



Official Report
Aithisg Oifigeil

DRAFT

Criminal Justice Committee

**Comataidh
a' Cheartais Eucoirich**

Wednesday 23 September 2026

Session 7



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CRIMINAL JUSTICE COMMITTEE

6th Meeting 2026, Session 7

CONVENER

*David Linden (Glasgow Baillieston and Shettleston) (SNP)

DEPUTY CONVENER

*Ben Macpherson (Edinburgh North Eastern and Leith) (SNP)

COMMITTEE MEMBERS

*Amanda Bland (Central Scotland and Lothians West) (Reform)

*Maggie Chapman (North East Scotland) (Green)

*Stephen Kerr (Mid Scotland and Fife) (Con)

*Marie McNair (Clydebank and Milngavie) (SNP)

*Pauline McNeill (Glasgow) (Lab)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Detective Superintendent Adam Brown (Police Scotland)

Dr Emma Forbes (Crown Office and Procurator Fiscal Service)

Fraser Gibson (Crown Office and Procurator Fiscal Service)

Nicola Love (Rape Crisis Scotland)

Assistant Chief Constable Tim Mairs (Police Scotland)

Fiona McMullen (ASSIST)

Yi-pei Chou Turvey (North East Scotland) (LD)

LOCATION

The David Livingstone Room (CR6)

Scottish Parliament

Criminal Justice Committee

Wednesday 23 September 2026

[The Convener opened the meeting at 09:31]

Decision on Taking Business in Private

The Convener (David Linden): Welcome to the sixth meeting in 2026 of the Criminal Justice Committee. We have received no apologies. As I have done at previous meetings, I welcome Yi-pei Chou Turvey MSP as an observer.

Agenda item 1 is a decision on taking business in private. Item 6 is consideration of the evidence that the committee will hear today, and item 7 is consideration of a draft report on the supplementary legislative consent memorandum on the Armed Forces Bill. Do members agree to take items 6 and 7 in private?

Members *indicated agreement.*

Subordinate Legislation

Dangerous Dogs (Compensation and Exemption Schemes) (Miscellaneous Amendment) (Scotland) (No 2) Order 2026

09:32

The Convener: Item 2 is consideration of a Scottish statutory instrument that is subject to annulment. SSI 2026/212 amends the Dangerous Dogs Compensation and Exemption Schemes Order 1991 and the Dangerous Dogs (Compensation and Exemption Schemes) (Scotland) Order 2024. In essence, the amendment order requires holders of exemption certificates to ensure that exempted dogs are not in close contact with children under the age of 12, unless they are supervised by a person aged 16 or over. The requirement applies in non-public spaces, including private homes. The Delegated Powers and Law Reform Committee considered the instrument on 8 September 2026 and made no recommendations in relation to it. No motion to annul has been lodged in relation to the instrument. Do members have any comments?

Stephen Kerr (Mid Scotland and Fife) (Con): I have some questions that I hope we might address, including in relation to the age that is specified in the order. The language that is used is quite imprecise—it says “16 or over”, and, to be frank, I am not clear on the age at which the supervisory responsibilities would transfer to another person. I would also like to understand why it is 16 in Scotland and 18 in England. What does it mean to supervise—what constitutes supervision? What do the words “close contact” mean? Again, the language is so imprecise, and it is important to get it on the record what those terms mean. Therefore, at what age does responsibility transfer, what does it mean to supervise, what does “close contact” mean, and why the age difference between Scotland and England?

The Convener: That is helpful, and, having looked at annex A of the committee’s papers, I had similar questions about the age, so I agree with you, Mr Kerr.

Amanda Bland (Central Scotland and Lothians West) (Reform): In addition to Mr Kerr’s comments, were different age thresholds considered as part of the child rights and wellbeing impact assessment, and why did the Government come to this decision? I read the impact assessment, but I need to understand how the decision was made in relation to children.

The Convener: That is helpful, Ms Bland. Thank you.

Colleagues, as there are no further comments, if the committee is content to delegate authority to me, as convener, I propose to draft a letter to the Minister for Victims and Community Safety with a view to getting answers to those questions.

Stephen Kerr: There was no formal consultation, but the Government's policy note says that there was consultation with certain groups. However, it does not specify who was consulted, so can we ask the minister who was consulted?

The Convener: Yes, that is no problem.

In that case, if the committee is content to delegate authority to me, I am happy to draft a letter to the minister to get answers on those points, with a view to bringing the instrument back to committee next week, so that we can take a formal decision on it. Are colleagues content to move ahead on that basis?

Members *indicated agreement.*

Armed Forces Bill

09:35

The Convener: Under the next agenda item, we will again consider supplementary legislative consent memorandum LCM-S7M-3, which relates to the Armed Forces Bill. The supplementary LCM relates to amendment 30 to the bill, which was tabled on 22 May 2026 and agreed to in the House of Commons on 2 June, concerning the enforcement of service restraining orders in cases where an individual leaves the armed forces and enters the civilian justice system. The committee considered the supplementary LCM at its meeting on 2 September and agreed to write to the Cabinet Secretary for Justice and the Minister for Parliamentary Business and Veterans. We have since received a helpful response to that correspondence, which has been published on the committee's website. Do members have any comments on the supplementary LCM?

Amanda Bland: I would like to understand further the cross-border enforcement framework—for example, in a case where a victim lives in England and the person who is the subject of the non-harassment order lives in Scotland. I would like clarification of that process.

The Convener: Yes, okay. That is helpful.

We will consider a draft report on the supplementary LCM in private later in today's meeting, so we can cover that off then, but I appreciate your raising the issue now, Ms Bland.

Domestic Abuse (Advocacy and Victim Experience)

09:37

The Convener: Item 4 is the first of two evidence sessions on domestic abuse. The committee is continuing its evidence-gathering programme on current priorities and challenges across the justice system, and today's first panel of witnesses will focus on advocacy and victim experience, including how statutory protections, court processes and advocacy services operate for victims/survivors of domestic abuse and sexual violence. I warmly welcome Nicola Love, external affairs manager at Rape Crisis Scotland, and Fiona McMullen, operations manager at Advocacy Support Safety Information Services Together—ASSIST. You are both very welcome, and we are glad to have you with us.

I will kick off with a question to you both. We have seen a rise in the numbers of rape cases and domestic abuse and domestic violence cases. I am keen to understand the impact of that on the services that you both provide. Can you speak broadly to that rise and its real-life impact on your services?

Nicola Love (Rape Crisis Scotland): As you pointed out, we are looking at 50-year highs in reports of rape and sexual violence, and, as you know, there is an intrinsic link between the number of cases of rape and the number of survivors who experience that as a result of an intimate partner relationship. Rape Crisis Scotland runs a national advocacy service that provides support to survivors of rape and sexual violence who are engaging or considering engaging in the criminal justice process. Our advocacy workers provide support and information at every stage of the process. They might provide support during police interviews and they might attend court with a survivor.

It is not that complex: if more people are reporting rape and sexual violence, there is a greater need for independent advocacy to support people; if a greater number of people are attending court, a greater number of advocacy workers are needed to support people. The challenges that we face are directly linked to the fact that the funding for that work is frozen and has been frozen for a significant number of years. We are looking at real-terms cuts, but there probably was not enough funding to deal with the demand in the first place. There is definitely not enough funding to deal with the demand now.

The Convener: I saw some commentary, which might have been from Glasgow and Clyde Rape Crisis, suggesting that its centre would need

another £500,000 in financial year 2026-27 just to maintain current service levels. Broadly, is that an accurate picture across the service nationally due to the pressure that we are seeing? What will the consequences be if you do not get that support?

Nicola Love: In 2022, in consultation with all our local delivery partners, including Glasgow and Clyde, we estimated that we would need about £3.5 million to provide services at current demand levels. The Government said that we could have £2 million, so we were operating with around 60 per cent of the required funding from that point. That was in 2022. If you are looking at services—whether in Glasgow or the rest of Scotland—that since then have only faced increased demand, it is obvious that there is not enough funding. The consequences of that are that survivors do not have the support that they need to access the justice system, and that those services are not even able to market themselves to help more people who they might have otherwise helped, because they are already struggling and having to turn away people who refer themselves.

We are stuck in a situation in which survivors are not able to access support when they need it. That disenfranchises them, and it takes them out of wanting to participate in the criminal justice process in the first place. Our sticking point is that, if you cannot provide the kind of advocacy and support that makes people feel able to participate in that process, they simply will not participate in it.

The Convener: Do you want to add to that, Ms McMullen?

Fiona McMullen (ASSIST): Yes, and thank you for the opportunity. It might be helpful if I briefly explain what we do so that you understand the difference between our work and that of other specialist domestic abuse services. Domestic abuse court advocacy—DACA—services have been designed and modelled to provide support to victims and children who have cases going through criminal court processes. Starting in 2004, ASSIST has built services up so that we now cover most of the west of Scotland. There are pockets of services in other areas, too, but there is not a consistent approach available across Scotland to people living in any given area. That is important to know.

The Convener: What is the reason for there not being a consistent approach? Is that due to funding by local authorities? Why is the postcode lottery kicking in?

Fiona McMullen: The postcode lottery is kicking in because services are unable to set up in particular areas as they require funding.

A great deal of work has been done by SafeLives—funded by the Scottish Government

and in partnership with ASSIST—to look at domestic abuse court advocacy accreditation across Scotland so that, one day, wherever you live—for example, you live in Inverness but go to Glasgow for the weekend and there is an incident, so your court is in Glasgow but you return to Inverness—your support, your safety planning and, if you are high risk and need a co-ordinated community response, your multi-agency risk assessment conference will all happen in the area where you live.

We are not in that position yet, but much has been done in developing standards, accrediting the work and training DACA workers, in addition to their training in independent domestic abuse advocacy, or IDAA—we are full of acronyms. That is high-risk work, and we add to its complexity with the criminal court process.

Lots has been done to embed new services. DACA services are in 20 local authorities, but those authorities are not providing the same thing. Across the authorities, different client groups receive the services, and there are different court forums, whether that is summary—where most domestic abuse cases sit—or up to the High Court. There are variances, which is due to funding, so we want a day where there is no postcode lottery in Scotland.

I will go back to what DACA services do. We are not an add-on to the criminal justice system. Over 22 years, we have shown that the model is integral to the criminal justice system working in the best way that it can for victims of domestic abuse. They tell us that, when they report, they increase their risk, and what is heard at court is usually a fraction of the abuse that they are being subjected to. Therefore, from that point onwards, they need robust risk assessment and safety planning in order to go through the criminal justice process.

We hear a lot of talk about best practice in the services that we provide. To me, best practice is aspirational, but the work that we do is not aspirational. It must be safe practice, and that should be non-negotiable.

On the funding of ASSIST, in 22 years, we have never said no during the development of what have been really positive developments in the criminal justice system. We have been involved in the disclosure scheme. We have been involved in multi-agency risk assessment conferences across 14 local authorities in all levels and forums of court, making sure that we are there and that victims are safe and supported.

09:45

However, in January, we had to take the difficult decision to put in place a temporary pause on any referrals not already identified as high risk, usually

by the police. That is important, because when someone makes a report to the police, that risk is often unknown. They might not have disclosed everything to the police at the time of the incident, so they will need the support and the skill and experience of a DACA worker to explore that further. We also do prevention work in relation to some of the most worrying summary cases, by which I mean those in which what goes through court does not reflect the incident.

That has been a significant challenge. For every year for which the emergency referral provisions remain in place, we are losing 2,500 victims who are not accessing our service. We put the pause in place in January, hoping that it would be temporary, but we are now in September and it is still in place.

In addition, we are approaching October, and our service and many others that are funded by the victim-centred approach fund and delivering equally safe do not know what the funding picture for next April will be. Domestic abuse is not temporary, nor is domestic homicide, but the funding still is.

The Convener: That was very helpful. You have painted a stark picture, which is what the committee needs in order to be able to interrogate the matter further with decision makers.

I have a final question for both of you before I hand over to my colleague Ms Chapman. Recommendation 19 in the report on the prosecution of domestic abuse cases at sheriff summary level that was produced by HM Inspectorate of Prosecution in Scotland back in 2024 talks about communication with victims in summary domestic abuse cases. I am keen to hear from either of you on that, because I am conscious that the inspectorate intends to look at the issue again, as the Crown Office and Procurator Fiscal Service does not seem to be making progress on it. We will question COPFS on that later in the meeting.

Fiona McMullen: I would be very happy to speak to that. ASSIST is significantly embedded in the case management model that has been rolled out across Scotland, which has been very successful in enabling an early resolution to cases to be achieved. The inspection in relation to communication with victims has been part of that.

We are seeing improvements in that respect, but those improvements are dependent on resources. The chronic underfunding is not limited to specialist services such as ours but is being experienced by COPFS in relation to fiscals and victim information and advice, and by the police. I train fiscals, and part of that training is about how to undertake victim engagement in a trauma-informed, domestic abuse-competent way. I

regularly hear about the volume of calls that fiscals are making with regard to victim engagement and keeping victims in those cases informed. On any given day, fiscals can have a list of 20 or 30 victims to call to engage them in the process. Although we have made huge inroads in terms of the appetite, the skill and the experience when it comes to making it meaningful to victims when that call or that invitation is made, we have a long way to go when it comes to resources.

The Convener: I will be brief, because we are quite tight for time. Out of 10, what mark would you give for the progress that has been made?

Fiona McMullen: I would probably say seven.

The Convener: Okay.

Fiona McMullen: I did not give an eight because of the resources issue.

The Convener: That is helpful.

Ms Love, do you have anything to add to that?

Nicola Love: Fiona McMullen has already touched on the lack of resourcing. What that produces is inconsistency. There will be survivors who go through the system who have good communication and who understand what is happening and why, but there will also be survivors who are left completely in the dark. The fact that there is a complete lack of consistency across the board makes things very difficult and underlines why independent advocacy is so important.

The Convener: Thank you. I will hand over to Ms Chapman, who has a declaration of interests to make before she begins her questions.

Maggie Chapman (North East Scotland) (Green): Good morning, both. Before I get to my questions, I alert colleagues to my entry in the register of members' interests: prior to my election in 2021, I worked for a rape crisis centre.

I thank you both for what you have said this morning. I am interested in what you have said about what essentially comes down to this point: whether we treat advocacy as core justice system infrastructure and fund and resource it accordingly. If we do not, we have not only discrepancies but failures in relation to people who are seeking to access justice.

I come to Nicola Love first. What does it mean to a survivor if they do not have the advocacy that they need when they need it? That is, of course, if they want to go through the criminal justice system; I appreciate that not every survivor does. Without that advocacy support, what are they left with?

Nicola Love: Very little, I suppose. As you said, not all survivors will want to go through the criminal justice process, and a lot of people try to access

independent advocacy through our services because they want to explore whether that is something that they might want to do, or something that they feel like they can do. The earlier advocacy is involved in that process, the better the outcome tends to be for the survivor.

Fiona McMullen put it well when she talked about the fact that our service is not an add-on—it is not just something that is nice to have. The advocacy worker is the only person who is working independently of the criminal justice process and is advocating for the survivor's interests. Sometimes, when you do not get the resourcing or the personnel right, that is the only person who is really interested in making sure that the survivor understands what is happening around them, which obviously has a profound impact on them.

Maggie Chapman: You say that independence is crucial. There has been some discussion about what sort of advocacy support could be brought into the statutory services. Why is that independence so important?

Nicola Love: Survivors' trust in the justice system has historically been very low, and it remains so. I do not say that to discredit any of the objectively very good work that is being done by justice agencies; and we are happy to work alongside them to achieve that.

However, that does not change a survivor's general perception when they enter the process. There is a kind of distrust. Someone may have an unfortunate interaction when they make an initial approach to the police, and that can affect whether they feel that they can take things forward. Having an advocacy worker who is able to talk that through with them and make interventions on their behalf when that is appropriate is incredibly important, and it keeps people focused.

I highlight the amount of survivor feedback that we get that amounts to saying, "If we didn't have an advocacy worker there to help us through the process, we wouldn't have felt able to complete it."

Maggie Chapman: It is crucial for access to justice.

Nicola Love: That would be our assessment of it, yes.

Maggie Chapman: Do you have a sense of what the committee should understand as the minimum level of advocacy service provision for every survivor?

Nicola Love: It is difficult, because provision is always fluctuating across the country. Fiona McMullen talked about the numbers on waiting lists for her service, which are a little bit higher than the numbers on ours. Nonetheless, in the financial year 2025-26, we had 1,378 survivors on the

waiting list for advocacy support somewhere in Scotland, and that does not begin to count survivors who could not join waiting lists when they were closed. In addition, some centres, such as the one in Dundee, choose not to operate waiting lists because they find that leaving survivors to languish on a rape crisis waiting list is a form of trauma in itself.

We are missing an incredible amount of people. As I alluded to when Mr Linden asked a question, we cannot go out there and reach all the people we potentially could or might want to reach, because we can barely reach the folk who are turning to us themselves. It is important to understand that there is no expansion—there is no way to reach every survivor. At this point, we can barely reach half of them.

Fiona McMullen: You asked what would happen if we were not there. This work is absolutely about murder and suicide prevention—that is the model. We are working with victims who have been brave enough to report, and who have often raised their risk by doing so, in a fluid court process that is complex and difficult to navigate, and which touches many different organisations. Having a trusted professional to navigate them through that without having to repeat their story is essential.

It is not only about preventative work to prevent risk from escalating—the first response that someone gets from the criminal justice process will set the tone for how they engage in the future. I am thinking in particular of our young victims. If that engagement is positive and they feel safe and supported, they will continue to engage.

Domestic abuse is, sadly, a repeat crime. It is very different from any other crime in that, once it starts, the court process does not necessarily manage to end it. The abuse continues in many different ways, sometimes very creatively, outwith the court process. What happens in court cannot necessarily manage that through the outcome at sentencing. It is crucial that that is managed with regard to the totality of risk.

Maggie Chapman: Thank you for that. You alluded to something that I want to explore a little bit, which is that the abuse continues beyond and outside the court process. I think that the system is very poor at recognising and understanding coercive control, and at capturing that meaningfully. How does your service help to unearth those kinds of abuses? What is your assessment of the relationship between civil and criminal courts? These cases often bridge both systems.

Fiona McMullen: I also want to come back to your point about independence. Victims are living with the situation day in, day out, and have to some

extent kept themselves safe to that point. They have the best knowledge of what they need, and what they need from us, and I think that independence sits within that.

There may be times that a victim does not want to take the action that we might want them to take with regard to increasing safety. They know how to manage safety, and what we do in our independent role is walk alongside them on their journey, at their pace, to keep them engaged.

We might think about coercive control as a situation where the perpetrator has the remote control. When the victim reports to the police, she—I will use gendered language—takes the remote control back. We have the potential, with our processes, to keep that remote control in her hands or to take it away from her. That links in with what we see in criminal and civil courts. We temporarily, at times, give that remote control to the victim, and then the case goes into the civil court arena, and we take it back again and actually give it back to the perpetrator. We say, “Okay—we’ve acknowledged the coercive control here, and we’ve got a non-harassment order for you, but we’re looking at child contact here and we’re not taking account of the danger you see in that for yourself, as the non-abusing parent, and that you see extending to your children.”

With coercive control, children do not witness isolation, exhaustion, degradation and threats; they are subjected to those things alongside the non-abusing parent.

Maggie Chapman: Thank you for that. I have one final question, if I have time. I come back to what you touched on in response to the convener’s questions about communication. How do we ensure that, when we talk about better communication, we are talking about genuine support rather than simply better letter writing? That is what the tick-box might look like—“Yes, we have sent that information” or “We’ve had that phone call.” How important is it that there is a genuine trauma-informed approach? We now all use that term, but how do we ensure that better communication is not just better letter writing?

Fiona McMullen: That will look different for different victims. We have to talk to victims and ask them how they want to engage with us—is it by letter, text or phone? I know that that sounds basic, but I do not know whether you have tried to get a 25-year-old on the phone. It used to be a 17-year-old, but we now have a whole client group who do not pick up the phone and do not want to do things in that way. It sounds basic, but we need to understand the victim.

That is where, again, court advocacy services can help. They can say, “This is how this victim wants to be communicated with.” The victim might

want to use the witness gateway and look at their statement online when the trial is approaching—with the support of an advocacy worker afterwards, because that can be traumatising—or they might not want to be contacted every time something is not continued; they might want you to contact them only when you know something concrete. Other victims will say that, in the absence of information, they create a narrative of what is going on, and they want to get that call even if it is to tell them that nothing is happening. We need to listen to individual victims and work with them where they are.

Maggie Chapman: That highlights why that independent and personal support is so important.

Nicola, do you want to say anything on coercive control or communication?

Nicola Love: With regard to what communication looks like, we tie ourselves up in knots over what “trauma informed” means and does not mean. I think that it means understanding what someone has been through, and understanding that writing a letter telling that person what has happened does not necessarily mean that they understand the contents of that letter or its implications for them.

In particular, when cases start to call, we might see a complainer being cut out of the process because they are seen as a witness, and that aspect is not necessarily looked at. Someone spoke to me about not understanding why their perpetrator had been prosecuted on a rape charge but previous domestic abuse charges against them had been dropped. I can understand that from a prosecutor’s perspective. I can understand why it has been looked at from the perspective of what will achieve the most successful outcome that will come with the highest sentencing threshold. However, a survivor does not understand that if it is not explained to them properly. They think that a huge part of the abuse that they experienced has just been erased from the criminal justice process and are understandably upset about it.

10:00

Maggie Chapman: If we are thinking of advocacy as—to use your words, Fiona—preventative infrastructure, it needs to be individual and almost bespoke for every survivor. Otherwise, we run the risk of not supporting the individuals.

Fiona McMullen: Many of the tactics are similar, whether isolation, exhaustion, degradation or threats. However, the way that they are carried out will be unique and bespoke to the person. The perpetrator knows what will work. It might be hidden in plain sight. It might be something that

would not impact on me but impacts on that victim because of who they are and the knowledge that the perpetrator has about them.

The Convener: I hand over to Ms Bland, who will follow some of that line of questioning.

Amanda Bland: Welcome, Fiona and Nicola. It has been interesting to listen to your evidence. I will open up the discussion and go right back to prevention looking at society as a whole. I am interested in your thoughts about how we educate society to recognise the signs of coercion and controlling behaviour so that it is not only victims and survivors who have to identify it but families, friends and neighbours. What are your thoughts on a public campaign and education in schools?

Nicola Love: Rape Crisis recognises the need for age-appropriate education to be embedded from a relatively early age on topics such as consent and healthy relationships so that, when young people are growing up and have relationships in their formative years they have some awareness and understanding of what a good, healthy relationship is and is not and what consent is and is not. We and other organisations do that work in a relatively piecemeal, limited way. However, the outcomes and responses from young people point to the fact that they retain that information, as do some of the academic evaluations that examine whether they do.

Tony Lenehan gave evidence to the committee a couple of meetings ago about growing numbers of young men who are demonstrating patterns of domestic abuse at an early age. Technology is starting to outrun us a little bit.

Amanda Bland: That is why I mentioned a campaign. Do we need to start counteracting the normalisation of abusive relationships? What are your thoughts on that?

Fiona McMullen: We have had some highly successful campaigns, one being the recent “Don’t be that guy” campaign by Police Scotland. I also draw attention to the work of the EmilyTest organisation in colleges and universities, which talks about bystander intervention.

We also need to do something about prevention when we work with child witnesses and young victims who are witnesses in a court process or witnesses to the abuse. How do we support them so that, as they continue through life, we have our messaging right about what is acceptable?

I know that you were talking about pre-offending education, but we need to think about how we manage young men who cause harm towards partners or ex-partners to ensure that we address that harm in a way that does not assume that it is situational, one-off and necessarily impulse behaviour. We certainly work with a number of

young victims and young offenders for whom the abuse is absolutely bespoke, nuanced and well thought through. It is the opposite of impulse behaviour. We need to get that right. When someone comes into the system, there is a touch, however light, and we need not only to get that right with the person causing harm but to ensure that, if we do not prosecute some such cases—I am thinking about the Children (Care and Justice (Scotland) Act 2024—we do not erode any rights of a victim who would have had the right to special bail conditions, a non-harassment order or advocacy support through a criminal court process.

Amanda Bland: What is your wish for the next steps? What can we do to make this better?

Fiona McMullen: My wish is very basic: we need front-line resource in every part of the system, whether that is court buildings or police on the front line. If we want the police to be skilled investigators and to consider DASA in most reports and uncover whether there is potential for that criminality, we need to fund and resource that. We have heard the stats about the number of reports that Police Scotland is dealing with each day. It is not possible to be a skilled domestic abuse front-line officer in that environment or landscape.

Nicola Love: We sound like broken records when we talk about resourcing, but it is absolutely fundamental to meet the situation that we are in.

We would like a commitment to prevention education for every child in Scotland to tackle the increasing normalisation. We see a pattern of boys and young men starting to offend, so we need to consider what meaningful interventions we can put in place to prevent it from escalating. Police Scotland's "Don't be that guy" campaign is relaunching in some form, so you might be interested in looking at that further.

Amanda Bland: Thank you.

Stephen Kerr: Good morning. Fiona McMullen just said that, given the scale of the cases that Police Scotland is dealing with, it is not possible to become a skilled domestic abuse officer in that landscape. Will you explain what you mean by that?

Fiona McMullen: With DASA, we have gold-standard legislation that allows us to prosecute coercive control. How do we know that something is coercive control? Victims do not turn up at a police station and say, "I'm experiencing this, this and this—I can see that it's coercive control." They are far more likely to attend a police station and say, "I've been assaulted. I've been shouted and sworn at," or other things relating to section 38 assaults.

We need skilled police officers who have time. Very positively, the police have started to introduce a risk assessment prior to taking a statement. That has potential to capture the wider totality of risk before we get into a statement about what looks like one incident of abuse. That is when we will see the number of DASA cases rising.

Stephen Kerr: That is clear. What is your assessment of the current level of training and capability among investigating police officers in respect of the issue? Where are the gaps?

Fiona McMullen: The gaps are in the time that is available to manage the level of demand. We have seen demand rise. It is the highest that it has been in the past 10 years. We do not have more resource, so we are expecting front-line officers, who deal with all sorts of criminality, to understand coercive control and the dangers of non-fatal strangulation, and to be able to encourage a victim to disclose that at the first point of contact so that the risk can be managed. We are not there, despite the efforts that are being made.

Stephen Kerr: You mentioned time, but what about the input training that is required to develop those capabilities?

Fiona McMullen: Pre-covid, in preparation for DASA, a huge piece of training work was done with all police personnel in Police Scotland.

Stephen Kerr: All?

Fiona McMullen: Yes. It was domestic abuse matters training, which was delivered by a police person and a domestic abuse specialist. It was incredible training and was predominantly face to face. We were told at the time, "This is excellent, but we need time to fully investigate cases."

Stephen Kerr: Has there been follow-up on that? That was quite a while ago.

Fiona McMullen: It would be best for Police Scotland to answer that.

Stephen Kerr: So you are not involved in that directly.

Fiona McMullen: Not currently.

Nicola Love: We provide regular feedback—we have standing quarterly or biannual meetings that allow us to give feedback to the police and the Crown Office. We have had quite a lot of success through being able to give regular feedback to address specific issues, although maybe not at the systemic level that Fiona McMullen is talking about.

Fiona McMullen: The landscape evolves all the time. We need continual training of police officers, because we have challenges with artificial intelligence and other tech, and with stalking and—

Stephen Kerr: You mentioned that the landscape is changing.

Fiona McMullen: Yes. We have repeated breaches of bail that are not being managed due to the prison population crisis. We have to continually evolve. That training needs to continue, but time is also needed. That is policing that, in the past, might have been picked up by tier 2 of Police Scotland.

Stephen Kerr: What do you mean by tier 2?

Fiona McMullen: Tier 1 is front-line police officers responding to incidents. Tier 2 is the domestic abuse investigation units and domestic abuse safeguarding units. They are domestic abuse specialists in the police. In perhaps one small area that we cover, due to the demand, the police have enough resources to be able to go in with a proactive investigative approach to criminality. However, that is not possible in some of the larger areas.

Stephen Kerr: That is simply because of lack of resource.

Fiona McMullen: Yes.

Stephen Kerr: It is a lack of police officers, basically.

Fiona McMullen: We can pin a lot on training, but training is only meaningful if it can be applied, practised, reflected on and reviewed.

Stephen Kerr: Yes—it is a continuous process, like continuous improvement.

HM Inspectorate of Constabulary in Scotland's thematic review of domestic abuse, which is three years old now, talked about the issue of counter-allegations, and that has also been raised in other places. What is happening in relation to counter-allegations? That seems to be a common tactic that is used by alleged perpetrators against their victims.

Nicola Love: We have seen increasing prevalence of that. Through our work with the Scottish Women's Rights Centre, we have started to produce a piece of research in collaboration with some of our legal partners and Scottish Women's Aid. I will certainly make that available to the committee when it is ready. When we are not recognising patterns of behaviour or looking at things in the round, we tend to look at things in isolation, such as people saying, "She shouted at me," "She sent me a horrible text message," or, "She hit me."

Fiona McMullen: That is really complex, so it might be helpful to simplify it. When police go to an incident where a person says that someone did something, if there is corroboration for domestic abuse, there is a presumption in favour of

prosecution. We absolutely need to retain that, because otherwise we would have the discretion of thousands of police officers, which would take us back a long way.

In among that, you will have clever perpetrators who will use proactive prosecution against a victim and will manipulate what happened. Sometimes, we have victims who say, "It did happen—I shouted and swore at him—but wait until I tell you what he has been doing." He is smart enough, knowing the system, to give a no-comment interview. You then have the position where a victim of domestic abuse—the primary victim—might go through a court process. We need a solid understanding in the police, in line with the joint protocol, so that the standard prosecution reports that go from the police to the Crown, which marks the cases, give the full context of the incident, so that that can be addressed by the Crown.

Stephen Kerr: You are speaking as though that stuff does not happen currently.

Fiona McMullen: It happens, but there will always be room for it not to happen if we do not have the appropriate quality of standard prosecution report or an understanding of what is happening. There are thousands of police officers across Scotland, so there will be room for that to go wrong.

We accept referrals for male and female victims, and we have cases—

Stephen Kerr: Sure, but more than 80 per cent of the victims are women.

Fiona McMullen: Absolutely. However, we have men who are the victim of domestic abuse going through court. We have some who, after checks and balances and careful assessment, we are confident are the primary victims of the domestic abuse. We have others—

Stephen Kerr: Those are people who are subject to a criminal process, because of counter-allegations.

Fiona McMullen: Yes. We might have a man who is a victim of domestic abuse in one incident, and who has been the perpetrator of domestic abuse in another. Alternatively, that might not be known, but we have assessed that, given the totality of the relationship, they might not be the primary victim. There are two things going on there. There is what we do in a court process, and there is how we manage that in a community co-ordinated response.

Stephen Kerr: There is also a prevalence of behaviours by those who are alleged to be perpetrators of controlling behaviour, to the extent that they counter-allege abuse and the victim—I think that "primary victim" was the term that you

used—becomes subject themselves to being stuck in a cell.

10:15

Fiona McMullen: That is where we need the understanding of Police Scotland in terms of what they interpret, what they report to the Crown Office and Procurator Fiscal Service and how that is managed.

Stephen Kerr: Do you both have concerns about your current levels of confidence in police officers' capability to discern such a counter-allegation when it is bogus?

Fiona McMullen: It is really complex for police officers. They are out at the time of an incident and told to charge where there is evidence. There is always room for improvement when it comes to counter-allegations. We have had concerning cases.

Stephen Kerr: In passing, you mentioned bail, but we should mention section 23D of the Criminal Procedure (Scotland) Act 1995, which we have discussed before in committee and which was recently mentioned in the chamber. What is your concern about the nature of the current arrangements on bail?

Fiona McMullen: What are you asking about in particular?

Stephen Kerr: We struck off section 23D, so an argument can be made that the conditions for bail were in effect lowered. Previously, when section 23D was in place, there was a presumption for a higher standard for bail versus remand.

Fiona McMullen: We absolutely see challenges in that area.

Stephen Kerr: Are you against section 23D being—

Fiona McMullen: I am for having proper risk assessments before such decisions are made.

Stephen Kerr: By sheriffs?

Fiona McMullen: By sheriffs, with the information that they have available to them. If someone is on bail, those conditions must be appropriate and robust—

Stephen Kerr: And enforceable.

Fiona McMullen: And enforceable. Also, if they are breached, that in itself, regardless of the nature of the breach, shows an emboldened perpetrator who is content to disregard a court order. What sheriffs do with breaches of bail has changed considerably in the past several years.

Stephen Kerr: You are again advocating for better information to be made available to the sheriff to make an informed judgment—

Fiona McMullen: And for more robust sentencing around breaches.

Stephen Kerr: Is that not currently happening, then?

Fiona McMullen: Not always, no.

Stephen Kerr: What determines whether it happens or not?

Fiona McMullen: Some of the decisions are resource led rather than risk based, but those are complex circumstances to consider. That is where we need someone managing that risk and that safety on bail, because you could give conditions to one person and they will adhere to them and you could give them to the next person and they will not.

Stephen Kerr: However, the sheriff does not have all the information. Forgive me, because I might be misreading between the lines, but you seem to have suggested that sheriffs do not always have all the information.

Fiona McMullen: They will not always have all the information—

Stephen Kerr: Why not?

Fiona McMullen: Because what they will have is based on the incident or the abuse that has been reported to the police and anything else that the victim can tell them that has made its way into that standard prosecution report. However, victims will not necessarily have had the opportunity or felt confident enough to disclose all that at the time.

The Convener: We will need to bring this part to a close.

Stephen Kerr: Can I come back in later on domestic abuse protection notices and orders?

The Convener: You can come back in later, if that is all right. I am hoping to cover that issue.

Thank you for your answers, Ms McMullen. I hand over to Marie McNair for her questions.

Marie McNair (Clydebank and Milngavie) (SNP): To go back to an earlier point, advocacy is important to those who navigate the criminal justice system, so it is really worrying to hear about the pressures on your organisations. In my constituency, we lost Clydebank Women's Aid due to uncertainty around funding, which has been a huge blow, especially to those who received its advocacy and outreach support. I know that that has affected women's ability to raise domestic abuse issues, and it has impacted services in other areas of the constituency because it does not leave us with very many places to refer folk to.

What are your observations with regard to men accessing the Caledonia system? From speaking to women, are you aware of any gaps in support for women and children while their partners are on the programme? In response to your earlier point, I have also heard about abuse continuing while men are on the programme. Can you say a wee bit about that?

Fiona McMullen: We manage victims to the point of sentencing and support them to engage with the Caledonian programme. The benefit of the Caledonian model is the robust support, which lasts up to two years, that is offered to not only the perpetrator in the matter that led them to the programme, but to partners and previous partners of that person. The fluidity of the risk is managed by liaising with other professionals to assess what is happening in the programme versus how the victim feels that is impacting on their life and their safety. It is a solid programme.

The vast majority of domestic abuse sits in the summary court. Justice social work reports are asked for in summary court when a sheriff realises there is a pattern, but there will be many incidents dealt with that do not reflect the totality of risk, so there will be people who are not getting anywhere near a perpetrator programme. There is a gap in provision for addressing offending behaviour at an earlier point.

Marie McNair: Is the 24-month support consistent, or are there gaps in it?

Fiona McMullen: It is consistent, but it is led by the women. There will be women who say, "My risk has now stabilised and I have left the relationship. I would like to check in now and again, but I do not want to be constantly reminded of this," and there will be victims who continue in that relationship.

You also asked about continued offending. Under the previous system, if someone on probation committed an offence, that could result in the probation order being breached. Although I can understand the reasons for that, I cannot understand how it benefits anyone to revoke an order because, two weeks into its duration, the person is caught shoplifting for a reason that is rooted in addiction. Under community payback orders, there will be concerns about someone continuing to commit domestic abuse offences and still being subject to the order, but there is the ability to manage an offender and support the victim if they are staying on an order.

Two of the things that we know work in homicide and suicide prevention are victim advocacy and offender management.

Marie McNair: Absolutely. That is all from me.

Ben Macpherson (Edinburgh North Eastern and Leith) (SNP): Good morning. You have both

said quite a lot about this question already, but I want to give you the opportunity to fill in any gaps, if there are any.

You talked about receiving more reliable and more secure funding. In answer to one of my colleagues, you spoke about more training for the police as another way in which more resources would make a meaningful difference. Are there any other ways of doing things, in terms of the receipt of funding and the provision of funding, that would make a difference?

Nicola Love: We have talked a lot about the need for certainty. We are sitting very close to October, with a funding term that ends in March 2027. The viability of our services does not just involve having access to money, or crossing our fingers and hoping for it to come or lobbying hard to ensure that it does; it also involves our ability to plan for what to do with that money. We place advocacy workers in local delivery centres, which are predominantly local rape crisis centres across Scotland. They are their own organisations, with their own staff and overheads to manage. I understand that we are just one budget line for the Scottish Government, but placing those advocacy workers in those local delivery centres is a huge part of our work, and it is impossible to plan that in a meaningful way without certainty about funding.

We get told that there will be an uplift in funding, but we do not know what that looks like. We get told that emergency funding is available for services that are forced to operate waiting lists, but we do not know what that looks like, either. If we are not likely to find out until December, what are we supposed to do that will be meaningful in March? Will we be able to recruit more people? That does not happen overnight. It is really hard to hire somebody when you tell them that you cannot guarantee them a job past March, because who wants that?

Fiona McMullen: Nicola Love mentioned a standstill budget. This is not a temporary problem, and yet we have temporary funding. That is not to take away from the valuable work of different specialist services. If I had my wish, domestic abuse court advocacy would be permanent; we would know that it would be there across Scotland. We have been operating a model for 22 years that we know works, and yet we are going back on what we can provide every year, at an absolute cost to victims.

On what we get in terms of funding, a longer funding period on a standstill budget just causes difficulty further down the line. We lose funding from attrition. A standstill budget is in effect a cut, so that needs to be addressed.

There is also something to say about supporting the people who do this work in the criminal justice

sector, which is predominantly women, and the value of the work. We know that everybody is in a cost of living crisis, and that applies to workers, too. There is something to say about wages that value the work and retain staff. Services routinely have to recruit and retrain people after losing practitioners who cannot afford to work in the sector—that is appalling.

Ben Macpherson: Do you have anything more to say about the support that you provide directly? Do you want to add anything to what you said about training police officers? If the answer is no, and you have said everything you want to, that is fine. I just wanted to give you the opportunity to add to it.

Nicola Love: A less well understood aspect of what we do is that delivering a kind of national service gives you the ability to provide regular feedback that has tangible results. For example, we are currently having a conversation with Police Scotland on the point of making an advocacy referral. Currently, the point at which somebody is engaged with a solo officer is the point at which they would engage advocacy. We are talking about making that happen at the point of the initial report, so that at the time somebody met their solo, they would have the advocacy worker there.

Understanding what survivors are telling us about their experiences and being able to make such wee tweaks without waiting years for big, sweeping policy changes to come to light is important, because that is what makes a positive impact on a daily basis.

Having staff there to pick up those meetings with the Crown and with the police is incredibly important. Supporting survivors is obviously at the forefront of what we do, but that work in the background to improve individual responses is an incredibly important part of it.

Fiona McMullen: Can I add to that and perhaps widen it slightly? We in Scotland should be proud of our multi-agency and partnership work. People come to visit Scotland and cannot believe that we have fiscals, the third sector, Police Scotland and statutory and non-statutory agencies all sitting around the table.

There is the individual advocacy that we absolutely need to fund, and there are the opportunities for institutional advocacy. Every day we find systemic gaps in our services that people have not discovered and we get really good input from COPFS and Police Scotland. That is at a policy level, but for things to change meaningfully, it takes us back to resources. We need the resources for policy to connect to practice.

Pauline McNeill (Glasgow) (Lab): I am interested in the possible use of GPS technology

for perpetrators of domestic violence. I do not need to tell you about the horrific cases that have been reported. Stacy Hunter's family has called for the quick introduction of GPS, which the Government has committed to. What is your view on that, and do you think it could make a difference?

I caught the tail end of Stephen Kerr talking about the risk that sheriffs are not in a position to take. It is really important to try to get this right.

Fiona McMullen: I will talk about the issue in general, rather than about an individual case that is very likely to go through the domestic homicide and suicide process.

On electronic monitoring, we do not know what will work unless we are providing it, do we? We cannot say what will make a difference if we do not have it at our disposal. It is positive to think about all the tools that we have to improve the safety of victims, particularly in relation to bail, but also in relation to home detention curfew, which is being used more often in sentences—that is happening more quickly and for longer.

There are gaps in electronic monitoring that the introduction of GPS will not fix, and those are the gaps around involving the risk to victims in the process and sharing information about the process with victims. As it stands, if a tag is put on an offender under curfew and they do not have it on for any reason—they are unavailable, take the tag off or have a review that allows the tag to be taken off to go on a temporary holiday—the victim is not informed. So, we need to do two things: first, introduce what we want to provide next; and secondly, strengthen what we already have to ensure that victims are at the centre of the risk management around the process.

10:30

Pauline McNeill: You said that an offender might take the tag off—I did not think that they could do that.

Fiona McMullen: You can take the tag off. It would take some persistence, but you can do so and it does not invoke an immediate police response; instead, the matter goes back to G4S. The victim is not advised of that breach or its outcome—for example, whether a tag gets put back on or someone is taken into custody. They are not told. Victims cannot safely plan if they do not know where the perpetrator is.

Pauline McNeill: So, they should be told if there has been a breach.

Fiona McMullen: Absolutely. We need to look at electronic monitoring and curfew as a whole and consider how to ensure that victims are informed

of those things in the way that we inform them of a court process.

Pauline McNeill: Do you think that GPS could be part of the solution?

Fiona McMullen: Absolutely. I think that we need to use all the tools at our disposal. However, if we are not telling the victim that there is GPS, where it covers and whether an order was breached, that will not be meaningful to them.

Pauline McNeill: That makes sense. Nicola, do you want to add anything?

Nicola Love: We see GPS monitoring as an important part of safeguarding, but the key word in that sentence is “part”—it is not in itself a safeguard and it is really important to recognise its limitations when we talk about the use of community justice alternatives for offenders. You might think that a GPS tag means that if there is a breach, all of a sudden a switchboard lights up and there is a SWAT team-style response but, realistically, that is not what happens; instead, it goes to G4S, which reports to the police, who might or might not respond—although you would hope that they would. So, it has its limitations in the round.

Pauline McNeill: To be honest, I think that everybody is aware of that, but I am surprised, because I thought that GPS was available—I thought that that was just about the extent of it—but I realise that we do not have it at all.

Fiona McMullen: It is also about the professional in the middle of that who will help the victim to navigate the situation. We take it up to a certain point—we take it up to sentencing, and then, often, it is a case of saying, “Right, you are on to recovery”. However, the abuse is still very likely to continue, and we need to manage that risk and victims’ safety through the court process and beyond, until the risk reduces.

Pauline McNeill: Lastly, on that question of risk, there are professional people whose job it is to assess risk—the Risk Management Authority does that for certain offenders. Is there a need to have a look at who could make the assessment about risk in those cases? I know that the victim telling their experience to the sheriff could be one way, but that is a subjective viewpoint that the sheriff has to factor in, and maybe there must be more objectivity. Would it be helpful to consider changing the system so that more information is factored in when the case goes in front of the sheriff and they make a decision?

Fiona McMullen: We can risk assess at many points. The Risk Management Authority is an extreme for a certain cohort of offenders, but police risk assess at the time of an incident. It is about that pivot: asking the questions before we go in to

take a statement tells victims that we want to look at what has happened and at the totality of their risk. We might get more; we might understand and evidence more. That improvement needs to continue.

When we come to sentencing, we have our justice social work rapport. At the moment, the guidance to justice social workers is to attempt to make contact with a victim agency that might be engaging with the victim to understand the risk. I know that that is subjective, but it is also very accurate because that victim understands and has intimate knowledge of the person who is causing the abuse. We need to strengthen what happens there in terms of how often that information is asked for, particularly in our Domestic Abuse (Scotland) Act 2018 cases and our stalking cases—anywhere we see a pattern.

Pauline McNeill: That is a practical thing that could be done within the system to make sure that there is a consistent approach across all courts.

Fiona McMullen: That is the sheriff’s aid to sentencing—it is what tells the sheriff what might be meaningful with regard to addressing the offending and protection, which are the two things that victims say that they want from a court outcome.

Nicola Love: I go back to the idea of non-compliance. When you are assessing risk and you start to see people breaching their licensing conditions without consequence, that starts to point to increased risk escalation. Those things could be dealt with much more robustly than they currently are.

Fiona McMullen: Absolutely.

The Convener: We have a couple of brief wash-up questions, if we can be quite tight on time, starting with Ms Chapman.

Maggie Chapman: I want to pick up on a different element of the postcode lottery, if you like, in service provision. Rape Crisis Scotland has highlighted the barriers that are experienced by survivors from different communities, in particular by those from minoritised backgrounds. When we talk about the survivor or victim experience, whose voices are we not hearing? Are there particular groups that we are failing more than others, if that makes sense? I will come to Nicola first.

Nicola Love: There is probably a huge gap with regard to the people whom we potentially have the ability, but not currently the capacity, to support. People currently tend to come into contact with an advocacy service through a referral from a justice agency or by coming directly to a rape crisis centre.

The work on who naturally turns to a rape crisis service, or to a justice agency to then be referred back to a support service such as Rape Crisis Scotland, is hugely important. While we are stuck managing who we have, we do not have the ability to try to reach out to communities that may be naturally distrustful of services or may not understand the independence aspect of these advocacy services.

Maggie Chapman: Would you say that the justice system is, in effect, particularly unsafe or inaccessible for certain communities?

Nicola Love: I would recognise that, yes. We see that.

Fiona McMullen: We can acknowledge that there are additional barriers, but I think that it would be helpful for the committee to hear from some of the services that provide such support. There is Amina—the Muslim Women’s Resource Centre—and Shakti Women’s Aid, and there are other excellent services. We support black and minority ethnic victims who are coming through a court process, but they have already identified that they are experiencing something. A lot of preventative work goes on that is nowhere near the reporting stage. Those organisations would give you the context around both aspects.

Maggie Chapman: Thank you—that is helpful.

The Convener: I promised Mr Kerr that he could come back in on DAPNs—you can come back in briefly, Mr Kerr.

Stephen Kerr: It is now more than five years since the Domestic Abuse (Protection) (Scotland) Act 2021 was passed, but domestic abuse protection notices and domestic abuse protection orders have still not been brought in. My question is simple, and I would like you to give as full an answer as possible in the time that is allowed.

We are five years on, and there are still no notices and no orders. What protection does a victim not currently have that they would have if those provisions were enacted?

Fiona McMullen: There would be an opportunity for some victims who are perhaps not going through a criminal justice process to have that protection, which would mean that they would avoid potentially having to go down a civil court route that would be costly or would mean getting legal aid, if they were able to find a legal aid lawyer.

However, to go back just a bit, that work has been around for a long time and it needs to be resourced, but it cannot take away from what we already have and are trying to improve. That draws us back to the legislation that makes it mandatory for a sheriff or judge to consider a non-harassment

order in almost every domestic abuse case. That is not happening—

Stephen Kerr: It does not happen?

Fiona McMullen: We record that in our own service. Although we see that there is absolutely an improvement in that regard, we still see some cases in which a victim has expressly asked for such an order and it has not been granted. It is free to the public purse—ultimately, if it is breached, there is police and court time involved, but it is free. The onus is on the justice system to provide it, which helps to manage the risk of having to ask for it in a civil arena, and it is really effective, and yet we are not using it as much as we could be. That also links back to the point about sheriffs and judges knowing that a victim is in favour of that.

Stephen Kerr: To sum up, then, we are not using what we already have—

Fiona McMullen: We need to better use what we already have.

Stephen Kerr: —and we have not enacted parts of the legislation that the Parliament passed five years ago, as a further set of tools to support victims.

Nicola Love: What I would add is probably quite a shameless hijacking of your wider point, which is about the dangers of not implementing legislation that we already have. We have the Victims, Witnesses, and Justice Reform (Scotland) Act 2025, which will be close to being implemented, having been rubber-stamped about a year ago. Although we are seeing progress in some areas, we are not seeing progress in others. I would hammer home the point that these things are not any good if they exist only on paper. If we do not see the reality of them, and we do not understand when we are likely to be able to see the reality, we cannot hold the Government to account from our end, and you cannot hold it to account from your end.

Stephen Kerr: Exactly.

Nicola Love: There is a bit of a collective shrug in respect of the good will to develop these policies.

Stephen Kerr: Do you have a checklist of all the issues?

Nicola Love: I do, and I will certainly provide it to the committee. If I started to list them now, I think that I would be booted out.

Stephen Kerr: Please send it to the committee—thank you.

The Convener: I want to ask a couple of questions, and if we have time, I would like to bring in Yi-pei Chou Turvey.

To go back to my earlier questions, Ms McMullen, we talked about the postcode lottery that exists and the deserts in certain parts of the country. Can you give me an idea of the top five worst places where you are really in trouble?

Fiona McMullen: It is difficult to say. We now have some form of domestic abuse court advocacy through the accreditation programme and the existing services in 20 local authorities, but in those local authorities there will be vast differences in who they are able to provide for. I have said already that we are currently supporting nearly 900 victims with multiple court cases; we would usually have 1,250 at any given time. We are in a poor position in the west because we are not offering the service to everybody.

There might be another service that can only go up to a certain forum of court, so it would not go to the High Court, and another service that can work only with women. We need a consistent approach, and it is difficult.

I suppose, to answer your question, that it would be the places where there is nothing at all—the local authorities where there is no domestic abuse court advocacy and we would have to say that we are poorer in that respect.

The Convener: That is helpful.

My final question touches on a point that Mr Kerr raised, to which Ms Love responded. I invite you both to comment on this. The First Minister—to his great credit, I think—has, in the programme for government, made it clear that tackling violence against women and girls is a priority for the Government, as well it should be. The most significant and fundamental message that I am hearing today is that, while those intentions are good, there is a lack of resource. I am not wrong there, am I?

Fiona McMullen: Absolutely not.

Nicola Love: No.

The Convener: I am sure that the First Minister and his ministers will be hearing that loud and clear.

I hand over to Yi-pei Chou Turvey for a final, very brief question.

Yi-pei Chou Turvey (North East Scotland) (LD): I thank both witnesses for coming to speak to us. I have a question arising from all the people who I have talked to since I became my party's spokesperson for justice and criminal justice. Those are people who are fighting in criminal court and in family court. One thing that I have heard over and over is that because the courts do not have access to each other's information, and social workers and different organisations do not have access to information from different courts,

the police do not have a full picture of what is going on, and that can be weaponised by abusers.

One issue that was cited was that information from one court cannot be used for the sake of the victims in another court, because it does not work like that.

Do you see that there is a pattern there, and that it is a problem in our justice system? What should we do to make changes to ensure that critical, life-changing—or life-saving—information is made accessible to the police and to your organisations in order that you can support those victims?

Fiona McMullen: We absolutely see that we have a criminal court process and a civil court process often running alongside each other, and the civil process might be continuing the abuse in respect of child contact and so on, with the perpetrator continuing to operate from a position of power.

We have talked for a long time about recommendations for civil court. There is no advocacy in civil court. There are special measures for speaking, but they are not automatic, which they are in criminal court. We do not have mandatory training of bar reporters and oversight of contact centres and so on. There are a number of things on which we have to get better in the civil court, and that includes the two systems talking to each other.

We have cases where something is applied in a criminal court, and a civil court sheriff says, "We're not adhering to that here, because I'm in court, so forget those bail conditions—I'll protect you while you're speaking to this perpetrator." That is a sheriff who has no understanding of the dynamic of abuse. Children are handed over, despite real concerns about safety from the non-abusing parent. We have a long way to go in the civil court.

Yi-pei Chou Turvey: Can I go on—

The Convener: I will bring in Ms Love, and then I will bring the session to an end.

Nicola Love: Fiona McMullen put it probably much more eloquently than I will. There is a huge disconnect between the criminal justice system and the civil justice process, despite there being an incredible overlap. There have been people who have been convicted of child sex offences but are able to lodge family court actions, and those have to kick off before we can even start to intervene and make that clear. There is a gap where survivors are dragged into a civil justice process and there is a lack of advocacy and support; that is particularly glaring in the civil justice process.

The Convener: I thank you both for the evidence that you have given. On behalf of all the

committee members, I thank you sincerely for the work that both your organisations do to support victims and survivors. I do not underestimate the scale of the challenge that you face in the context of what is currently happening in society, so please accept the committee's most sincere thanks for the work that you do. We have heard loud and clear the message that you have given us this morning—talk from this place is important, but resources are far more important.

I suspend the meeting to allow for a short comfort break and for the second panel to arrive.

10:46

Meeting suspended.

10:54

On resuming—

Domestic Abuse (Justice Response)

The Convener: Our next item of business is focused on the justice system response to domestic abuse. This session will explore how domestic abuse cases are investigated and prosecuted, including in relation to issues such as evidence gathering, victim protection, case management and the delivery of trauma-informed approaches in the justice system.

I welcome to the committee Adam Brown, detective superintendent, specialist crime division, Police Scotland; Tim Mairs, assistant chief constable, Police Scotland; Dr Emma Forbes, national lead for domestic abuse, Crown Office and Procurator Fiscal Service; and Fraser Gibson, procurator fiscal for Glasgow and Strathkelvin, Crown Office and Procurator Fiscal Service. Thank you for coming to the committee today to give evidence. I know that some of you were here earlier to hear some of the evidence from those who work with victims/survivors directly.

I will start with a question for the police, which picks up on a point that came up in discussion in the previous evidence session, and which I spoke about it in the Parliament last week. As a result of the repeal of section 23D of the Criminal Procedure (Scotland) Act 1995, due to the changes made by the Bail and Release from Custody (Scotland) Act 2023, officers in the junior ranks of the police have put it to me anecdotally that individuals who would have been remanded before, as repeat offenders for domestic abuse, are back in the community causing problems. This committee is well aware of the issues that relate to remand, but could Police Scotland colleagues comment specifically on the repeal of section 23D of the 1995 act and what that means on the ground?

Assistant Chief Constable Tim Mairs (Police Scotland): Thank you for the opportunity to discuss this critical issue. Ms McMullen, in the previous evidence session, summed up the position really well. The change from the presumption to remand for solemn cases involving violence and sexual offences has created a position in which we really have to be on point as partners when the person is before the courts and the sheriffs have to make a decision. The situation can be a very dynamic, and the incident could have taken place not too long beforehand, which makes information and knowledge sharing really challenging. A lot of work needs to be done in that space.

In principle, the new approach is a more proportionate approach to bail. It could be argued that previously suspects who could readily be managed in the community were being remanded when they did not need to be. In simple terms, I endorse Ms McMullen's point, which is that there is a need for really effective risk assessment across the system. Where a suspect or a perpetrator intends to harm somebody, the only complete way to prevent that from occurring is to look at a remand position. We have talked about a lot of measures, and I imagine that we will go on to talk about how we can manage risk within the community. However, we need to be clear that none of the measures are completely fail-safe. They can all be circumvented and navigated by someone who intends to cause harm, which transfers a lot of demand to police.

The change came into effect last year, so it is still quite early for us to fully understand the data around it. However, what we can say—Adam Brown will cover a little bit of this—is that we have seen an increase in breach-of-bail offences. At the moment, we are unable to completely correlate that with the changes, but Adam Brown will fill in any of the blanks.

Detective Superintendent Adam Brown (Police Scotland): There is a simple logic: if there are more potentially dangerous people in the community, it becomes harder to manage and assess risk and more challenging to manage things around that. We have seen an increase in domestic abuse-related breaches of bail of around 7.7 per cent over the past full year of reporting, but that figure does not include, for example, housebreakers who are on bail. It is impossible for us to ascertain whether that increase directly connects with the 23D repeal, and we do not have data on how many additional people have been released compared with before, because that sits with the Scottish Courts and Tribunals Service.

The change does present challenges. We have in place a robust process for bail management, so every victim whose perpetrator is released on bail will be visited within 24 hours by a police officer who will ensure that they are aware of the conditions, do some additional safety planning, understand whether the perpetrator has already breached their bail or been in contact, or whether there have been any further problems, and just double-check at the address that the perpetrator is not already back there.

Beyond that, every perpetrator who is released on bail has a risk assessment done by one of our tier 2 teams. Those are our specialist domestic abuse officers, who are based in the geographical divisions. They assess perpetrators for risk, grading them as standard, medium or high. Based on the risk assessment, suitable interventions are

determined through agreement with our local area commanders, particularly in high-risk cases. That is done case by case.

11:00

That is the structure for bail. The tiered structure that Fiona McMullen mentioned earlier gives us the opportunity to manage that, but it goes without saying that the more potentially dangerous people there are in the community, the more challenging it is to manage them.

The Convener: I want to rewind to when you said that, within 24 hours, a police officer will visit a victim to let them know the situation about a perpetrator being in the community. Are you confident that that happens all the time?

Detective Superintendent Brown: Yes. That is a compliance thing for us. We receive notification from the court, that goes through our control room and an incident is put on for officers to attend. The incident is not closed until they have attended and completed it. That is not to say that it is a completely infallible system, but that is the process, and it has been embedded in Police Scotland since we were formed.

The Convener: Are you well enough resourced to be able to do that within 24 hours?

Detective Superintendent Brown: There has been quite a lot of discussion at the committee today on resourcing. It goes on as a police incident, which will not be closed until it is done, and it is to be done within 24 hours.

The Convener: That is very helpful—thank you.

I turn to colleagues at the Crown Office and Procurator Fiscal Service. Having seen the first evidence session, you will be aware of my interest in the 2024 HM Inspectorate of Prosecution in Scotland report that looked at communication with victims/survivors. I was interested to see that the inspectorate has decided to go back and look again to see whether you are compliant with a couple of its recommendations. We were told earlier that you were given a score of 7 out of 10. Why are you not at 10?

Dr Emma Forbes (Crown Office and Procurator Fiscal Service): Good morning, convener. Thank you for having us.

To be honest, we are delighted that the inspectorate will come back to look at communication. We have a new chief inspector now, but the original inspection into how we prosecute domestic abuse at summary level was conducted by the former chief inspector. When the report was published and I first discussed it with her, I said that I hoped that the inspectorate would come back and re-inspect on that issue, because

it was an inspection of such significance that we did not want it to be lost or to go off the radar. It has piqued your attention enough to ask about it, so we are very grateful for that.

We still have work to do in relation to communication, and we need to be at 10 out of 10. Perhaps I will talk through what we have done to improve communication since the first report, and I will then talk about where I think the gaps are.

The first thing that we did was to appreciate that, if you are a busy prosecutor or a harried victim information and advice officer, it is difficult to pick up the phone. We have not had the specialist training on providing support and advocacy that our colleagues whom you heard from earlier have had. Prosecutors are there to act in the public interest and to decide whether there is sufficiency in the case. They are focused on that, the evidence and presenting it to the best of their ability to the court. However, they have a duty to victims and witnesses, and our victims have the legal right to be kept informed throughout the case—and they should be kept informed throughout.

Keeping victims informed is easier to do in some cases than in others. Domestic abuse and sexual offending are the most intimate forms of offending. It is not offending that was a one-off incident in the pub or that was witnessed on the street or in a shop. It is women's lived experience. It is what they live with all day, every day.

There are structural barriers in the justice process to this, so we have to look at the Crown's communication with a better understanding of the fact that we are dealing with people who have experienced profound trauma and that speaking to us is traumatic. It does not matter how hard we try or how much better we become, it will still always potentially be retraumatising to come to a prosecution office or set foot in a court. I have spoken to women who are sick on the steps of the court just because they have to go into the building.

The Convener: I get all that, but recommendation 19 talks about "receiving basic information", details on the "progression of cases" and victims being told about "charges and accepted pleas". Those do not seem to be particularly complex things. I take your point about it being a complex situation, but that is not complex information to communicate. It is not being done, and I want to know why.

Dr Forbes: It is being done in a great many cases, but it is not always consistently done in every case. Earlier, Nicola Love made a very good point about the fact that a system that is underresourced overall will lead to inconsistency.

Before going on to say what we have done and how we are trying to be better, I just wanted you to have in the back of your mind the fact that, if victims have not received the essential support that they need before they receive a call from victim information and advice, they will cling on to that and they will need support at the point when they speak to VIA. We have VIA officers who are on the phone for hours to victims of horrific abuse. They are skilled, trained and able to do that, but that limits the number of calls that they can make in a day. If they only had to give the update and specific information, and if the whole process worked, it would be easier for us to deliver our part. That was the point that I wanted to make.

The underresourcing of our advocacy and support services has a direct impact on our ability to do our job properly. We told the inspectorate that. That is not to say that we just give out information in a robotic manner—I do not want us to do that, either. It is important that prosecutors are trauma informed and empathic, that they listen and that they respond to the emotional responses of our victims and witnesses and what they are dealing with. We have achieved that through a programme of training.

All our guidance has been revised. There was a lot of guidance for prosecutors in relation to domestic abuse, but it is now all in one place in one manual. Every time that it asks a prosecutor, VIA officer or another member of COPFS staff to do something, it explains to them why. It tells the story of a victim's journey through the process at the same time as asking them to do their job. There are now victims' voices embedded in all the training and guidance for our prosecutors. We have worked closely with our third sector colleagues and with individual victims brave enough to engage with us, so that victims' voices are embedded in our trauma-informed training, our victims and witnesses training and our accredited domestic abuse training. Fiona McMullen comes and gives expert input, as do representatives of Scottish Women's Aid and Rape Crisis Scotland. We are trying to upskill all our staff and ensure that they are better equipped.

Summary case management, which Fraser Gibson, as the operational prosecutor for Glasgow, is probably better equipped to talk about than me, has now been rolled out across the country. It is no longer a pilot. At the time that the original inspection took place, SCM was a pilot in its very early stages, but it is now business as usual across the country. As part of SCM, not only do we disclose our evidence early to the defence but there is more careful judicial management of cases.

Crucially, in every domestic abuse case, the prosecutor calls the victim at an early stage in the case, which we do for a number of reasons. The most important reason is that VIA should not be a firewall for all prosecution communications. We need our prosecutors to speak directly to victims, as well. Victims want to hear from the prosecutor—that was the feedback that we have received, and we have responded.

Another reason is that we recognise that, in the shock and awe of reporting to the police, we get only a partial story and partial disclosure. When the prosecutor takes the time to make that call, we often get further disclosures. In indictment cases, our advocates go out and meet victims ahead of the trial; in other cases, when someone comes to court, we go out to meet them. We are making significant improvements.

The Convener: I hope that that will be reflected when the inspectorate returns. I have broader concerns about how we are supporting victims—not just victims of domestic abuse. In my constituency casework in the past week, I have seen real examples, which Mr Gibson is aware of, of the lack of support given to victims, which I am quite furious about.

I will hand over to Ms Bland.

Amanda Bland: Good morning, and thank you for coming.

My first question is for the police. Detective Superintendent Brown, you were asked a question about resourcing and whether you had enough resources to follow up on breach of bail, and you basically said that the incident stays open until it is complete. That does not answer the question. Do you have enough resources?

Assistant Chief Constable Mairs: If you do not mind, I will take that question. This is an opportunity to join up this week's discussion with the one that the committee had last week on mental health demand.

Until recently, before I took on my present role, I was an assistant chief constable in local policing. I take the committee back to last year's budget evidence sessions that were held by its predecessor. When the chief constable gave evidence on our budget proposal for last year, she made it clear that policing was at a crossroads, as we had delivered massive efficiencies through transformation, but the complexity and volume of demands that were being placed on policing meant that we were under significant strain. The bid that we made to the Scottish Government last year would have meant not only that we would have had protection against inflation rises, but that we would have been able to increase our head count above 16,500. We were grateful for the

protection that we received in the budget, but, unfortunately, we did not secure all the additional resourcing that we had asked for.

We talk about the demands on policing in areas such as domestic abuse. Many of my colleagues will talk to the committee about the demands in different areas. Members will be able to tell from my lack of hair that I am no longer a young response constable, but I have been there. Those response officers are the ones who provide a 24/7 service in our communities. When everyone else is asleep in bed at night, they are the ones who are left to deal with a bewildering range of demands, from fatal road traffic collisions to concerns about neighbourhood antisocial behaviour. That role is performed against a backdrop of high absence and a high level of duty modifications and in the context of violence against women and girls and domestic abuse.

Demand is continually rising, so the experience of our colleagues in the response teams is that they are working exceptionally hard. At times, we do not have the numbers that we would have expected to have under our previous planning, which puts strain on those officers and makes it a tiring environment to work in. It also means that, at times—Ms McMullen mentioned this—we are not able to spend the time that we would want to spend with victims to deliver the level of service that is expected.

There are a number of parts to the issue. To avoid giving a simple answer on whether we have enough resources, there is more that we can do as an organisation at a senior level to support those officers. The first area that we need to look at is how we support folks with their wellbeing to reduce absence and how we manage duty modifications so that we can support the thousands of officers who are currently unable to complete the full range of duties to get back to those duties.

The second area relates to our own internal transformation. My colleague ACC Phil Davison leads the policing for our communities programme. That delivers a range of benefits, but, ultimately, it involves a new local policing operating model that aims to provide a more consistent, effective and evidence-led way to manage the high volume of demand that we face. To date, it has been shown to provide real benefits. It creates space for our response colleagues by removing a lot of the non-urgent, high-volume demand that is placed on them in an unstructured way. That is managed more consistently. It also provides us with far better calculations for resourcing, so that we know what level of resources we need and where we need them. That is allowing Police Scotland, for the first time, to have a holistic understanding across our local policing divisions of the numbers that we need. It is going live in Edinburgh today,

as we speak, and we will continue to evaluate and monitor it.

That new operating model provides benefits, but none of that takes away from the fact that we have delivered massive efficiencies over the years through public sector reform, or from the level of complexity that we are now dealing with.

In simple terms, the chief constable and the executive have a responsibility. We have been entrusted by the Scottish Government with a budget of £1.7 billion. We have more than 22,500 officers and staff. There is always more that we can do to maximise the benefit of that but last year's budget position is a matter of record. It was put before the committee and the chief constable's comments are there to read. We are in the process of preparing our budget for this year and engaging with the Scottish Government on that.

11:15

The holistic picture is that there is more that we can do to support our colleagues and we will ultimately put an evidence-based argument to the Scottish Government for investment. However, I am keen to avoid turning it into a hunger games situation with the third sector, the Crown and others. We need a whole-system approach and investment across the system is critical.

I hope that that answers the question.

Amanda Bland: I have another question for the police. You will be aware of the headlines this week about suspected murderers, rapists and domestic abusers being on the run and there being almost 9,000 outstanding arrest warrants. The focus of this meeting is on domestic abuse. What is being done to apprehend those people?

Assistant Chief Constable Mairs: I can fully understand why headlines such as that cause concern. When you step behind the totality of those warrants, you see that there are different stories at different levels. In Scotland, warrants are used for a range of issues. The category that we focus on most is outstanding warrants for people who are suspected of the most serious offences. We seek to identify and locate them.

If you look at the news, even in the past 10 to 12 months, particularly on serious organised crime, you will see the lengths that Police Scotland, working with the National Crime Agency, has gone to bring offenders back from other jurisdictions and put them in front of Scottish courts. We work exceptionally hard to identify those people, locate them and bring them to justice. Identifying those folks is often really challenging and requires us to work exceptionally hard. They will seek to evade justice, so some of the delays just come down to the fact that people might have left our jurisdiction

or might be in hiding. Although we work hard to secure them, that can be difficult.

I assure you that we keep a close focus on the most critical warrants. We have been working with our colleagues in the Crown Office to understand how we better manage that. My colleague ACC Mark Sutherland, in criminal justice, leads on that work.

Although I appreciate that the headline and the headline numbers can cause distress, our commitment and the evidence of what we do show that we work hard to identify and detain those people.

Amanda Bland: Would a victim of domestic abuse be updated as to what was happening?

Assistant Chief Constable Mairs: I will bring in Adam Brown on the specifics of the processes in respect of domestic abuse.

Detective Superintendent Brown: It is our expectation that victims would be updated at every stage of the process following the apprehension of someone who is wanted on warrant. As the ACC mentioned, it is not infallible and communication across the sector can be a challenge. It can sometimes be a challenge to get hold of victims and update them accordingly. That would be our expectation, but that is not to say that we achieve the gold standard in every case.

Amanda Bland: Dr Forbes, you answered the question that I was going to ask. I have one more question for the police.

HMICS made 14 recommendations in its 2023 review of Police Scotland's response to domestic abuse, including recommendations on officers' understanding of the Domestic Abuse (Scotland) Act 2018. The inspectorate has since reported that some of those recommendations have been closed. Which of those recommendations have been fully implemented and which remain outstanding?

Assistant Chief Constable Mairs: I will hand over to Adam Brown to give the specifics. The good news is that a large number of those recommendations have been implemented. However, a number remain outstanding, and they are linked to how we deliver consistency of service throughout the country. Those are connected to the policing for our communities programme, which I mentioned earlier.

The second project in that relates to investigations and safeguarding. That is how we deliver, among other things, our tier 2 services that were spoken about earlier—our specialist domestic abuse and criminal investigation department detectives within local policing divisions. We are hopeful that elements of that

project will go live as a proof of concept in the next few months but we anticipate that some of the recommendations will stay open until we are able to fully pilot and evaluate the model. That would present the blueprint—much like the local policing model that we just talked about, which has been implemented—and provide the solution that would allow us with confidence to present those recommendations to HMICS for closure.

Adam, do you want to cover that in a bit more detail?

Detective Superintendent Brown: You have covered it well, ACC. Several of the recommendations that remain open are tied up in that ongoing piece of service redesign. We have had updates from HMICS, which views the progress that has been made as positive but wants to see evidence of impact before it closes the recommendations, which is an ongoing process. That includes recommendations on our cadre of SOLOs—sexual offences liaison officers—who engage with victims, as well as some of the other recommendations relating to service design.

Some of the other recommendations just required technological updates to our crime recording system to specify the gender of interviewing officers and in relation to the management of inquiries and cases, and several other recommendations relied on those advancements. That functionality is now in place in the system, but it has been only within the past year that some of that progress has been made.

Amanda Bland: What is the timescale for evidence of impact?

Detective Superintendent Brown: We are looking at the end of March next year. That is the date that we have put on it, although that is subject to ongoing discussion with HMICS as things change. It is not a fixed target. It can be quite fluid, depending on priorities. However, we are in routine contact with HMICS and, as I say, it is satisfied with the significant progress that we have made.

Marie McNair: Good morning. I want to go back briefly to training. The witnesses on the previous panel talked about how important it is to have well-trained officers and Crown Office staff when dealing with folk who are experiencing domestic abuse. Dr Forbes, how effective is the training? How do you evaluate it?

Dr Forbes: For a long time now, we have had an accredited training course for prosecutors in relation to domestic abuse. The findings of the inspection were that, although the training was good, it was difficult for front-line prosecutors to be released for three days to attend it. Also, prosecutors might have done the introductory domestic abuse course a long time ago or more

recently, so, in some cases, there was overlap. Therefore, the recommendation was that we should make the training more modular and find ways of delivering it more flexibly. As a result, we now have regional trainers, so that we can deliver directly to our colleagues in Grampian and the Highlands and Islands, without them coming all the way to Glasgow. We have a hybrid approach, involving online and in-person training.

The revision of the formal domestic abuse training has been evaluated. The Law Society of Scotland insists that all training is evaluated if it is to count for continuing professional development, which is a good incentive, so we always ask for evaluation of our training, and we have had positive evaluation of the domestic abuse training that we have been running.

In addition, while that process was ongoing, I became concerned about some prosecution roles, or some particular areas, and decided that we could, for a short period, provide intensive training. We have been delivering face-to-face training to our prosecutors in our death investigation teams about red flags for domestic homicides and suicides, and we have been delivering specific in-person training on strangulation and its inherent dangers.

Furthermore, our training college has interviewed Fiona McMullen and others for a panel to run a podcast for prosecutors, because we are trying to deliver the messaging in different ways. We are complementing the formal training programme with other means of training and awareness raising. I have gone round the country with a team doing specialist marking training for prosecutors, which has been evaluated very positively. In that training, we have been inviting our prosecutors to prosecute through a risk lens.

As an organisation, we do not risk assess. The police risk assess at the initial outcome, and our specialist advocacy services risk assess, as they are experts in that, but we do not do it.

It is important that prosecutors look at the reports that they receive from the police through a risk lens, so that we can differentiate between a case in which the risk is high and one in which the risk is low. We can then consider what that means for the charges and whether we have the whole picture or only a partial disclosure. That is also important in determining whether, for example, we oppose bail. The new bail test, about which there has been quite a lot of chat this morning, specifically says that the sheriff should have in their mind the risk of harm to the community and to the victim, so it is important that, as prosecutors, we present that information properly. All that training has lived experience embedded in it.

Marie McNair: It is good to hear that you deal with other stakeholders on that. Can you speak about training, too?

Assistant Chief Constable Mairs: As Ms McMullen mentioned, there are a lot of similarities with the Crown Office. The domestic abuse matters course that was mentioned is really effective. Before Covid, that was delivered consistently across Police Scotland, but face-to-face training was not possible during Covid, so that was disrupted. We have struggled to retain the levels of training that we would wish to have.

All the challenges for the Crown that Dr Forbes presented are also challenges for Police Scotland. Training is best delivered face to face over a number of days. Delivering that to police officers in a 24/7 operational environment is challenging. We have 11,500 officers in our local policing divisions, and between 6,000 and 7,000 of those are shift workers who need to be available to meet daily demand. That is a challenging and expensive programme to implement, but I firmly believe that that is the standard that we should deliver.

There are financial challenges and other ones. We welcome the reference in the programme for government to supporting policing and ensuring that our folks have front-line skills. In a case of domestic abuse, one of the biggest factors that could indicate a positive outcome for the victim is the quality of the initial contact between them and the police. Such positive outcomes will come about only through effective training. It is expensive and logistically difficult to deliver, but, as we conclude the current violence against women and girls strategy and look forward to delivering the equally safe framework for delivery, it is a key component.

I will ask Adam Brown to comment on some of the other areas in which we have been delivering.

Detective Superintendent Brown: The domestic abuse matters course has been delivered on a limited basis in the past couple of years. The ACC is right—Covid significantly disrupted the ability to deliver that programme, and we have struggled to rebuild what we lost during that year or two.

The plan is to update and reintroduce the training, because there have been legal decisions and landmark cases relating to the Domestic Abuse (Scotland) Act 2018 in the interim period. The licence for that training package is held by the College of Policing in England and Wales, with which we have discussed some of the means of delivery. The licence stipulates that delivery should be face to face, but we have explored whether there could be a virtual option. That might particularly benefit our remote rural and island communities, because taking an officer away from one of our city divisions in order for that training to

be delivered has much less of an impact than taking an officer away from a rural or island community for two or three days, when you factor in travel and accommodation, as the ACC said. We are looking at the delivery of that programme and what we might agree with the College of Policing about how to deliver it.

Fiona McMullen made the good point earlier that this is everyone's responsibility. We need to look at everything that we do through a domestic abuse lens and, more broadly, through a VAWG lens. In the past year, we have brought our probationer training materials up to date to ensure that coercive control and controlling behaviour are threaded throughout them. To be honest, I did not think that the materials were bad as they were, but the connection between patterns of behaviour and individual offences needed to be made a bit tighter, so we updated that training.

There has been a wider programme of updates to detective training across Police Scotland. We have ensured that my team is at the front door with that, and domestic abuse content is now updated and included not only for new detectives but for senior investigating officers. We already deliver packages to senior investigating officers in relation to domestic abuse, not least given some of the recent legal developments and landmark cases. That work is all ongoing.

In addition, we are trying to fill the gaps in training that the ACC mentioned. We have published six online modules, which are available to all officers across the organisation and cover the implementation and investigation of DASA offences and a number of other areas, including trauma and its effects in domestic abuse cases.

11:30

Marie McNair: I am very interested in coercive and controlling behaviour. Are we doing enough to educate the public on that? Challenges remain concerning evidence.

Detective Superintendent Brown: There is a challenge in that regard. Genuinely, it is complex. It is not always easy to recognise, and I go back to what I said about everyone needing to be an expert; it cannot just be left to the specialists. We have public campaigns—the “Don't be that guy” campaign was mentioned earlier and, last year, our “10 questions for couples” campaign specifically targeted such behaviour in young people to try to raise awareness. It is essential not just that the police, the professionals and the services are aware of such behaviours and how to spot them, but that everyone across the public and the private sectors is aware of them, because this is not a responsibility or an issue that a single

agency can deal with on its own. Public awareness is critical.

Marie McNair: Absolutely. It is a collective responsibility for everyone.

To return to the budget issue, we have spoken quite a lot about resources. Do you consider that the budget for training is adequate, or do additional resources need to be allocated?

Assistant Chief Constable Mairs: There will be ongoing work to establish that. As we look at the new framework for delivery, that training strand is critical.

As I said, from my reading of the programme for government, there was an acknowledgement of Scottish Government support for police training, and we will discuss that with the Government. Some of this is about prioritising training in the organisation, but we constantly face the challenge that the largest group of officers to train are the hardest to reach and need to understand every new piece of legislation because, on a 24-hour cycle, they could be required to attend a range of calls.

The conversation at the executive level is about prioritising our current training commitments. If we feel that there is a requirement for additional support, we will reach out and call for that. However, it is important to set out our aspiration and belief that the standard that we should be reaching is the one that we previously maintained.

Stephen Kerr: First, I think that I speak for all committee members in saying how indebted we feel to front-line police officers for all that they do.

The motivation for my line of questioning, both last week and this week, is entirely about their welfare, because I have grave concerns, which are shared by many, about what we are asking our police officers to undertake.

Detective Superintendent Brown, when you were asked directly by the convener about 24-hour notification to victims, you did not answer the question. Amanda Bland then asked the same question, to all intents and purposes, and ACC Mairs tried to answer it. It was a very long answer, and I shook my head at the end—we exchanged glances.

Assistant Chief Constable Mairs: I saw that.

Stephen Kerr: You did not answer the question either.

We are simply asking this: in the current scenario, is the 24-hour notification period being adhered to? The answer is no, isn't it? You are not doing that.

Detective Superintendent Brown: I would dispute that. We are doing it.

Stephen Kerr: Oh, right, you are doing it. You will be able to provide the data to the committee that evidences that all victims are receiving that visit and that notification within 24 hours. Will you do that?

Detective Superintendent Brown: I do not have it to hand, but—

Stephen Kerr: Can you send it to the committee? You are confident—

Detective Superintendent Brown: We can certainly provide a report on—

Stephen Kerr: I will give you a second go at this, because it is so important. Are you confident that the evidence that you will provide to the committee will show that all victims are being visited within 24 hours?

Detective Superintendent Brown: As I said earlier, that is the system and that is the expectation.

Stephen Kerr: No. I asked whether they are being visited. This is the third time of asking. Are you confident? I can see that Assistant Chief Constable Mairs is going to come to your rescue. I am trying to be helpful.

Detective Superintendent Brown: I know.

Stephen Kerr: Tell us the truth. Are victims being visited within 24 hours? Just tell us yes or no.

Detective Superintendent Brown: Not in every case.

Stephen Kerr: Okay. Send us the data.

The Convener: We look forward to receiving the data on that in written form, because the committee will want to see that. Okay?

Assistant Chief Constable Mairs: Yes.

Stephen Kerr: This is very important to us in the work that we are trying to do on behalf of the justice system. I will defer to Assistant Chief Constable Mairs. You wanted to come in. We exchanged a glance—

Assistant Chief Constable Mairs: We did.

Stephen Kerr: I invite you to tell us the truth about the situation when it comes to resources.

Assistant Chief Constable Mairs: I appreciate that it was a rather long response, Mr Kerr. The summary of that response is that, in many places, a response police officer serving our communities 24/7 will find themselves working in a challenging environment. That was the case 24 years ago, when I joined the service, and it has only got more complex and challenging since then. Ultimately, that is why the chief constable's budget proposal

last year sought additional funding to support those front-line officers.

I do not want to sit here and say that it is for someone else to solve that problem. There is more that the senior leadership in Police Scotland can do with our resources.

Stephen Kerr: I understand that, and that is the kind of leadership response that we would all expect from accountable officers. I respect the answer that you are giving on that score, but we must deal with the realities. In the story in yesterday's *Daily Record*, we read that 64 of the arrest warrants in question were outstanding in cases of rape. That compared with 40 in February. Please tell us, if you can—if you cannot, please send the committee the information later—the age of some of those outstanding arrest warrants. For example, is it possible that some of the 40 that were outstanding in February are still among the 64 that are outstanding in September?

Assistant Chief Constable Mairs: I do not have that information to hand, but I will gather it for you. What I can say is that we work hard to deal with those warrants. Some of those warrants could be quite extensive, because, as I have indicated, the offender might have left the country, which poses difficulties. Generally, however, across the board, the imperative is to complete those as quickly as we can. I do not have the information to hand.

I get the point that you are asking about, and I am sure that we can provide the committee with the information.

Stephen Kerr: I do not doubt that no one in Police Scotland is dilly-dallying on any of this. However, the bottom line is that you can only do what you can do with what you have got, and I think that understanding the age aspect of those outstanding arrest warrants will be helpful to the case for the investment that, I believe, Police Scotland absolutely needs in terms of front-line resource.

Adam Brown, I want to ask you the question that I asked the previous panel about counter-allegation. One of the things that came out of the 2023 HMICS report, which is now three and a half years old, was that Police Scotland did not have a formal definition of “counter-allegation”. Does Police Scotland have one now?

Detective Superintendent Brown: Counter complaints are covered in our joint protocol with the Crown Office and Procurator Fiscal Service. That sets out clearly the expectations on officers in respect of counter-allegations.

Stephen Kerr: That is not what I am asking. I am asking whether there is a definition, as called

for in the 2023 report, in any of the documents that the police work to of what “counter-allegation” is.

Detective Superintendent Brown: There is not a specific definition.

Stephen Kerr: But that is what the report asked for. Why, three and a half years after that report was published, have the police not provided their officers or the organisation in general with a definition of “counter-allegation”? That seems extraordinary.

Detective Superintendent Brown: More important than having a definition is how the process of investigating counter complaints is applied and the guidance that is given to officers on the response. That is included in training. As I said, our joint protocol with the Crown Office and Procurator Fiscal Service is clear about the expectation in those cases.

Stephen Kerr: Yes, but that does not answer my question. Please understand that I am trying to be helpful. I do not know how often I have to say this. There is no definition of “counter-allegation” for the police to work to. That would be a starting point in helping officers to understand what it is and how to recognise it.

How many recommendations were there in that report?

Detective Superintendent Brown: Fourteen.

Stephen Kerr: How many of them are closed?

Detective Superintendent Brown: Six or seven. I will have to double-check.

Stephen Kerr: Can you come back to the committee and tell us precisely which recommendations are closed, which are open and what the deadline dates are for implementation?

Assistant Chief Constable Mairs: Yes, we can certainly do that for you.

Dr Forbes wants to come in on the definition element.

Stephen Kerr: Please do, Dr Forbes.

Dr Forbes: The joint protocol sets out how Police Scotland and the Crown should deal with counter-allegations. We found that, because of the guidance in the joint protocol, where there were two reports—that is, where the police officer attends an incident and there is, for want of a better expression, a “he said, she said” situation, with both people involved making a report at the same time—police officers are very good at recognising who the primary perpetrator is. That means that the number of cases that come to prosecutors with both parties being reported on the same day is tiny. It is very rare, and there is usually a good reason for it.

We thought that the system was working, but, as time has gone on and our understanding of domestic abuse has improved, especially since the Domestic Abuse (Scotland) Act 2018 has meant that we are increasingly policing a course of conduct, we have, as Fiona McMullen tried to explain this morning, seen more cases of the justice system being weaponised. Perpetrators understand that, once they have been reported, they can come forward several weeks later and claim that they have been a victim. Because there is a pro-arrest policy and a clear pro-prosecution policy, we will treat that as a new report, and the police officer in that situation is more likely to make a report to us, with the result that the prosecutor then has two cases. That is the situation that we want to get out of.

The Lord Advocate issues guidelines to the chief constable—you might be familiar with them. Some are published, some are unpublished. The Lord Advocate's guidelines on domestic abuse were issued to police officers this year, and they are unpublished, as our third sector colleagues advised us that they were so detailed and helpful to officers that they would produce a "how-to" manual for perpetrators.

The police now have very clear guidance on what a counter-allegation is, what a malicious report is, what the difference is between them and how they should deal with those situations. Those guidelines from the Lord Advocate are premised on the policing of a course of conduct by looking at that first and looking for incidents only where there is not sufficient evidence of the course of conduct.

There has been a real shift, and the anecdotal feedback that we have had from officers on the ground is that the guidelines are helpful.

Stephen Kerr: That is helpful new information, and I am grateful for that.

The Convener: Mr Kerr, I know that you have another issue that you want to ask about. I will bring you back in on that later, as I want to bring in Ms McNeill now.

Stephen Kerr: Of course, I would be grateful if I could come back in later.

Pauline McNeill: I want to understand more about bail in general: who gets bail, who does not get bail, what happens with breaches of bail and so on.

Dr Forbes, when the Crown opposes bail, to what extent does the sheriff take that as a factor? Are there lots of cases in which the sheriff will consider that but decides for other reasons that bail will be granted?

Dr Forbes: As prosecutors, we apply the bail test in the legislation in deciding whether to oppose

bail. We look at somebody's record and at the information that we have in a standard prosecution report. In cases of domestic abuse, the risk assessment information will be particularly important, and we have reframed our training and guidance around that. In court, the prosecutor will present that information. There will be a motion for bail on behalf of the accused, and the prosecutor will then either say that they oppose the motion for bail or that they are not opposed to the motion for bail but are seeking additional conditions to that bail order. In cases of domestic abuse, it would be unusual not to have additional conditions, because we would be looking for protective measures for the victim and any children who are affected by the abuse. We have fairly robust and clear guidelines on that, but the ultimate decision on whether to grant bail is one for the sheriff, and is not really something that I can say more about, I am afraid.

Fraser Gibson might want to add to that.

Fraser Gibson (Crown Office and Procurator Fiscal Service): The starting point in the legislation is that there must be good reason for refusing bail. Therefore, when we think that that is the case, we would make that motion. There is then quite a technical two-stage test within the terms of the legislation that we need to go through to justify someone being remanded in custody.

The first stage of that test looks at, for example, whether there is a risk of someone committing another offence, a risk of their interfering with witnesses or obstructing the course of justice, or a risk of their failing to appear. The second stage, which also must be satisfied, is whether it is in the interests of public safety for them to be remanded or whether there is a significant risk to the interests of justice. We must meet both tests in every case.

The sheriff, too, will hear both sides of the argument. The process in the criminal court is, at the end of the day, an adversarial one, and he will make a decision based on that.

11:45

Pauline McNeill: I am thinking of a number of high-profile cases, including one that I referred to recently in which the family involved called for GPS technology to be one of the factors. I just wonder whether we are missing anything here that we should be doing in criminal justice to try to catch cases where an offender has been bailed and then goes on to kill someone.

Fraser Gibson: The key point of our bail assessment is the assessment of risk, particularly in domestic cases. It is difficult, because ultimately you are trying to predict the future behaviour of another unpredictable human being, and that will never be a science. However, the key things that we will look at are the offence itself; whether it

involves violence; and, if so, the level of that violence. Have there been threats? Has there been strangulation, which is a key risk indicator in domestic abuse cases?

We will also look at the individual's previous convictions and whether their record shows a propensity for violence or, indeed, a propensity to disobey orders of court, which might indicate that this is not a person who can be trusted on bail. If their previous convictions are very serious, that might indicate the level of violence that the person is capable of.

Pauline McNeill: On that point about previous convictions, section 3 of the Bail and Release from Custody (Scotland) Act 2023 repealed section 23D of the Criminal Procedure (Scotland) Act 1995. The Criminal Justice Committee in the previous parliamentary session was certainly told that there were not that many cases in which section 23D would be used. In your opinion as a prosecutor, should we put that section back into the 1995 act, or is it not really needed?

Fraser Gibson: It is perhaps not really for us, as independent prosecutors, to comment on policy, and legislation is a matter for Parliament to enact and for yourselves as MSPs to decide on.

My memory of section 23D is that it applied where the person had a previous conviction and was on indictment for analogous offences in certain categories, typically violence. In other words, you were dealing with someone who had had a serious conviction for violence and was proceeding through court on another such charge. One would hope that, under the current bail test, such a person would still be remanded, but I do not have any statistics in that respect.

Nevertheless, the key point is the assessment of risk. The key factor for us in assessing domestic abuse cases is, as Dr Forbes has said, that domestic risk assessment.

Pauline McNeill: That should be assessed, regardless.

Dr Forbes: The previous test was predicated on somebody having offended in a serious way before. The new test takes a principled approach and looks at risk; it applies to all cases, but it ought to be a useful tool in domestic abuse cases, especially.

You have talked about the gap. We think that the gap arises where there is no advocacy support. We need to ensure that we have the best risk information that we can get when we go to court but, as we know, and as all the studies show, the risk information that a front-line police officer gets is not as accurate as the information that a domestic abuse court advocate gets, because the officer does not have the same amount of time and

there is not the same level of trust. The relationship just has a different dynamic; the training is also different, and it is the advocate's job. Because of that dynamic, the risk information that an advocate gets is much more detailed than the risk information that anyone else can provide. Therefore, in order to be equipped in the best way, we rely on advocacy services.

However, there are also gaps in the family and civil courts, and there are risks there that we do not always know about, because the communication between the two justice systems is not clear enough. I know—and welcome the fact—that the Scottish Law Commission is looking at that. If you are asking about gaps, I think that that is where they are.

Pauline McNeill: That was really helpful, because this is a common thread. There are also cases going through the civil courts, but there is no crossover, and those cases could be very telling when it comes to looking at risk factors.

I want to understand what happens when bail is breached. I assume that if the accused breaches bail by going to the victim's house—which they should not be doing, as that would be a clear breach—there will be an immediate response, rather than the 24-hour response that you talked about in response to Stephen Kerr's questions.

Detective Superintendent Brown: Yes, because we would be talking about a crime in progress. Every police response is subject to the threat, harm, risk, investigation, vulnerability and engagement—or THRIVE—process in our control room and assessed for potential risk and harm, and officers will be deployed accordingly. However, breach of bail is a criminal offence in its own right and results in automatic arrest.

Pauline McNeill: The police would attend that immediately.

Detective Superintendent Brown: Yes.

Pauline McNeill: Right. Would that happen only if the offender was at the victim's house? If the person were seen near the victim's house, would that be dealt with the same severity?

Detective Superintendent Brown: It would be subject to the THRIVE process, which is undertaken in our control room. The call handler will assess the threat, harm and risk associated with what has been reported. It is very difficult to say exactly what the speed of response would be in different contexts, because a breach of bail could include communications, text and SMS messages and that sort of thing. Each case would be determined on its own merits by the control room and prioritised accordingly.

Pauline McNeill: A physical presence would be regarded as requiring an urgent response.

Detective Superintendent Brown: It potentially would be, absolutely. In addition, there will be markers on people's addresses that we can apply, which give officers and controllers quick access to information on the risk that might be presented there. If a breach of bail is in progress, you can expect a prompt response from the police.

Pauline McNeill: You were asked about resources earlier. Perhaps I can give you a specific example. In last week's evidence session, we talked about the amount of police time that is taken up dealing with mental health calls. I know that work is ongoing on that, but, in reality, officers might be sitting in accident and emergency with a person in distress at the same time as a call goes out requiring an urgent response to a breach of bail involving a domestic abuse victim. Is that correct?

Assistant Chief Constable Mairs: That is exactly correct, and I suppose that that is the area where I wanted to connect last week's evidence session with this week's. Last week, my colleague Catriona Paton talked about some of the areas where we feel that the police are overcommitted and where we are not the right service to provide the support that vulnerable people need. This week, we are talking about those areas where we absolutely are the right service. The two are completely connected.

Pauline McNeill: I know, but there is a question that I have to ask you. When Brian McNulty was here last week, talking about this from the police point of view, I have to say that I was not at all satisfied that enough progress is being made on the matter. We have seen an increase in domestic violence, and we have had horrendous cases of bail breaches that have resulted in women being murdered. Adam Brown mentioned this earlier, but we are all too well aware of the pressures on policing. Officers, frankly, are wondering whether they want to continue in the service. I think that there is a crisis here. Do you think that enough progress has been made in relieving police officers from such activity? I think that it is the top reason why we do not have police officers on the front line.

Assistant Chief Constable Mairs: I talked about this earlier. You join the police to help people in crisis and to make a difference, but too many of our officers are finding themselves caught up in these other tasks and functions—

Pauline McNeill: Is enough being done to deal with that situation?

Assistant Chief Constable Mairs: We all set high standards. We need to do more, and we need to move at pace. We are doing an awful lot, but we hear the voices of our officers on the front line,

saying that they feel tired and frustrated at the barriers in their way. Some of those barriers are within the gift of Police Scotland to remove, and we have talked about the new model that we are delivering, but others rely on partnerships and other elements and are really challenging and complex to manage.

As for whether we are doing enough, I come back to the focus of today's evidence session and why we welcome this discussion. Violence against women and girls is a national threat, just as terrorism is.

Pauline McNeill: Exactly, so I would be expecting you to say that your partners are not doing enough. I know that a lot is being done, but it is just not going fast enough. Surely you must think that.

Assistant Chief Constable Mairs: I do, and you heard as much from our third sector partners earlier. I do not want to speak for Emma Forbes and other colleagues, but those of us who are responsible for delivering these front-line services are feeling the same sense of urgency. We are deeply concerned about this; the chief constable has spoken out, as has the First Minister and the leaders of all the parties, about how urgent this is. We need only think of the response to serious organised crime or terrorism; had 12 people died as a result of, say, the violence associated with serious organised crime over the past 12 months, it would have been on the front page of every paper, and it would be dominating everybody's minds. Twelve people have lost their lives as a result of homicides linked to former or current partners in the last 12 months—this is serious, and it is real.

Pauline McNeill: With respect, I know all that. I am just trying to make it clear that I have a real concern that we are not going fast enough in freeing up the officers whom we need to attend these kinds of calls.

If there is a breach of bail, does what happens to the person in question depend on the severity of the breach? Does the matter automatically go back to court?

Detective Superintendent Brown: It does, because breaching bail is a criminal offence. The question is whether the breach requires an urgent response or something less imminent. The outcome, though, is that we will investigate the matter, and someone will be arrested.

Assistant Chief Constable Mairs: In some cases, the breach of bail will be one of a number of offences—there could be an assault or other things involved.

Pauline McNeill: Thank you.

The Convener: I want to bring in some other colleagues, if I may, beginning with Ms Chapman.

Maggie Chapman: Thank you all for your contributions so far. I just want to take a step back and ask a higher-level, more conceptual question of Police Scotland and the Crown. What does success look like for you in a domestic abuse case? I will start with Tim Mairs, if I may.

Assistant Chief Constable Mairs: That is the issue that sits at the heart of this. When we come into contact with a victim/survivor, the trauma-informed approach that we take is really about understanding where they are and what those outcomes look like. In some cases, the outcome will be immediate safeguarding, and signposting to allow them to make a decision about their circumstances, with support from the police and third sector. Other cases will involve a criminal justice outcome, but as Dr Forbes has said, that is a very challenging route, and the experience can be traumatising.

At a high level, then, we see success as our having a positive interaction with the victim/survivor that leads to a life-changing moment for them and their being able to move out of that abusive environment. It is that balance that we have to strike, and it is why we always must be cautious when we look purely at criminal justice statistics in isolation. Criminal justice outcomes do not always necessarily result in a positive experience; they might have required a victim/survivor to go to court and be retraumatised and be exposed to the perpetrator, and that might not be something that is desirable. For me, then, it is all about having that more holistic, person-centred approach.

Maggie Chapman: I put the same question to Emma Forbes. What does success look like to you?

Dr Forbes: Overall, it would look like a decrease in the number of cases that we were prosecuting. At the moment, Police Scotland is reporting a record-high number of cases to us, and we are all concerned about that; indeed, the prevalence of strangulation is particularly pernicious and concerning. This is a really difficult time to be a prosecutor.

However, when it comes to what success looks like in individual cases, I would say that the best person to ask would be somebody with lived experience of the process. Therefore, instead of answering as a prosecutor, I will have to borrow what I have learned from them, because I just do not know.

I think that, for them, success is trust in the justice system and their knowing that, when they report to us, as prosecutors and police officers, we

will listen and take what they say very seriously. It is knowing that there is a robust prosecution policy in place that means that domestic abuse is an absolute priority for the prosecution in Scotland and for our police officers. It is, as Fiona McMullen has said, working together with our third sector colleagues to provide, as best we can, a multi-agency response.

Success is also about cases not taking as long as they do and a reduction in justice journeys. That is an issue that we are really struggling with, because of court backlogs, court timetabling and the dual time bar that we are about to hit in the autumn.

12:00

A better prosecution service would be one that provided shorter justice journeys and delivered, throughout a case, timely updates in the way in which the victim had asked them to be delivered—by their preferred means of communication—and in a trauma-informed way. We are doing a lot of work to embed trauma-informed practice. I feel as though that is at risk of becoming a buzzword, but we do not want it to be. A survivor of childhood abuse recently gave me good advice that the best way to teach people about trauma is not to mention the word “trauma.” It is about being more emotionally tuned in, trying not to do any harm and meeting the needs of the victim at each stage of the prosecution process. We have refurbished all of our witness rooms so that they provide a more inviting environment and are, I hope, a less scary place to be. We have learned a lot from the bairns’ hoose model and others as we have developed our approach. We have trained prosecutors in how they should speak to, and more important, how they should listen to victims of domestic abuse.

I prefer stories to numbers, but I have some numbers on the impact of our summary case management. We are talking about police officers being able to do what we need them to do—in the past year, 100,000 fewer police officers have been cited to give evidence because of summary case management. Three thousand fewer children have been cited to give evidence. At the post-pandemic peak, we were scheduling 7,685 domestic abuse trials in Scotland, but that figure is now down to 2,005. If we measure that not against the peak but against the historical baseline, that represents a 30 per cent reduction. That means that we are citing fewer domestic abuse victims and their children to come to court if they will not be giving evidence on that day.

As I told the previous Criminal Justice Committee, we would proceed to trial in 13 per cent of such cases before SCM was introduced. That meant that one in 10 victims would have their case go to trial, but the whole process was geared

up to supporting them up to a date that might never happen—in all likelihood, it would not happen. There has been a combination of earlier resolution, because of the way in which cases are managed, and bringing people to court to give evidence only on the day when the trial is going ahead.

I hope that success looks like fewer adjourned dates, less churn in the system, shorter justice journeys and listening prosecutors. That should all be underpinned by a robust commitment to tackling domestic abuse.

Maggie Chapman: You have both given quite aspirational answers, which is useful, because we can work back from those aspirations when thinking about what needs to change.

Emma Forbes, in response to an earlier question, you said that the Law Society requires the training that prosecutors receive to be evaluated. Does the evaluation include feedback from survivors?

Dr Forbes: We have provided all prosecutors with trauma-informed practice training, but we want to have an accredited course for those who deal with victims and witnesses each day. We have just run a pilot of that, and a survivor participated in the course and gave us feedback. We will have ongoing meetings with her to receive further feedback. Psychologists and those from the third sector were also involved. In relation to the recent domestic abuse marking training, Fiona McMullen came along and gave feedback. We have to be sensitive about how we engage, because we do not want to be tokenistic. We are very careful about how and when we engage with individual survivors. Often, it can help to use third sector colleagues, because they can lend a voice and help us in that regard.

Maggie Chapman: That is helpful. In different ways, you have all spoken about the importance of the relationship with third sector colleagues and those who provide independent advocacy and support. You have said that they are crucial in allowing the system to work at all. We should not ask too much of survivors by asking them to fix the system as well as to go through it. That would not be fair, and it would not be an example of a harm reduction approach.

I turn to Tim Mairs. You have already answered questions about responding to the recommendations from the 2023 HMICS inspection. In trying to do better for survivors, what work are you and your officers doing to build trust with communities that, for multiple and complex reasons, might not trust the police, might not feel that they would get a compassionate response from them or might not want to engage with them at all? How are you dealing with those issues?

Assistant Chief Constable Mairs: Clearly, that is a complex space. My colleague ACC Catriona Paton, who gave evidence to the committee last week and who leads the policing together work, does an awful lot of work involving the use of dedicated community engagement specialists, who are not police officers, who are able to build such relationships. We constantly scan and try to understand, by looking at the demographics and undertaking critical activity such as engagement, which groups we need to seek to build those relationships with. A lot of collaborative working is done by the national specialists and our local colleagues. The most effective relationships that I have seen started on a one-to-one basis at a national level but have now been transferred over to local policing.

One example is the work with the black and African community, with which we undertook some very targeted engagement. There is a big gap in confidence in that community as a result of the death of Sheku Bayoh. A lot of work has been done nationally, which is now starting to translate into strong local relationships. We have clear evidence that that has allowed us to better understand and to collaboratively navigate challenges around gender-based violence in a range of communities.

Maggie Chapman: I turn to Adam Brown. With regard to the impact of that work and, more broadly, of the work on implementation of the recommendations of the HMICS report, you mentioned that you expect evidence of that to come out at the end of March next year. If we are looking to rebuild trust, to minimise harm and to ensure that there are positive interactions with Police Scotland, how are you assessing the impact on victims/survivors of the implementation of those recommendations?

Detective Superintendent Brown: Because we acknowledge that it is difficult for people who have not had the best experience to engage with us, we are quite reliant on our partner agencies to carry out such evaluation. Scottish Women's Aid and ASSIST share their bulletins and feedback from their helplines with us. We have an online portal, which is anonymous, through which victims of domestic abuse and sexual violence can provide responses. Our insight and engagement teams assess all that information, and we pull it all together so that we can tease out patterns with regard to where we are not doing as well as we should be. That is an ongoing process.

In addition to that, there will be what some might argue is the less valuable stuff such as the information on numerical compliance with recommendations such as the one on specifying the gender of the interviewing officer. Although

that information is less helpful, it still provides insight.

With regard to your question about how we deal with victims, the other routes are the most valuable to us.

Maggie Chapman: Okay—

The Convener: I am sorry, but I need to bring in Mr Macpherson, as we are quite tight for time.

Ben Macpherson: We have heard a lot this morning about the implementation of the 2018 act and the 2021 act. We have also heard about the demand on the service as a whole, whether the police, the Crown Office and Procurator Fiscal Service or the courts, and the requirement and the desire for more financial resources, as well as more staffing and, perhaps, more time. In that context, is there a need for some breathing space with regard to the implementation of legislation?

We have a proposition in the programme for government for a misogyny bill, for which there is broad parliamentary support. Such a bill would be dealt with by this committee. Given what colleagues around the table have said, is there a need to recognise that we must fully implement and embed pieces of legislation that have been passed in recent years before we place any further demands on services?

Assistant Chief Constable Mairs: I will give you a bit of a political answer to the first part of that. We will look forward to engaging on individual pieces of legislation and to providing our views on them. I was persuaded by the view that it is always helpful to start with what is already on the books and ensure that we are getting the most out of that.

The legislative discussion is one to have, but the leadership that is shown across society is the most critical piece. Today, we are talking about occasions when we have failed to prevent such violence through early intervention, but we have also touched on some of that early intervention. This national threat that we are all collectively addressing requires that leadership and societal shift.

Colleagues earlier talked about the “that guy” campaign. On Friday, we are launching the next phase of that, which focuses on men being positive role models for young boys and younger men, setting out what the expectations are in a positive way. That does not require legislation, and it does not necessarily require resourcing. It requires a continuation of that collective leadership across party and society.

I hope that that is not dodging the question. We will engage with the legislation, and we need to make the most of what we have. However, collective societal leadership, particularly by men

modelling to younger boys and men what it means to be a good citizen, is critical.

Ben Macpherson: Absolutely. Social change and changes to attitudes are fundamental. We all have a role, as you said, in providing leadership and contributing to that, including by sharing experiences and being proactive in the communities in which we live.

I emphasise that the proposition for a misogyny bill is a good and important one, and I look forward to scrutinising that legislation and making it as good as possible. My point was that, although I appreciate that the 2018 act has been impactful and effective in many ways, parts of the 2021 act have yet to be implemented, as you have mentioned. Do we, as legislators, need to consider that before placing further legislative demands on the service?

Assistant Chief Constable Mairs: Yes. In simple terms, for us, this is about having a whole-system assessment of new legislation. What are the implications for the agencies that have to deliver it? Training implications come with resource and time commitments. There would also be potential changes to processes and the costs that come with them. There remains a risk that, although good legislation is passed, due to the necessary processes, resourcing and funding not following through, it can create challenges for agencies and lead to detrimental outcomes.

We welcome a number of the recommendations in the programme for government around consultation on some existing legislation. We have already engaged with the Scottish Government on challenges that we see with provisions of the 2021 act, and we look forward to re-engaging in that conversation.

Ben Macpherson: I do not know whether Dr Forbes or Mr Gibson would like to add anything from the Crown’s perspective.

Fraser Gibson: We associate ourselves with ACC Mairs’s answer. He put it well. It is about striking a balance between how soon legislation needs to come in and the work that we are doing at the moment with our existing resources, alongside the additional resource implications of change and the amount of change that we are going through at the same time. It is a balancing act.

We engage with the Scottish Government on implementation dates, but it is always a balancing act. I guess that that is not unique to the justice sector. When the Parliament makes changes in any sector, that is presumably always a consideration for it.

Ben Macpherson: We have passed a lot of criminal justice-related legislation over the past decade, though. I am cognisant of that.

The Convener: I will bring this session to a close at 20 past 12. I have two colleagues who have sought to catch my eye for brief supplementary questions, so we have five minutes. It is up to each of them to work together. I will start with Ms Bland and finish with Mr Kerr.

12:15

Amanda Bland: My question is for clarification. If I have misunderstood, please guide me. ACC Mairs, you described the domestic abuse matters training as expensive and logistically difficult to deliver, and you have talked about plans to reinstate the training. I want to understand what percentage of officers are trained. Are you confident that every Police Scotland officer across Scotland is trained to identify and react appropriately to the complexities of domestic abuse?

Assistant Chief Constable Mairs: We will provide you with the numbers. Because we have not consistently delivered the training since Covid times, and due to the turnover rate in local policing, people will have moved through the organisation and the numbers will have dwindled. We will seek to provide the numbers to you in writing.

As Adam Brown mentioned, a number of officers were trained pre-Covid, so they will still have the knowledge and experience. A large proportion of our officers are probationers who have come through the Scottish Police College, and everyone who has gone through the Police College will have received the initial training. Our specialist detectives also receive training and input. Domestic abuse matters allows us to set a really high standard—that is our aspiration, and we feel that it is critical. We will get you the numbers and provide you with an overview on that.

The Convener: Thank you. We look forward to receiving that.

I will bring in Ms Chapman for a brief question at the end—she is experiencing significant generosity from the central belt today. However, I will bring in Mr Kerr first.

Stephen Kerr: This will be quite brief, too. There is now a statutory domestic homicide and suicide review system, which was implemented as of April. Prior to that, Police Scotland conducted internal reviews. My question is, I think, for DS Adam Brown. How many domestic homicide reviews did Police Scotland conduct before the statutory scheme began?

Detective Superintendent Brown: Over what time period? We will have to get back to you with that data but, if you give us some dates, we can provide it.

Stephen Kerr: That is good.

My other questions are allied to that first one, and I am happy for you to come back to the committee on them, too. How many of those reports involved the families, the next of kin or the survivors? How many reports were then provided to the Crown Office and Procurator Fiscal Service? Was any of them published? What was the policy that guided Police Scotland on whether the findings should be disclosed to the families? No doubt, you had a policy on that. That information would be useful for the committee in understanding how it all works.

Assistant Chief Constable Mairs: We can provide that.

Stephen Kerr: Thank you.

The Convener: I apologise to whoever has to produce these letters at Police Scotland, as they are going to be very busy in the coming days.

Ms Chapman has the final question.

Maggie Chapman: I appreciate your indulgence, convener.

Very quickly, I want to go back to Marie McNair's questions on coercion and coercive control. Victims are being asked more and more to document their own abuse. How do police officers ensure that digital evidence gathering, in particular, does not make victims the investigators of their own abuse? How do you navigate that line?

Detective Superintendent Brown: It is difficult, because so much offending is perpetrated in the digital or online world and, unfortunately, the reality of that is that the evidence is often captured in victims' devices.

You could probably have a committee just to discuss digital issues. It is not my area of expertise, but our cyber and fraud unit is doing a huge amount of work to upskill front-line officers. The principle is similar to that with domestic abuse, in that it is not just the remit of specialists; it needs to be everyone's responsibility. That unit does a lot of work to upskill front-line officers through knowledge hubs and training on the digital sharing of evidence. We now have digital evidence sharing capability and can capture evidence directly from victims' phones without having to seize the phones. It is an unfortunate symptom of the type of offending that we are seeing that, inevitably, victims' devices will capture some of the evidence that we need. Our focus is on minimising the need to take those devices away, because they are critical to people's safety in many ways.

That is not a complete answer, but it is a complex issue.

Maggie Chapman: It is helpful, because it gives us points that we can explore further in other sessions.

Assistant Chief Constable Mairs: That issue speaks to the challenge and tension in the justice system around the fact that an extensive investigation can be intrusive and impactful. The key fulcrum that we move around is that of being trauma informed and taking a bespoke approach.

The Convener: Before the committee moves into private session, I extend our thanks to all our witnesses for the service that you provide in the pursuit of justice—it is much appreciated. Although we will question you on some areas, we recognise the significant public service that you provide. Please accept our heartfelt thanks.

12:20

Meeting continued in private until 12:41.

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