

1. **The Scottish prosecutorial system.** Unlike in England & Wales there are no private prosecutors; all such work is undertaken by the Crown Office and Procurator Fiscal Service ('COPFS'). The police provide case papers to COPFS electronically and the decision to prosecute or otherwise is taken by legally qualified solicitors, known as the Procurator Fiscal and his or her Deputies ('PF'). The decision to prosecute is entirely reserved to the PF and those who have reported the crime (the 'complainer') has no say in the matter. We are informed that this decision-making process extends to circumstances where the PF may determine to prosecute or continue a prosecution in circumstances where the complainer does not support a prosecution or no longer supports a prosecution.
2. Special Reporting Agencies (SRAs) may report crimes to the PF's office. There are over 200 SRAs, in the main being government or quasi-government agencies such as the Benefits Agency; the Environment Dept; *etc.* POL fits into this framework and is regarded by the PF as a SRA. The role of a SRA is that of a special-interest complainer. The SRA investigators collate evidence and forward a completed file to the PF for a decision as to prosecution – the PF makes his own decision based on the material provided by the SRA, his own policy and the Scottish rules of evidence. Many SRAs have their own legal and investigatory departments who act as agent to the SRA, liaising with the PF and in many instances assisting with the investigation, collation and drafting processes.
3. Thus **bto's** role is different to that of CK in England & Wales. Within the Scottish prosecutorial system **bto** does not presently act as prosecutor nor are they presently POL's SRA agent: rather they advise POL on the evidential and procedural requirements of individual cases and on prosecution decisions.