

PE2185/E: Introduce stronger safeguards around the use of digital material in court proceedings

Chief Constable of Police Scotland written submission, 15 January 2026

Thank you for your letter dated 1st December 2025 seeking my views in respect of the petition and the timing concern expressed by the petitioner.

In providing this response I have had the benefit of reading the petition, the petitioner's additional submission, and the written submission provided by the Lord Advocate on 31 December 2025.

I would respectfully adopt and support the Lord Advocate's comments with regards to the treatment of digital evidence that is *ex facie* valid, and the existing safeguards already provided in law to ensure that the authenticity and accuracy of evidence (including digital evidence) is capable of challenge.

Should concerns be raised in respect of the authenticity of digital evidence during the course of a police investigation into a reported crime, those allegations would be treated seriously and investigated appropriately by Police Scotland.

However, as noted by the Lord Advocate in her written submission, digital evidence may form only part of the whole evidence available. It is rarely the entire case. Whether it is appropriate or necessary for the police to conduct further investigation into the authenticity and accuracy of digital evidence before reporting a detected crime to prosecutors for consideration, will depend upon the particular facts and circumstances of the concerns raised, and what other supporting evidence may exist.

In any case, in line with disclosure duties places on Police Scotland, should concerns be raised to Police about the authenticity of digital evidence relating to a crime or offence during an investigation which results in an individual being charged and reported to COPFS, these concerns would be disclosed and reported to COPFS.

Where a prosecutor has a concern about the provenance, authenticity, or accuracy of digital evidence submitted as part of a case reported to them by Police Scotland, it would be for COPFS to determine what further action is necessary.

I agree with the Lord Advocate that the existing safeguards and procedures are established and work well. I share the Lord Advocate's concern that the amendments suggested to the Criminal Procedure (Scotland) Act 1995 as proposed in the petition have the potential to unnecessarily delay access to justice, for all those affected by crime, with the potential for significant operational challenges and impact for policing.

I trust the above is of assistance to you and the Committee.

Yours sincerely,

Jo Farrell, Chief Constable of the Police Service of Scotland