

RELEASABLE

SUMMARY OF SEPA AND COPFS PROTOCOL FOR SUBMISSION, PROCESSING AND MONITORING OF PROSECUTION REPORTS

INTRODUCTION

COPFS and SEPA are committed to ensuring effective liaison so that reports from SEPA achieve the best outcome for the environment and the public interest. The Protocol has been developed to ensure that liaison arrangements between COPFS and SEPA are transparent, with cases being dealt with in the most effective and consistent way.

A summary of the responsibilities of SEPA and the Area Specialists are set out below. In addition the Protocol covers liaison arrangements at national and local level and joint training as well as disclosure and publicity. Reference should be made to the Protocol for more detail.

SUMMARY OF SEPA RESPONSIBILITIES

- If the Reporting Solicitor (RS) has any concerns about a case they should be discussed as early as possible with the Area Specialist, requesting a case conference if this would assist
- SEPA's target is to report 90% of cases in 6 (4) months of the date of the incident to ensure there are no undue delays in investigations and reporting. Technically complex investigations, especially those requiring specialist evidence, may take longer.
- SEPA will prepare a prosecution report (PR) in accordance with the Guide for Specialist Reporting Agencies and SEPA internal guidance.
- SEPA will submit reports electronically via SRAWEB.
- The RS will notify the Area Specialist of submission of the PR. Any productions and visual aids will be sent direct to the Area Specialist, with a covering letter from the RS copied to the relevant district PF.
- All SEPA enquiries about the progress of the case should be directed to the Area Specialist and contain the PF reference number.
- SEPA will not disclose a decision not to proceed to an accused without the written consent of the PF.
- The Reporting Officer (RO) or RS may attend court for information and to assist the PF. They will make themselves known to the PF in court so that any issues concerning their presence can be discussed with the defence.
- Where SEPA staff are cited to attend at court, they should immediately contact the Area specialist or the RS if there are any problems of availability. Where their attendance is subsequently not needed (e.g. change of plea) they will be promptly informed.
- If there is a possibility of a Crown appeal following the conclusion of a case SEPA should make immediate representations to the PF, which can be taken into account by the Appeals Unit and Crown Counsel when considering the merits of an appeal.

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RESPONSIBILITIES OF COPFS AREA SPECIALIST

- A letter of acknowledgement of receipt of a case will be sent to the RS within 14 days, containing the PF reference, confirmation of who is dealing with the case and the contact telephone number.
- Requests for any further information from SEPA will be directed to the RS, who will arrange to provide it as soon as practicable.
- The Area Specialist will take the views of SEPA into account when marking a case.
- The Area Specialist will let the RS know whether or not proceedings will be taken within 5 weeks of receipt of the PR. If more time is needed, the Area Specialist will give the RS a revised timescale.
- When the PF decides to take no proceedings or an alternative to prosecution, s/he will advise the RS in writing with details of any reasons that can be disclosed.
- When the PF decides to take proceedings the forum and charges will be discussed with the RS.
- The decision will be communicated in writing to the RS with a copy of the complaint or petition and a note of when the case will call in court, if known. When the calling date is not known it will be communicated to the RS as soon as it becomes available.
- The Area Specialist will let the RS know the outcome of any callings of the case as soon as practicable and within no more than 5 working days, and will advise on the next stage in proceedings.
- If the accused pleads guilty or is convicted, the Area Specialist will communicate this on the same day if possible.
- When the charges drafted by SEPA are to be substantially changed or the Area Specialist is considering a plea adjustment that will result in not guilty pleas being accepted to some charges, the RS should be advised and any views expressed by him/her taken into consideration.
- When the case has been allocated for advance notice preparation (for trial or debate) and the specialist is unable to deal personally with the case, details and a contact telephone number will be communicated to the RS, with a request for a pre-trial case conference.

POST DISPOSAL ASSESSMENT MEETING

For significant cases, or at the request of either party, a post-disposal assessment meeting may be called to learn lessons for the future. Any learning can be reported back to the SEPA/COPFS national or local liaison meetings.