Costs arising from the Scottish Court Service’s proposals on a future court structure in Scotland

I refer to your letter dated 22 May 2013 in relation to the above subject.

You specifically asked, “whether Police Scotland has looked into whether there are likely to be extra costs incurred as a result of the proposals and, if so, what these costs are”.

As you are aware, Police Scotland was not in existence at the time of the SCS consultation on this matter, however the Association of Chief Police Officers in Scotland (ACPOS) was consulted on behalf of the eight legacy police forces and responded in December 2012. To assist you in that regard I have attached a copy of the ACPOS response that was sent to SCS.

From this you will note that each of the proposals were considered individually and some high level savings and anticipated additional cost areas identified where appropriate. Due to a lack of detailed information and numerous variables around officers cited / attending court, detailed costings were not applied at a local level. The proposals were also examined in the context of several other ongoing initiatives under the remit of the Scottish Government, Making Justice Work Programme such as police witness electronic scheduling, police witness standby schemes, police excusals protocols, COPFS citing policy and increased use of video technology, all of which will positively impact upon police witness attendance at courts and deliver financial efficiencies.

On balance the ACPOS position, subsequently maintained by Police Scotland, is that overall the SCS proposals are assessed as being generally cost neutral to policing. I would however add that restructuring of the court service is just one aspect of a continued drive to improve the wider justice system. While the cost of this restructuring is a vital aspect, it is not the only consideration. We will continue to support our partners across the justice system as we strive to provide a system that delivers an efficient and effective service for all who use it.

I trust that this information is sufficient for your purposes but should you require anything further please do not hesitate to contact me.

Stephen House
Chief Constable
5 June 2013
Letter from the Association of Chief Police Officers in Scotland to the Scottish Court Service

FUTURE COURT STRUCTURES CONSULTATION

I refer to your correspondence dated Wednesday 20 September, requesting comment on the Future Court Structures and can confirm that this has been considered by Criminal Justice Business Area and can offer the following by way of comment.

Each recommendation has been considered individually below:

Proposal 1 - The High Court Circuit

ACPOS are generally in favour of this proposal although would like to ensure that wherever possible High Court trials occur as close as possible to the Force where the offence was reported to ensure that travelling for witnesses, movement of productions and associated costs are kept to a minimum. Within Strathclyde there would be cost savings with Kilmarnock, Paisley and Dumbarton no longer being on the High Court circuit, the potential financial net gain of no longer having to resource Kilmarnock as a High Court balanced with the extra travelling cost to Glasgow High Court would be in the region of £50,000pa. The use of Greenock Sheriff Court as a venue for overflow High Court business and the removal of Paisley Sherriff Court would allow for a potential saving by the police of approximately £38,000pa. The main concern is in Northern Constabulary where removal of the High Court sitting from Inverness would greatly increase travel as witnesses would be required to travel to Aberdeen or the central belt. It is acknowledged that the provision of dedicated High Court facilities would additionally provide greater security, better facilities for witnesses and would allow for greater use of modern technology, such as Video Link / CCTV usage in alignment with the special measures that have been available through the Vulnerable Witness legislation. The knowledge that these measures are available may encourage the public to engage more freely in the overall criminal justice process.

Proposal 2 – Consolidating Sheriff and Jury business and other shrieval specialisation

ACPOS are generally in favour of this and would concur that the increased use of video and other communication technology is vital in creating efficiencies within the criminal justice system. There are concerns that not retaining Sheriff and Jury services at Wick and Fort William would incur additional travel expenses and overnight stays as Inverness would be the only Sheriff and Jury site in the Highland area.

Proposal 3 – Justice of the Peace Courts in towns where there is no Sheriff Courthouse

ACPOS are generally in favour of this proposal although do believe that there will be a public concern in relation to travelling distances.
Proposal 4 – The Justice of the Peace Courts at Portree, Stornoway and Wick

ACPOS have no issues with this proposal.

Proposal 5 – Sheriff Court with low volumes of business

ACPOS are generally in favour of this proposal although do have the following concerns:

There is apprehension with the proposal to close Rothesay Sheriff Court. Officers and witnesses would be required to attend at Greenock Sheriff Court, this would significantly increase travelling time and the time which both officers and witnesses would spend away from the Isle of Bute with local public reassurance/officers productivity suffering. The current modes of transport are ferry (£40 return) or bus, both of which can be severely impacted by the weather. This may also lead to witnesses and accused travelling on the same ferry/bus with the possibility of witness intimidation. Although the ferry is quicker this would have a financial implication due to the number of officers regularly cited. Introducing Video Conference facilities would mitigate the risk to the communities of Bute and ACPOS would suggest this be put in place prior to the closure of Rothesay Sheriff Court.

There is also concern regards the closing of Dornoch, Tain and Dingwall Sheriff Courts in terms of travelling time for officers and the capacity of Inverness Sheriff Court to absorb the business. As with Bute there will be the matter of cost and resilience at a local level.

Proposal 6 – Sheriff Courts in proximity to each other

ACPOS have concerns in relation to travelling times for both police and civilian witnesses and for witnesses potentially disengaging with the court process. Full details provided below. The proposal to amalgamate Cupar Sheriff Court with Dundee Sheriff Court would also mean a requirement to upgrade the current IT systems.

Central Scotland Police have concerns over the recommended closure of Alloa Sheriff Court. The consultation provides a balanced argument for the closure of this court including ongoing high maintenance costs and court business volume that could be accommodated in neighbouring courts. While this is appreciated it must be noted that Alloa Sheriff Court has some particular problems - historically it is one of the poorest performing courts in the country partly due to witnesses failing to attend. Increasing the distance witnesses are expected to travel will undoubtedly exacerbate this problem. It will also necessitate an increased number of return journeys per year for police officers attending neighbouring courts equating to an increased number of hours lost due to travel and associated travel costs. ACPOS would suggest that prior to the closure of Alloa Sheriff Court there are discussions with COPFS and SCS to develop effective standby arrangements in order to reduce the potential cost implications.

With regards to the recommendation to close Arbroath and transfer business to Forfar, it is believed that this may provide opportunity for efficiencies in both investigative activity and case reporting procedures. It is also believed that it will have a positive impact on the community of Arbroath. It should however be noted
that currently Arbroath deals with a significantly higher amount of Summary cases than Forfar.

With regards to the closing of Stonehaven Sheriff Court it would be requested that changes are progressed along a reasonable timeline and that Police Scotland is kept fully informed on the implementation.

**Sheriff Court district boundaries**

ACPOS are not convinced that the Sherifffdom Boundaries are relevant in a modern society particularly taking into account advances in modern technology. We would propose, for the future, a more efficient system of removing Sheriff Boundaries entirely allowing Sherrifs to sit in any appropriate court across scotland. We fully appreciate that this is a holistic view future state potential position and if implemented would be on an incremental basis. ACPOS feel this position fits with the overall strategic direction of the Justice System and compliments the general direction of travel in respect of the drive to modernise the criminal justice system in Scotland.

Three concerns which cover all of the recommendations are:

- **Police standby.** The current protocol allows for officers to report to a specified office and thereafter be placed on standby. The office must be within a reasonable travelling distance from the court, ideally under 30 minutes but with a maximum of 1 hour. Should certain courts be closed e.g. Rothesay, Cupar and Haddington this will impact on both officer travelling distances but also on their ability to meet the attendance times and reduce the amount of time they are available to carry out other policing duties.

- **Witness attendance.** There has been significant work carried out by ACPOS through the Getting People to Court Project (GPTC) to improve the level of witness attendance and support witnesses in the court procedure. There is concern that should witnesses have further to travel to court they will be discouraged from attending court due to the inconvenience this presents which could in turn lead them to disengaging with the criminal justice process i.e. not reporting crimes or coming forward as a witness.

- **In circumstances where the police share a building with a court which is proposed to be closed, consultation should be carried out with the police in relation to this e.g. Stonehaven Sheriff Court.**

ACPOS fully recognise that the comments provided are in relation to the current position. ACPOS are presently, in partnership with other agencies, undertaking work in the GPTC and Summary Justice System Model Projects. The long term aim of these projects is a reduction in the number of witnesses attending court and court churn being reduced. This should have a positive effect on the services which the SCS can offer.

Gordon Samson  
T/Deputy Chief Constable  
Secretary, ACPOS Criminal Justice Business Area  
21 December 2012