



CROWN OFFICE
& PROCURATOR
FISCAL SERVICE

SCOTLAND'S PROSECUTION SERVICE

Draft Strategic Plan 2023-27

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About COPFS

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

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 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.

Our leadership and structure

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 performs the roles of Chief Executive and legal advisor to the Lord Advocate in respect of the Service's work. The Crown Agent 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. The Executive Board also includes several non-executive directors.

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

- **Local Court:** operating out of local offices across Scotland, 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 several 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, coronavirus deaths and deaths in custody.
- **Operational Support:** this function 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 engages with the public about complaints and reviewing decisions not to prosecute. Operational Support is also responsible for essential corporate functions such as finance, people management, information technology and learning and development.

How we work with partners

We can only fulfil our responsibilities by working together with partners to deliver justice.

We work closely with other organisations in the Scottish criminal justice system, specialist reporting agencies and those in the third sector to ensure the effective prosecution of crime and investigation of deaths in Scotland.

Our 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.

Our starting point

Operational context

There are four key areas of context which inform the starting point for us in delivering our strategy.

Effect of coronavirus pandemic

The coronavirus pandemic had a profound impact on the justice sector and wider country and since March 2020 we have dealt with significant uncertainty and unprecedented change for COPFS and for the people of Scotland.

We now face the challenge to tackle the significant backlog of criminal cases and to fully investigate the additional deaths reported to COPFS as a direct result of the impact of the pandemic. In partnership with the Scottish Government and others in the justice sector we see this recovery period as an opportunity to improve our service, innovate our processes and build a stronger justice system.

Changing nature of crime in Scotland

Our work is becoming more challenging due to changes in the profile and complexity of our casework. Reported crime has decreased overall in the last ten years but we have seen an increase in the number of complex investigations and trials – requiring teams of highly skilled prosecutors spending more time on cases.

Sexual crime makes up almost 70% of High Court cases. The number of charges reported to COPFS with a domestic abuse identifier increased by 7% between 2019-20 and 2021-22.

We anticipate that cases involving violence against women and children, sexual crime and domestic abuse will form the bulk of our casework for some years to come. We are committed to rising to meet these challenges and continuously improving the levels of service we provide to the public.

Staffing and resources at an all-time high

Over several years COPFS has secured additional funding from the Scottish Government to provide the resources needed to meet COPFS' state obligations to deliver justice and to enable us to transform our service delivery in the face of the changing nature and complexity of our casework and to contribute to the recovery of the criminal justice system from the coronavirus pandemic. This investment has enabled the recruitment of record numbers of new staff, taking COPFS to its highest-ever level of staffing at the start of the 2022-23 period, with a significant proportion of the workforce being relatively new to COPFS.

Reduced public spending

The publication of the Scottish Government's Resource Spending Review (RSR) in May 2022 set out the spending framework for the years 2023 to 2027, with an expectation that public sector organisations will deliver improved outcomes with less. It is essential for COPFS to meet these challenges and reasonable public expectations from the provision of additional resources and to innovate, improve and deliver.

Scotland's prosecution service and death investigation authority in numbers

*** All of the following data will be presented in infographics.**

Casework – figures for the 2021-22 reporting year

- 15,377 death reports received, an increase from 10,921 for the year ending 2020.
- 148,925 Criminal reports received
- 6,848 Sheriff and Jury indictments issued, an increase from 6404 for the previous year
- 979 High Court indictments issued, an increase from 920 for the previous year
- 148,789 total cases receiving a first substantive marking, a decrease from 163,311 for the previous year

Coronavirus

The pandemic has created a significant backlog of criminal cases and an increase in death investigations, and we continue to work with justice partners to address this, with support from the Scottish Government.

- As of October 2022, there are 31562 criminal trials scheduled, down from a peak of 43606 in January 2022
- As of May 2022, 5376 Covid deaths have been reported to COPFS for investigation

People

- We have 2213 staff (full time equivalent)
- An increase of 41% since 2018
- Including 643 lawyers (up by 34% since 2018)
- Our workforce is 70% female and 30% male
- 6% of our workforce have a declared disability

* Workforce figures are correct as of 31 March 2022

Budget

*Budget details for 2023-24 will be added before publication.

Our strategy 2023-27

***This will be presented as a graphic**

Our mission and vision

- We act professionally, independently and in the public interest as Scotland's prosecution service and death investigation authority.
- We work together across a transformed and effective justice system to meet the needs of the public.
- We are inclusive, compassionate, and readily engage to support victims, witnesses and bereaved nearest relatives.
- We deliver a person-centred and trauma-informed service and we're committed to victims and witnesses being at the heart of what we do.
- Our people are skilled and resilient, strive for continuous improvement and feel supported to consistently deliver excellence. We are inclusive and champion equality.
- We work innovatively and efficiently to maximise our resources and deliver a high-quality public service.

Our values

- Being professional
- Showing respect

Our strategic aims

- Improve our service
- Deliver high quality casework
- Support our people to deliver excellence

Our transformation priorities

- Women and children in justice
- Improved communication and support

- Quicker conclusions to death and criminal investigations

Our strategy in detail

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 strategy will guide everything we do and help focus our work where it really matters.

Scottish Government Vision for Justice

Our goals contribute to the Scottish Government's Vision for Justice.

The Vision for Justice sets out the priorities and aims of the Scottish Government for the period 2022 – 2026. Priority actions for the Scottish Government relate to how women and children are treated by the justice system, and the importance of hearing victims' voices. COPFS are committed to these actions

The Scottish Government has outlined five strategic aims to deliver the Vision for Justice, which COPFS supports and enables:

- We have a society in which people feel, and are, safer in their communities
- We work together to address the underlying causes of crime and support everyone to live full and healthy lives
- We have effective, modern person-centred and trauma-informed approaches to justice in which everyone can have trust, including as victims, those accused of crimes and as individuals in civil disputes
- We support rehabilitation, use custody only where there is no alternative and work to reduce reoffending and revictimization
- We address the on-going impact of the COVID-19 pandemic and continue to renew and transform justice

Our transformation priorities

We have identified three priority areas where we will focus much of our improvement work over the next few years. Our transformation priorities are embedded within the activities outlined in our Strategic Plan. Delivering real improvement in these three areas will enable us to achieve our ambitious vision by 2027.

Women and children in justice

Throughout the life of this strategy, we will transform the way we prosecute sexual offences and domestic abuse. We will also make improvements to the investigation of child deaths by COPFS.

The World Health Organisation (WHO) describes violence against women as a public health concern of pandemic proportions. It is associated with serious short term and lifelong physical, sexual, reproductive, and mental health consequences for women and children.

In Scotland, charges reported to the Crown Office with a domestic abuse identifier have been increasing year on year.

COPFS is committed to making improvements to our services which will benefit and empower women, improving their experience of the justice system. We are also committed to ensuring that the needs of children in the justice system as victims, witnesses, family members or those accused of crime are fully recognised and met.

Improved communication and support

We will provide meaningful, consistent, and more frequent contact for victims and bereaved relatives to help reduce uncertainty during investigations and case preparation and throughout the prosecution or death investigation process.

Victims, witnesses, and bereaved family members are entitled to effective participation in, and information about, the criminal justice process. The rights of victims are embodied in the European Directive on the rights, support, and protection of victims of crime, the Victims and Witnesses (Scotland) Act 2014 and the Victims' Code for Scotland.

We engage with vulnerable victims and witnesses through our Victim Information and Advice (VIA) service which aims to facilitate a more person-centred and informed experience for them.

Quicker conclusions to death and criminal investigations

We aim to conclude criminal and death and investigations more quickly, particularly cases involving children and vulnerable witnesses.

There is a backlog of cases in the criminal system following the pandemic. We aim to reduce waiting times to pre-covid levels.

Our strategic aims

Our three overarching strategic aims explain what we need to do to realise our vision. There is no hierarchy between the strategic aims – each is equally important if we are to achieve our vision.

Improve our service

As well as transforming the way we prosecute domestic abuse and sexual offending, we will continue to digitise and modernise the way we work, supporting coronavirus recovery and wider reform of the criminal justice system, securing efficient and effective justice, and putting the public at the heart of all we do.

Outcomes:

- Compassionate service with the needs of victims, witnesses and bereaved nearest relatives at its heart
- Services that protect and support women and children
- Effective processes and technology

Actions:

- We will review how prosecutors in Scotland deal with reports of sexual offences.
- We will deliver the VIA Modernisation Programme, improving the service we provide.
- We will improve the investigation of deaths to increase public confidence and awareness, to ensure that bereaved relatives can effectively participate in the death investigation process and to reduce the journey time for concluding death investigations including FAIs.
- We will review how COPFS investigates the deaths of children in Scotland.
- We will learn from feedback, complaints, and victims' requests to review decisions to ensure that we meet legitimate public expectations.
- We will continue to deliver digital-enabled transformation and to maximise our use of technology to improve the efficiency of casework and to deliver digital services to citizens and stakeholders. Projects include the Witness Gateway, Defence Agents Service and, working in partnership across the justice sector, the Digital Evidence Sharing Capability programme enabling easier evidence-sharing and earlier case resolution.
- We will reform how we prepare and conduct summary cases, resolving them at an earlier stage by providing advanced disclosure of key evidence where possible.
- We will fully establish a specialist custody deaths investigation team to investigate all deaths occurring in prison.
- We will implement the Scottish Government Trauma Informed Justice Knowledge and Skills Framework to ensure that COPFS provides a compassionate, trauma-informed service.
- We will openly engage with all current and future Public Inquiries in relation to the work of COPFS and ensure any relevant lessons learned are implemented and our service improved.
- We will engage with the Inspectorate of Prosecutions to ensure that the service we provide is improved.

Deliver high quality casework

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

Outcomes:

- Independent, robust, fair, and effective professional decision making
- Consistently excellent case preparation and presentation
- Transparent and accountable decision making

Actions:

- We will implement relevant recommendations from Lady Dorrian's review on improving the management of sexual offence cases.
- We will meet our UNCRC obligations to improve the experiences of children who are involved in criminal cases as victims, witnesses or who are accused of a crime.
- We will improve our organisational measurement and reporting.
- We will investigate deaths linked to Covid-19 within our remit and establish whether they require further action, such as a Fatal Accident Inquiry.
- We will engage with the United Kingdom and Scottish Parliament's consideration of relevant legislation and respond to legislative change.
- We will deliver justice through appropriate prosecutorial action, including the use of alternatives to prosecution to deliver proportionate, swift, and effective outcomes.
- We will continue to engage with local communities to promote equality, diversity and inclusion and raise public awareness of the role of the COPFS in Scotland.

Support our people to deliver excellence

We will build a skilled, trauma-informed, and diverse workforce who are motivated, engaged, and healthy. We will invest in staff development and strengthen our capacity to deliver an improved service.

Outcomes:

- A skilled, capable, and healthy workforce who reflect the diversity of Scotland
- Supportive and inclusive leaders who empower colleagues to make effective decisions
- Strengthened capacity and resilience, allowing us to deliver an improved service

Actions:

- We will build an organisational culture focussed on service delivery and public engagement.
- We will continue to support and enhance the wellbeing of our colleagues.
- We will continually develop our colleagues' knowledge and skills, ensuring competence and striving for excellence.
- We will provide our colleagues with effective digital tools, systems, and processes to enable them to be successful at work.
- We will aim to be an inclusive employer with a workforce which proportionately reflects the diversity of Scottish society and where staff have equal opportunity to achieve their full potential.
- We will continue to embed hybrid working and promote a healthy work-life balance for our colleagues.
- We will reward our colleagues fairly for the work they do and provide generous employee benefits and policies that create a supportive and inclusive working environment.

Implementing the strategy

Our work to implement the strategy will be supported by a suite of corporate sub-strategies which will set out in more detail how our goals will be achieved. A rigorous annual business planning process will ensure that we have realistic and funded business plans to support our strategy delivery.

We will measure progress on our objectives throughout the life of the strategic plan and report on organisation performance annually.

What will the success of our strategy mean?

Delivering our Strategic Plan for 2023-27 will ensure that Scotland's prosecution and sudden death investigation service remains fit for purpose in the face of a changing landscape.

We strive to achieve our 2027 vision and consider what this will mean for our colleagues, the users of our services and the Scottish public.

***This will be presented as a graphic**

Victim of a crime in 2027: "The prosecutor was a specialist who worked on these types of cases, and they were sensitive of my needs. I was assigned to the same VIA officer throughout the process, they understood my needs and kept me informed in the way that best suited me." "

Witness in 2027: “When COPFS took over from the police on the case it seemed like they had all the information as I didn’t need to tell them things again. I used the online portal to find out what was happening with the case but could also speak to someone if I wanted”.

Bereaved family member in 2027: “Dealing with COPFS was as easy as I could have hoped for during what was a terrible time for my family. I knew who was carrying out the investigation and they gave me updates as it progressed and listened to my family’s wishes. I could access information and support online as well.”

Accused person in 2027: “The prosecutor on the case took the time to find out about my additional support needs and my past and took these in to account when making their decision. I felt like I was treated as an individual.”

Member of the public in 2027: “If I was the victim of a crime, I would be confident that the prosecution service would make sure justice was done.”

COPFS colleague in 2027: “I like working for COPFS and I get training to help me progress in my career. There is a good work-life balance, and it feels like they care about their employees. Our digital systems make it easy for me to get on with my job.”