

Modernising Criminal Justice Processes Consultation

Easy read Version

November 2023

Introduction



The Scottish Government wants Scotland to be a fair and safe country. To do this we need to improve our justice services, so they meet people's needs.



When the Scottish Government asks people for their views it is called a Consultation.



This consultation is asking for views on how to make our justice system more effective and modern.



The main ideas in this consultation are about making rules that were put in place during the Covid pandemic into laws.

Chapter 1. Using computers to sign and share documents



Documents in criminal cases should be signed and shared electronically.

These changes include:



- Documents which were signed by pen can now be signed and shared electronically.



- Documents can now be sent electronically which used to be given to a person.



The use of electronic signatures and electronic file sharing has made court services faster. This makes better use of resources and is more modern.



These changes have been used since 2020.
There is support for making them permanent.



By making this a new law, the criminal justice sector could become more modern and match other services such as registration of births and deaths.

Question 1. What is your view on these changes?



These changes should be made permanent.

These changes should be made permanent, with exceptions.

These changes should not be made permanent.

Unsure/ I have no view.

Do you have any comments? (Please write down in the box below).

Chapter 2. Online criminal courts



The current system where people can attend a criminal court online by video link should be made permanent.

These changes include:



- In a criminal trial the court has the power to allow a person to attend electronically. This is done by video link.



These changes have been used since 2020. By making these laws the court system could work effectively.



It would also help to create a person-centered justice system. The individual's situation is taken into account.



Electronic technology could help the justice system to become more efficient and accessible. It will improve people's experiences.

Question 2. What is your view on these changes?



The changes should be made permanent.

The changes should be made permanent, with exceptions.

The changes should not be made permanent.

Unsure/I have no view.

Do you have any comments? (Please write down in the box below).

Question 3. What should the court think about when deciding if people can attend court electronically? (Please write down in the box below).

Chapter 3. Cases being dealt with Nationally



We do not want services to be affected by where the person is held in custody, where the judge is or where the crime took place.



Normally cases are dealt with in the same area the offence was committed. Changing to a national area would allow the system to be more flexible.

Question 4. What is your view on these changes?



The changes should be made permanent.

The changes should be made permanent, with exceptions.

The changes should not be made permanent.

Unsure/ I have no view.

Do you have any comments? (Please write down in the box below).

Chapter 4. Fiscal fine



A fiscal fine is a penalty where you pay money. It can stop the case going to the court. This helps to settle the case quickly. It allows more time to deal with more serious cases.



If the defendant refuses the fiscal fine, they might be taken to the court.



We want to increase the fine from £300 to £500. This gives more options to avoid some cases going to court.

Question 5. What is your view on these changes?



The changes should be made permanent.

The changes should be made permanent, with exceptions.

The changes should not be made permanent.

Unsure/ I have no view.

Do you have any comments? (Please write down in the box below).

Chapter 5. Digital evidence



Digital evidence comes from pictures, videos, computers. They could be quick to gather and share.



We want digital evidence to be used in the courts in place of physical evidence.

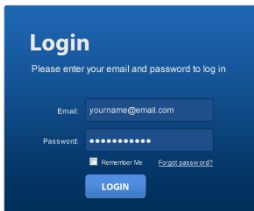
Benefits of using digital evidence:



- We may not need to take away victims' and witnesses' property.



- The images could be shared with different teams.



- It is a better way of managing evidence.



- Everyone can see the evidence at the same time. This helps everyone to be informed.

Question 6. Do you agree with these changes?



Yes.

No.

Unsure/I have no view.

Please write any comments in the box below.

Question 7. Can digital evidence be used in court, rather than the original item?



Agree.

Disagree.

Unsure/I have no view.

Please write any comments in the box below.

Question 8. Should physical evidence still be asked for if it is needed to have a fair trial?



Yes.

No.

Unsure/ have no view.

Please write any comments in the box below.

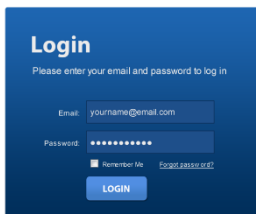
Chapter 6. The law on copy documents



The law says that a signed certificate is needed on all copy documents. This is to prove they are a valid copy.



Digital technology can now make sure documents are valid copies. They can do this better than a person can.



Digital Evidence Sharing Capability (DESC) is a digital service. It helps to share and store evidence.



The law on copy documents needs to be updated. The system on copy documents should be updated.

Question 9. Does the use of DESC remove the need for a signed certificate to prove a copy is original?



Yes.

No.

Unsure/ I have no view.

Please write any comments in the box below.

Question 10. Could DESC documents be accepted as a true copy without certification?



Yes.

No.

Unsure/ I have no view.

Please write any comments in the box below.

Question 11. Could any issues about documents being valid be raised through the pre-trial hearing system?



Agree.

Disagree.

Unsure/ I have no view.

Please write any comments in the box below.

Question 12. Should the court allow copy documents if they think they are valid?



Agree.

Disagree.

Unsure.

Please write any comments in the box below.

Question 13. Should the court allow copy documents to be used for evidence?



Agree.

Disagree.

Unsure.

Please write any comments in the box below.

Chapter 7. Modernise criminal justice



This consultation suggests changes to modernise our justice system by using technology.



We also want to find out if we need to change our laws to improve.

Question 14. Does the law need to be changed to modernise our criminal justice procedures?

Yes. Please write what changes in the box below.



No.

Unsure/ I have no view.

Please write any comments in the box below.

Chapter 8. Impact assessments



When changes to rules are made, we must look at how they affect different groups of people. This is called an Impact Assessment.



The Equality Act 2010 sets out nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

Question 15: Will the changes affect human rights?



Yes.

No.

Unsure/ I have no view.

Question 16: Will the changes affect people with protected characteristics?



Yes.

No.

Unsure/ I have no view.

Question 17: Will the changes effect children and young people?



Yes.

No.

Unsure/ I have no view.

Question 18: Will the changes have financial and social impact?



Yes.

No.

Unsure/ I have no view.

Question 19: Will the changes effect communities on the Scottish islands?



Yes.

No.

Unsure/ I have no view.

Question 20: Will the changes effect privacy and data protection?

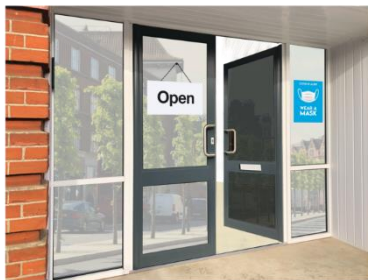


Yes.

No.

Unsure/ I have no view.

Question 21: Will the changes effect businesses and the third sector?



Yes.

No.

Unsure/ I have no view.

Question 22: Will the changes effect the environment?



Yes.

No.

Unsure/ I have no view.



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