

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

Petitioner written submission, 10 February 2026

Having carefully reviewed the submissions provided by the Chief Constable of Police Scotland and the Lord Advocate, I do not believe they fully address the central concern raised by my petition.

I would also note that the Chief Constable's submission closely mirrors the position set out by the Lord Advocate. While alignment between institutions is not inherently problematic, the Committee specifically sought separate views from policing and prosecution. The absence of a distinct operational analysis from policing raises concern that the practical realities of frontline evidence handling have not been independently examined.

Both submissions place significant reliance on guidance, professional judgement, and the ability to challenge evidence later through court processes. My experience demonstrates why that approach is insufficient in practice.

Concerns raised, but no investigation followed

A key assertion in the Chief Constable's submission is that concerns about digital evidence will prompt investigation. In my case, concerns about the authenticity of the digital material were raised immediately at the point of arrest. I consistently denied authorship of the material relied upon and made clear that it did not originate from me.

Despite this, no investigation outcome, forensic assessment, or verification of that digital material was ever provided. At no stage was I informed that the provenance or authenticity of the evidence had been examined, either at the time of arrest or subsequently. This directly contradicts the assurance that concerns raised by an accused person will necessarily result in investigative scrutiny.

Further, I have an outstanding police complaint relating specifically to the handling and non-investigation of the digital evidence in my case. To date, that complaint has not been substantively responded to. This is relevant to the Committee's consideration because it reinforces the central issue raised by the petition: even when concerns about digital evidence are formally raised, there is no guarantee that they will be examined, addressed, or learned from in the absence of a mandatory investigative requirement.

This directly undermines assurances that existing processes are sufficient, as they rely on discretion rather than obligation.

The access contradiction

In submissions and explanations provided to me, it has been stated that the case was discontinued because police were unable to access my mobile phone. However, at the point my phone was seized, access credentials were voluntarily provided, verified as working by the arresting police officer, and recorded contemporaneously.

These two positions cannot logically coexist. Either access was available and no meaningful examination followed, or access was unavailable in a manner that has never been explained. In either scenario, the absence of a clear, mandated process for verifying digital evidence allowed uncertainty to persist unchecked.

Treatment of unverified material as “credible” and the question of victimhood

The Lord Advocate’s submission states that the system is geared towards supporting victims, and that evidence is assessed as sufficient and credible before prosecution proceeds. However, my experience raises serious concern about how unverified digital material can meet that threshold in practice, and about how victimhood is understood within the current framework.

In my case, digital material that was never verified was treated as credible, resulting in arrest, charge, and prolonged restrictions. The case was later discontinued, yet at no point was there any recognition that I had suffered harm as a result of false or unexamined digital material.

This highlights a significant gap. Current frameworks appear to assume that digital evidence is authentic at the point it is presented, and that support is therefore correctly directed. Where digital material is fabricated or manipulated, the system has no mechanism to recognise or respond to the harm caused to the person falsely accused.

The changing risk landscape: digital manipulation and AI

It is also important to recognise how rapidly the risk landscape has changed. Advances in artificial intelligence now mean that convincing digital material can be created with minimal effort. With little more than a photograph, it is now possible to generate realistic messages, audio, or video depicting an individual saying or doing things that never occurred.

In this context, reliance on the apparent provenance of digital material without verification is no longer safe. The existence of such technology makes early investigation not optional, but essential. Guidance and discretion cannot adequately address this risk when the potential for fabrication is both high and widely accessible.

The human impact of delayed scrutiny

While my petition is focused on systemic reform, it is important to acknowledge the human consequences of delayed or absent verification.

For many months, I lived under the weight of allegations based on digital material that had never been authenticated. During that time, I experienced severe psychological distress, isolation, and reputational harm. I was subject to restrictions while the allegations were treated as credible, and the cumulative impact brought me close to taking my own life.

This is not included for emotive effect, but to underline the stakes involved. A simple, early investigation by police, examining the authenticity of the digital material at the outset, would have prevented the situation from escalating to that point.

Why legislation is necessary

Both submissions emphasise guidance, training, and professional judgement. While these are important, they are not substitutes for a clear, enforceable safeguard.

Guidance assumes compliance. Legislation ensures consistency.

My petition does not seek to undermine victims, weaken prosecutions, or add unnecessary complexity to investigations. It asks for a simple, preventative step. Such a step would protect all parties, complainers, accused persons, investigators, and prosecutors, by ensuring decisions are made on a sound evidential basis from the outset.

Conclusion

The responses from the Chief Constable and the Lord Advocate describe how the system is intended to function. My experience demonstrates how, in the absence of mandatory early verification, it can fail.

This petition exists because the consequences of that failure are severe, avoidable, and human.

I respectfully ask the Committee to consider whether reliance on discretion and later challenge is sufficient in an era where digital material can be easily fabricated or manipulated, and whether Scotland has an opportunity to lead by introducing a clear, preventative safeguard that reflects modern realities.