Justice Committee
Scottish Government’s Draft Budget 2015-16

Supplementary written submission from the Crown Office and Procurator Fiscal Service

Further to the evidence session on Tuesday 18 November 2014, the Justice Committee requested further information from COPFS regarding the resource impact of proportionate use of direct measures, and the number of solemn cases which have been time-barred in the last year due to workload pressure on COPFS staff.

I can confirm that no solemn case was unable to proceed on indictment due to COPFS failing to indict the case within the time-bar.

As the Committee will be aware, a number of direct measures are available to Procurators Fiscal for use in cases which require that offending behaviour be recorded and addressed but which do not require a court disposal.

Direct Measures are proportionate actions authorised by Parliament to be taken by prosecutors in the public interest. COPFS makes decisions to ensure that the cases which go before a court are those which have to receive a disposal that can only be provided by a court.

Direct Measures which are available include a warning, by letter or in person, a fiscal fine of up to £300, fiscal compensation order of up to £5000, a fiscal work order requiring up to 50 hours supervised work in the community and various other alternatives from prosecution available in the local jurisdiction, delivered by local authority social work staff or third sector providers, such as diversion to a mediation and reparation meeting or drug or alcohol counselling sessions.

The average costs to COPFS of a case in the High Court is currently estimated at £55,634, Sheriff and Jury £4928, Summary £335 and a warning or monetary Direct measure, which does not involve attendance for work order or other supervised outcome, is estimated to use COPFS resource of around £10.

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2 December 2014