



The Scottish Parliament  
Pàrlamaid na h-Alba

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11 June 2020

Dear Alisdair,

**Health and Sport Committee consideration of the Forensic Medical Services (Victims of Sexual Offences) (Scotland) Bill**

On the 9 June 2020, the Committee heard evidence from Filippo Capaldi, Detective Superintendent at Police Scotland and Gillian Mawdsley, Secretary to the Criminal Law Committee at the Law Society of Scotland in relation to the Forensic Medical Services (Victims of Sexual Offences) (Scotland) Bill.

Following the session, the Committee are keen to hear the Crown Office and Procurator Fiscal Service's views on the issues highlighted and topics discussed during the session.

The following resources are now available:

- [The Official Report](#)
- [Broadcast recording of the session](#)

In Annexe A, we enclose below a list of questions that we put to Mr Capaldi and Ms Mawdsley during the session. We are particularly interested to hear your views on the evidence presented in relation to these questions, to ascertain if there are areas of agreement or disagreement and if you have any additional evidence to add.

On behalf of the Committee, I request a response by Thursday 18 June 2020 and I look forward to hearing from you.

Yours sincerely

A handwritten signature in blue ink that reads "Lewis Macdonald". The signature is written in a cursive style with a prominent underline on the first letter 'L'.

Lewis Macdonald  
Convener, Health and Sport Committee

## **Annexe A**

### **List of questions from the Health and Sport Committee meeting on 9 June 2020**

Please note, you do not need to reply to each question unless you have additional evidence to add to the evidence from the session.

#### **Reporting rates**

1. Do you consider that the Scottish Government's estimates of the increase in demand from the implementation of the Bill, as set out in the Financial Memorandum, are reasonable?
2. Do you believe that, in light of the COVID-19 pandemic and a possible rise in domestic abuse, the estimates in the Financial Memorandum should be revisited?
3. Do you consider that fewer offences will be reported to the police as a result of people having the option to self-refer for a forensic medical examination?

#### **Retention service**

4. Do you have any concerns about the type of evidence that should be collected and retained by health boards in cases of self-referral?
5. Do you believe important evidence could be lost if health boards are not able to store all evidence?
6. What is your view on the need for a national storage standard across all NHS Boards to ensure consistency in storage and compliance with evidential considerations?
7. What information should be given to people about the implications of choosing a self-referral examination rather than reporting the incident to the police?
8. In cases of self-referral, should victims be able to request that evidence collected in the forensic medical examination be destroyed? Should witnesses have a cooling-off period before evidence is destroyed?
9. In cases of self-referral when should victims be notified that the evidence from their forensic medical examination will be destroyed? - Should they be able to request that their samples are retained?

#### **Storage of items**

10. Do you have a view on the storage of evidence, such as clothing and duvets, by the Health Board?
11. Should the Health Board be required to store this type of evidence? If not, what would the implications of this be?

### **Transfer of evidence**

12. What is your view on the transfer of evidence from health boards to Police Scotland?
13. Do you have any concerns related to the provision whereby it will not be able to access evidence in self-referral cases unless a report of the incident is made by the victim?
14. Would there be any advantage of Police Scotland being made aware that a self-referred forensic medical examination had taken place, in terms of crime trend analysis?
15. What would be the advantages and disadvantages of an anonymous DNA database? Is this something you would welcome?

### **Admissibility of evidence**

16. Are you confident that the evidence collected and stored by health boards in cases of self-referral will be robust?
17. Do you share the concerns of the Faculty of Advocates that health board professionals may lack training, in handling forensic samples and reports, potentially leading to the integrity of samples and reports being compromised?
18. Are any potential issues with continuity of evidence?

### **Timescales for retention**

19. Do you have a view on the retention period for evidence in cases of self-referral?
20. Are you content that timescales for retention will not be specified in the Bill but set by Scottish Ministers in regulations (subject to affirmative procedure)?