

Crown Office and Procurator Fiscal Service

Crown Office, 25 Chambers Street, Edinburgh, EH1 1LA
Crown Agent's Office



30 April 2020

Colleagues

I hope that you and yours are well.

Following on from my letter of 23 March, I thought it would be useful to provide you with an update, setting out the steps that COPFS is taking to try to ensure that together we can continue to deliver justice across Scotland, whilst respecting public health advice.

As I said in my earlier letter, it is clear that the criminal justice system will look very different for months to come and it is evident that we need to adapt the ways in which we operate.

We have been working hard with partners across the system for the past few weeks to try to ensure that court business can carry on insofar as is possible, including with colleagues from the Law Society Criminal Law Committee, the Legal Aid Committee and SCTS to agree optimum processes.

COPFS continues to mark Summary cases for prosecution and also to indict cases to First Diets and Preliminary Hearings. The thresholds between Summary and Solemn business have not changed.

All our staff now have laptops enabling them to work remotely when not required for court or essential office duties. I have asked staff working remotely to engage proactively with you, with a view to resolving cases where possible, focussing the issues in cases which cannot be resolved and ensuring that those which have to go to trial are fully prepared. I have also asked each business area to ensure that there are effective and easy means for you to communicate with our staff. Contact details are set out in the note annexed to this letter.

The Coronavirus (Scotland) Act 2020 is now in place and we are working with others, including the Law Society, to ensure we utilise the legislation to best effect. In particular, we are moving towards the electronic service of Indictments through our disclosure website. The attached note also sets out how that will operate.

COPFS will conduct summary custody trials wherever possible across all available courts. Some trials have already taken place, with positive engagement in advance to appropriately narrow the focus of the case. We are proactively engaging with witnesses to check their availability prior to confirming trials can go ahead. We are keen to extend this to summary bail trials and are working with SCTS to try to make that happen. We will support virtual attendance wherever possible, allowing us all to operate effectively and follow public health guidance.



Our essential office and court tasks are being carried out on a rota basis to reduce footfall in the courts and our offices, in compliance with public health guidance. My thanks to you for your continued observation of physical distancing measures when attending court.

I am grateful to all colleagues across the profession who are contributing towards the effective administration of justice in the midst of this public health crisis. I appreciate that it is not easy, and that there are many uncertainties for individuals, businesses, organisations and the system as a whole. I hope the information in this letter is useful. I fully understand there is much for all of us still to do, but be assured that we remain fully committed to working with you in the coming months as we continue in our efforts to deliver a fair and effective criminal justice system.

David Harvie
Crown Agent



ANNEX

Secure Disclosure Website

As you will know, the Coronavirus (Scotland) Act 2020 introduced some new criminal justice measures that can be utilised during this pandemic.

Given the provisions on electronic signature and service of documents, COPFS will now make use of the existing Secure Disclosure Website for service of all Indictments on Solicitors representing Accused individuals.

If we have received a letter of engagement from you, then we will upload the indictment pack to the Website for you to download. We will also e-mail you direct to let you know that the indictment is there for collection. The e-mail that will be sent to you will include the Accused's Name and the PF reference number in the heading.

The documents that you need to look out for on the SDS are the indictment and all associated documents (e.g. Statement of Uncontroversial Evidence, Previous Convictions etc.) This process will thereafter be extended to service of any section 67 notices and other case related documents as required.

We appreciate that many of you may not be working from your normal offices, so if you wish to access the Secure Disclosure Website from a different computer, you will need a new secure certificate issued from COPFS installed on the new/different computer. Once you have accessed the SDS website, you can then access all the required software from the Installation Files page on our website via the link here:

<https://disclosure.copfs.gov.uk>

Our Service Desk can be e-mailed on: ServiceDesk@copfs.gov.uk



Windows Installation
guide V4.pdf



Windows user guide
updated 2011.pdf

Engagement

COPFS Prosecutors are being tasked to seek to resolve, focus and prepare cases presently within the system. Individual prosecutors will likely be in touch regarding both summary and solemn cases seeking to establish whether there is scope to resolve the case, or to agree evidence or to identify and focus the issues that may be in dispute. Those focussed, prepared, cases which still require to go to trial will thereafter be triaged, with those involving accused in custody and those with vulnerable witnesses given priority. The aim is to ensure in so far as possible that once the court programme is extended, cases which should be resolved have been dealt with and those which remain involve as few witnesses as possible.

We recognise that there will be cases that you identify as capable of resolution, cases which can be focussed, evidence which can be agreed. Given many of our staff are working from home, we recognise that giving you effective means of contacting the prosecutors is essential. We have set up a number of mail boxes and would ask that you use these to make initial contact when you wish to discuss cases. (Different arrangements will be put in place re virtual attendance at court – see below). Your email will then be directed to the correct individual whether they are at home or in the office that day.



These mail boxes are as follows:

LOCAL COURT (All Offices with the exception of PFO Aberdeen):-

PFO<Office Name>@copfs.gov.uk

For **Local Court Aberdeen** use:-

PF AberdeenSummary@copfs.gov.uk or PF AberdeenSolemn@copfs.gov.uk

HIGH COURT

EdinburghHighCourtLawnmarket@copfs.gov.uk

LivingstonHighCourt@copfs.gov.uk.

SaltmarketSittingMgm@copfs.gov.uk

AberdeenHighCourt@copfs.gov.uk

SPECIALIST CASEWORK

Appeals – Appeals@copfs.gov.uk

CAAPD – CriminalAllegationsAgainstPoliceAdmin@copfs.gov.uk

HIIT – HelicopterIncidentsInvestigationTeam@copfs.gov.uk

SumburghHelicopterIncidentInformation@copfs.gov.uk

HSIU - Health&SafetyDivisionMailbox@copfs.gov.uk

ICU - COICU@copfs.gov.uk

SFIU - SFIUWest@copfs.gov.uk

SFIUNorth@copfs.gov.uk

SFIUEast@copfs.gov.uk

POCU - SOCDRestrains@copfs.gov.uk

Civil Recovery Unit

Cash Seizures cash@civilrecoveryunit.gov.scot

Asset cases asset@civilrecoveryunit.gov.scot

SOCU - SOCUADMINWest@copfs.gov.uk

SOCUADMINEast@copfs.gov.uk

WECU - WECU@copfs.gov.uk

Please note that bespoke arrangements are being put in place for communications about virtual attendance at court, details of which will be circulated locally.

As you will understand, due to data protection requirements, only very limited communication about individual cases can be conducted through non secure e-mail addresses. If you don't have access to Criminal Justice Secure E-Mail, this would be an ideal time to set up or renew your account, thereby enabling meaningful discussions and the secure transmission of documents.

Instructions for setting up a CJSM account can be found here:

[Criminal Justice Secure Email \(CJSM\)](#)

To facilitate meaningful discussions, we recognise that we must continue to ensure effective disclosure of relevant material. We are working with the police to ensure that we can maintain our obligations in this regard and that all material can be uploaded in the normal fashion to the SDS. As our public counters are presently closed due to public health considerations, please contact us if you require to collect CCTV disclosure and we will seek to facilitate that at our open offices, again whilst respecting physical distancing measures.



If you have any queries around Criminal Justice Secure Email, please contact our National Enquiry Point via email:-

EnquiryPoint@copfs.gov.uk

If you have any technical issues you should email the CJSM Helpdesk at:-

cjsm.helpdesk@egress.com

