



CROWN OFFICE
& PROCURATOR
FISCAL SERVICE

SCOTLAND'S PROSECUTION SERVICE

CROWN OFFICE AND PROCURATOR FISCAL SERVICE

Securing Justice:
Our strategic plan for 2020-2023

CONTENTS

Foreword by Crown Agent	3
Introduction	4
Covid-19	6
Our Purpose	8
Securing Justice	9
Our Goals	11
Deliver High Quality Casework	12
Support Our People	13
Improve Our Service	14

FOREWORD BY CROWN AGENT

The Crown Office and Procurator Fiscal Service sits at the heart of both the criminal justice system in Scotland and the system for the investigation of sudden and suspicious deaths. Those systems and everyone who contributes to them, like every other part of society, face unprecedented challenges as a result of the Covid-19 outbreak which will sustain throughout the life of this plan and beyond.

Our core commitment to integrity and rigour in our decision making will remain steadfast, delivered by dedicated and professional people who value the contribution which they make to an independent and fair justice system. While we face new and difficult challenges, we remain committed to preserving this foundation and upholding the rule of law in Scotland.

The complexity and profile of our casework has changed significantly in recent years. We are seeing an increase in the types of offences that require longer, more complex investigations and court hearings. We have seen an increase in the number of reports of serious sexual offending and major crime, both of which require significant expert resource to investigate and prosecute properly. The challenges of investigating and prosecuting crime in a world constrained by physical distancing are profound. Equally, the efforts to find new ways of working have been inspiring. There will be many innovations, such as increased remote working flexibilities, reduced unproductive business travel and a greater sense of community which we must all strive to retain. At the same time, across our casework, we are dealing with increased volumes and complexity of evidence as a consequence of the expanded use of social media and electronic communication. That said, those same advances in technology also present us with solutions for the conduct of hearings in an increasingly virtual system.

We have sought and secured additional resource. Our key challenge, to which we will rise, is to innovate, adapt and indeed enhance the important public services which we provide to the people of Scotland.

Working together with our many partners in the justice system and beyond, I am confident that we can and will, throughout the life of this plan, demonstrate the benefits of continued investment in a professional public prosecution and deaths investigation service.

David Harvie
Crown Agent

INTRODUCTION

The Crown Office and Procurator Fiscal Service (COPFS) is Scotland's public prosecution and death investigation authority.

The Lord Advocate is head of the systems for the prosecution of crime and investigation of deaths in Scotland, functions which are exercised independently of any other person. As such, the Lord Advocate has Ministerial responsibility, together with the Solicitor General for Scotland, for the work of the Crown Office and Procurator Fiscal Service.

The Crown Agent is the head of the Service and also performs the roles of chief executive and legal advisor to the Lord Advocate in respect of the Service's work. He chairs the Executive Board which manages the work of the Service and is directly supported by a Deputy Chief Executive and three Deputy Crown Agents. A number of non-executive Directors are members of the Executive Board.

The Service is divided into three functions, each led by one of the Deputy Crown Agents:

Local Court – operating out of all of our local offices, this function prepares and prosecutes all summary casework in the Justice of the Peace Court and Sheriff Court and prepares and prosecutes indictable offences in the Sheriff Court. Our National Initial Case Processing team is part of the Local Court function and is responsible for taking prosecution decisions in summary casework;

Serious Casework – operating out of the crime campus at Gartcosh and other local offices, this function investigates and prepares all High Court cases, investigates sudden deaths and has a number of specialist teams dealing with complex casework such as international co-operation, organised and economic crime, complaints against the police, health and safety, environmental and wildlife crimes;

Operational Support – this function is made up of two parts which work together to support the management and operational work of the service: Business Services, led by the Deputy Chief Executive, is responsible for essential corporate functions such as finance, people management, information technology and learning and development; Policy and Engagement supports the Law Officers and the Crown Agent in their engagement with the Scottish Government and other organisations, provides a prosecution input to the development of legislation and handles all engagement with the public about complaints and reviewing decisions not to prosecute.

The Service can only fulfil its responsibilities by working together with other organisations in the criminal justice system and its principal strategic relationship is with the Police Service of Scotland.

Policing and Prosecution in Scotland

The primary duty of a police constable in Scotland is to prevent and detect crime. As a matter of law, the police, in carrying out this duty, are subject to the instruction of the prosecutor in relation to the investigation of offences. The Lord Advocate is also entitled to issue instructions to the police about the reporting of offences to prosecutors and these instructions must be complied with.

This legal structure supports the rule of law in Scotland by recognising the expertise of the police in investigating crime, the responsibility of prosecutors in respect of the investigation of crime, and the independence of prosecution decision making. It underpins a long-standing collaborative working relationship which allows police officers and prosecutors to work closely and effectively together, particularly in complex and serious cases.

Leaders at all levels in COPFS and the Police Service of Scotland meet regularly to share and support each other's priorities and the effectiveness of this relationship will continue to be critical to the success of each organisation's strategic ambitions.

COVID-19

This plan was developed in preparation for the three year period between 2020 and 2023. As the Service consulted with stakeholders about the plan in early 2020, the initial impact of the Covid-19 virus became apparent. The plan has therefore been finalised during the lockdown which started in March 2020.

The senior leadership of the Service has reviewed the plan in light of the initial and likely long-term impact of the pandemic. While it is clear that very significant changes will be required in the justice system and the ways in which the Service works over the course of the plan, its purpose and strategic goals remain valid.

We must, however, make considerable changes in light of the pandemic to our annual business plans which will support the implementation of the purpose and goals set out in this plan.

In responding to the pandemic, the Service made some immediate changes to the way it works in order to protect the health of staff and the public while continuing to provide an essential public service. As restrictions were introduced by the UK and Scottish Governments to limit public movement staff started working from home. Those who were required to self-isolate to protect themselves and others and those with caring responsibilities were allowed to take leave and a small number of staff continued to work from our offices and in court in order to deal with priority casework and keep victims and witnesses updated. Our HR team quickly developed new policies and practices to support staff during this sudden transition.

It is already clear that we will continue to work remotely beyond the period of the pandemic.

The Service had already reviewed and improved its corporate resilience planning in recent years and its new Corporate Resilience Group was activated ahead of the full impact of the government restrictions. We established links to the Scottish Government's resilience planning, Police Scotland and the Scottish Courts and Tribunals Service to co-ordinate our response and provide clarity and direction for staff and stakeholders about the sudden changes which were taking place.

Plans for a significant upgrade of the Service's wider digital infrastructure later in 2020 were accelerated to March 2020, allowing 1,500 modern laptops and several hundred smart phones to be issued to staff over a three week period. This allowed all staff who were able to work to do so remotely, processing casework, using digital video conference for discussions and meetings and keeping victims and witnesses updated throughout a period of significant uncertainty and change.

At the same time, our Policy Team worked intensively with the Scottish Government on the emergency legislation and prepared urgent guidance for staff on the new provisions. As a

result, new provisions such as the electronic processing of search warrants and the use of electronic documents to replace paper processes were successfully implemented within days of the legislation being passed. At the time of publication, good progress has been made in the use of digital technologies to present arguments in criminal appeals and we anticipate being able to use digital technology to conduct virtual courts, including trials, over the summer months.

The Lord Advocate issued guidelines to the police on the use of the new fixed penalty powers and on liberation from custody. He also announced in May 2020 that a new team would be established to investigate all Covid-19 related deaths.

The impact of the necessary closure of courts on casework and victims and witnesses has been dramatic. Almost all of the Service's casework came to an immediate halt while new cases continue to be brought to court at almost the same rate as before the pandemic. Urgent work, led by the judiciary, is underway to develop new ways of conducting criminal trials but it is already clear, despite the use of digital technology to conduct virtual courts, that the criminal justice system will be operating at a much lower level of capacity into 2021 and beyond. It will, as a result, take years for the volume of criminal casework in the courts, even when they are able to operate at pre-pandemic capacity, to return to its usual level.

The impact on victims and witnesses of criminal courts coming to a sudden halt has been very significant and there is no doubt that cases will now take longer to reach a conclusion than has previously been the case. We will continue to keep victims and witnesses informed of the progress of cases throughout this difficult time.

In a matter of weeks, the Service has transitioned quickly to meet these challenges and implement new ways of working which promote and protect the welfare of staff. Our early achievements in responding to the pandemic are due to the commitment and flexibility of our staff. Our ability to meet the new challenges which we now foresee will depend on our staff remaining engaged, skilled and motivated to deliver our purpose and our strategic goals. This plan is intended to support them and their work as they focus on the next three years and beyond.

OUR PURPOSE

Our **purpose** is to secure justice for the people of Scotland in respect of the investigation and prosecution of crime and the investigation of deaths. Our work helps to ensure that Scotland is safe from crime, disorder and danger.

By investigating and prosecuting crime in terms of our Prosecution Code, we ensure that those responsible are identified and held accountable. By investigating deaths, we ensure that appropriate lessons are learned with a view to reducing the incidence of avoidable deaths. We act to uphold the rule of law independently, robustly, fairly and effectively.

We achieve our **purpose** by:

- Investigating and prosecuting crime, including allegations of criminal conduct against police officers.
- Investigating sudden, unexplained or suspicious deaths in order to establish in early course the causes of death, as well as to eliminate the risk of undetected homicide, to identify preventable dangers to life and to the health and safety of the public and to allay public concern.
- Removing financial gain achieved through criminal and unlawful conduct.

The public interest is at the heart of everything we do and we promote it through the independence and rigour of our decision making, investigations and the conduct of our cases in court.

We recognise that caring for the welfare of our people, supporting their development, strengthening their engagement and motivating them to achieve our goals are the most significant contributions we can make to achieving our purpose.

We take into account the diverse needs of bereaved relatives, victims, witnesses and communities and we protect the rights of those accused of crime – and at all times we uphold our values of being professional and showing respect.

We respect the European Convention on Human Rights and the public sector equality duty in the Equality Act 2010 in all areas of our work. Through our published Equality Outcomes, we demonstrate the importance of equality in service delivery, staff development, recruitment and profile and in the development of our policies and practice.

We work closely with partners in the criminal justice system and beyond to protect the public and create a safe society.

SECURING JUSTICE

The profile and complexity of our criminal casework has changed dramatically in recent years.

While reported crime has decreased since 2013, we are seeing an increase in the number of complex investigations and trials. In the last two years, the number of High Court level sexual offences reported to the Crown increased by approximately 50% and has remained at that level while the number of major crime cases being investigated increased in 2019 by 40%. Offences such as these require teams of highly skilled prosecutors and intensive joint working with law enforcement agencies in Scotland, the United Kingdom and abroad.

The continuing increase in the availability of digital and scientific evidence brings new investigative opportunities, but also the need to equip and train our staff and to work with appropriate experts in investigating and preparing cases for court.

Our work to investigate sudden or suspicious deaths has also become more complex, requiring dedicated teams of staff to be established for the most complex cases. This increasing complexity has been caused by a number of factors, such as changes in medical care and technology, which require us to consult with experts to support the investigation, and an increasing number of drug related deaths in Scotland.

We provide advice and information, in accessible formats, to vulnerable people who find themselves involved in the criminal justice process as victims, witnesses, accused or bereaved relatives.

In 2018-19, following a significant review, we secured additional in-year funding from the Scottish Government to allow us to match our staffing resource to the demands of our work. This allowed us to recruit approximately 140 permanent additional staff in 2019 and we have begun to equip our staff to respond to the changing profile and complexity of our casework.

Our new staff have been deployed across Scotland in all of our functions including our fatalities investigations unit, national sexual crimes unit, victim information and advice teams and local court teams.

We also secured additional funding to help us prepare for the United Kingdom's exit from the European Union.

This investment takes COPFS to its highest-ever level of staffing at the start of the 2020-23 period and our budget for 2020-21 allows us to maintain this level throughout the first year of this plan.

The Covid-19 outbreak, however, presents new and unprecedented challenges. Physical distancing measures create a necessary but significant constraint on the capacity of our offices

and the courts in which we operate across the country. Sadly, many more deaths, each a personal tragedy, will require to be investigated.

These impacts will be reflected and addressed in greater detail in the annual business plans which will underpin this strategic plan.

This plan is built on an assumption that we will continue to be able to match our staffing resource to the demands of our work throughout that period. We recognise this assumption could become more challenging in light of the economic consequences of the Covid-19 pandemic but we remain committed, with this continued investment, to delivering a step change in the level of service we provide to the public by:

- concluding complex death and criminal investigations more quickly, particularly cases involving children and vulnerable witnesses;
- doing more case preparation at the earliest stages of cases so that the progress of cases can be better managed;
- providing meaningful, consistent and more frequent contact for bereaved relatives and victims to help reduce uncertainty during investigations and case preparation and throughout the prosecution process; and
- supporting children and vulnerable witnesses to have their evidence recorded at an earlier stage in the investigation for use in court.

To achieve this improved level of service we have set ourselves a number of operational objectives:

- earlier indicting of sexual offence cases in the High Court and Sheriff Court;
- providing victims, vulnerable witnesses and bereaved relatives with more regular updates which explain the progress of investigations and case preparation;
- shortening the time taken to conclude complex death investigations;
- supporting work across the justice system to implement new domestic abuse and vulnerable witness legislation; and
- working with the courts and criminal justice partners to resolve summary cases at a much earlier stage in order to reduce inconvenience to victims and witnesses.

These operational objectives are reinforced in this plan by objectives to support our staff, improve their wellbeing at work and to continue modernising the way in which we work.

We will measure progress on these objectives against our organisational performance between 2017 and 2020.

Between 2020 and 2023 we intend to meet the challenges of the Covid-19 pandemic and deliver a significant transformation in our service. In the creation of this strategy we have consulted with our staff and organisations with whom we work closely to consider the service we aspire to provide by 2023, and the changes we will make to achieve this.

OUR GOALS

Deliver | Support | Improve

We deliver a vital service to the people of Scotland. We undertake highly complex work at all levels across our organisation. We strive to deliver the quality of service which the public rightly expects of us.

Our work is becoming more challenging due to changes in the profile and complexity of our casework. We are committed to rising to meet these challenges and **continuously improving** the levels of service we provide to the public.

Delivering our Strategic Plan for 2020–23 will ensure that Scotland’s prosecution and sudden death investigation service remains fit for purpose in the face of a changing landscape.

Our **goals** for 2020-2023 are to:

- **Deliver** high quality casework
- **Support** our people
- **Improve** our service

Our work to deliver these **goals** is supported by a suite of **corporate strategies which set out in more detail how our goals will be achieved**:

- [Digital](#)
- Employee engagement
- [Estates](#)
- [Finance](#)
- Learning and Development
- [Procurement](#)
- Wellbeing
- [Workforce](#)

Our **goals** contribute to a number of the National Outcomes in the Scottish Government’s National Performance Framework and all of the Outcomes of its Justice Vision.

Scottish Government National Outcomes¹:

- We live in communities that are inclusive, empowered, resilient and safe
- We respect, protect and fulfil human rights and live free from discrimination
- We value, enjoy, protect and enhance our environment
- We have a globally competitive, entrepreneurial, inclusive and sustainable economy

Scottish Government Justice Vision Outcomes²:

- We live in safe, cohesive and resilient communities
- Prevention and early intervention improve wellbeing and life chances
- Our system and interventions are proportionate, fair and effective
- We deliver person-centred, modern and affordable public services

¹<https://nationalperformance.gov.scot/>

²<https://www.gov.scot/publications/justice-scotland-vision-priorities/>

DELIVER HIGH QUALITY CASEWORK 2020-23

We will secure justice through independent, robust, fair and effective professional decision-making, case preparation and presentation. We will explain our decisions, be open about our work and conclude our investigations more quickly.

We will:

- Work in partnership with other criminal justice organisations to restore the criminal courts after the Covid-19 pandemic.
- Secure timely justice through appropriate prosecutorial action, achieving the right outcome at the earliest opportunity.
- Investigate thoroughly, robustly and timeously sudden, unexplained or suspicious deaths – keeping bereaved relatives updated during our investigations.
- Treat victims, witnesses and bereaved relatives with respect and professionalism and respond to their individual needs in order to support their participation in the prosecution process.
- Work in partnership with support organisations for victims of crime and bereaved families to improve the justice process.
- Respect and uphold the rights of those accused of crime so that they can effectively participate in the prosecution process.
- Support children and vulnerable witnesses to give evidence in a way that is appropriate to them.
- Recover - by the most effective means possible - money or assets gained through criminal or unlawful conduct, particularly those from organised crime and serious economic crime.
- Help make Scotland fairer and safer through our robust investigation and prosecution of hate crime, domestic abuse and sexual offending.
- Work effectively across international boundaries in pursuing the investigation of cross-border crime and facilitate foreign law enforcement investigations in Scotland.

SUPPORT OUR PEOPLE 2020-23

We will build a skilled, engaged and diverse workforce, invest in staff development and strengthen our capacity to deliver an improved service.

We will:

- Support our staff and promote their health and wellbeing as they adapt to flexible and remote working during and after the Covid-19 pandemic.
- Continue recruiting whilst reducing non-staffing costs to allow us to maintain the right size of workforce and enhance pay and other benefits.
- Promote and improve the wellbeing of our people by providing access to support services such as the Employee Assistance Programme and Vicarious Trauma Support.
- Empower our people to develop their careers by reviewing and modernising their roles and responsibilities and offering them clear career development paths.
- Invest in our people to give them the skills and knowledge they will need to meet public expectations of our service.
- Develop our future leaders to inspire, innovate and engage.
- Encourage and support our people to make ever greater use of their professional judgement and skills to make the right decisions at the right time.
- Give our people certainty and confidence in their role by limiting the use of fixed-term and temporary appointments.
- Be an inclusive employer with a workforce which proportionately reflects the diversity of Scottish society and where staff have an equal opportunity to achieve their full potential.

IMPROVE OUR SERVICE 2020-23

We will continue to digitise and modernise the way we work, supporting wider reform of the criminal justice system, securing efficient and effective justice and putting the public at the heart of all we do.

We will:

- Build on the establishment of remote digital working as part of the Covid-19 pandemic response to ensure that our services are flexible, professional and meet the needs of staff, victims and witnesses
- Communicate courteously, promptly and effectively with victims, witnesses and bereaved relatives and deal professionally with enquiries and complaints
- Meet our duties in relation to the Victims' Code for Scotland and the Standards of Service for Victims, encouraging feedback from victims and witnesses and removing barriers to them sharing their views
- Invest in our digital services for the benefit of the public, the criminal justice system and our staff
- Work with forensic pathology and health service providers in Scotland to redesign the provision of forensic pathology services in all sudden, unexpected and suspicious deaths investigations
- Engage with the wider justice system and support services to promote the reduction of re-offending and enhance the effectiveness of criminal justice outcomes, particularly for children and young people and vulnerable adults
- Support and deliver reform to benefit the whole criminal justice system
- Learn from feedback and complaints and from the reviews of the Inspectorate of Prosecution in Scotland to ensure that we are meeting the needs of the people of Scotland
- Continue to engage with local communities to promote equality, diversity and inclusion and raise public awareness of the role of the COPFS in Scotland
- Demonstrate Best Value by promoting sound governance, good management, continuous improvement and reporting on our performance
- Continue to work as efficiently and effectively as possible within the resources we have available.

CROWN OFFICE AND PROCURATOR FISCAL SERVICE

0300 020 3000 | www.copfs.gov.uk