



# CROWN OFFICE & PROCURATOR FISCAL SERVICE

SCOTLAND'S PROSECUTION SERVICE

## COPFS PERFORMANCE MEASURES

COPFS has a national database which stores operational information about our cases. That allows us to take decisions in each case and track the outcomes. We use it to help us manage our casework effectively and, although it is not a statistical database, we are able to use some of the information it provides to help us monitor aspects of our performance.

We publish on our website the results of four indicators which we monitor and which show the time taken by us to achieve outcomes which are critical to the wider criminal justice system.

These are important because any unjustified delay in an investigation or prosecution may cause concern to victims and witnesses and uncertainty for those accused of an offence and can, in some instances, affect our chances of successful prosecution.

**The four indicators of the time we take are:**

### TAKE AND IMPLEMENT DECISIONS

- 1. How quickly we take and implement a decision about whether to take any action against someone accused of a crime – we aim to do this in 75% of cases within 28 days of receiving a report**

This indicator measures the percentage of cases in which we take and implement a prosecution decision within 28 days of receiving a Standard Prosecution Report from the police or other reporting agency.

Although it may take longer in some cases when further information needs to be obtained before we are able to take a decision, we aim to achieve this in 75% of the reports we receive each year.

That includes all decisions that there should be:

- [no action](#)
- a [direct measure](#) imposed by the Procurator Fiscal
- a 'summary' prosecution (before a Justice of the Peace or a Sheriff)

If we do not achieve this performance indicator on making decisions that does not bar us from taking action.

**In 2014-15 we took and implemented decisions within 28 days in 81% of cases**

## SERVICE OF INDICTMENTS

### **2. Our compliance with the strict statutory time limits for service of indictments on accused in solemn cases – we aim to do meet these time limits in all solemn cases**

In Scotland the law imposes very strict time limits on prosecutors within which we need to bring a solemn case before the Sheriff and Jury Court or High Court.

These time limits require COPFS to begin the trial process by serving an 'indictment', a document containing the charges against the accused, within set periods of time from the accused first appearing in court.

If the accused is remanded in custody by the Sheriff dealing with the initial 'Petition' then COPFS must serve an indictment on the accused within 80 days if the proceedings are to be heard in the Sheriff & Jury Court or High Court.

When the accused has been 'granted bail' (released on certain conditions pending trial) by the sheriff dealing with the initial 'Petition' and the case is to be prosecuted on indictment in the Sheriff Court, COPFS must serve an indictment within 11 months of the date the accused appeared before the court on Petition, because the trial has to start within 12 months of that date.

For cases prosecuted on indictment in the High Court when the accused has been granted bail, COPFS must serve an indictment within 10 months of the start of the case being prepared. This has to be done in order to allow the trial to start within 12 months of that point.

Failure to serve an indictment within these time limits can have serious consequences for the case, possibly resulting in the accused's release from custody before the trial or the case coming to an end without the accused having to stand trial. We therefore work carefully to make sure that we comply with these time limits in every case.

**In 2014-15 we achieved service within the statutory time limits in all cases in which we served an indictment.**

## INVESTIGATION OF DEATHS

### **3. How quickly we take a decision in relation to fatality investigations and advise the nearest relatives of the outcome of the investigations - we aim to do this in 80% of cases within 12 weeks of receiving a report**

COPFS investigates sudden and unexplained deaths which are reported to usually by the police or doctors. In cases in which we require to undertake further investigation into the circumstances of the death, we aim to complete 80% of the investigations and advise the deceased's nearest relatives of the outcome within 12 weeks of receiving the report. Some investigations are very complex and cannot be completed within 12 weeks because, for example, we may need to obtain expert medical or explore technical evidence about complex circumstances.

If we do not conclude our investigation and advise the nearest relatives within 12 weeks, that does not prevent the investigation going ahead.

**In 2014-15 we concluded investigation and advised the nearest relatives in 91% of all death reports.**

## INVESTIGATION OF CRIMINAL ALLEGATIONS AGAINST THE POLICE

### **4. How quickly we take a decision in relation to allegations of criminal conduct by police officers.**

COPFS investigates complaints that on-duty police officers have committed a criminal offence in the course of their duties. We aim to complete the investigation and advise the person making the allegation of the outcome in 90% of cases within 12 weeks of receiving the report.

If we do not conclude our investigation and advise the complainer within this timescale that does not prevent a prosecution taking place.

**In 2014-15 we concluded investigation and advised the person making the allegation against the police officer in 91% of cases.**

Each of these measures supports our purpose which is set out in our [Strategic Plan 2015-2018](#) of securing justice for the people of Scotland which contributes to the outcomes of the [Strategy for Justice in Scotland](#).