

## Justice Committee

### Scottish Government's Draft Budget 2015-16

#### Written submission from the Crown Office and Procurator Fiscal Service

The Crown Office and Procurator Fiscal Service (COPFS) is Scotland's sole prosecution service, acting on the authority of the Lord Advocate.

Our purpose is to secure justice for the people of Scotland, making it a safer place to live.

We receive initial investigation reports about crimes from the police, and all other reporting agencies in Scotland, and decide, independently and impartially, what action to take in the public interest, including whether to prosecute.

We also enquire into deaths that need further explanation and investigate allegations of criminal conduct against police officers.

In all our decisions we take into account the diverse needs and rights of victims, witnesses, communities and of those accused of crime.

Public sector funding remains under severe pressure. From the outset COPFS has understood that this is likely to continue and has responded to tightening financial constraints by reform designed to increase efficiency and quality improvement, in the governance structure of the organisation and across delivery of all our services.

Our budget allocation for the year 2015-16 will increase by 3.1% from £108.7m (2014-15) to £112.1m. This is a real term increase of 1.5%.

While reports of some crime types have fallen significantly over the past few years, we anticipate further changes in our approach to casework will be necessary to allow us to deal with the significant increases in reports of certain serious crime types.

This is very challenging and we are looking to realise savings from people and process reviews and our continuing development of innovative technology solutions in order to allow us to deal appropriately with all the cases reported to us.

I have annexed some further detail on our work that may be of interest to the Committee and would be happy to provide any further information that is considered helpful.

Across the Service staff have adapted to major changes, adopted new approaches in the way we work and suggested further solutions for the future to ensure that COPFS can continue to secure justice for the people of Scotland.

We very much appreciate that this unprecedented environment of constant significant change and budgetary constraints is extremely challenging for them and we commend the dedication, commitment and professionalism of our people in dealing with these continuing challenges.

Catherine Dyer  
Crown Agent & Chief Executive  
11 November 2014

## **COPFS General Background**

### **What We Do**

#### **COPFS' work is designed to ensure that:**

- criminal cases reported to us are effectively and independently investigated and prosecuted or have other proportionate action taken in the public interest;
- deaths which need further explanation are effectively and independently investigated in the public interest;
- victims, nearest relatives and witnesses and those accused of an offence are all treated by COPFS with dignity and respect;
- equality and fair treatment for all is promoted;
- financial gain that has been achieved by criminal means is removed from criminals by use of the Proceeds of Crime legislation;
- the way we work within COPFS and the operation of the Scottish criminal justice system is made more efficient, effective and sustainable by working collaboratively with others in the justice system and beyond.

### **The Justice Strategy**

Both directly and collaboratively with other parts of the justice system, we work to deliver the Strategy for Justice in Scotland. It aims to deliver a justice system that contributes positively to a flourishing Scotland, helping to create an inclusive and respectful society, in which all people and communities live in safety and security, individual and collective rights are supported, and disputes are resolved fairly and swiftly.

The Strategy for Justice sets the following priorities:

- reducing crime, particularly violent and serious organised crime;
- tackling hate crime and sectarianism;
- supporting victims and witnesses; and
- increasing public confidence and reducing the fear of crime

It also identifies a number of 'Justice Outcomes' which describe what the strategy is aiming to achieve.

COPFS contributes to the following 'Justice Outcomes' for the people of Scotland:

- we experience low levels of crime and low levels of fear, alarm and distress;

- we are at a low risk of unintentional harm;
- our people and communities support and respect each other, exercising both their rights and responsibilities;
- our public services are fair and accessible;
- our institutions and processes are effective and efficient;
- our public services respect the rights and voice of users

## **COPFS Strategy for the Future**

As with all public sector organisations the challenge for COPFS is to ensure we meet these objectives within our allocated budget. We will be focusing on optimum use of the enablers which we have access to namely people, digital, continuous improvement, partnership working and finance.

COPFS is presently consulting on our strategic priorities for the years 2015-2018.

We recognise the continuing pressing need to optimise resource and further improve quality.

## **Budget**

Recent trends in our business assist in setting the context around the budget allocation for 2014/2015.

The changes in our caseload in 2013-14 compared to 2012-13 were as follows:

### Volume of cases received:

- **Criminal reports received** – a **5% increase** (from 280,942 to 293,672), up 10% since 2010-11.
- **Death reports received** - a **13% decrease** (from 11,021 to 9,549).

### How these have were dealt with:

#### **Non Court**

- **No Action Decision** - **21% decrease** (from 35,200 to 27,798).
- **Warning Letter** – **40% decrease** (from 12,987 to 7,785).
- **Compensation Order** – **33% decrease** (from 1,123 to 753).
- **Other Non-Court Disposal** - **29% increase** (from 9,834 to 12,699).

## Court

Over the past year we have seen an overall increase in numbers of cases concluded in Court (a **4% increase** between 2012-13 and 2013-14, from 92,721 to 96841) but that obscures larger increases in the numbers of cases not being resolved at the pre-trial hearings and which therefore go to trial. The figures below show the cases concluded and trial numbers for each type of Court:

- **JP Court cases concluded** – a **10% increase** (from 32,929 to 36,095) but there was a **15% increase** in the numbers of trials.
- **Sheriff Summary cases concluded** - a **2% increase** (55,395) but there was an **8% increase** in the number of trials
- **Sheriff and Jury cases concluded** – a **2% decrease** (4,750) but there was an **8% increase** in the number of trials (from 1,125 to 1,210)
- **High Court cases concluded** – a **1% increase (601)** but there was a **16% increase** in trials from 310 to 359.

### ‘Pre Petition Work’

In addition to preparing and presenting cases which are from the outset clearly able to be prosecuted in a solemn court - Sheriff & Jury or the High Court - COPFS also requires to devote resource to investigating a significant number of serious criminal allegations contained in reports which are properly submitted for consideration of prosecution but which require extensive work before a decision can be made about whether the case can go to court and in a number of instances the decision is ultimately that they cannot proceed.

For example when a case alleging serious sexual offending is reported to COPFS, exceptionally detailed and thorough investigation requires to be carried out often involving consideration of lengthy records and the commissioning and consideration of expert forensic, medical or other specialist reports before any decision can be made as to whether there is a sufficiency of credible and reliable evidence to allow prosecution proceedings to be raised.

A decision that the case cannot proceed to court made after that work can arise for a number of reasons. For example, although it is clear that a witness claiming they were sexually assaulted is credible and reliable, it is not possible to find evidence to meet the current corroboration requirement or because an essential witness has mental health issues such that their well being would be unduly impacted by their being required to give evidence in court but the case would not prove without that evidence.

Such work is referred to in COPFS as “pre petition” work because a Petition is the first court document in a solemn case and prosecutors have to establish if there is information which can be brought together to justify a decision to commence court proceedings on Petition.

This work often involves much more complex evidential and legal analysis than with cases which are able to be placed on Petition immediately following receipt, and often also involve numerous meetings with victims and essential witnesses, and detailed consideration of voluminous medical and social work records, all of which needs to be completed and can take several months and in some instances over a year before that decision can be taken.

Over the last three years 590 cases of that sort were reported in 2012/3, 747 cases in 2013/4 and for the first 6 months of 2014/15 289 cases.

## **Initiatives**

There are a number of initiatives being undertaken within COPFS to produce further improvements in quality of delivery of our Service and efficiency savings and a few are referred to below.

We are committed to meeting the requirements of the Victims and Witnesses (Scotland) Act 2014 and have current projects to improve our customer contact service, using all methods of communication with a focus on our first line of information being digital, through our website, offsetting the additional costs involved in providing better information for victims and witnesses and further streamlining our internal processes and procedures. We are also working on digital solutions with justice system partners to devise electronic means of intimation and notification, which will be quicker and more efficient, saving time and resource while making sure we can all handle the increased numbers of court notices which will be required for deemed vulnerable witnesses under the Act.

We know, from previous improvements that we have delivered, that specialisation brings about efficiencies as well as improving quality. We have seen this through the establishment of our specialist units, such as National Sexual Crime Unit and the major structural changes commenced in 2012 which introduced geographical federations and brigading of our front line staff into our core functions of Initial Case Processing, Summary, Sheriff and Jury and High Court. We intend building on the success of functional working, further streamlining processes and delivering continuous improvement. Work is underway to scope nationally managed units, for ICP and High Court, whilst continuing to concentrate on presentation of Summary and Sheriff and jury cases in local courts.

We are exploring the best use of all types of resources, including technology, to ensure that Sheriff and Jury cases are prepared and prosecuted as efficiently and effectively as possible and continuing work with our partners to implement the Sheriff and Jury reforms set out in the Criminal Justice (Scotland) Bill, in order to lay a sound foundation for a smooth transition as and when the relevant parts of the Criminal Justice Bill are introduced in to law. That includes changing the way the work is done in relation to case preparation, effective communication with the defence, resolution of cases at an appropriate stage and new ways of presentation of evidence in Court.

We are working with Scottish Court Service and other criminal justice partners to implement the SCS move towards 3 High Court centres, 16 Sheriff & Jury centres and to explore the proposal for the creation of 3 Justice Centres.

We will be part of Scotland's Digital Future and currently are further improving our IT systems and services to support business delivery; developing integrated corporate systems and reviewing our estate, all to ensure we both align with new justice system structures and operate our Service as cost-effectively as possible.