



University of Dundee

Balancing the scales of justice

Menzies, Simon-Lewis

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Balancing The Scales of Justice: The Communication of Scientific Evidence and The Impact on Case Progression and Prosecutorial Decision-Making in Scotland Since 2009

Introduction

- The criminal justice system can often be likened to a machine with intricate interactions between constituent cogs such as scientific evidence, its communication, and how it affects the decision-making process in respect of case progression. Sexual and non-sexual violent crimes can be some of the most difficult to progress through the criminal justice system. Since 2009, there have been several legislative changes aimed at tackling case attrition.
- The overarching aim of this thesis was to understand the role of the communication of scientific evidence and to what extent it impacts case progression and prosecution decision-making in serious sexual and non-sexual violent crime in Scotland. There has been substantial research devoted to the subject of the communication of science, particularly forensic science, within various criminal justice jurisdictions globally (e.g. Howes, 2015; Howes & Kemp, 2017). It has been established that clear communication of forensic science is paramount for there to be trust within the criminal justice process (Goodman-Delahunty & Wakabayshi, 2012; Arscott et al, 2017).

Methodology & Procedure

Phase One

Court Advocacy Workers at Rape Crisis Scotland

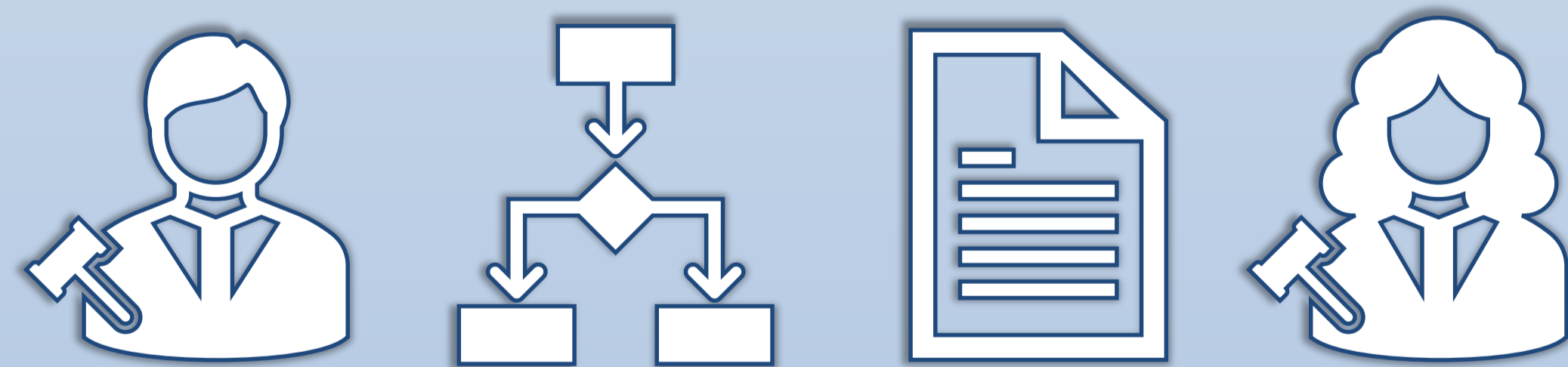
- 5 Court Advocacy Workers. Interviews thematically analysed to determine if there were any emergent trends in the data.



Phase Two

Citizen Science Decision-Making Survey

- Participants were asked to read two reports then decide whether they would proceed to prosecute a case based on the report and confidence in decision. One used categorical conclusion and the other used probability.



Phase Three

Citizen Science Evidence Evaluation Survey

- Participants were asked to rate different evidence types for different cases as if they were a serving juror. Ratings were measure against their engagements with popular culture representations of crime and criminal justice.



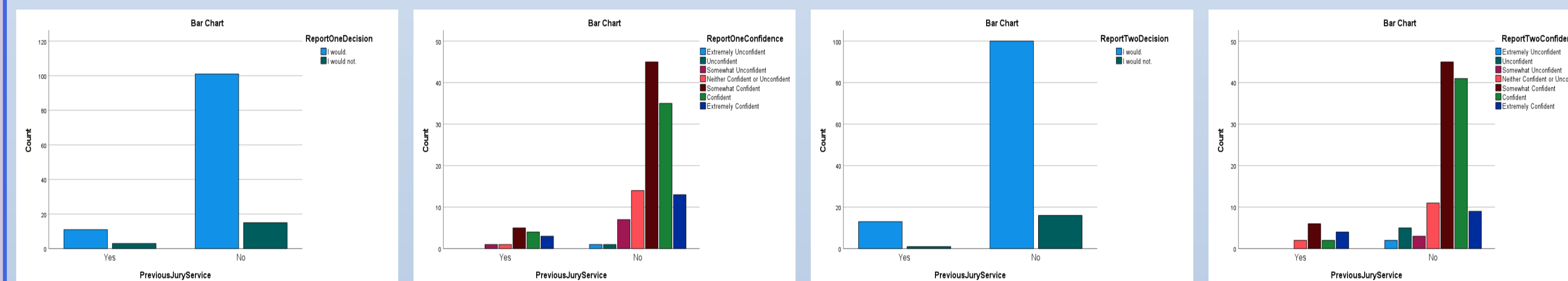
Key Results

Phase One

- Confirmed that the mismatch in reporting and 'clear up' of cases was found in participant experiences with Police Scotland.
- Results suggest that although Police Scotland and Crown Office Procurator Fiscal Service are national bodies, practices vary considerably across regions.
- Participants also reported multiple incidents of criminal justice officials lacking an understanding of scientific evidence.

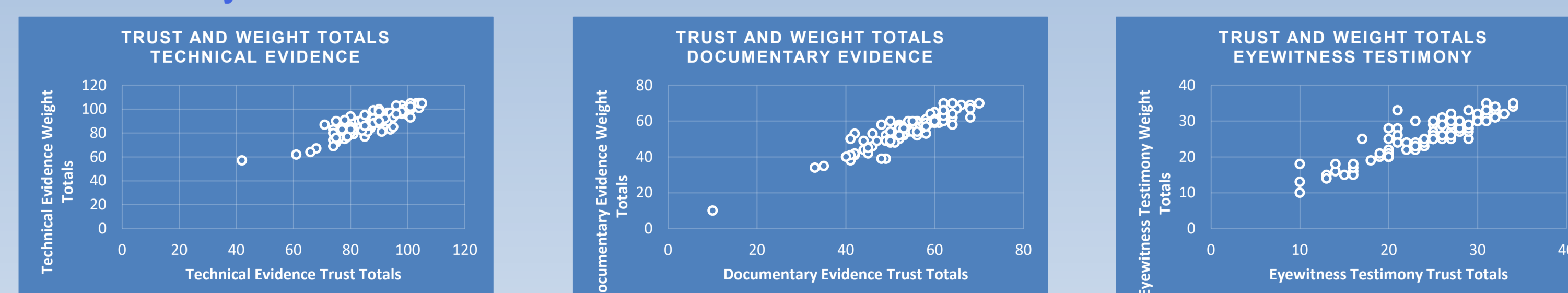
Phase Two

- Majority of participants would prosecute based on both reports.
- Limited evidence to suggest that those with previous jury experience would prosecute based on a probability likelihood ratio and are more confident in making that decision than a categorical verbal equivalent.



Phase Three

- Participants clearly impacted by popular culture representations of crime and criminal justice.
- Participants rated DNA evidence consistently highly in terms of both trust and weight across all crimes.
- Participants notably less trusting of fingerprint evidence and eyewitness testimony across all crimes.



References

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Discussion

Establishes the need for further research into scientific evidence communication and prosecutorial decision making in the Scottish Criminal Justice System and beyond.

Yielded insight into the criminal justice rape case progression process from an independent stakeholder perspective.

Despite multiple prosecution reviews, legislative changes, and judicial instructions, consistent issues with the investigation and prosecution of sexual violent crime are being reported by Rape Crisis Scotland.

Results show that there are influences upon decision-making and evidence evaluation that can form biases in certain types of case.

Limitations in terms of sample size:

- Phase One – 5 Participants
- Phase Two – 130 Participants
- Phase Three – 112 Participants

Majority of participants highly educated and employed outside the criminal justice system.

Despite limitations, this study yielded new insight in prosecutorial decision-making in Scotland by lay people by varying the method of scientific evidence communication.

Contact Information



Researcher Profile



Researcher Email



Researcher Postcard