

19 May 2020

**STATEMENT FROM KATE WALLACE, CHIEF EXECUTIVE OF  
VICTIM SUPPORT SCOTLAND**

Victim Support Scotland (VSS) welcome the moves that are being made to resume the business of the Scottish Courts, in particular those steps which are being taken to allow jury trials to resume in Scotland. We are also pleased about the formation of the Lord Justice Clerk's Trial Working Group, which met for the first time on 14 May 2020 and are reassured that the Scottish Parliament Justice Committee will commence taking evidence on this matter on 19 May 2020.

As Chief Executive of Victim Support Scotland, Scotland's leading victim focussed organisations, I wish to use this statement as an opportunity to highlight the devastating and lasting impact that delays to the operation of the criminal justice system has on victims of serious crime. Such delays, whether as a result of lockdown measures during the COVID-19 pandemic or as a result of mistrial, have the potential to cause further trauma and distress that we must all work to avoid.

VSS supports victims of serious crime and leads Scotland's first national service for families bereaved by murder and culpable homicide, Support for Families Bereaved by Crime.

Awaiting criminal proceedings brought against the perpetrator of a serious crime, is profoundly challenging for every victim and their family, whether that be for rape and sexual assault or murder. Many families feel that they cannot grieve properly until the trial is over and that they cannot move on with their lives. Victims of serious sexual assault and rape are often traumatised by the experience of giving evidence, feeling they are re-living their abuse and that itself is re-traumatising.

In just one month, Victim Support Scotland has seen a 400% increase in the numbers of safeguarding reports through our support service of potential suicide relating to victims and witnesses. This is a deeply concerning situation and demonstrates the compounding effect of COVID-19 on a highly vulnerable group of people.

Ensuring that proceedings in these cases should be concluded as soon as the administration of justice allows is of utmost importance to the wellbeing of vulnerable victims and their families.

We would urge that all options are explored, including options where a trial could be conducted without a jury. Any move that increases the potential for a mistrial to occur will have a devastating impact on the mental health and wellbeing on people affected by crime. It is unacceptable to knowingly put victims in the position where they may possibly have to give evidence more than once due to a mistrial, which for many is worse than no trial taking place at all.

With this in mind, I wish to express my concerns about the proposal to resume jury trials with smaller juries in place. I am deeply concerned that this increases the risk of mistrial. I would press upon the members of the Committee to ensure that decisions on the resumption of jury trials are made on the basis that an effective jury system is in place, which avoids the risk of cases collapsing and complainers of sexual violence requiring to give evidence again.

Given the rapid spread of COVID-19 and the guidelines from the Scottish Government relating to self-isolation in the event of exposure and symptoms, like other organisations, we urge that due consideration is given to requirements for a body of evidence to be available that permits a conclusion to be reached on the level of risk of trial collapse. If one juror is tested positive or acquires symptoms it is likely that all who have been in contact with that juror will have to isolate. This may well mean that any time a juror tests positive the whole case is abandoned. The more people involved with the process the greater this risk becomes. It is in the best interests of victims that this risk of collapse be identified as minimal before a case may proceed.

I urge the work of the Justice Committee, and that of the Lord Justice Clerk's working group, in relation to considering the practicalities of recommencing trials by jury when lockdown restrictions are relaxed. I would also urge that due consideration is given to the way in which the prosecution of serious sexual crime happens in a way that respects both the accused's and victim's rights during this global pandemic. To not consider these issues in full, runs the risk of further trauma to some of Scotland's most vulnerable victims and witnesses.

Kind regards,



Kate Wallace  
Chief Executive, Victim Support Scotland  
[kate.wallace@victimsupportsco.org.uk](mailto:kate.wallace@victimsupportsco.org.uk)