

Justice Committee

Inquiry into the role and purpose of the Crown Office and Procurator Fiscal Service

Written submission from Police Scotland

Question 1

Please outline your views on the overall efficiency and effectiveness of the COPFS in its core role of considering reports about crime from the police and bringing prosecutions. Are there ways in which the services provided by COPFS could be improved – for instance, through increases use of technology, further reforms to criminal procedure, or better case management? If so, do those changes also bring risks, in terms of the overall interests of justice or of access to justice (bearing in minds the differing needs of people across Scotland; urban and rural communities, economically disadvantaged people, vulnerable groups, etc)?

Police Scotland value the independence of COPFS in their receipt and consideration of reports submitted by ourselves and other agencies. It should be noted that COPFS are one component in a justice system; the police decision to report is separate to the COPFS decision regarding the appropriate course of action for them, and that too is separate from any court verdict and sentence.

I would draw attention to the recent COPFS Prosecution Policy developments that led to the introduction of Recorded Police Warnings. This change enables police to take earlier action that reduces time and cost, while still facilitating a comparable and proportionate outcome.

Question 2

Please outline how well you consider COPFS works with other stakeholders in the criminal justice system, so as to provide a 'joined up' and complementary service that helps meet the ends of justice. Other stakeholders might, for instance, include the police, defence lawyers, the courts the prisoner service, criminal justice social work, and third party organisations working with victims and offenders.

As noted above, justice requires a 'system' approach rather than a silo one. The current structures and working relationships amongst stakeholders are established and sound. The Justice Board enables very senior representatives from partner agencies to work together to deliver the Strategy for Justice in Scotland. That forum is supported by the Justice Systems Planning Group, where again, a collaborative approach to change and improvement is evident. That forum has enabled progress with follow up work to areas for improvement, including the recommendations from Audit Scotland's review of the efficiency of prosecuting criminal cases through the sheriff courts.

These groups also enable joint consideration of the Scottish Government Justice Digital Strategy and changes to technology as asked at Question 1. While those involved in these groups have been collaborative in major work for the Digital Strategy, the relationships have also enabled consideration of smaller IT changes that would benefit

multiple justice partners. Areas under consideration at present include a link between police and COPFS to improve flow of citations, and a link between police, COPFS and SCTS to improve the scheduling of police witnesses for court cases.

COPFS have recently restructured with their 'Shaping the Future' programme which we were actively consulted on. This was a welcome and constructive process, demonstrating sound consultation with ourselves and other partners.

In addition to the broad cooperation between the police and COPFS, there are strong links in the preparation of specialist cases, with dedicated staff in both organisations for crime types such as homicide, sexual offending, fraud and cyber-crime.

It is widely documented that there has been a rise in the reporting and prosecution of rape, sexual and child abuse offences. The development of specialist prosecutors in this field is most welcome. The continued demands in terms of volume, complexity ('online' and off) and most importantly, impact on victims, is one that impacts on resource and skill requirements in all justice partners. COPFS will be best placed to express a view regarding their current resourcing in this important and challenging area of criminality.

Question 3

Does the COPFS as presently constituted have the resources and skillsets it needs to carry out its role effectively: and is appropriately "future proofed" – for instance to deal with new technologies available to criminals, changes in the overall profile of crime in 21st century Scotland, or withdrawal from the European Union? If not, what additional capacities does the COPFS need?

Criminality is changing; there is a greater move towards 'digital' crimes, including online fraud, human trafficking and indecent images of children. COPFS, like other justice partners, undoubtedly recognises these changes and the associated resource demands. The capture, processing and presentation of digital evidence is a matter of interest to all justice partners at present as it becomes an increasing feature in cases of all types. It is likely that resource and skill increases in the 'cyber' environment will be a pressure for many justice partners.

The proposed introduction of a Digital Evidence Vault, under the Justice Digital Strategy, and the greater data handling capabilities will be beneficial – digital media, case papers, electronic data etc. should be easier to process and share within the justice system, leading to greater efficiencies.

I believe it would be more appropriate for COPFS themselves to comment on the impact withdrawal from the EU will have for their staff time and resource.

Question 4

How well does COPFS respond to the needs of victims of crimes and to witnesses (especially vulnerable witnesses) in criminal cases and meet its legal obligations towards them?

Victim support networks are in a better position to answer this question but I would offer the following comments for consideration: -

The recognition that the needs of victims should be supported is a well established principle. Section 4 of the Victims and Witnesses Act (Scotland) 2014, enabling a victim to request a review of a COPFS decision not to prosecute, is a significant change to the transparency and victim focus of justice in Scotland.

I am not aware of the impact that this has had on COPFS, but would recognise that it is 'new demand' and may well have had a resource impact. I believe that the information on their website regarding this has improved greatly since this statute came into effect.

The existence of the Victims Code for Scotland is very positive, as is the protocol that exists between COPFS / SCTS / Victim Support Scotland and Police Scotland called Working Together for Victims and Witnesses.

The Evidence and Procedure Review, mentioned earlier, is also considering changes to the justice system that would influence the treatment of child and vulnerable victims and witnesses. This has been an area of recent improvement in the justice system and continues to evolve.

Question 5

The Inspectorate of Prosecution in Scotland is the independent, statutory inspectorate for the COPFS. What is your awareness of the existence of the role of IPS of its effectiveness in carrying out that role? How effective has it been in carrying out that role? Does it appear to have the resources it needs?

I am aware of the Inspectorate of Prosecution in Scotland and its collaboration on occasions with Her Majesty's Inspectorate of Constabulary in Scotland (HMICS). I would suggest that HMICS may be a more suitable source of evidence in this respect.

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