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Justice Committee

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Dear Convener

## **VULNERABLE WITNESSES (CRIMINAL EVIDENCE) (SCOTLAND) BILL**

At the officials evidence session on 20 November, I undertook to provide the Committee with the following information:-

### **Joint Investigative Interviews (JIIs)**

The Evidence and Procedure Review Joint Investigative Interviews Work-stream Report made 33 recommendations for how the current model for JIIs and the initial interview process could be strengthened.

These recommendations are being taken forward by relevant organisations including Police Scotland, Social Work Scotland, SCTS, the Crown Office and Procurator Fiscal Service as well as the Scottish Government. Multi agency governance and working groups have been established to oversee this work which includes improvements to technology, facilities, guidance and training for JIIs. The Governance groups report to the Justice Board and the National Child Protection Leadership Group.

The Scottish Government have committed over £300,000 to a joint project led by Police Scotland and Social Work Scotland which will create a revised model for JIIs and develop a training programme which recognises the depth of knowledge and skills required for this interview process. They will also design national standards for quality assuring JIIs, and develop key principles to inform new statutory guidance. The project is due to complete this year and work on the roll out of the training and draft statutory guidance will follow in 2019.

A separate working group is taking forward the justice related recommendations including the roll out of new IT, visual recording and data storage equipment. The working group have overseen the delivery of further Scottish Government funding of £65,000 to Police Scotland to carry out urgent upgrades to improve accommodations for JIIs across the country. The working group are also developing a consistent approach to data collection and considering the further recommendations including the use of transcriptions services and the longer term work on multi-purpose facilities. In addition, the Vulnerable Witnesses Bill also takes forward

the recommendations from the JII Report on the wider use of pre-recorded evidence with children and other vulnerable witnesses as evidence in chief.

## **JIIs – Data**

The Evidence and Procedure Review Joint Investigative Interviews Work-stream Report recommended that justice organisations commence routine collection of data on the frequency and use of JIIs in proceedings. As stated above, the JII Working Group are currently developing a consistent methodology for the approach to data collection on JIIs.

Existing data collated by Police Scotland suggests that around 6000 JIIs are carried out each year. An exact number of all interviews with children is not available as current data does not take into account the significant number of interviews which take place where later no crime is recorded or further action taken. The Scottish Government currently does not hold data on the number of JIIs that are used in criminal court proceedings, however we are in contact with justice sector partners on this issue and if it is possible for this data to be ascertained, we will provide the committee with that information.

## **Timescales for Commissions**

In solemn cases evidence by commissioner (EBC) can currently only take place after service of the indictment.

Where an accused is in custody the indictment must be served within 80 days of full committal. Full committal typically takes place 7 days after the accused appears on petition. The preliminary hearing must take place within 110 days of full committal. The trial must start within 140 days. In practice EBC currently takes place between the preliminary hearing and the trial. The Court and Commissioner's availability can impact on when the commission hearing takes place and whether the trial has to be further delayed to accommodate the EBC hearing.

Where an accused is on bail the indictment must be served within 10 months of appearance on petition. The preliminary hearing must take place within 11 months, the trial must start within 12 months. EBC at present takes place between the preliminary hearing and the trial.

Whether it is a custody or a bail case, if there is any scope to indict in advance of the time-bar, we understand that the Crown does so.

As you are aware, the Bill proposes removing the requirement for the indictment to be served before an EBC can take place, therefore evidence could take place a short time after the petition has been served. However, as indicated in my evidence to the Committee, the Scottish Government anticipates that by far the majority of EBC hearings will continue to take place after an indictment has been served. The rationale for this approach is that it is only when the indictment has been served that parties can be certain about the issues that require to be explored with the witness in evidence and thus it is necessary to ensure that witnesses are not routinely required to give evidence by commissioner on multiple occasions. Further to this, prior to the service of an indictment the forum for proceedings is not certain.

I hope the Committee find this helpful.

Yours sincerely,

**KAREN AUCHINCLOSS**  
Bill Team Leader