

Auditor Training

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Introduction

- Who are we?
- What will be covered:
 - The role of the Procurator Fiscal
 - Corroboration and *Cadder v HMA*
 - The Scottish Court System – a brief overview
 - Before attending court
 - On arrival to court
 - Giving evidence

Who are we?





Who is the fiscal?

Procurator Fiscal Depute?

OR

The Crown; or

The PF; or

The Depute; or

The Prosecutor; or

Another term we cannot share in polite company



Structure of Crown Office

- ☐ Lord Advocate
- ☐ Solicitor General
- ☐ Crown Agent
- ☐ Principal Procurator Fiscal
- ☐ Senior Fiscal Depute
- ☐ Procurator Fiscal Depute
- ☐ Precognition Officers
- ☐ Fiscal Officers



Decision to prosecute

- ☐ Report
- ☐ Sufficiency of evidence
- ☐ Public interest
- ☐ Forum – solemn or summary?



Corroboration

- Two sources of evidence
- “something that tends to support or confirm”
- Carloway proposals?



The *Cadder* case

- ECHR case – *Salduz v Turkey*
- Police interviews
- Solicitor present
- Fewer admission – right to silence



Special knowledge admissions

- The general rule is that an accused cannot be convicted on a confession alone
- There needs to be facts and circumstances that corroborate the confession
- Special knowledge – information only the perpetrator could know



Best practice in obtaining and record admission evidence

- Spontaneous admission
- Contemporaneous noting
- Two people
- Hearsay
- Probing questions once suspicion has crystallised



Practical Exercises 1 & 2

View video and write statement

Acronyms



What do we do currently?

- Auditors notes
 - What do we do now?
 - Record of Conversation
 - Notes (evidence?)

- Altering documents

Recording evidence



Discussion



What is the public interest?

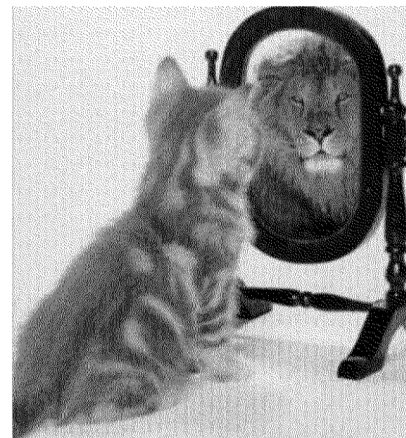
- No definition
- But some of the considerations will be:
 - Money paid back – less likely to prosecute
 - Credible sad story – but is it?



Purpose of This Afternoon

- Familiarise you with the Scottish Court System
- Explain how a trial works
- Understand how to give evidence
 - Witness statement
 - In court

Give you confidence!



The Scottish Criminal Justice System - a Brief Overview



- Justice of the Peace Court
 - Sheriff Court
 - High Court of Justiciary





Solemn Proceedings

- Solemn Procedure
 - Petition
 - Precognition
 - First diet/Preliminary Hearing
 - Trial before a jury
 - Jury Verdict
 - Sentence



Summary Proceedings

- Summary Procedure
 - Complaint
 - First Diet/Pleading Diet
 - Intermediate Diet
 - Trial – more than one day?
 - Sentence



Before Attending Court

- ☐ Witness citations
- ☐ Contact the enquiry point on
- ☐ Speak to the investigator
- ☐ Review statement

GRO

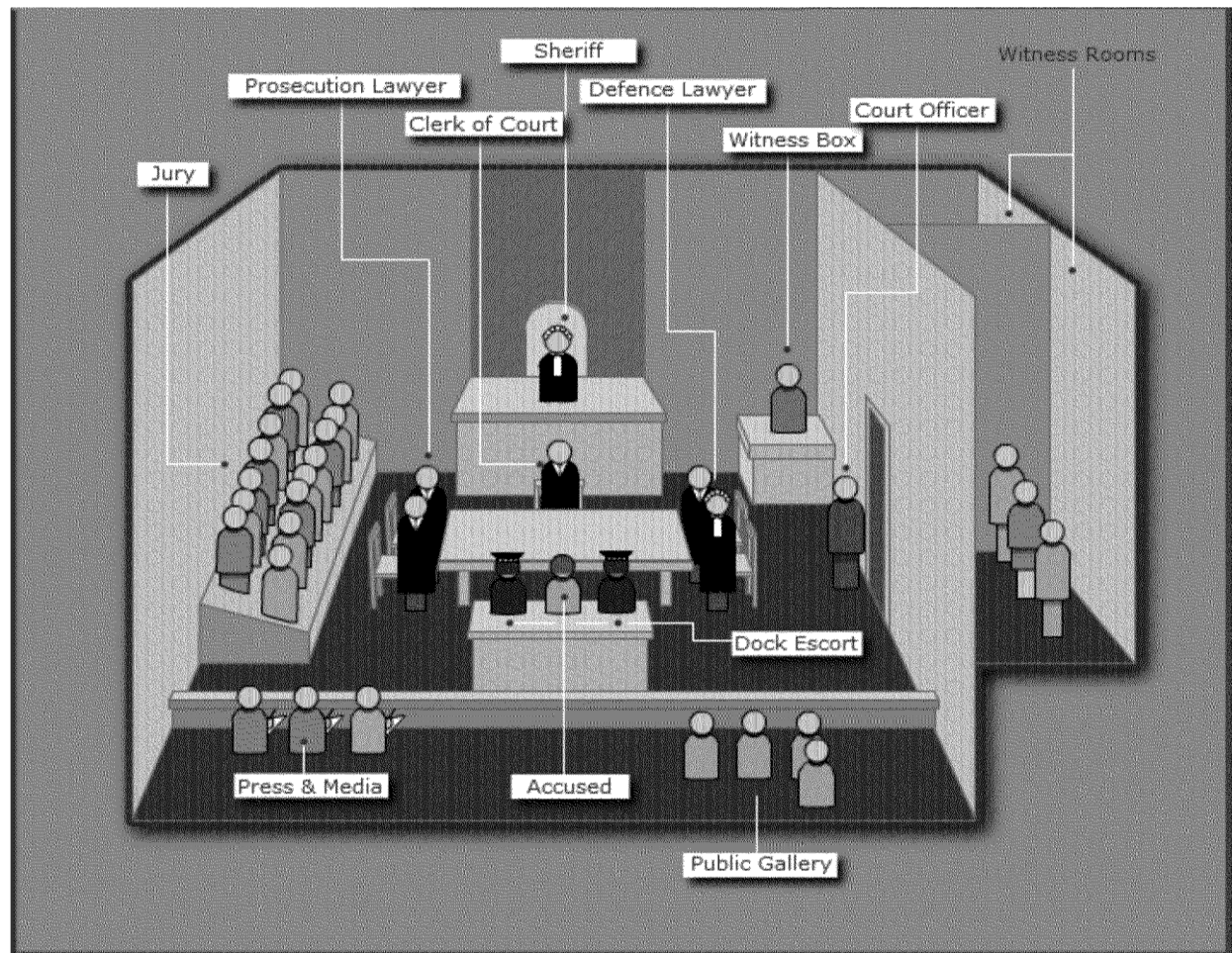


On arrival at court

- ☐ Security
- ☐ Report to the reception area
- ☐ Call investigator
- ☐ Be prepared to wait
- ☐ Statements
- ☐ Speaking to other witnesses during the trial



The Courtroom



Practical Exercise 3



Procurator Fiscal Lindsay
MacNeill take evidence in
chief from Crown witness
number 1, Robert Daily

Giving Evidence

- ☐ Speak to court officer
- ☐ Oath or affirmation
- ☐ Sitting or standing?
- ☐ Clothing
- ☐ Identifying the accused





Giving evidence

□ Hints and tips

- Be clear, speak up, and do not rush
- Be calm and polite
- Stick to the facts and if you don't know, say so
- Tell the truth and do not exaggerate
- My Lord/Your Lordship or My Lady/Your Ladyship
- Do not use jargon
- If you don't understand the question, just say and it will be repeated

Practical exercise 4



Starting off your evidence



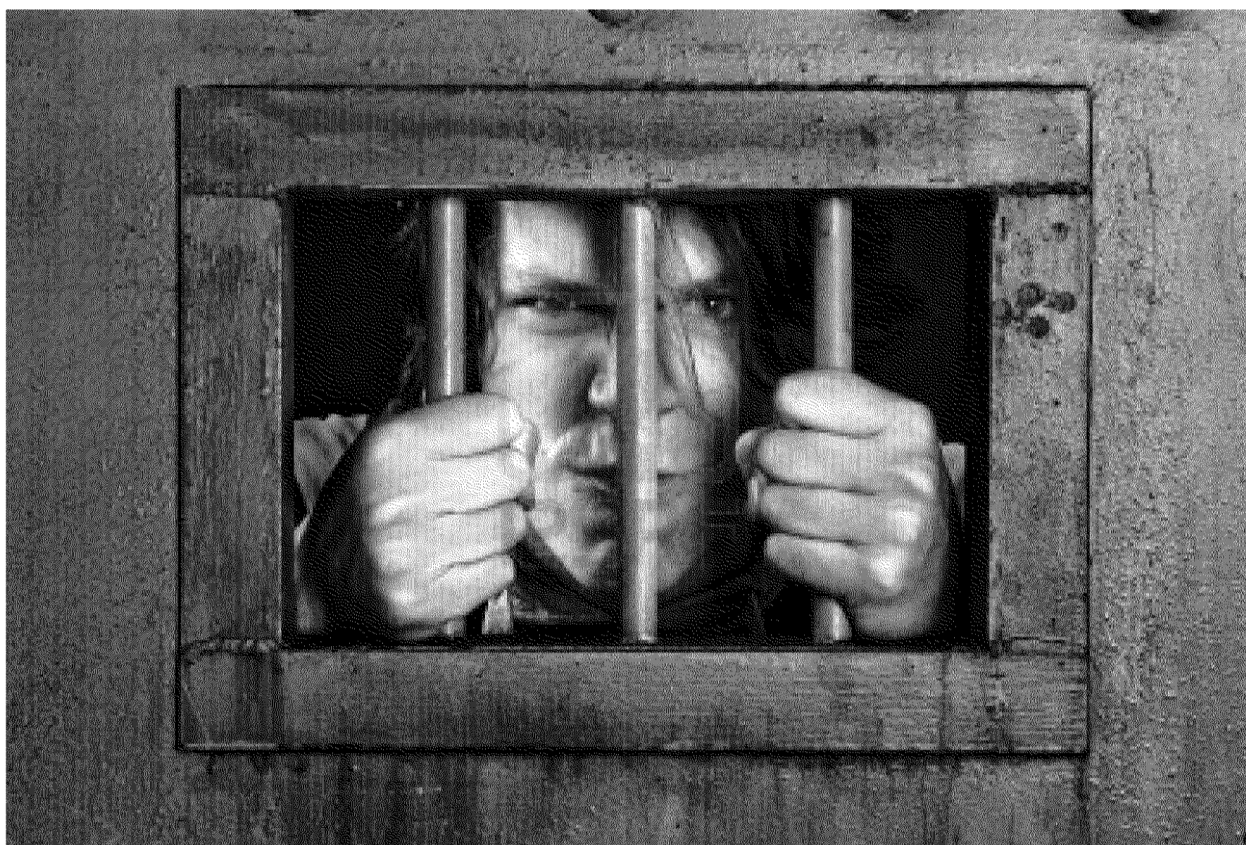
Format of questioning

- Examination in chief – prosecutor
 - Introduction may be leading
 - Open questions
 - Story from start to finish – usually
- Cross examination – defence
 - Probably different style of questioning
 - Closed questions
 - “I put it you ...”
- Re-examination - prosecutor

Practical exercise 5



Cross examination





Any Questions?

