

COVID Criminal Endurance Group Update on w/c 25/1/2021

1. Update from meeting with SCTS/COPFS on Monday 1 February 2021

2. Other Items

Another brief summary of today's meeting. Attendees : Eric McQueen (SCTS); Stephen McGowan (COPFS); Denise (Scot Gov); Faculty (Roddy Dunlop and Ronnie Renucci); Law Society (AM and LJ)

Update from SCTS:

- 14 High Court trials running. Two had to be adjourned due to accused testing positive for Covid.
- Expect Aberdeen/Highlands & Islands High Court to be up and running on 22 Feb
- Judiciary & COPFS would like to see how all preliminary hearings (PH) could be moved to virtual. Will seek a rep from Faculty and Law Society to join a working group on PH on this.
- Evidence suite in Glasgow, now reconfigured to be able to take evidence on commission. Will open on 15 Feb.
- Fully virtual Custody Pilot in Falkirk seems to be fairly successful. A number of issues arising (not technology) but not dissimilar to custodies in person. Seems to be a willingness by all parties to make it work.
- ShP Pyle meeting Aberdeen Bar this week to seek agreement on virtual summary with a focus on domestic abuse. Intent is to try and get more business moving in a safe way.
- Re-adjourned summary trials, really keen to find a way to get back up and running.

From Faculty of Advocates:

- Remain grateful for work done to get High Court back up and running. No issues to raise at all.

From Law Society: Replies in Red

- Positive that they are seeking creative ways to increase levels of business safely
- Undertakings seem like an area that we could reduce footfall if COPFS were consistent across country on not requiring accused to be present **Response from COPFS is that there is an increased level of undertakings and their interpretation of legislation is that the accused needs to be present to agree bail conditions. Faculty interjected and said their view was that this could be done by accused signing off on bail conditions at a police station (that's how High Court is working). COPFS said that Sheriffs Principal are taking a different view. COPFS AGREED TO LOOK AGAIN PARTICULARLY RE CASES WHERE NO BAIL CONDITIONS AS AGREE RE OPPORTUNITY TO REDUCE FOOTFALL. HIGHLIGHTED THIS APPEARS TO BE AN AREA ISSUE AS OPPOSED TO A CASE CONDITION TYPE ISSUE.**
- Still ongoing issues with PIDMS. **COPFS said the tech is not being used as much as it should be. Still not accepting that App is an issue. They think it's a user issue. They want more info to understand. Will follow up with Law Society outside of meeting.**

- Mixed views being expressed about remote trials. Still lots of interest in how investment in infrastructure (e.g. Perspex screens) could improve business throughput.



Notaries survey
interim update for SG

- Questions being asked about multiple accused trials – **SCTS advised that that courts in Glasgow and Edinburgh still being configured to accommodate some.**

From SG:

- Stressed how the Legal Aid Resilience Fund will be capped. Individual applications will not be capped but the overall fund is capped at £9 million. Accessible by firms and law centres. Doing more modelling following Cabinet Secretary for Justice's discussion with Law Society Council. Denise gave example of a firm with no reduction in legal aid levels being able to access £51k. They need to do more modelling but ready to share scheme with Law Society

3. News

Seven sheriff courts across Scotland now linked to 'remote jury centres'

Seven sheriff courts across Scotland are now running jury trials linked to remote jury centres, with the latest running at the Odeon cinema in Dundee. The nationwide rollout of a digital programme to keep the justice system up and running during Covid-19 has continued apace with Edinburgh, Glasgow, Ayr, Paisley, Kilmarnock, Hamilton and Airdrie Sheriff Courts all now linked to the entertainment giant's local cinema network. This week Dundee Sheriff Court restarted solemn trials linked to its local Odeon movie-house after the Scottish Courts and Tribunals Service announced that criminal courts would focus on the most serious cases during the lockdown period. [FutureScot.com](https://www.future-scot.com)

Public pay £13m price for running remote jury trials during pandemic; CORONAVIRUS CRISIS

RUNNING criminal trials remotely during the Covid-19 pandemic has cost the taxpayer £13.5million, it has been revealed. As a result of the virus, the Scottish Courts and Tribunals Service (SCTS) has resorted to renting theatres and cinemas in an effort to hold trials and other hearings. The amount paid for space, cameras and lighting for trials at the High Court, where the

most serious crimes are heard, has cost nearly £7million since March. **Scottish Daily Mail**, 1/2/2021

Covid court fears 'led to acquittal in dangerous driving trial'

A Covid-19 outbreak at a Scottish court led to a man being acquitted half way through his trial for a serious road traffic offence, it has been claimed. Paul Smith was facing trial for seriously injuring someone due to dangerous driving but was acquitted by the sheriff in the case after prosecutors were told not to attend court due to growing safety concerns. The case, which called on December 23, came as a spate of positive tests among staff at Kilmarnock Sheriff Court peaked just before Christmas. [The Herald](#)

1. Meetings

- CEO Law Society of Scotland meeting with Dumfries Faculty - 2 February 2021
- Police interview Group - 4 February 2021
- Police Scotland virtual custody courts - 5 February 2021

GM 3 February 2021