

PE1562/B

Cabinet Secretary for Justice

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20 May 2015

Dear John

CONSIDERATION OF PETITION PE1562 (PERVERSE ACQUITTAL)

At their meeting of 28 April 2015, the Public Petitions Committee agreed to write to the Scottish Government, amongst others, about the above petition. Your clerks did so the following day. The letter sought my views on the petition and the discussions of 28 April; and also whether the Scottish Government will take forward the recommendation of the Bonomy Review that research be undertaken into jury reasoning and decision making.

In respect of the first point, the Scottish Government has made clear the value it places on the contribution of juries to the criminal justice system. In particular we have noted the importance of guilt or innocence being determined, not by judges, but by ordinary people. My predecessor as Cabinet Secretary for Justice, Kenny MacAskill, observed that:-

Jury service lies at the core of the Scottish criminal justice system. The principle that the guilt or innocence of the accused is determined by fellow citizens, drawn from across classes, cultures and occupations, is fundamental to our sense of justice. This Government seeks to uphold this principle: it is deeply entrenched in our tradition and values¹.

The Government's view has not changed since then.

I note that you are also writing to the Scottish Human Rights Commission, the Crown Office and Procurator Fiscal Service, Faculty of Advocates, Judges of the High Court of Justiciary, the Law Society of Scotland and the Sheriffs' Association. The Scottish Government will be very interested in their views. Likewise, the Scottish Government is very grateful for the work of the review of potential post-corroboration safeguards chaired by Lord Bonomy which, similarly, undertook wide consultations with interested parties in arriving at its conclusions.

¹ *The Modern Scottish Jury in Criminal Trials*, September 2008
<http://www.gov.scot/Publications/2008/09/17121921/0>, iii

I made a statement to Parliament on 21 April, welcoming the publication of Lord Bony's Post-corroboration Safeguards Review report. I explained that the Scottish Government intends to consider in detail all the recommendations made by the Review, alongside the corroboration requirement itself. This includes Lord Bony's proposal for research into jury reasoning and decision making, to which your letter refers.

Given the complexity and scope of Lord Bony's recommendations, we intend to work with stakeholders during the remainder of the current Parliamentary session to develop and seek consensus on a package of proposals for criminal justice reform. We will also look into whether it would be feasible for any of Lord Bony's recommendations to be taken forward this year. We will consider jury research in that context.

The Scottish Government will write again to the Public Petitions Committee to update them on any plans for jury research: and in the mean time I hope this information helps you with your consideration of Petition PE1562.

I am copying this letter to the Justice Committee for their interest in future work on Lord Bony's recommendations.

MICHAEL MATHESON

cc: Christine Grahame MSP, Convener, Justice Committee