

Criminal Law - Crown Office And Procurator Fiscal Service Qualified In 2005

You and this area of the legal profession

What do you enjoy most about it?

I genuinely enjoy working in a job that I find both interesting and rewarding. The criminal law can have an impact on any member of society and I enjoy dealing with real life situations. The work is varied and brings you in to contact with a range of people, including witnesses, police officers, defence lawyers, social workers, doctors, Sheriffs and other senior members of the legal profession. It is possible to build a good working relationship with all of these people, which adds to the enjoyment of the job. Although working in a Courtroom environment has its challenges, it is also very rewarding when a case has successfully resolved – whether that is after a trial or after productive discussions with the defence. These cases are important to the victims, witnesses and next of kin and it is worthwhile to know that you have considered their specific needs, as well as acting in the general public interest

What would you do if you were a new graduate trying to start out in this area of the profession?

I would try and find out as much as I can about the area, to see if it is something I was interested in and keen to become involved in. Attend at the local Sheriff Courts and High Court to observe cases proceeding and see the criminal law in practice. The Crown Office and Procurator Fiscal Service is the sole prosecution authority in Scotland – therefore, if you want to be involved in the prosecution of crime, then that is the only employer you can contact to try and obtain a traineeship. However, if you are interested in the criminal law generally, it may also be worth exploring opportunities with criminal defence firms. They deal with the same cases that we are – although obviously from a different perspective!

What are you most excited or concerned about for this area of law in the future?

The criminal law is continually changing and developing. There are significant changes coming within the next year, with the introduction of the Sexual Offences Act and the Criminal Law and Licensing (Scotland) Bill. The Sexual Offences Act is designed to overhaul the current law relating to sexual offences, and introduces for the first time a statutory definition of rape. The Criminal Law and Licensing (Scotland) Bill (amongst other things) sets out the Crown's disclosure obligations in relation to the defence, thereby protecting an accused person's right to a fair trial and preventing miscarriages of justice. There has also been very recent discussion about abolishing the double jeopardy rule. These changes will undoubtedly mean we have to alter our current working practices and will create new challenges in how we deal with cases, both at the preparation stage and in Court.

What have been your biggest surprises in this field?

I have found it surprising to see the extent of the routine duties of a Procurator Fiscal. For example, we can become extensively involved in the police investigation side of enquiries, discussing investigations with senior officers and directing what route the investigation should take. At a person level, I have also found it surprising that Court work is not as daunting as it once appeared! It is obviously initially intimidating to appear and present evidence in Court, and while that feeling never entirely disappears, it certainly becomes manageable and ultimately satisfying and enjoyable!

What motivates you to continue in this area of work?

I am motivated to continue in this area of work because I enjoy it. This is partly because I find the criminal law interesting - the fact that it is constantly developing, with new challenges emerging, means that the job never becomes stale and there is always something to keep your interest. It is also partly because of the wide range of people you get to meet when carrying out your day to day duties. This may be your colleagues, but it also includes (although not limited to!) the witnesses you deal with on a daily basis, the police officers you discuss investigations with and the defence lawyers you work with routinely in Court. Finally, it is also partly because I feel as if I am doing something worthwhile and meaningful, which benefits the local community.

About the work you do

What are your primary responsibilities?

A Procurator Fiscal Depute is responsible for the day to day handling of criminal cases. We check the initial prosecution reports for sufficiency of evidence and then decide whether or not we are going to take any action. We prepare cases for trial and conduct trials at summary and Sheriff and Jury level. We also prepare High Court cases for prosecution by Crown Counsel. The Crown Office and Procurator Fiscal Service has responsibility for the investigation in to sudden, suspicious, accidental, unexpected and unexplained deaths and also complaints against the police.

How do you spend your time? (if possible try to quantify rough %s for an average week)

As we carry out a wide range of duties, there is no such thing as an average week. A Procurator Fiscal Depute may be based in the Summary Trials team, which would mean that the majority of their time would be spent preparing and conducting trials in Court. If they were based in the Initial Case Processing Team, they would spend the majority of their time reading and making decisions on cases that are reported to the office. As a Depute in the Solemn Team, they would be involved in preparing cases, by interviewing witnesses and examining productions. Again, they would also spend time prosecuting these cases in Court.

The majority of Deputes spend part of the morning reading and making decisions on the cases that have been reported that day, where the accused has been kept in custody and must appear in Court on the next lawful day. If a Depute is working in the office, rather than in Court, they would also spend some of the day answering police/witness queries, dealing with search warrant requests and receiving calls about sudden deaths. If required, it may be necessary to visit the locus of a sudden death, attend the post-mortem examination and participate in the police briefing in relation to the investigation of the death.

What prior experience is valuable to help you get into this area of law (e.g. vacation placement, volunteering with CAB etc)

The Crown Office and Procurator Fiscal Service does not currently offer vacation placements. However, it is worth contacting your local Procurator Fiscal's Office to see whether they are willing to offer work experience. This kind of experience is not necessary for obtaining a traineeship, although it may be beneficial. It could also be beneficial to obtain similar experience in other organisations such as the Children's Reporter, Citizen's Advice Bureau or Criminal Defence firms. What is most important is that you are able to demonstrate, using real life examples, that you have the skills that are necessary to be part of the Crown Office and Procurator Fiscal Service. (See below)

What is the typical career progression for a lawyer in this field?

Your initial appointment is as a Procurator Fiscal Depute – a deputy to the local District Procurator Fiscal. It is possible to then be promoted to a Senior Depute and a Principal Depute, followed by a District/ Area Procurator Fiscal. As a District Procurator Fiscal you are responsible for the prosecution of crime in your local area. It is also possible to work at the Crown Office headquarters in various centralised teams, including the High Court Division, the Appeal Unit and National Casework Division (dealing with large scale financial crimes or serious and organised crime.) Another career path is to work as a Fiscal Advocate Depute and be a member of Crown Counsel, who deal with our most serious cases in the High Court and represent the Crown in the Appeal Court.

Where, when and how do you suggest looking for traineeships?

Recruitment of trainees takes place annually, normally around December and January. Further information can be found on the Crown Office website – www.crownoffice.gov.uk

About skills

What skills are most critical to success in this area?

Communication skills are essential as the job involves spending a large amount of time dealing with members of the public – whether they are witnesses, accused, the police or next-of-kin. Procurator Fiscal Deputes must make significant decisions on a wide range of issues and so judgement, analysis and decision making skills are also of importance. The job does present unique challenges and to be able to deal with these challenges, a degree of drive and determination is crucial.

How do you keep your skills current?

COPFS has a Learning and Development Unit, based at the Scottish Prosecution College in Glasgow. The College organises a variety of courses, designed at keeping all of the staff up to date on changes to the law. A Procurator Fiscal Depute discusses with their line manager what courses would be suitable for them to attend. Some courses are mandatory for all legal staff, including courses on Advocacy Skills, Child Witnesses, Investigating Deaths and Sexual Offences

What do you read to ensure you are up to date in this area of law?

The Crown Office and Procurator Fiscal Service has a dedicated intranet, designed to keep its staff up to date with current developments. Through the intranet we have access to regular Circulars and General Minutes, highlighting changes in the law and changes in working practices. We also have access to Westlaw, through LINETS. The Crown Office library has an up to date collection of all the relevant law journals.

What professional associations do you belong to?

The Law Society of Scotland

Anything else?

Is there anything else you think would be helpful for anyone considering this field?

A traineeship with the Crown Office and Procurator Fiscal Service is very interesting and rewarding, and on completion the trainee would be in a strong position for applying for a permanent post either with COPFS or with a criminal defence firm.

During the first year the trainees are primarily based in Crown Office and will spend a period in some of the main units - High Court Unit, Appeals Unit, Policy Division, International Crime Unit, Civil Recovery Unit and National Casework Division. In addition, some trainees will work in support of Crown Counsel and all trainees will spend a number of weeks in a Procurator Fiscal's Office.

The second year of the traineeship will be based at a designated Procurator Fiscal's Office. During the time spent in a Procurator Fiscal's Office, trainees will experience the range of responsibilities of a prosecutor in a Procurator Fiscal's Office, including the preparation and presentation of the prosecution case in court.