

## JUSTICE COMMITTEE

### Note of meeting with victim 'X'

4 October 2016

**Present: Rona Mackay MSP, Stewart Stevenson MSP, John Finnie MSP, Oliver Mundell MSP**

**'X' accompanied by a relative and a representative from Victim Support Scotland**

#### *Background*

1. X explained the background to their interaction with the COPFS and described to Members the stalking and harassment she had suffered from her ex-partner which had culminated in her entering her home and threatening to kill her when her children were present.
2. She told Members that she was content with the support provided by Police Scotland after making her initial report. X had initial concerns with Police Scotland saying there was 'no choice' but to arrest the accused, but had accepted this was due to the background information Police Scotland had relating to historical behaviour of her ex-partner and the seriousness of the continued electronic threats being made to her whilst in their presence.
3. Her ex-partner was arrested and was held in custody prior to attending court. After the court appearance X received a phone call to say that a charge had been made and bail had been granted with a condition attached restricting her ex-partner from entering a specified area around her and her children's home.
4. X told Members that her ex-partner broke these bail conditions on more than one occasion however the Police were unable to take this forward due to lack of evidence.

#### *Interaction with COPFS*

5. She told members that she had been called to court 4 times and each time the case had been adjourned. The main reason given was due to the length of time taken to obtain evidence from an electronic device and the volume of that evidence when it was received (over 1200 pages).
6. Members heard that her ex-partner faced an almost identical charge relating to historical events. The Procurator Fiscal (PF) contacted X to advise her of the court date relating to the historical charges. This led to confusion because the PF was unaware that her ex-partner was also facing the original charge on the same

date and that X had already been notified of this. In this case there was only 2 PFs working in that particular office.

7. X confirmed that she had never had to appear in court as the accused eventually entered a guilty plea. She told Members that she had been informed in person, in the court, that her ex-partner had pled guilty to everything.
8. She then received a letter from the court stating that he had pled guilty to one charge and it was unclear if this was the current charge or the historical charge. She had to contact the court herself to clarify this and discovered he had only pled guilty to the current charge and the historical charge had been dropped. The notification of this situation did not take place as it should and she was not given any explanation as to why this decision was made. If it was part of a plea bargain she feels that she should not have been excluded from these discussions, as she wanted the accused to attend court to face all of the charges, rather than just enter a guilty plea for one.
9. It was at this point that X discovered that the bail conditions had been changed and made much weaker; they had gone from not entering a specified area around her home to not approaching her. If she had not enquired they would have remained unaware of this. The weakened bail conditions have left her feeling very vulnerable.

#### *Attending court*

10. X felt supported by the relevant third party agencies in place and that she had received appropriate referrals to access support from others such as Domestic Abuse Scotland and Victim Support Scotland.
11. X told members that she asked for a separate waiting room in the court and this had been provided for her and those accompanying her to court, however there was no protection outside the room. This led to a child witness being verbally abused by the accused when they left the room for refreshments.
12. On another occasion a member of court staff entered the room and X could see her ex-partner standing in the doorway staring into the room.

#### *Suggestions for improvement*

- Making it clear what the charges are as they often appear cited differently from how they are initially described by the Police, eg breach of the peace could be used to describe several other actions. This can be confusing for victims when the charges are read out in court.

- If there are changes in what the victim believed the accused was charged with and what the final charges are then it would be helpful if this was explained to the victim. An example of this would be if the charges were reduced.
- Communication between PF and victims needs to improve, for example the PF not being aware that the accused was already in court for different charges at the same time because another PF had dealt with the original charges. A process should be in place to ensure this doesn't happen.
- Victims and witnesses are met at the door and supported on the way in, however on the way out of the court room they can find themselves face to face with the accused.
- Clarity for victims over what charges have been pled guilty to and make them fully aware of any changes to bail conditions.