

Assist, Rape Crisis Scotland, Scottish Women's Aid & Victim Support Scotland: Key developments required to improve the experience of witnesses and complainers

July 2020

1. Visually recorded police interviews should be expanded across all crime types involving vulnerable complainers or witnesses (as defined in the Victim & Witnesses Act 2014) and across all areas of Scotland. A rapid assessment should be made of the learnings from the existing VRI pilot in 3 areas of Scotland for rape complainers to inform the extension of this pilot.
2. In principle agreement that vulnerable witnesses will not need to give evidence from a court building but will be given the choice to give evidence via remote link from another suitable location.
3. An expansion of the use of evidence on commission to take evidence from vulnerable complainers and witnesses. This should include: an urgent examination of whether the issues identified with using dedicated suites such as that at Atlantic Quay in the current circumstances can be overcome by the use of e.g. mobile technical equipment ; and urgent consideration to how commissions can be extended geographically beyond the current use in Glasgow and Edinburgh
4. The Scottish Government should commit to a review by September where if there is no indication that the measures being pursued are likely to have a significant rather than minimal impact on the backlog of Solemn cases, then they will reconsider judge led trials.
5. Academics with relevant experience should be involved at an early stage to assess the impact of a move to remote juries and the impact this may have on jury decision making
6. Explore increase in sentencing power for sheriffs at summary level. Safeguards will be required, training for sheriffs undertaken prior to implementation, and guidance issued for COPFS staff on which cases should be considered for summary trial.
7. Urgent attention is needed for modelling that brings summary times for domestic abuse cases back within 8-10 weeks. Engagement with SWA and Assist will be critical to delivering this.
8. A significant increase in resources to advocacy services supporting complainers of gender based violence. The current situation is having a significant impact on people's wellbeing and services are already finding that people are requiring additional support to cope with the delays and uncertainty.
9. Gathering of evidence about what is happening with accelerated pleas and bail reviews. Safety planning and court advocacy for victims/complainers is crucial.
10. Community justice – report to victims about offender's compliance, if they want this. Links must be made to specialist services.
11. Parole – return to transforming parole – face to face/ video link hearings and increased involvement of victims and their families if they want it.
12. Complete overhaul of the Victim Notification Scheme

13. Priority is given to witnesses' safety and health concerns and their preferences regarding PPE are accommodated where possible
14. Commitment to working with victims organisations from the start, rather than at the end, of any developments