

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

### 1. Update from meeting with SCTS/COPFS on Monday 25 January 2021

Update from SCTS:

- Jury trials running to 16 Court capacity. One adjournment due to Covid. Not a juror though. Hoping to start High Court in Aberdeen in Feb.
- Now looking at how to get multi-accused trials going. Reconfiguring courts to accommodate - 3 in Edinburgh and 4 in Glasgow. Will take our input onboard.
- Evidence suite in Glasgow, opened last year, currently being reconfigured to be able to take evidence on commission.
- Looking at how to bring interpreters; police and witnesses in to cases virtually
- Sheriff & Jury running in 8 courts with 22 trials run last week. 5 adjournments due to Covid although again not jurors. Seeking to have another 8 courts up and running Feb/March
- Fully virtual court pilot in Falkirk having its biggest test today (Monday) so watch this space
- Seeking to get virtual summary up and running with a focus on domestic abuse. Trialling in Aberdeen first
- All of this will only work with everyone's positive engagement in making this work

From Faculty of Advocates:

- Agrees High Court running smoothly. Everyone being "hyper vigilant" on safety. Diaries being filled March through June.
- Preliminary Hearings now under discussion

From LSS: Replies in Red

- Positive that SCTS IT now deeply involved in Falkirk virtual custody as issues re all parties (e.g. police; GeoAmey; practitioners) being fully trained and able to fulfil their duties. Concerns around confidentiality.
- General need to understand where Webex has been rolled out and working (inc training) **Raise with Executive Director Court Operations, SCTS. They can help with this.**
- Notwithstanding feedback on PIDs, technology still not practically working **Crown Agent looked into this and says tech working. Still not clear on exactly what the issue is at defence end. Suggest a regrouping of the group who originally worked on this. Law Society Chief Executive, Lorna Jack suggested supplementing with those most vocal about its lack of workability.**
- Questions being raised with us about re-doing risk assessments. Still concerns about safety.
- Gratitude to local courts where they have helped find temporary client consultation space but still interested in how investment in infrastructure (e.g. Perspex screens) is made. Some confusion at local level as to whether authority and budget exists locally for that.
- Need to make sure it's not a one size fits all solution given the variety in SCTS estate

- Asked about shift of business Dumfries to Ayr **SCTS said will remain as described in letters to local faculty and Law Society Chief Executive for present, but plans to look again at it again in the next couple of weeks.**

From COPFS:

- Lord Advocate writing to Lord President expressing desire to see as much go virtual as poss. Emphasis on Preliminary Hearings. Concerns remain about courts with high footfall.
- Increased safety anxiety at Sheriff Court level.
- PIDMs – reminded us this process was a legislative requirement. **LSS said the issue was not the process. Our members felt the process was helpful. This was entirely about the efficacy of the technology that supports the process**

## 2. Other Items

### 1. Court safety

[Letter from 11 Bar Associations to Chief Executive of SCTS about court safety](#)

[Response from SCTS Chief Executive to Bar Associations](#)

Lorna Jack, Chief Executive, Law Society, wrote to SCTS Chief Executive to request copies of current risk assessments for all Scottish courts; confirmation of whether risk assessments have been updated post-December 2020 re. new strain of virus; provide an update on the installation of Perspex screen. Also issued statement to The Herald on concerns:

Lorna Jack, Chief Executive of the Law Society of Scotland, said: “The health and safety of our members and all other court users must be a priority.

“While we appreciate the difficulties that everyone is operating under and the steps that have been taken already by the courts, it is extremely disappointing that our members have continued to report instances where they believe that coronavirus safety measures within courts are insufficient or not consistently applied.

“We have raised a number of concerns previously and again this week, on issues including sanitisation supply, sanitisation of courtrooms between use and the ability to maintain social distancing. We are continuing to liaise closely with the Scottish Courts and Tribunals Service on safety within the courts to ensure all reasonable steps are taken. We have been promised that risk assessments have been revised to account for the new coronavirus strain and that they are due to be published this week.”

## 2. From Local Bars

### • Hamilton

Mark O’Hanlon - “There was a test held from Airdrie SC to Coatbridge PCU today for the Airdrie Sheriffs and quite a few agents from surrounding areas.

It was quite positively received. Agents asked quite a few questions but if am honest had quite a knowledge already - most likely from working Motherwell.

I experienced no real issues and updated on some of the work in Tayside, central and Falkirk which they seemed to appreciate.”

- **Falkirk - Grazia Robertson**

I understand that this is a pilot scheme re custody court and therefore I think it would be helpful to explain my own experience of today’s court. There was a delay in receiving a new set of papers and I could not take my client’s instructions until these were received. There was a second set of papers which the fiscal did not have and I understand efforts had to be made after 2pm to track them down.

I then received word that my client could not be brought to virtual court room because of certain concerns re his behaviour. I attended personally and spoke with client, received instructions on all matters. His demeanour was such that it seemed staff were now happy to have him attend virtual court room. The case called at 4.40pm and the fiscal was still missing a set of case papers. The case will be recalled later.

I am quite prepared to wait although I am glad that I appeared in the court building personally today and not remotely. I believe this allowed me to navigate a sensitive situation involving the client.

This email is not intended as any form of complaint about any persons, in fact everyone seems to be doing their best in difficult circumstances. I fully appreciate the difficulties that a wholly remote custody court will bring. I just thought my own experience should be included in the ongoing assessment process in order that as full a picture as possible can be gained. There seem to remain fundamental problems re Crown accessing case papers

### **3. News**

- [Covid in Scotland: Quarter of prison population awaiting trial, BBC Scotland](#)

Almost a quarter of Scotland's prison population is currently awaiting trial due to the Covid pandemic. Remand prisoners say they are currently spending around 23 hours a day in their cells to stop the spread of the virus. Senior lawyers and human rights activists are calling on ministers to set up a taskforce to review the cases and release 500 in a month. The Scottish government said the safety and wellbeing of prisoners remained a priority.

- **England and Wales**

News: Juries in criminal trials in England and Wales should be cut from 12 to seven members to help tackle a backlog of more than 54,000 cases that has rapidly worsened during the COVID-19 pandemic, the opposition Labour Party said on Tuesday. [BBC online](#)

#### **4. Meetings**

Criminal Law Committee meeting on 27 January 2021 (internal)

Criminal Business Group (SCTS plus Faculty) meeting on 22 January 2021 (external)

Virtual Summary Group (SCTS) meeting on 26 January 2021 (external)

Virtual Custody Courts Group (Police Scotland) 22 January 2021 (external)

GM 28 January 2021