



## **SHERIFFDOM OF TAYSIDE, CENTRAL AND FIFE**

### **PRACTICE NOTE**

**No. 1 of 2021**

### **Virtual Custody Court Pilot**

This Practice Note sets out the arrangements for the virtual custody court pilot in the Sheriffdom of Tayside Central and Fife at Falkirk Sheriff Court.

1. The High Court of Justiciary Direction No 1 of 2021 dated 15 January 2021 provides that a detained person may participate through live television link from the Police Scotland Custody Centre, West Bridge Street, Falkirk for a first appearance from custody at Falkirk Sheriff Court.
2. A virtual custody court pilot will commence on 21 January 2021 at Falkirk Sheriff Court.
3. The sheriff clerk will appoint a custody coordinator for each day, the contact details of whom are attached at Appendix A.
4. For the purposes of the pilot, and subject to the restrictions set out below at paragraph 11, first appearances from custody and appearances on apprehension warrant in all cases arising from Falkirk, Alloa and Stirling (petition and summary) will be conducted virtually between Falkirk Sheriff Court and Police Scotland Custody Centre, West Bridge Street, Falkirk
5. Police Scotland will carry out an assessment of all custodies to determine whether any of the exception criteria referred to in paragraph 11 apply. In the event that the

assessment determines that an accused person falls within one of the exception criteria referred to in paragraph 11, the accused will be conveyed to Falkirk Sheriff Court for the appearance from custody to be in person.

6. Geoamey will notify the solicitor for each accused person that the accused person is detained and that the appearance will be conducted virtually.
7. Defence solicitors representing accused persons appearing virtually should contact COPFS by telephoning 0300 020 2754 to obtain a copy of any complaints, petitions, summaries of evidence and schedules of previous convictions via CJSM (secure email).
8. Consultations and court appearances by virtual means will be conducted from the solicitor's own mobile device from any location suitable to the solicitor. Additionally solicitor/client consultation rooms will be available at Falkirk, Stirling and Alloa Sheriff Court for solicitors to conduct private consultations by virtual means. Wifi connections will be available at these locations for use by participants in the virtual custody process.
9. Private consultations between defence solicitors and accused persons will be conducted via the Lifesize video conferencing app. The virtual custody appearance will be conducted via Webex software. The relevant software can be downloaded to any smart device.
10. COPFS will provide relevant telephone numbers to allow defence solicitors to contact them for discussions if required prior to the virtual custody appearance. The identity of the Procurator Fiscal Depute who shall be conducting the custody court shall be confirmed on the daily custody schedule forwarded by the Sheriff Clerk custody coordinator on a daily basis. This shall also include a telephone number for the Procurator Fiscal Depute to be contacted on that day. This number shall be a direct dial to the Procurator Fiscal Depute.

11. The appearance of accused persons falling within the following categories will not take place virtually:
  - Individuals requiring translators (including BSL)
  - Individuals who are self-representing
  - Under 18s
  - Individuals with severe mental health difficulties as diagnosed by a medical professional
  - Multi accused cases with more than 2 accused
  
12. For the avoidance of any doubt, notwithstanding a determination by Police Scotland that an accused person is suitable to participate fully in the proceedings if they are to be conducted virtually, it will be open to the solicitor for an accused person to make representations to the sheriff that the appearance should not be conducted virtually.
  
13. If, in the course of a virtual custody appearance, a matter arises upon which the solicitor for the accused requires to take instructions, a further private virtual consultation will be facilitated during the custody appearance.
  
14. If requested, private consultations between accused persons and their solicitors subsequent to virtual appearance from custody will be facilitated.
  
15. The pilot will operate from 21 January 2021 for a period of 8 weeks.

**Sheriff Principal Marysia Lewis**

**20 January 2021**

Appendix A

FALKIRK CUSTODY CO-ORDINATOR

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