

Justice Committee

Criminal Justice (Scotland) Bill

Written submission from ASSIST

Thank you for the opportunity to comment on the Criminal Justice (Scotland) Bill. ASSIST, functioning since 2004, is a Specialist Independent Domestic Abuse Advocacy Service. The aim of ASSIST is to ensure all victims of Domestic Abuse are safe, informed and supported throughout their involvement with the criminal justice process.

ASSIST is colocated with Police Scotland in Glasgow, East Kilbride, Clydebank, Kilmarnock and Renfrew. ASSIST provides information daily to the Procurators Fiscal in all the courts in the legacy Strathclyde Police Force area and is linked to the Specialist Domestic Abuse Courts at Glasgow and Ayr Sheriff Courts and, for male victims, Edinburgh's Domestic Abuse Cluster Court. ASSIST provides a service to half of Scotland's population and is the only Scottish organisation to achieve accreditation through CAADA's Leading Lights process.

We welcome some aspects of the bill for example, the abolition of corroboration, however we have major concerns that the proposals around investigative liberation if applied to victims of domestic abuse will be dangerous and lead to victims' experiencing further harm.

Any changes to the way domestic abuse is policed or prosecuted should only be taken forward if it is considered that the change would improve the current situation either in terms of victim safety or perpetrator accountability.

Rather than improving the current situation, these proposals are dangerous. In their current form, they will increase the risk to victims and could deter victims coming forward to report what is happening to them. From a victim's perspective, the effect of this change is that the issue of domestic abuse is being downgraded to a minor crime, which flies in the face of all the work that has been done by successive Scottish Governments.

ASSIST receives direct referrals from the police after a domestic incident and contacts the victims within 24 hours. The current period between arrest and appearance in court allows a robust risk assessment and safety planning process to be carried out and in areas where ASSIST operates, information to be provided to the Sheriff to inform her/his decision at the initial hearing of the case, usually the following day. Sheriffs regularly say to us that they see the gap when they sit in other courts, particularly family courts.

The current procedures also indicate to both the Accused and the victim that Scottish society views domestic abuse very seriously. Given the complexities of domestic abuse and the close relationship between the Accused and the victim, the power of this should not be underestimated.

The literature on domestic abuse risk assessment for example by Dr Amanda Robinson amongst others, states clearly that the victim's fear is a crucial element that requires to be taken into account when considering the risk of further violence by the perpetrator. If the proposals for investigative liberation are agreed, perpetrators will be released a short time after the incident without this vital information. I accept that protective conditions may help, but they still do not answer the questions about how an appropriate risk assessment could be undertaken, or the issue of downgrading domestic abuse.

If victims of domestic abuse cannot rely on the Police, the Procurators Fiscal and the Court to keep them safe, why should they report what is happening to them.

I am incredibly worried by these proposals and am concerned that this proposal is being considered due to the costs of keeping people accused of domestic abuse in custody and the pressure on the court system rather than improving the current system. In other words, that the change is planned as an administrative measure to 'solve' the problem of victims coming forward in ever greater numbers.

There are undoubtedly difficulties for agencies due to the amount of domestic abuse being disclosed; however, this is not the way to solve it. The figures for domestic incidents are reducing in the legacy Strathclyde Police force area; due I believe to the robust way that domestic abuse is policed and the partnership between Police Scotland and ASSIST, which is unique. The move to Police Scotland is ensuring that a similar approach is adopted across the country and this is surely a far safer way to reduce the amount of domestic abuse. However, it will take time for systems and practice to be embedded and ensure that victims throughout Scotland receive a similar service no matter where they live.

I hope that the Justice Committee will consider very seriously the proposals for investigative liberation and I would welcome the opportunity to explain in further detail, the real difficulties these proposals will cause.

Thank you for again for the opportunity to respond to the consultation.

ASSIST
30 August 2013