

## Justice Committee

### Scottish Government's Draft Budget 2016-17

#### Written submission from the Inspectorate of Prosecution in Scotland

Thank you for your invitation to comment on the COPFS budget and in particular on any budgetary pressures experienced by COPFS in the current year and anticipated for 2016-17.

Earlier this year, the Inspectorate published a thematic report on the management of time limits. (<http://www.gov.scot/Publications/2015/02/1907>)

The focus of the inspection was the management of time limits that apply to serious cases prosecuted under solemn procedure (solemn cases) -- cases prosecuted in the High Court or in the Sheriff Court before a jury.

The report highlighted the risk posed to the ability of COPFS to investigate and prosecute cases within the tight statutory time limits that apply in Scotland as a result of a number of factors that have impacted on the criminal landscape. For example:

- crime has become increasingly global resulting in more crimes being reported that transcend territorial boundaries, as well as the evolution of ever more sophisticated means of committing and detecting crime;
- there has been an increase in the overall volume of serious crime reported by the police as well as a marked change in the profile of such cases, including a substantial increase in reports of sexual crime;
- multiple-accused prosecutions, often with different time limits for different accused, are more common, as are accused persons with a number of cases proceeding simultaneously all with different time limits.

We reported that these factors when set in the context of budgetary reductions pose significant challenges for COPFS in management of its solemn business.

The report considers the solemn workload of COPFS in the current climate.<sup>1</sup> It highlights the impact of a substantial increase of cases containing charges of a sexual crime, including a high percentage of cases categorised as "pre-petition" cases. These are cases where it is necessary to undertake further enquiries to determine whether there is sufficient evidence to commence criminal proceedings and whether such proceedings are in the public interest. Such cases entail detailed and extensive investigation and often numerous meetings with victims and essential witnesses.

Taking pre-petition cases into account, the investigation and preparation of cases of sexual crimes is disproportionate to any other category of crime being dealt with by those investigating and preparing High Court cases and undoubtedly impacts on COPFS resources.

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<sup>1</sup> See pages 27-31.

The increase in complexity of cases with a greater focus on historical sexual offences and domestic abuse was similarly highlighted as a source of pressure by Audit Scotland in their report on the “Efficiency of prosecuting criminal cases through the sheriff courts” published in September. The report examines efficiency across the sheriff court system and acknowledges mounting pressures on the court system with an increase of 80% of cases of sexual crimes being reported and prosecuted between 2010/11 and 2013/14, representing a 58% increase in sexual crimes between 2011/12 and 2013/14<sup>2</sup> against a background of a fall of 14% in the overall budget of COPFS between 2010/11 and 2014/15.

I hope these comments are of assistance.

Michelle Macleod  
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Inspectorate of Prosecution in Scotland  
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<sup>2</sup> Excludes pre-petition cases of sexual crimes.