

Justice Committee

Criminal Justice (Scotland) Bill

Written Submission from Evangelical Alliance

Introduction

1. The Evangelical Alliance in Scotland is the largest body serving evangelical Christians in Scotland and has a membership including denominations, churches, organisations and individuals. Across the UK, Evangelical Alliance membership includes over 700 organisations, 3500 churches and thousands of individuals. Our members in Scotland include the Baptist Union of Scotland, Vineyard Churches, the Salvation Army, Newfrontiers, Elim Pentecostal Churches, Assemblies of God, The Free Church of Scotland, Brethren, a number of congregations within the Church of Scotland and other independent churches. We have a number of organisations as members in Scotland including Glasgow City Mission, Bethany Christian Trust, Tearfund and Scripture Union Scotland.

General Comments

2. The Evangelical Alliance welcomes the opportunity to comment on the proposed Criminal Justice (Scotland) Bill. As a representative organisation we have members engaged at almost every stage of the criminal justice process whether as individual members in the policing or legal professions, churches involved in community safety initiatives such as Street Pastors, or organisations working with offenders and their families before, during and after time imprisonment. The church has always taken an interest in supporting vulnerable people, whether those at risk of offending, or those who are victims of crime. In addition the provision of fair and equitable justice is a core theme of Christian theology and one in which we believe is one of the fundamental hallmarks of a modern, civilised society. We would be happy to give oral evidence to the committee as representatives of civic society and communities across Scotland, should that be helpful to the committee.

Police powers and the rights of suspects

3. The Evangelical Alliance is in broad agreement with the provisions contained in the Bill on police powers and the rights of suspects. We welcome the clarity given by having a single state of custody, a single maximum 12 hour period of questioning and the provision of the Bill to ensure that cases are heard at the next sitting day of the court. We believe these are broadly sensible proposals that strike a reasonable balance between the rights of the person detained, and the time needed for the police to properly investigate and question a suspect.

4. We also welcome the provisions on the rights of suspects. In particular we welcome placing the right to a solicitor on a permanent, statutory footing. This was an anomaly of Scots law that was tolerated for far too long and we believe that placing this provision at the heart of the Scottish Criminal Justice System is an important step following on from the provision of the 2010 Act. We also welcome the provisions for Child Suspects and Vulnerable Persons who may be under arrest.

Corroboration

5. In common with the majority of respondents to the Scottish Government's consultation, the Evangelical Alliance has concerns about the planned removal of the need for corroboration in criminal cases. This issue is a very difficult and sensitive one and we have great sympathy for cases where victims of crime feel that the requirement for corroboration affects their ability to access justice. However we also believe that the provision of corroboration provides an important safeguard in the criminal justice system and the removal of corroboration comes dangerously close to lowering the burden of proof required to secure a criminal conviction. Successful prosecution should rely on effective policing, compassionate support services to victims and deterrent sentences upon conviction, and however heinous a crime the state should not resort to changing the legal standards necessary to secure a conviction.

6. In our approach to this issue we wholly recognise the sensitive nature of cases, particularly of sexual crime and domestic violence, which are advocated by the Scottish Government as reason to remove corroboration. We would advocate providing additional resources in these areas for policing and victim support services, as well as tougher sentences upon conviction of these crimes to act as a deterrent.

Court Procedures

7. We broadly welcome the provisions for court proceedings as outlined in Sheriff Principal Bowen's recommendations. Often court proceedings are unnecessarily complicated, unwieldy and inefficient for victims, witnesses and suspects alike and we support any recommendations to streamline the provision of services and provide better value for the taxpayer.

8. We also welcome the provision of the early communication between prosecution and defence as a way to improve efficiency. However we are concerned that the increase of remand time to 140 days is excessive and are not convinced that such a large extension is necessary to accommodate this meeting. This seems to us to be an unacceptable price to pay in the liberty of those who at that stage have not been convicted. We are also concerned that this will lead to increased pressure on an already overburdened prison system.

9. Whilst we are not persuaded about the removal of corroboration we do agree that the jury majority required should be increased to two thirds, whether or not the corroboration requirement is removed.

Statutory Aggravation for Human Trafficking

10. The Evangelical Alliance has been heavily involved with partners in trying to raise awareness of the issue of Human Trafficking. We welcome the new focus being given to this issue in Scotland and also the provision of the statutory aggravation for offences with a human trafficking background.