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HM Inspectorate
of Prosecution in Scotland

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PRESS RELEASE

PROSECUTION OF DOMESTIC ABUSE CASES UNDER SCRUTINY

The prosecution service in Scotland must do more to engage with and support individual victims when preparing and prosecuting domestic abuse cases.

HM Inspectorate of Prosecution in Scotland (IPS) carried out an in-depth review of the prosecution of domestic abuse cases at sheriff summary level.

A report published today (Wednesday, 17 April 2024) notes tackling violence against women and girls is a strategic priority for the Crown Office and Procurator Fiscal Service (COPFS).

IPS found those working at COPFS are aware of the need to respond robustly to reports of domestic abuse, and that cases of domestic abuse are being prioritised for early trial diets.

But inspectors also found in too many cases, not enough is being done to communicate with victims and to support victims to engage in the justice process. Efforts to enhance engagement with victims are being trialled in some areas and are welcome, but require to be rolled out nationally and implemented more effectively.

Inspectors also noted that victims were not always kept informed of developments in their case.

HM Inspectorate of Prosecution in Scotland has made 27 recommendations for improvement.

HM Chief Inspector of Prosecution in Scotland, Laura Paton, said: “The picture that emerges from our inspection is of a service committed in principle to tackling domestic abuse and supporting victims, but which is struggling to put this commitment into practice in every case and to keep pace with increasing expectations.

“Indeed, many of our recommendations relate to matters that are already required by policy or processes, but which are not yet being delivered routinely.

“The justice system can seem complex and opaque to those not familiar with it.

“Communication with the victim is key.

“Poor communication risks victims becoming unsupportive of the prosecution and losing confidence in the justice system overall.”

As part of its inspection, IPS conducted a review of 60 domestic abuse cases that had been prosecuted across Scotland. In these cases, they assessed the overall quality of communication with 80% of the victims to be unsatisfactory.

Inspectors spoke to 23 victims of domestic abuse, as well as over 50 domestic abuse advocacy workers, and more than 60 COPFS staff including prosecutors, senior leaders and those working for COPFS's Victim Information and Advice (VIA) service and in administrative roles.

Inspectors found the current model for preparing domestic abuse cases at summary level involved cases passing from prosecutor to prosecutor at different stages, which they said led to a lack of ownership.

This lack of ownership, along with a lack of preparation time, results in many domestic abuse cases not being prepared as well as they should be. In some instances, this led to delays, while in others it resulted in cases being discontinued at a late stage.

Ms Paton said: "In too many cases we reviewed, a lack of ownership and a failure to address issues promptly during case preparation led to delayed or poor outcomes.

"In some cases, for example, it was known from the police report that the victim may not support a prosecution, yet no proactive steps were taken to address this, such as providing additional support or reassurance.

"It sometimes appeared as though the approach was one of hoping for the best, without sufficient steps being taken to achieve a positive outcome."

Making sure prosecutors have adequate time to prepare cases was among other areas identified by inspectors where COPFS needs to improve.

Ms Paton said: "We heard from deputes that they often lack sufficient time to prepare cases for trial to the standard they would like.

"The high volume of cases scheduled in court each day meant trial preparation was often done the evening before the trial, after spending the day in court.

"Some were worried they were providing a poor service to victims."

As part of the review, inspectors compared the standard approach to the prosecution of summary level domestic abuse, with alternative approaches used in Glasgow and Dundee.

In Glasgow, a dedicated Domestic Abuse Court operates in the city.

In September 2022, Dundee became one of three areas in Scotland – along with Hamilton and Paisley – to introduce a summary case management pilot which aims to reduce the number of cases that are set down for trial unnecessarily.

Inspectors found that in both Glasgow and Dundee, there were examples of better practice compared to the service being delivered in the rest of Scotland under the standard summary prosecution procedure.

In Glasgow, the quality of reports submitted by the police to COPFS was consistently better than elsewhere. These reports better supported prosecutorial decision making and had a lasting impact on how cases subsequently progressed through the prosecution process.

In Glasgow too, inspectors found having a dedicated team of deutes prosecuting cases provided an opportunity for them to develop expertise in managing domestic abuse cases.

Fewer cases were being timetabled for the Glasgow Domestic Abuse Court than for other courts in Glasgow which allowed deutes more preparation time, including time to meet with victims. Average case journey times in Glasgow were also shorter than elsewhere.

In Dundee, inspectors heard the submission of key evidence by the police at an earlier stage aided prosecutorial decision making and could lead to pleas being tendered earlier in proceedings.

Ms Paton said: "The summary case management pilot offers opportunities to bring cases to a conclusion at an earlier stage. This benefits victims and witnesses who may not need to give evidence at court.

"We welcome the contribution COPFS has made to the pilot, including working well with other justice agencies."

While there were examples of good practice in both Glasgow and Dundee, the two areas also experienced many of the challenges found elsewhere in Scotland, such as not addressing issues at an early stage of case preparation and inadequate communication with victims.

Ms Paton said: "Our findings suggest there is no one approach which is consistently better than others. Rather, each approach has features which contribute to the more effective management of summary domestic abuse cases.

"In our report we have highlighted those features which COPFS should consider implementing across its service."

The report also highlights the need for COPFS to work with its partners, particularly the police and the Scottish Courts and Tribunals Service, to improve victims' overall experience of the justice system.

Ms Paton added: "COPFS is committed to making the improvements needed and work is already underway to address our recommendations, which I welcome. We would encourage victims of domestic abuse to seek out the help available from support organisations, whether or not they have chosen to report abuse to the police."

Ends

NOTES TO EDITORS

His Majesty's Inspectorate of Prosecution in Scotland (IPS) aims to promote excellence and confidence in Scotland's prosecution service through independent, evidence-based scrutiny.

The aim of this inspection was to assess how well COPFS manages and prosecutes cases involving domestic abuse at sheriff summary level.

In 2022-23, the police reported 30,139 charges with a domestic abuse identifier to COPFS, a decrease of 8% compared to the previous year.

On receipt of a police report, COPFS may decide to initiate court proceedings, issue a direct measure (such as a warning or diversion from prosecution) or take no action.

The vast majority of charges reported with a domestic abuse identifier were prosecuted (94% in 2022-23, up from 93% the previous year).

The proportion of charges that resulted in no action was 4%. The most common reason for taking no action was that there was insufficient admissible evidence.

Of the charges that were prosecuted, 79% were prosecuted at sheriff summary level.

The most common types of offences reported in 2022-23 with a domestic abuse identifier were threatening and abusive behaviour (27%), common assault (24%) and crimes against public justice, which includes bail offences (23%).

The majority of those accused of domestic abuse were male (86%).

Domestic abuse continues to represent a substantial proportion of cases managed and prosecuted by COPFS. In 2022-23, 11% of all charges reported by the police to COPFS related to domestic abuse.

Despite the high volume of domestic abuse charges reported to COPFS, most incidents of domestic abuse go unreported to the police.

A range of organisations offer support to victims of domestic abuse, including:

- Victim Support Scotland [Media centre - Victim Support Scotland](#)
- Scottish Women's Aid [Media | Scottish Women's Aid \(womensaid.scot\)](#)

Notes end

The IPS inspection of The prosecution of domestic abuse cases at sheriff summary level will be available to download from the IPS website (<https://www.prosecutioninspectorate.scot/>) from 1030 hrs on Wednesday, 17 April 2024.

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