



annual report

INSPECTORATE OF PROSECUTION IN SCOTLAND 2006-2008

TO THE LORD ADVOCATE
I HAVE THE HONOUR TO SUBMIT MY
THIRD ANNUAL REPORT TO THE
SCOTTISH PARLIAMENT.

SEPTEMBER 2008

JOSEPH T O'DONNELL
HM CHIEF INSPECTOR
INSPECTORATE OF PROSECUTION IN
SCOTLAND

Laid before the Scottish Parliament by the
Lord Advocate in pursuance of Section
79 (8) of the Criminal Proceedings etc.
(Reform) (Scotland) Act 2007

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FOREWORD

**To the Right Honourable Elish Angiolini QC WS
The Lord Advocate**

This is my first report as Her Majesty's Chief Inspector of Prosecution in Scotland since the office was established as a statutory one in April 2007 by the Criminal Proceedings etc. (Reform) (Scotland) Act 2007.

My duty in terms of the legislation is to secure the inspection of the Crown Office and Procurator Fiscal Service and to submit to the Lord Advocate a report on any particular matter connected with the operation of the Crown Office and Procurator Fiscal Service which the Lord Advocate refers to the Inspector.

The year 2006-2007 saw the completion of the original work programme of race themed office inspections and a new programme of inspection of the 11 Procurator Fiscal Areas and Crown Office covering a wide cross section of the work of these areas. The programme is designed to cover topics such as bail, disclosure, treatment of witnesses, casework etc and is intended to be risk based and adaptable to change in tune with the changing criminal justice landscape and priorities.

Two Area reports were published in the period covered by this report, Dumfries and Galloway and Grampian. A large number of cases were reviewed as part of the inspection process examining how policy had been put into practice and views were sought from a wide range of criminal justice partners and others. Contact was made with a significant number of witnesses at court thanks to assistance from the Witness Service.

In addition to the office and now area inspection programme, stand-alone thematic reports were concluded on Liaison in Death Cases (including organ retention), on the processing of Complaints against the Police in the four Strathclyde Procurator Fiscal Areas and (in conjunction with Her Majesty's Inspectorate of Police) on the arrangements for the preventing, investigating and prosecution of wildlife crime. Wherever possible work is conducted in conjunction with criminal justice partners either directly in the form of joint inspection or by enlisting the help of partners in the various steering groups created to facilitate the production of reports. In this way a broad spectrum of opinion is included.

Our approach to inspection is in keeping with accepted principles on inspection including pursuing the purpose of improvement, focusing on outcomes, taking a user perspective, using impartial evidence and being proportionate to risk.

The Lord Advocate's Advisory Group underwent considerable membership change during the year due to retirements and new members were enlisted. The Advisory Group continues to be a useful source

of advice and recommendations on the work programme of the Inspectorate and the selection of topics to be covered.

The year saw the publication of the Crerar Review being the report on the regulation, audit, inspection and complaints handling of public services in Scotland. The report was debated in the Scottish Parliament and the forthcoming year will see an implementation phase of agreed recommendations. This is likely to have important implications for the future landscape of inspection in Scotland and this Inspectorate hopes to play its part in the development of such.

Finally, I would like to thank the considerable number of individuals and bodies who gave freely of their time and expertise in the production of this year's various reports and without whose assistance such would not have been possible.

The overarching aim of the Inspectorate is to contribute to making improvements in the service delivery of the Crown Office and Procurator Fiscal Service, making it more accountable and enhancing public confidence. The year ahead will undoubtedly be a challenging one and it is my intention to seek to produce value adding reports, build on existing foundations and develop the Inspectorate as a catalyst for improvement in the criminal justice system.

A handwritten signature in blue ink that reads "Joseph T. O'Donnell". The signature is written in a cursive style with a large initial 'J' and 'O'.

Joseph T O'Donnell
HM Chief Inspector
June 2008

1 CREATION OF STATUTORY INSPECTORATE

A public consultation exercise was undertaken before the launch of the Inspectorate on a non-statutory basis in December 2003. It was proposed then that the Inspectorate should be placed on a statutory basis and an early legislative opportunity sought to do this. This was intended to enhance the independence and status of the Inspectorate and place it on an equal footing with other criminal justice inspectorates such as Her Majesty's Inspectorate of Constabulary and Her Majesty's Inspectorate of Prisons. This would help to distance the Inspectorate from the Crown Office and Procurator Fiscal Service and set it apart from the latter's management structure.

Sections were accordingly inserted into the Criminal Procedure etc (Reform) (Scotland) Act 2007 to achieve this.

Section 78 of the Act provided for the appointment by the Lord Advocate of an officer to be known as Her Majesty's Chief Inspector of Prosecution in Scotland.

Section 79 provided that the Inspector's function was to secure the inspection of the operation of the Crown Office and Procurator Fiscal Service and if required submit a report to the Lord Advocate on any particular matter connected with the operation of the Service which the Lord Advocate refers to the Inspector.

There is also an obligation on the Inspector to submit an annual report to the Lord Advocate on the exercise of the Inspector's functions which the Lord Advocate must lay before the Parliament.

The Act also bolsters the independence of the Inspectorate by providing that in exercising his functions the Inspector is to act independently of any other person. It also provides the Inspector with power to require the supply of information.

These provisions were brought into effect on 23 April 2007 co-inciding with the new business programme.

2 STAFF AND ACCOMMODATION

The staff of the Inspectorate currently consists of the Chief Inspector, a Principal Legal Inspector, a Legal Inspector, a Management Inspector and a Personal Assistant. Two of these are part time workers.

During the course of the year a Statistician left the Inspectorate as did the Legal Inspector. The Legal Inspector was replaced and additional Ad Hoc Legal Inspectors were used to carry out legal research and compliance audits particularly in relation to the thematic work. This adds considerable flexibility to the staffing arrangements and is a valuable additional resource.

In May of 2007 the Inspectorate moved to new premises at Legal House, Gorbals Street, Glasgow. The Glasgow location puts the Inspectorate within easy travelling distance of over half the Procurator Fiscal Offices in Scotland and, given the length of the lease, provides some stability for the future.

3 LORD ADVOCATE'S ADVISORY GROUP

This was established in 2006 and consists of a number of ex officio members, invited members and two lay members recruited by public advertisement.

Its primary function is to provide advice on the work programme of the Inspectorate and to keep under review the working relationship between the Inspectorate and the Crown Office and Procurator Fiscal Service.

In its two years to date of operation it has proved invaluable in offering advice on the work programme.

4 REVIEW OF INSPECTION

In September 2007 the Crerar Review (commissioned by Scottish Ministers) was published. Its remit had been to evaluate the current system of regulation, audit, inspection and complaints handling. It was the most recent in a line of reports looking at the philosophy of inspection and in keeping with developing methodology stressed that the primary responsibility for improving services lay with the organisations themselves and rigorous self assessment should be pursued.

A risk based approach focused on the user should be used by inspection bodies and the report suggested the creation of a single inspection body. On the topic of self assessment the report stressed that it had to be robust with some organisations further advanced than others and inspectorates should assist organisations evolve rigorous self assessment models. There should be a move away from routine cyclical inspection to more focused thematic reviews.

The broad thrust of the Crerar Review was accepted and 2009 should see further implementation once an agreed way forward has been decided.

In keeping with other inspectorates the Inspectorate of Prosecution has reviewed its business programme and a temporary halt has been agreed with the Lord Advocate on the Area Inspections. This is pending consideration of the Service's proposals for enhanced self assessment.

In January 2008 the Crown Office published a Review of the Senior Structures in the Crown Office and Procurator Fiscal Service. Since the publication of the Jandoo Report in 2001 (which led to the creation of the independent Inspectorate of Prosecution) the Crown Office and Procurator Fiscal Service has undergone considerable reorganisation with the creation of 11 Areas producing a framework within which increased self regulation became possible including the creation of a National Database and a strengthening of Management Information Division in Crown Office. At that time it was expected the new Inspectorate would have a role in reviewing the arrangements for self regulation to ensure they were operating consistently across the Service and providing effective performance management information which was acted on.

The 2008 Senior Structures Review built on these changes recommending the creation of a Chief Operating Officer post (now titled Chief of Strategic Delivery) to strengthen strategic planning capability at the centre. This new command would be expected to take on board assurance of quality and application of best practice. A standard approach was recommended for Area Fiscals

to use as self audit of marking decisions and quality of operations including quality of case preparation. At the time of this report the new unit was in the process of being created. A close working relationship between it and the Inspectorate is expected to develop.

5 COMPLETED WORK

This report covers a longer than usual period of approximately 18 months (from November 2006 to May 2008).

During this period the original office inspection programme was completed with an inspection of 21 district offices (see Annex A), 3 thematic reports (see Annex B) and the first 2 of the new Area Inspections (see Annex C).

Twenty one race themed office reports were published. Overall, these inspections, which included an examination of a statistically relevant sample of individual cases, showed high compliance with policy.

The two wider focused Area Inspections of Dumfries and Galloway and Grampian, as expected, highlighted the difficult task offices had in complying with the Disclosure requirements following the decisions of the Privy Council in the cases of Holland and Sinclair. Perhaps not surprisingly Disclosure was in both Areas made on occasion later than desirable. Compliance with the Lord Advocate's guidelines on bail in both locations was high. In Grampian good feedback was obtained in the areas of Oil, Gas and Fishery prosecutions and associated death investigation. These are particularly high risk activities for the prosecution service.

6 FUTURE WORK PROGRAMME

The future programme has been influenced by the findings of the Crerar Review with an expected increase in thematic reports either singly or jointly with other bodies. This continues a trend commenced in 2006 with a Joint Thematic Report on the Provision of Services to Witnesses (in conjunction with Victim Support Scotland and the Witness Service).

It is intended during 2008 to publish 2 further Area Reports and 2 Thematic Reports one on Asset Recovery in conjunction with Her Majesty's Inspectorate of Constabulary and a further report on Summary Justice Reform with particular emphasis on the use of increased powers of Procurators Fiscal to offer non-court disposals. This latter has been the subject of much media focus and our inspection should give an independent view on the operation of the new system based on an extensive examination of cases across the country.

Further work will be shaped by developments in the Criminal Justice System including likely joint work with Her Majesty's Inspectorate of Constabulary on sexual offences (a Bill having been introduced on this topic at the Scottish Parliament) and the use of bail where concerns have been expressed about the use of bail. As indicated above in terms of the Crerar Review an examination of Crown Office and Procurator Fiscal self assessment models is likely.

7 BUDGET

The Inspectorate's budget for 2007-2008 was £350,000.

Expenditure was as follows.

Staff salaries (Note 1)	£242,606
Admin expenses	£ 48,184
	<u>£290,790</u>

Note 1 – £12,718 of a secondee's salary met elsewhere.

ANNEX A

OFFICE AUDITS

The Inspectorate's Business Plan for 2005-2008 provided for every office to be inspected for compliance with Crown Office race policies and this programme was completed in 2007, an acceleration of the programme resulted in it being completed six months ahead of schedule.

The approach to these inspections mirrored our first Thematic Report and dealt with race crime, interpreting/translation, staff profiles, investigation of deaths, complaints against the police and outreach/consultation activities.

The Lord Advocate issued (having consulted with the Commission for Racial Equality) detailed instructions to Procurators Fiscal on the approach to be adopted to the prosecution of race crime. There was to be a strong presumption in favour of prosecution where there was sufficient evidence.

The following is an office by office brief summary of our findings, the full reports can be read on our website at www.scotland.gov.uk/Topics/Justice/ipis.

ALLOA – FEBRUARY 2007

The Alloa office (part of the Central Area) had a high level of compliance with policy, this was true of all cases examined. In addition good practice was identified in a number of areas including the "rolling up" of separate cases against an accused into a single case giving the court a picture of the pattern of offending, good use of bail conditions to protect complainers, careful consideration of the use of child witnesses and the refusal of inappropriate pleas.

Outreach and consultation activity was good with the Area Fiscal and other staff taking the initiative in making appropriate contacts.

BANFF – JANUARY 2007

Although case numbers were small, compliance in Banff (part of the Grampian Area) with marking and court policy was high with good practice seen in the drafting of charges and the resolution of cases being proactively sought.

There were no specific local outreach initiatives. However, the census showed the area had a very high white population of 99.6%.

CROWN OFFICE HUMAN RESOURCES – OCTOBER 2006

As the first of our inspections of a Headquarters function our inspection of the Human Resources Department of the Crown Office followed a very different pattern from the office inspections.

The report looked at the relevant legal requirements imposed on public bodies by the Race Relations (Amendment) Act 2000 and the Race Relations Act 1976 (Statutory Duties) (Scotland) Order 2002.

These include a requirement to monitor inter alia by reference to racial group the number of staff in post, applicants for employment, training and promotion etc.

In fulfilment of these duties a staff survey had been carried out in 2001 and a report for the Crown Office Management Board of all recruitment and promotion undertaken in the calendar year 2006. Although this was generally satisfactory we recommended that it could be developed further in line with guidance issued by the Commission for Racial Equality in particular the training received by legal and administrative staff needed to be presented and analysed separately.

Good practice was identified in that each staff report was looked at individually and that comparison of appraisal marks was done among ethnic groups and on promotion. Similarly, it was encouraging that in relation to grievance/disciplinary procedures that each case was looked at individually and exit interviews were conducted.

On annual publishing of the results of the monitoring, although this had been done, there was some concern about compliance with the Data Protection Act 1998. This was to be amended in future.

Our first thematic report on the Crown Office's Response on Racial Issues (published in 2005) contained 12 recommendations 3 of which related to Human Resources. While there had been implementation of some aspects of these at the time of inspection some remained unresolved mainly the issues referred to above.

CUPAR – OCTOBER 2006

Overall, in Cupar (part of the Fife Area) compliance with prosecution policy was acceptable, issue was taken with 2 charges (out of 13).

The minority ethnic community in Cupar was very small but all staff had attended the Departmental Diversity Awareness Programme.

DINGWALL – MARCH 2007

Overall, compliance with prosecution policy in Dingwall (part of the Highlands and Islands Area) on race crime was acceptable.

However, we did express some concern about the progress made in 2 death cases.

All staff had attended the Departmental Diversity Awareness Programme and the Office Manager was a member of the Area Diversity Group and cascaded information to other members of staff.

DUMBARTON – DECEMBER 2006

The Dumbarton office (part of the Argyll and Clyde Area) had a very high level of compliance with policy on the prosecution of race crime (66 individual charges were examined).

There were many examples of good practice including the “rolling up” of separate cases against an accused into one to give the court a full picture of the pattern of offending. Bail was opposed in appropriate cases and standby arrangements made, for example, for shopkeepers who would otherwise be severely inconvenienced. There was pro-active exploration for the need for interpreters rather than simple reliance on police information.

The recently appointed District Fiscal had been particularly pro-active in outreach work with the local minority ethnic community.

ELGIN – JANUARY 2007

Compliance in Elgin (part of the Grampian Area) with policy on race case prosecution was very high, several examples of good practice were found including rejection of inappropriate pleas and the “rolling up” of several cases into one.

One difficulty highlighted by the office was occasional problems in securing the attendance of interpreters for a 10am court start due to the distances involved which could cause delay.

FALKIRK – OCTOBER 2006

Compliance with prosecution policy on race crime in Falkirk (part of the Central Area) was very high especially in view of the large volume of such (92 individual charges were examined as a result).

On the outreach front 2 members of staff were on the Area’s Diversity Team and the Area had established a multi racial group chaired by the Area Fiscal. Contact with criminal justice partners and others was also good.

GLASGOW A DIVISION – NOVEMBER 2006

The Glasgow Area is divided into 4 Divisions mirroring police divisions in the city (since our inspection reduced to 3 Divisions).

Overall compliance in Glasgow A Division was very high. The biggest difficulty encountered being the location of case papers which were housed “off site”. A second sample was thus requested to maintain the sample size and statistical relevance.

In the event about 140 charges were examined. Given the high number of cases compliance with race crime policy was gratifyingly high although we took issue with a small number of decisions. Feedback was made on performance from Area level back to the Divisions.

The Glasgow Area generally had been particularly successful in recruiting staff from the minority ethnic community and there was an ongoing secondment of a member of the West of Scotland Racial Equality Council (WSREC) to the Glasgow staff which helped with awareness raising and facilitated outreach initiatives.

GREENOCK – AUGUST 2006

The Greenock Office (part of the Argyll and Clyde Area) had a very high rate of compliance with race prosecution policy. Monitoring outcomes were fed back by the Area Fiscal to the District Fiscal at quarterly Area Management meetings and at office visits.

In 3 cases examined interpreting was required and this need had been met.

All staff had attended the Departmental Diversity Awareness Programme and the District Fiscal was a member of the Area Diversity Team and involved in a range of outreach activities.

HADDINGTON – NOVEMBER 2006

Overall compliance in Haddington (part of the Lothian and Borders Area) with race crime prosecution policy was high and good practice identified in the “rolling up” of cases and pro-active enquiry into the need for interpreters made.

Although the number of charges examined was relatively modest (17) in 2 cases there was a need for interpreting and this had been done including the translation of citations to attend court.

There were no local outreach activities (these being at Area level) but all staff bar one (for whom arrangements had been made) had attended the Departmental Diversity Awareness Programme.

KIRKCALDY – DECEMBER 2006

Overall, compliance in Kirkcaldy (part of the Fife Area) with policy on the prosecution of race crime was high (75 individual charges were examined). The results of in house monitoring were fed back to the District Fiscal from monthly Area Management meetings.

There was good practice in the office seeking further information on the need for an interpreter and all staff had attended the Departmental Diversity Awareness Programme or were scheduled so to do.

KIRKWALL – FEBRUARY 2007

Although the number of race cases was small (4 in total) there was in Kirkwall (part of the Highlands and Islands Area) full compliance with policy on the prosecution of such, both at the decision making stage and at the court stage.

No interpreters had been required for the period of inspection but it was reported there had been no difficulty with such in the past.

Two deaths were reported where there had been special racial or cultural issues. Appropriate contacts and translation had been done. Both investigations were ongoing at the time of inspection.

There was no immediate outreach activity (the local population was 99.6% white) but the office was represented on the Equalities Group in Orkney. All staff had attended the Diversity Awareness Programme.

LERWICK – FEBRUARY 2007

As with Kirkwall the number of race cases reported to the Lerwick office (part of the Highlands and Islands Area) was small (5 charges examined) but there was full compliance with policy on the prosecution of race crime.

No interpreters had been required.

The office was represented on the local Racist Incidents Panel which met in Shetland.

All staff had attended the Diversity Awareness Programme.

LINLITHGOW – JULY 2006

Compliance in Linlithgow (part of the Lothian and Borders Area) with policy on the prosecution of race crime was high. It was noted a small number of cases could not be concluded because of the repeated failure of witnesses to attend court.

Six of the cases examined required interpreters and this need had been met.

The office was represented on the Area Diversity Team and the District Fiscal (who had a long history of involvement in such issues) was a member of the joint Crown Office and ACPOS (Association of Chief Police Officers Scotland) diversity group. He was also a member of various other groups.

Staff had either been on, or were scheduled to attend, the Diversity Awareness Programme.

OBAN – NOVEMBER 2006

As overall numbers were small in Oban (part of the Argyll and Clyde Area) all charges (as opposed to a sample) were requested – 12 in all. Compliance with policy on the prosecution of race crime was high and good practice was found in the appropriate use of bail conditions and the refusal of inappropriate pleas.

Interpreters were rarely required but we were advised there could be difficulties, given its geographical location, in getting interpreters to come to court on time.

Outreach activity was limited, the District Fiscal only stayed in the area during the week.

PETERHEAD – SEPTEMBER 2006

Overall, compliance with prosecution policy on race crime in Peterhead (part of the Grampian Area) was high, only minor issues arising. There was good evidence of proper consultation in particular cases.

A somewhat high level of interpreters was required (about 40 in 12 months we were advised) and no problems were reported. The vast majority of language needs were for Eastern European languages.

There were no specific outreach activities but all staff had attended the Diversity Awareness Programme.

PORTREE – MARCH 2007

There were no actual Fiscal staff based in Portree (part of the Highlands and Islands Area), all the business was conducted from the Dingwall office with the court being manned as necessary.

The number of race cases was small so all were requested (3 in total). In one case the IT system showed an apparent breach of policy in that it had been taken in the District Court (as opposed to the Sheriff Court) but the papers were not available so that could not be confirmed. In another case the racial aggravation to the charge although marked for prosecution was missing when the charge was printed, it was not clear why. However, in the third case there was proper consultation before a decision was taken not to proceed.

There was one death where racial or cultural considerations were an issue. Unfortunately it could not be examined as the papers were in court but an interpreter had apparently been used for translation.

STONEHAVEN – SEPTEMBER 2006

Stonehaven (part of the Grampian Area) was no longer manned and the business conducted from Aberdeen. However, Stonehaven cases were kept separately and the court manned by Deputies from Aberdeen attending on court days.

Race case numbers were small (6 in all) so all were examined. Overall, compliance with race case prosecution policy was good although we did highlight one difficulty.

So far as outreach was concerned Stonehaven was covered by initiatives in Aberdeen and a member of the Aberdeen staff attended the meetings of the Grampian Racial Equality Council (GREC).

TAIN – MARCH 2007

Overall, numbers in Tain (part of the Highlands and Islands Area) were small so all charges were examined (14 in all). There was compliance with race case prosecution policy in all cases.

The predominant local population is white (99%) but all staff had attended the Diversity Awareness Programme.

Despite the small number of cases interpreters had been used twice and four documents translated.

WICK – MARCH 2007

As numbers in Wick (part of the Highlands and Islands Area) were small all charges were requested (9 in all). Overall, compliance with race case prosecution policy was high, we did highlight one apparent exception but even in that case the decision was understandable as the victim was unco-operative.

No interpreters were required for the cases examined by us but we were aware of a previous difficulty where the Sheriff had deserted a case following concerns about the quality of interpreting provided for a Crown witness. This at the time of inspection was being pursued with the agency involved.

Of the two members of staff one had attended the Diversity Awareness Programme and the other was scheduled to attend.

ANNEX B

THEMATIC REPORTS

Thematic reports run in tandem with office/area inspections, usually two per year. The full text of these can be read at www.scotland.gov.uk/Topics/Justice/ipis.

THEMATIC REPORT ON LIAISON IN DEATH CASES WITH PARTICULAR REFERENCE TO ORGAN RETENTION – FEBRUARY 2007

This particular thematic report was prompted by the work of the Independent Review Group on Retention of Organs at Post Mortem chaired by Professor Sheila McLean and which led to the passing of the Human Tissue (Scotland) Act 2006.

In addition to its role in connection with the prosecution and investigation of crime the Crown Office and Procurator Fiscal Service has the duty to investigate all sudden, suspicious, unexplained, unexpected or accidental deaths or where there are issues of public safety or concern.

This thematic report looked at the arrangements for liaison with next of kin and included evidence obtained from a wide variety of sources including next of kin, staff, pathologists and others.

Nine specific recommendations were made.

THEMATIC REPORT ON COMPLAINTS AGAINST THE POLICE – JANUARY 2008

The Crown Office and Procurator Fiscal Service deals with complaints against the police which are of a criminal nature ie where the complaint alleges that a crime may have been committed by a police officer in the course of duty. These are by definition the most serious form of complaints against the police. These are excluded from the Police Complaints Commissioner.

The thematic looked at the quality of investigation and decision making in a selection of complaints against the police including compliance with various Crown Office policies and procedures and instructions given by the Lord Advocate.

The Strathclyde Area (consisting of 4 Procurator Fiscal Areas) was chosen as it represented over 50% of such work for all of Scotland. In accordance with inspectorate policy a large number of individual cases were reviewed and findings published for each of the 4 offices.

A number of conclusions were published, the most important being to recommend an internal review of policy as there appeared to be an appetite for change.

JOINT THEMATIC REPORT ON THE ARRANGEMENTS IN SCOTLAND FOR PREVENTING, INVESTIGATING AND PROSECUTING WILDLIFE CRIME – APRIL 2008

This was a joint thematic published in conjunction with Her Majesty's Inspectorate of Constabulary announced in October 2007 by the Minister for Environment, Mike Russell, and the Solicitor General, Frank Mulholland following a Parliamentary debate on wildlife crime.

This in turn had been prompted by widespread concern that this had become a significant problem in Scotland.

The work was carried out by inspectors from both the Inspectorate of Prosecution in Scotland and Her Majesty's Inspectorate of Constabulary and included from the prosecution aspect examination of all cases reported to the Crown Office and Procurator Fiscal Service from the start of 2006 until late 2007. A considerable number of interested bodies and individuals were consulted and the report made 24 recommendations, 8 of which were specific to the prosecution service.

The report, following publication, was debated in the Scottish Parliament in May 2008 and received widespread support.

ANNEX C

AREA REPORTS

In accordance with the Inspectorate's Business Plan and following the conclusion of the office inspections (which were race themed) a new series of inspections of the 11 Procurator Fiscal Areas was commenced (to include Crown Office Headquarters functions). The aim was to produce approximately 4 of these per year giving a complete cycle of inspection over a 3-year period.

In contrast to the office inspections which were race themed the area inspections would cover a wide variety of criminal justice topics including case decision making, compliance with marking policy, drafting of charges, bail decisions, disclosure, service to victims and management issues including management of change, training, performance management etc.

In keeping with an evidence based approach an examination of a sample of cases covering all aspects of the work would be an essential part of the process and give information on the quality of work in the District, Sheriff and High Courts. A wide selection of partners and users of the system would be consulted.

The approach was intended to be flexible enabling any particular issue to be emphasised and would be in accordance with a risk based approach. Thus disclosure is currently a major feature as is decision making on bail.

At the time of this report two such Area inspections had been published and two more were shortly due for publication. As a result of the Crerar recommendations referred to above a temporary hold has been put on these pending a review of internal Crown Office self assessment methods and the establishment of new structures in the Crown Office.

DUMFRIES AND GALLOWAY AREA INSPECTION – JANUARY 2008

The Dumfries and Galloway Area covers a large geographical area in the south west of Scotland but is the smallest of the Crown Office and Procurator Fiscal Office Areas as measured by the volume of reports received (about 4%).

There are two Procurator Fiscal Offices in the Area one at Dumfries and the other at Stranraer.

The case inspection work looked at 125 individual files and the report analysed these according to their categories ranging from cases marked "No Proceedings" through to High Court cases.

The overall conclusion was positive with good performance against a backdrop of significant increases in serious crime which is resource intensive. Five specific recommendations were made which were accepted by the Area Fiscal.

GRAMPIAN AREA INSPECTION – FEBRUARY 2008

The Grampian Area covers a large geographical area in the north east of Scotland. The volume of reports received is about 7% of the national total.

There are four Procurator Fiscal Offices in the Area situated at Aberdeen, Banff, Elgin and Peterhead.

As stated the inspection methodology was designed to be flexible and risk based. Accordingly, particular emphasis was placed in the case examination work of Oil and Gas Cases and Fishery Cases which are virtually exclusive to the Grampian Area and carry a high profile in the media and are of political, social and economic significance.

In total some 250 case files were examined and the report again analyses these according to the various categories from “No Proceedings” through to High Court cases.

As a result of some concerns expressed to the Inspectorate particular emphasis was placed on examining disclosure issues.

A major difficulty found in Aberdeen was the filling of vacant posts because of competition from the Oil and Gas Industry.

However, despite this, nearly all targets were met against a background of considerable increases in serious crime (51% compared to a national average of 17% over a 4-year period).

Five recommendations were made in the report.