



Crown Office and
Procurator Fiscal
Service

Crown Agent and Chief Executive's Office
25 Chambers Street
Edinburgh
EH1 1LA
Scotland

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Alyn Smith MSP
Convener
Criminal Justice Committee
The Scottish Parliament

Dear Convener

Criminal Justice Committee Letter of 26 June 2026

I refer to the Criminal Justice Committee's letter of 26 June 2026 to the Cabinet Secretary for Justice and the Minister for Victims and Community Safety regarding matters identified by the Committee for priority consideration during Session 7.

It is understood that the Cabinet Secretary for Justice is responding under separate cover in respect of matters raised by the Committee concerning assessments, projections, evaluations or post-legislative scrutiny relating to wider justice policy, legislative reform and justice system performance, for which responsibility rests primarily with the Scottish Government or other justice sector partners.

While the Committee's letter was addressed to the Cabinet Secretary for Justice and Minister for Victims and Community Safety, some of the matters raised by the Committee engage the separate and independent constitutional role and operational responsibilities of COPFS as Scotland's sole prosecution service. It is for that reason that the Committee's letter has been forwarded to COPFS to assist the Committee separately on those matters that relate to Scotland's independent prosecution and death investigation service, including relevant implementation activity, current operational practice and ongoing reform programmes.

Prison population, remand and alternatives to custody

COPFS works closely with the Scottish Government and justice partners in responding to the significant operational challenges arising from ongoing prison population pressures. Throughout that engagement, COPFS has consistently made clear that decisions on remand and sentencing are matters for the independent judiciary and that prosecutors will continue to prosecute in the public interest.

While pressures on the prison population remain significant, remand continues to serve a number of important purposes, with risk management being a key consideration. Bail opposition decisions by prosecutors must take account of risks such as further offending, absconding, witness intimidation and obstruction of justice, which may arise regardless of the sentence ultimately imposed. This is particularly relevant in cases involving domestic abuse, sexual offending, stalking or other offending involving ongoing contact with victims, where the risk of further harm can be greatest at the point of reporting.

Bail opposition may therefore remain necessary where there are significant risks to victims or witnesses, repeated offending while on bail, persistent non-compliance with court orders, or a substantial risk of absconding. In domestic abuse cases especially, victims' willingness to disclose the full extent of offending and engage with the justice process can depend on whether they feel safe following the initial custody or undertaking decision.

Since the establishment by the Scottish Government in March 2026 of a multi-agency emergency response model to provide whole-system oversight of risks arising from prison population pressures and to coordinate mitigation activity, COPFS has contributed at strategic, tactical and operational levels, with appropriate recognition throughout of the independence of both COPFS and the judiciary.

COPFS has also supported a range of operational measures intended to improve planning and the management of remand-related pressures, including the provision of data. The Lord Advocate has also issued temporary guidance to prosecutors which takes into account prison population pressures as one of a number of public interest and safety considerations.

Alongside this, work has continued on a number of initiatives intended to support effective case progression and informed decision-making, including review of the Lord Advocate's Guidelines on Liberation, development of a text reminder system intended to reduce failures to appear and, in turn, arrest warrants, and enhanced information-sharing arrangements with Criminal Justice Social Work in custody cases.

Work has continued to strengthen COPFS's approach to diversion from prosecution. Internal guidance is being updated and supported by revised training and learning materials for prosecutors. COPFS has also worked with Community Justice Scotland in relation to updated national guidance on diversion from prosecution and associated awareness-raising activity.

Policing and public confidence

COPFS continues to work closely with Police Scotland in support of the national rollout of Body Worn Video (BWV). Joint work has focused on the development of processes and standards governing the quality of submissions and use of BWV evidence within criminal proceedings.

COPFS has also led the implementation of Summary Case Management (SCM), which promotes earlier engagement with cases, agreement of evidence where appropriate and earlier resolution of proceedings. Through improved preparation and case progression, SCM has contributed to a substantial reduction in witness citations, including police officer citations, thereby reducing unnecessary attendance at court and supporting more effective use of resources across the justice system.

More generally, reforms to case management, together with active judicial case management, have improved case readiness and reduced the number of trials which do not proceed as scheduled. COPFS will continue to work with the Scottish Courts and Tribunals Service, Police Scotland and other justice partners to support effective case progression and the efficient administration of justice, including extending the principles of SCM to Solemn cases.

Victims and witnesses

Supporting victims and witnesses remains a continuing priority for COPFS and a continuing focus of the Law Officers. COPFS recognises the importance of ensuring that the experiences of victims and witnesses remain central to the operation of the criminal justice system and that individuals are provided with timely information, meaningful engagement and appropriate support throughout the prosecution process.

COPFS is actively engaged in implementation activity arising from the Victims, Witnesses and Justice Reform (Scotland) Act 2025 and continues to work with justice partners to support delivery of reforms relevant to prosecution services. Policy officials and operational colleagues are working closely with Scottish Government counterparts to support implementation planning, organisational readiness and staff preparation. COPFS is represented on a number of implementation groups established under the Act and is contributing to ongoing work relating to the proposed specialist sexual offences court. The challenge in implementation is one of funding, as to date no additional resource has been made available to operationalise the provisions of this Act with some such as the Sexual Offences Court being a sizeable commitment.

A central aspect of this work is the continued embedding of trauma-informed practice across the organisation. Strategic development is led by a dedicated team, supported by a wider implementation programme established to ensure effective delivery across COPFS. Trauma-informed training is mandatory for staff and is being further developed through a programme of additional learning intended to strengthen understanding of the impact of trauma amongst those engaged in supporting victims, witnesses and nearest bereaved relatives. This work is informed by lived experience and supported through ongoing review of policy, operational guidance and external correspondence. Further work has been undertaken to improve the physical environments in which victims and witnesses engage with COPFS, including the development of trauma-informed witness facilities and reception areas. COPFS has also worked in partnership with the Scottish Courts and Tribunals Service in relation to trauma-informed practice across the justice system, including participation in national Sheriffdom Day events.

COPFS recognises the importance of ensuring that victims and witnesses are treated fairly, respectfully and with appropriate regard to their needs throughout the criminal justice process. To support that objective, a range of measures has been taken forward to improve communication, engagement and access to information, including continued development of the Witness Gateway and associated digital services. Alongside wider improvements in case management, these measures are intended to provide greater certainty regarding the progress of cases and reduce the impact of delay and adjournment on those affected by crime.

Arrangements for gathering, assessing and responding to victim and witness feedback have also continued to be developed through both digital and non-digital formats. COPFS operates a formal feedback protocol with Rape Crisis Scotland, through which advocacy workers support victim-survivors of rape and serious sexual offences to provide feedback following the conclusion of cases. Feedback received through these arrangements is analysed to identify themes, understand the experiences of victims and witnesses and inform service improvement activity. COPFS also receives regular feedback through justice sector partners, including ASSIST. Ongoing engagement with partner organisations enables COPFS to communicate actions taken in response to issues raised and to assess the impact of changes introduced.

Further work is underway to enhance the experiences and outcomes of victims and witnesses, including the development of specialist learning programmes, review and updating of operational guidance and continued refinement of the support provided by prosecutors and Victim Information and Advice (VIA) staff throughout the prosecution process.

This work is supported through extensive engagement with justice agencies, specialist support organisations, advocacy services, academics and individuals with lived experience, ensuring that policy development, training, operational guidance and service improvement activity are informed by a broad range of perspectives and experience. An example of practical partnership working has included a co-location pilot involving ASSIST and Victim Information and Advice (VIA) in South Strathclyde, which sought to enhance coordination between services supporting victims of domestic abuse and improve the experience of those engaging with the justice process.

Violence against women and girls, domestic abuse and child protection

Tackling violence against women and girls, domestic abuse and offending against children remains a prosecutorial priority for COPFS and a continued focus of the Law Officers.

COPFS works closely with Police Scotland, the Scottish Government, justice agencies and specialist organisations to improve outcomes for those affected by domestic abuse, sexual offending and other forms of gender-based violence.

COPFS recognises that many forms of violence against women and girls are experienced not as isolated incidents but as a course of conduct occurring over time. In developing policy, guidance and operational practice, increasing emphasis has therefore been placed upon the assessment of risk, recognition of patterns of abusive behaviour and the safety of victims. This approach seeks to ensure that prosecutorial decision-making reflects both the immediate offending and the wider context within which that offending occurs.

The prosecution of Lee Milne for the culpable homicide of Kimberley Milne following her death by suicide reflected the application of Scotland's domestic abuse legislative framework in circumstances involving a sustained course of abusive conduct. This case demonstrated the importance of recognising the cumulative impact of domestic abuse and coercive control and the role that specialist prosecutorial expertise can play in identifying the full consequences of such offending.

COPFS has accepted and is implementing all recommendations made in His Majesty's Inspectorate of Prosecution in Scotland's report concerning the prosecution of domestic abuse cases at summary level. This work forms part of a broader programme of improvement intended to strengthen the prosecution response to domestic abuse.

This work has also included review of relevant Lord Advocate guidance, development of operational resources for prosecutors and Victim Information and Advice staff and establishment of internal domestic abuse forums to support the sharing of learning and good practice. Similar work is being progressed in relation to sexual offending, including implementation of recommendations arising from the Sexual Offences Review through our wider Transformation and Change Portfolio.

Engagement with specialist organisations has continued in order that policy and practice may be informed by expertise and lived experience. In February 2026, COPFS hosted a joint workshop with the Women's Support Project examining legal issues relating to consent and the experiences of women involved in selling sex. The expertise and experience of the Women's Support Project has informed policy development, training and awareness-raising activity within COPFS.

COPFS has also undertaken public awareness activity in relation to violence against women and girls, including work concerning non-fatal strangulation, reflecting the importance attached to improving understanding of the risks associated with such offending.

COPFS continues to engage with partners on matters arising at the intersection of the criminal and family justice systems, including domestic abuse and coercive control. The National Prosecutor for Domestic Abuse is a member of the Scottish Law Commission's expert advisory group considering civil remedies for domestic abuse and has contributed to wider discussions concerning the relationship between civil and criminal justice processes.

COPFS also continues to work with justice partners and specialist organisations in relation to child victims, child witnesses and children in conflict with the law. COPFS is committed, both nationally and through local partnerships, to supporting implementation of the Bairns' Hoose programme, with COPFS representatives participating across the majority of local partnership arrangements. This is supported by a dedicated Bairns' Hoose COPFS network which meets regularly to share learning, discuss developments and support local implementation activity.

COPFS also works closely with the National Joint Investigative Interviewing Team to share operational experience and support continued development of Joint Investigative Interviews. This work is directed towards ensuring that, where such interviews are undertaken, they are conducted to a standard capable of supporting their use as all or part of a child's evidence in criminal proceedings, thereby reducing the need for children to recount their experiences multiple times and minimising the potential for re-traumatisation.

In all cases involving a child witness, child victim or child in conflict with the law, prosecutors must give specific consideration to the best interests of the child as a primary consideration when making decisions throughout the life of a case. In exercising prosecutorial functions, steps may also be taken, where appropriate, to protect the interests of children affected by criminal proceedings, including measures intended to prevent unnecessary disclosure of identifying information, seeking protective conditions where appropriate, and ensuring that relevant information concerning the impact of offending on children is brought to the attention of the court.

Public service reform

COPFS has continued to contribute to the wider public service reform agenda through a programme of operational reform, digital transformation and organisational improvement directed towards improved outcomes across the justice system. There is a strong appetite to transform how we provide our services, but this has to be backed up with the funding and creating associated capacity to design, implement and embed change along with the associated benefits.

Many of the most significant benefits of reform arise through collaboration across organisational boundaries. SCM delivered in partnership with the Scottish Courts and Tribunals Service, the judiciary, Police Scotland and the defence community, is one example of such reform.

As outlined above, SCM has delivered measurable benefits for witnesses and justice partners. Evidence gathered following implementation indicates a substantial reduction in witness citations, including repeat citations, with average monthly witness re-citations reducing nationally by around one-third. These improvements have contributed both to a better experience for witnesses and to the more efficient use of resources across the justice system.

Digital reform also remains a significant area of activity. COPFS has continued to progress the rollout and development of Digital Evidence Sharing Capability, Witness Gateway, the Defence Agent Service and Electronic Reporting to Crown Counsel. Collectively, these developments support more efficient handling of information and evidence, reduce administrative burden and assist in modernising the delivery of prosecution services.

Alongside these operational reforms, COPFS has continued to progress organisational improvement activity through its Designed for Success programme. This has included strengthening governance arrangements, clarifying accountability and decision-making structures, improving approaches to prioritisation and performance management and taking forward implementation of the organisation's estates strategy.

COPFS considers that effective public service reform should support improved outcomes for the people we serve, maintain public confidence in the justice system and make effective use of public resources. In the criminal justice context, the greatest benefits are often realised where reform is developed and delivered collaboratively across the justice system and where improvements in process and service delivery reduce avoidable delay, duplication and unnecessary demands upon the people we serve and justice partners alike.

The matters identified by the Committee reflect a number of significant challenges and opportunities across Scotland's justice system.

Within its constitutional role as Scotland's independent prosecution and deaths investigation service, COPFS continues to work with justice partners to support effective case progression, strengthen services for victims and witnesses, address operational challenges arising from prison population pressures and contribute to wider criminal justice reform.

COPFS remains committed to continuous improvement and to ensuring that it remains effective, resilient and responsive to the public interest.

I welcome opportunities such as this to provide background information to the Committee, and to respond to any queries that the Committee has. I look forward to the meetings in September to which the Committee has invited COPFS officials as a further opportunity to support the Committee in its consideration of these and wider criminal justice matters.

Yours sincerely

John Logue
Crown Agent and Chief Executive