Justice Committee

Inquiry into the role and purpose of the Crown Office and Procurator Fiscal Service

Written submission from Dr Robin James Jamieson

I am a fulltime FME (Police Surgeon) working predominately in the West of Scotland.

Courts

My understanding is that in Scotland we detain a proportionately larger number of individuals in police custody and for longer than our counterparts in England. This is due to a lack of Saturday courts and the higher numbers down south who are routinely dealt with via a non-custodial disposal eg a fixed penalty notice. Many of these arrested individuals are vulnerable are suffering mental health issues and/or have addiction issues -this prolongation of temporary detention therefore has obvious impacts upon health care resources as well as having a deleterious effect on the patients themselves.

The issuing of warrants

Suspects are routinely arrested on warrants on a Friday to appear in court on a Monday. Previous enquiry as to the rationale behind this has been met with the response that only the most dangerous or violent offenders are brought in on warrant at these times – thus protecting the public over the course of a weekend. However – this does not appear to be the case in practice. The benefits of keeping (for example) frail alcoholics or heavily pregnant drug addicts on a “means enquiry or JP warrant” over 2-3 days cannot easily be justified when balanced against the risks and the resource implications both in terms of Policing & NHS health care provision.

“Domestics”

A significant amount of time seems to be taken up with cases generated by domestic disputes. Duty officers are often heard to lament that their “hands are tied” and that they (the accused) must “remain custody due to the Lord Advocate’s guidance”. Not always, but frequently, these patients (as they become) have never been in custody or had contact with the Police before, some are given a “fiscals release” the next day (or on the Monday) others are given bail conditions not to approach their home or partner – which they do (as they live in their home usually with their wife or partner) and are promptly re-arrested. In this way we may review the same patient over and over again over a period of days or weeks. As a Doctor it may be fair to say that I am never present at the time of arrest however when you are subject to the same complaints of unjust or inappropriate detention from ALL sides of the process you begin to wonder if there just might be something unnecessary in at least some of this.

Citations

The vast majority of our FMEs working in the old Strathclyde region are GPs. The
apparent indiscriminate way that citations are sent out to all potential witnesses in a case including medics is our biggest bar to recruitment and retention. With the modern demands of General Practice – partners are no-longer as sympathetic or understanding of colleagues who may have to make themselves available for court. Therefore, Doctors mostly simply avoid the work now. It has to be said that in my experience, when asked, the courts and PFs are extremely accommodating when it comes to taking evidence at suitable times and allowing Doctors to be placed on “stand by” for court. However – there seems little consideration given to citations and the actual physical process of citing FMEs with papers turning up at various Police offices, places or work, surgeries, lawyer’s offices and even home addresses both in and out of hours causing much irritation. I am not infrequently cited to attend up to 3 different courts at the same time on the same day. Not only is this a physical impossibility but it points to a lack of co-ordination even at a regional level.

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