

## EMBARGOED UNTIL AFTER BILLS ARE READ IN PARLIAMENT

### First Reading of Criminal Justice Reform Bill and Evidence (Amendment) Bill in Parliament: Key Amendments

#### Context

1. The Bills are part of a comprehensive review of the criminal justice system, spanning investigative processes, court processes, and substantive criminal law.
2. Over past 2 years - Law enforcement agencies have made various improvements to investigative processes (e.g. opening of OneSafe Centre).
- 3. The Bills provide legislative framework for further improvements in investigative processes, and for reforms to court processes.**

#### Extensive consultation – stakeholders and public

1. Feedback sought from a wide range of stakeholders.  
Both through public consultations, and further stakeholder dialogues.
2. Public consultation held in 3Q 2017.
  - Over 30 different contributors representing:
    - i. General public
    - ii. Civil society organisations
    - iii. Banks
    - iv. Technology Companies
    - v. The Bar
  - Broad support, for the amendments proposed.
3. Also – extensive dialogue with Law Society and criminal bar.  
  
Took on board, a number of their suggestions.
4. Consultations with internal stakeholders (Judiciary, AGC, other ministries) were ongoing.

## Key Proposals: Video-recording of Interviews

1. VRI is part of the Government's continuing efforts **to uphold an effective and objective criminal justice system.**
2. VRI will assist the Courts to **try cases more effectively.**
  - a. Allows the Court to take into account interviewee's demeanour, to more effectively determine weight to be accorded to statements.
  - b. Provides an objective contemporaneous account of the interview, and allows the Court to decide on allegations that may be made about the interview.
3. Complex initiative in the works for several years.
4. Will be implemented in phases due to significant investment of infrastructure and training and to allow refinement of implementation through the phases.

### **Scope of Phase One**

5. In the initial phase, VRI will be used for:
  - a. Suspects in non-consensual rape offences investigated by CID, and
  - b. Suspects with mental disabilities investigated by selected Police Divisions.
6. Phase One will commence as soon as Criminal Procedure Code amendments take effect.
7. MHA will assess the impact of VRI on investigations, its effectiveness in different situations and the resources required, and refine the infrastructure, processes, procedures and training.

### **Later Phases**

8. Video-recorded statements of vulnerable victims, e.g. victims of serious sexual offences will be implemented in later phases
  - Used in place of oral evidence-in-chief, at trial
  - **Minimises trauma** of repeatedly recounting ordeal

**Key Proposals: Enhancing protection for victims of sexual offences or child abuse**

1. Context: **Comprehensive review** of the criminal justice system, to **enhance protections for vulnerable victims** of crime.
2. Investigative processes have been streamlined and improved to minimise trauma for victims.
3. Proposals in Bills are intended to **reduce the stress** that victims of sexual offences or child abuse experience during Court processes:
  - a. **Complainants' identity will be automatically protected** from the point complaint is made.
  - b. Court may allow **vulnerable witness to testify behind a physical screen**, to prevent the accused person from seeing them.
  - c. **Complainants' testimony** will be heard **behind closed doors**.
  - d. Defence will **require Court permission to ask complainants questions** about their sexual history and behaviour that do not relate to the charge. Application for court permission must be made without the complainant present.

## Key Proposals: Expand eligibility for Community Sentences

1. Community Sentences positively received, have produced good results
2. Will expand eligibility criteria in a controlled manner
  - **More offenders can benefit from rehabilitative opportunities**
3. Offenders who serve short sentences of imprisonment or previous terms of Reformatory Training will be eligible
4. List of more serious offences eligible for Mandatory Treatment Orders to be prescribed
  - Flexibility of MTOs to be enhanced
  - Allow IMH to deliver more effective treatment programmes
5. Courts given power to impose suspended imprisonment sentence together with Community Sentence
  - **Encourages compliance** with Community Sentences

## Key Proposals: Framework for Deferred Prosecution Agreements

1. **Consulted Law Society and the criminal bar on this last year.**  
**Proposal received broad support.**

2. All DPAs will require **High Court approval.**

Court must be satisfied that -

- The DPA is in the **interests of justice**
- Terms are **fair, reasonable and proportionate**

As a general rule, DPA must also be published, after the Court approves it.

3. Under a DPA, the Public Prosecutor agrees not to prosecute a corporation in exchange for compliance with a series of conditions.

- For example: By introducing requirements to require the company to assist in separate prosecution of individuals, as condition of the DPA"
- This allows **for more effective prosecution of individuals who are truly culpable, rather than convicting a faceless corporate entity**
- **Mechanism allows for corporate reform**
- **Leaves society better off**