Justice has significant potential to improve the experience of justice, not only in the interests of accused persons but also for persons harmed and for families\(^5\). In practice, there are opportunities where use of restorative justice may be appropriate and should be explored, however at present there is a lack of consistency and awareness in the benefits of such schemes. CJVSF members would support increased awareness of the availability and purpose of restorative justice services, and their potential benefits to all parties.

**Use of remand**

A significant number of Scotland’s prison population are on remand awaiting trial. This includes a substantial number of women, with evidence indicating that remand

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is used disproportionately for women with non-violent offences, and that this use is increasing\textsuperscript{6}. Remand can be very damaging in both the short and long term as a result of its impact on employment, housing and family life. CJVSF members would welcome COPFS encouraging the consideration of alternatives to remand where possible and appropriate.

**Increased use of problem solving courts**

Problem solving courts, such as those piloted in Scotland for drug use, have been shown to have a positive impact on compliance and reoffending rates\textsuperscript{7}. International research supports the use of these specialist courts in addressing a diverse range of issues, including domestic violence, alcohol use, families and mental health problems, to bring about better outcomes for individuals, families and communities and to address the causes of crime. CJVSF members would welcome the continued exploration of these options in a Scottish context.

**Efficiency and churn**

The justice process, from arrest to ultimate disposal of a case, can be very lengthy. This prolonged uncertainty can be stressful and ultimately damaging to the accused, victims, families and witnesses. In practice, CJVSF members have experience of supporting individuals throughout a trial process with multiple hearings and delays, and continued uncertainties relating to outstanding charges. Increased efficiency resulting in the reduction of churn would be welcomed by those supporting people affected by the criminal justice system. For example, where an accused has multiple outstanding cases in progress, it can be in the interests of the court, the accused and those supporting them to bring charges together. Where outstanding charges are lingering and are a hindrance to someone moving ahead with their lives, a degree of expediency in bringing the matter to a conclusion can be helpful in the long term.

**Communication & Information Sharing**

CJVSF members often support individuals who are subject to criminal proceedings, be they on remand or in the community, from arrest through to disposal. In many cases the supported person has a range of needs to be addressed, can be progressing and improving, or has new and outstanding requirements – such information is of importance to the court, however the exchange of information is not always reliable and consistent. Equally, information from the court is not always easily obtained by a support organisation working with the individual. Improved channels of communication, to and from COPFS, with clear information sharing protocols and a system for updates regarding the ongoing proceedings and any developments or progress would be beneficial to the service users and overall efficiency.


Use of Technology

On occasion, the progress of a case can be obscure and difficult for the accused and their families to follow. This presents a challenge to those affected, and to professionals involved in their support. Improved use of information technology as a means to keeping professionals and service users and their families updated as to the ongoing proceedings in their case would save resources for all.

2. Please outline how well you consider the COPFS works with other stakeholders in the criminal justice system, so as to provide a —joined up and complementary service that helps meet the ends of justice. Other stakeholders might, for instance, include the police, defence lawyers, the courts, the prison service, criminal justice social work, and third party organisations working with victims or offenders.

CJVSF member organisations often work supporting individuals involved in the criminal justice system, including those who are accused of offences and subject to criminal prosecutions, and their families. For the most part, CJVSF members report positive engagement with COPFS, however there can be a lack of consistency in communication and shared understanding between the courts and third sector service providers, which can undermine the use of alternatives to prosecution as outlined above and the efficacy of support that our members can provide to supported people. Greater consistency of practice and communication across Scotland would be welcomed, and CJVSF members would welcome the opportunity to develop these channels and practices.

CJVSF members would highlight a concern that the families of the accused person are not always considered and communicated with as stakeholders in the process. Any trial and prosecution process can be a time of prolonged stress and uncertainty, and any sentencing decision is likely to have an impact on the family of the accused person. In its 2011 Day of General Discussion, the UN Committee on the Rights of the Child recommended that child impact assessments be conducted for both custodial and community penalties to ensure any such penalty did not have an unduly detrimental effect on children and for children to be offered appropriate support8. Currently, there is no mechanism within COPFS to address this recommendation prior to sentencing, though the impact on children and families is increasingly taken into consideration and recommended as good practice in community justice processes in Scotland9. CJVSF would support the development of this area.

3. Does the COPFS as presently constituted have the resources and skillsets it needs to carry out its core role effectively? And is it appropriately —future-proofed— for instance to deal with new technologies available to criminals, changes in the overall profile of crime in 21st century Scotland, or withdrawal from the European Union? If not, what additional capacities does the COPFS need?

CJVSF would support increased awareness of issues such as learning disability, mental health issues, gender and sexuality, in the way that it deals with accused persons as well as with families and victims.

4. How well does the COPFS respond to the needs of victims of crimes and to witnesses (especially vulnerable witnesses) in criminal cases and meet its legal obligations towards them?

Many of the individuals who use the services of CJVSF member organisations have been victimised by criminal acts. CJVSF members support the commitments COPFS has made to equality and diversity, and its policies on supporting victims and witnesses appropriately.

As described previously, CJVSF would support the use of restorative justice in appropriate cases where the person harmed and the accused can be placed at the heart of the justice process in the interests of both.

5. The Inspectorate of Prosecution in Scotland is the independent, statutory inspectorate for the COPFS. What is your awareness of the existence and role of the IPS and of its effectiveness in carrying out that role? How effective has it been in carrying out its role? Does it appear to have the resources it needs?

Though a minority of CJVSF members may have had some contact with IPS, there is no shared comment the membership would wish to make.

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