

How we can help you

Information and Advice

Victim Information and Advice (VIA) has given you this leaflet because you are the victim of, and/or witness to, a crime which has been reported to the Procurator Fiscal (prosecutor in Scotland). The Fiscal has decided that the accused should appear **on petition**. A petition is a legal document containing the first draft of charges against the accused in a serious case. This leaflet tells you about what will happen at the early stages of a petition case.

Being involved in the criminal justice system can be daunting. VIA can help guide you through the criminal justice process.

About VIA

VIA is part of the Crown Office and Procurator Fiscal Service. The Procurator Fiscal (the Fiscal) is responsible for investigating and prosecuting crime in Scotland.

VIA staff are not prosecutors. Our job is to assist victims, witnesses and also, in certain cases of sudden, unexpected or crime-related deaths, the next of kin.

VIA can help you by:

- providing information and advice about how the criminal justice system works and what you can expect
- keeping you updated on the progress of your case
- arranging for you to be shown round the court before a trial (normally by a member of the Witness Service)
- providing information on other services for victims and their families and helping you to contact them.

Some people may need additional support, for example help with access into court or with interpreting facilities. Please tell VIA if you have any concerns or specific needs. We can also discuss if it is possible to apply to the Judge for you to give your evidence in different ways.

If at any point you do not want our help please let us know. You can always change your mind at a later time and we will be happy to help.

Please ask VIA if there is anything else that you would like to know or are unsure about.

Stage 1

Committal for Further Examination (witnesses cannot attend)

This is the first time the person accused of the crime appears in court. The court is held in the Sheriff Court in private. The accused is not asked to say if they plead guilty or not guilty.

The Sheriff may order the accused to be **remanded in custody** (kept in prison) until their next appearance.

However, the Sheriff may agree to release the accused **on bail**. A Judge may grant bail even for a very serious charge such as murder.

The accused must obey certain conditions while on bail, such as not interfering with witnesses.

Stage 2

Full Committal (witnesses cannot attend)

If the accused has been kept in prison, they will have to go to court again within ten days. Again, they will not be asked to say if they plead guilty or not guilty.

The Sheriff will now decide whether the accused will be kept in prison or released on bail until senior prosecution lawyers take a decision as to how the case should proceed.

If the accused is released on bail, any trial must start within one year of the accused's first appearance in court.

If the accused is kept in prison, any trial must start within 110 days of Full Committal if the case is to be tried by a Sheriff and Jury and 140 days if the case is to be tried in the High Court.

The time limits can be extended in certain circumstances but in most cases you can expect that the time limits will be strictly applied.

Stage 3

Precognition investigation

A member of the Procurator Fiscal's staff may interview you and other witnesses to discuss statements that you gave to the police officers investigating the case. Procurator Fiscal staff will also look for any additional information that may be relevant. At these interviews witnesses will have the opportunity to ask questions and find out what may happen in the case. This process is called the **precognition investigation**. Further information about this process is available in a separate leaflet that will be sent to you in due course.