

The Right Honourable Elish Angiolini QC



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Bill Aitken MSP
Convener
Justice Committee
The Scottish Parliament
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Dear Bill,

SUMMARY JUSTICE REFORM

You will recall that the Solicitor General and I wrote to the Justice Spokespersons for each party in May and July in connection with the implementation of Summary Justice Reform. We indicated then that we would like to keep MSPs informed of progress in implementing the changes.

You are aware of my commitment to ensure that Summary Justice Reform delivers a significant improvement in the criminal justice system for all victims and witnesses and the wider communities of Scotland. For too long, justice in our summary courts has been delayed and frustrated by the system itself. My greatest frustration has been the lack of focus on ensuring that cases which require to go trial do so quickly and are well prepared by all parts of the system. It is therefore encouraging to see very positive developments with Summary Justice Reform in delivering swifter and more effective justice in our summary courts.

In particular, our information now confirms that:

- 30% more cases were disposed off by the Sheriff Courts in July 2008 than in March 2008 – up from 5400 to 7000;
- 44% more cases were disposed of in the Sheriff Court at the earliest opportunity, the pleading diet, in July 2008 than in March 2008 – up from 2700 to 3900;
- The Police are dealing with more cases “on the spot” using fixed penalties for antisocial behaviour – reports from the police to Procurators Fiscal have fallen by 11% in the year to July 2008 and this is due, in part, to the implementation of police fixed penalties;
- Prosecutors are taking action in more cases – up from 86% of all cases reported in the three months before Summary Justice Reform to 88% in the first three months of Summary Justice Reform;
- More cases are being prosecuted in the Justice of the Peace Court and District Courts, now empowered to deal with a wider range of road traffic offences under the summary justice reform legislation, which frees up the Sheriff Court for more serious cases – prosecutions in the Justice of Peace and District Courts have increased from 24% of all prosecutions before Summary Justice Reform to 26% in the three months after the start of the reforms; and



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- The use of direct measures has increased from 35% of all prosecution decisions before Summary Justice Reform to 37% in the three months after the start of the reforms.

This information is less than a week old and we must be cautious at this stage of the reforms to avoid placing too much weight on early statistics. However, in the face of concerns about the impact of the reforms, it is telling that all of these indicators point to Summary Justice Reform beginning to deliver the improvements predicted in the System Model which was published in 2007. It is for that reason that my officials shared this information with colleagues from the Law Society of Scotland, the Scottish Legal Aid Board and Scottish Government officials at a meeting of the Summary Criminal Legal Aid Monitoring and Evaluation Group on 2 September 2008. Given the strong interest of solicitors in the success of the reforms, I am also copying this letter to Michael Clancy at the Law Society of Scotland to ensure that all solicitors have full and early access to the information which I am making available to the Justice Committee.

Most significant of all, in my opinion, is the indication that the greater use of the new Justice of the Peace Courts to deliver local justice and the use of the new direct measures to deliver swift and effective justice is having an impact on the effectiveness of the Sheriff Court which deals with our more serious cases:

- By disposing of an additional 1,200 cases at the pleading diet in July 2008, the highest level of cases ever disposed of at the very beginning of the case, the criminal justice system has avoided the need to cite over 2,000 witnesses for these cases;
- Over 1,000 police officers will not have to complete paperwork in preparation for a trial nor come to court to give evidence, often on more than one occasion, and will be free, instead, to concentrate on preventing crime and providing reassurance on the streets of Scotland's communities;
- Prosecutors are now able to devote more time to the preparation of those cases which called in July and will still require to go to trial.

But most importantly of all, given the increasing speed with which the police and prosecutors are bringing these cases to court, communities have seen justice delivered swiftly in an additional 1,200 cases instead of waiting another 12 to 18 months.

At the same time, Procurators Fiscal continue to prioritise the prosecution of serious crime. The number of cases in which we prosecuted persons appearing in custody in the Sheriff Court has remained constant throughout the reforms. In addition the first 3 months after the start of Summary Justice Reform saw us take petition proceedings against an average of 933 people per month, an increase of 9% over the preceding 3 months.

These benefits sit at the heart of Summary Justice Reform as envisaged by Sheriff Principal McInnes in his 2003 review. I am pleased with these very early indications and hope they will go some way to building confidence in the changes.





I am certain we can build on this good work in the months ahead and look forward to providing you with more detailed information in due course.

Yours sincerely,

ELISH ANGIOLINI QC

Copy to: Michael Clancy, Director of Law Reform, The Law Society of Scotland



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