Justice Committee

Scottish Government’s Draft Budget 2013-14

Written submission from the Crown Office and Procurator Fiscal Service

Thank you for your email of 5 October. John Logue, Procurator Fiscal for the East of Scotland will attend the Justice Committee on 30 October since the Crown Agent is committed to making a presentation to the International Association of Prosecutors.

While court structures are a matter for Scottish Courts, because of its importance to the conduct of criminal business, they have involved us from the beginning of the development of their proposals.

Prior to Mr Logue's appearance at the Justice Committee, COPFS has the following observations about the effects of the coming changes to many aspects of the operation of courts in Scotland.

The major reforms to civil and criminal justice which will result from recent reviews carried out by Lord Gill, Lord Carloway and Sheriff Principal Bowen will involve some of the most significant changes in living memory to Scottish civil and criminal law as well as the law relating to evidence and procedure. As Scotland's sole and independent public prosecution and deaths investigation service, COPFS supports the proposed changes. While the question of court structure is a matter for the Scottish Courts Service, because of its importance to the conduct of criminal business, COPFS have been involved from the outset in the development of the proposals. The overarching responsibility of COPFS is to act in the public interest, investigating and prosecuting cases independently, fairly and effectively and investigating all deaths which require explanation. These proposals will allow us to work more efficiently with our other criminal justice partners across the criminal justice system to make Scotland safer and stronger.

Organisational structure of COPFS

We have made significant alterations to our organisational structure. For example we have departed from our previous structure of 11 geographically aligned Areas to a structure based upon functional working operating within three larger geographical areas known as federations, namely West, East and North; and also a National federation which oversees the specialist units such as the Serious and Organised Crime Division and Scottish Fatalities Investigation Unit and the units responsible for corporate support. The move to federation working provides the capacity to accommodate any future court restructuring and structural changes within the police which will inevitably arise as a result of the creation of the single police force from April next year.

Within each federation, work and staff are allocated within functional specialisms comprising Initial Case Processing and Summary Proceedings; Sheriff and Jury; and High Court. In addition, particularly within the Sheriff and Jury and High Court functions, there are further specialisms in areas such as Sexual Offences, Homicide, and Economic Crime. Accordingly specialisation in all prosecution work is now at the
core of COPFS. This move builds on the approach already taken at a national level where specialist prosecutors are already embedded in areas of work such as Sexual Crime; Serious and Organised Crime; Health and Safety and Wildlife and Environmental Crime and have already delivered significant improvements and results. This has been achieved partly through the use of technology and the ability to move work electronically throughout the country. In this way we ensure that we make the most effective and efficient use of resources.

The High Court circuit

Our move to federal and functional working dovetails with the proposals that the High Court should sit as a court of first instance primarily in dedicated High Court centres in Edinburgh, Glasgow and Aberdeen as the preparation of High Court cases is already a specialism which is centralised in particular procurator fiscal offices. This proposal to have dedicated High court centres will allow us to increase our support to Crown Counsel in court and will also allow us to use technology in courts more efficiently not only to improve the electronic presentation of evidence in court but also to increase the use of technologies such as video conferencing and other arrangements to support vulnerable witnesses and victims of crime. The traditional High Court circuit frequently disrupts the availability of the courts used for Sheriff Court business and this will be avoided by the use of the dedicated centres. The proposed centres have excellent transport links which will lessen some of the difficulties that vulnerable witnesses and victims of crime often experience in getting to court.

Consolidating sheriff and jury business

COPFS notes the proposed removal of solemn business from some courts with the resultant consolidation of jury business in fewer centres. The prosecution of sheriff and jury cases has become significantly more complex as more obligations have been placed on the prosecution. Our staff working in this function have developed specialism in this area. Accordingly consolidation will enable COPFS to deploy its specialists more efficiently. The two most significant issues in respect of court restructuring from a COPFS perspective are (i) ensuring that there is adequate capacity for sheriff and jury cases at the centres and (ii) that there is not excessive travelling for both police and civilian witnesses. Capacity issues can be addressed by planning and by court programming. The impact on travel needs to be seen in the context of other improvements in the system. Sheriff and jury reform may result in more evidence being agreed so fewer witnesses are required and more witnesses may be able to give their evidence by video link. None of the distances from existing courts to the proposed centres are prohibitive and COPFS are conducting detailed analysis of the postcodes of civilian witnesses compared with the location of the courts to identify any local issues which will be discussed with the Scottish Courts Service. In addition COPFS are aware of Sheriff Principal Bowen’s proposals for changes to Sheriff and Jury procedure, which include the introduction of a Compulsory Business Meeting and court proceedings being initiated to a hearing as opposed to a trial in much the same way as Lord Bonomy’s reforms have operated in the High Court. Whilst there needs to be a degree of flexibility in how these changes are achieved COPFS fully supports the need for improvements in Sheriff and Jury
procedure which will bring about efficiencies for all Criminal Justice partners involved in the process including victims and witnesses.

Sheriff Courts

COPFS note the proposals to close certain courts and transfer business due to the low volume of work carried out in those courts or their proximity to other courts. The volumes of business conducted by the courts proposed for closure is not such that its transfer to the other proposed locations would cause capacity problems for criminal business provided that improvements in Aberdeen being considered by Scottish Courts are implemented. COPFS has no staff based in Dornoch, Duns, Kirkcudbright, Peebles, Rothesay, or Stonehaven. We have small offices in the remaining locations. If the courts in these locations were to close then our staff would be offered transfers to nearby offices, the furthest distance being Haddington to Edinburgh. Whilst local justice and accountability is, of course, important, this has to be balanced against the need to have work carried out in the most efficient manner and accordingly this proposal fits with our federation structure. This process has been quite successful in the courts that have amalgamated so far. Despite these changes, local engagement and accountability will be maintained with the continuation of the role of the district Procurator Fiscal. Although COPFS has moved to federation working and staff within each federation are assigned to a specific function, a number of our staff members will retain responsibility for dealing with local issues in geographical areas. They accordingly are able to deal with any specific local issues which impact upon the community and the work of COPFS.

Recent initiatives to improve efficiency in the courts

COPFS are heavily engaged with the Scottish Courts Service in the process of changing the way the courts work. For example the Making Justice Work programme (which in turn supports the Strategy for Justice in Scotland) is transforming efficiency through new measures such as the use of video conferencing for court appearances and a text messaging scheme to remind witnesses to attend court. From October 2012, following a successful pilot in Edinburgh, an IT-supported mobile phone text messaging system as a means of issuing a reminder to civilian witnesses of the date they are required to attend court, was rolled out nationally. In addition, we have worked with partners to improve efficiency through an award-winning IT project: the Cross Agency Information Sharing Hub. Often accused who are at liberty at the time of their initial court hearings can be in prison at the time of future hearings and the Crown or court may not be aware of this subsequent imprisonment. This leads to the accused not being brought to court for their court hearings resulting in delays and adjournments. We can now find out through this ‘data hub’ whether people due to appear in court are in prison on the date of their court hearing. This ensures that such accused can be brought from prison for the hearing thus eliminating a common reason for delay and adjournment of court hearings. This innovation, alongside wider measures to improve the attendance of witnesses, has the potential to generate significant efficiency savings.

There are also other initiatives ongoing such as research into improving the attendance rate of those accused with a history of non-attendance at court; the appointment of a liaison officer based at Glasgow High Court of Justiciary to improve
the process of police officers attending court; and “problem solving” police officers embedded in the Summary and Sheriff and Jury units in the Glasgow Procurator Fiscal’s office resolving issues regarding liaison with police and attendance as witnesses. All these initiatives are driving forward efficiencies in the prosecution process and bring savings for the police and the justice system as a whole.

In conclusion, COPFS is committed to working with criminal justice partners to improve the efficiency of the courts in Scotland.

Peter Collings
Deputy Chief Executive
24 October 2012