



The Scottish Parliament
Pàrlamaid na h-Alba

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c/o Clerk to the Committee
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By email only

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21 May 2017

Dear Gary,

ADMISSABILTY OF EVIDENCE ON WILDLIFE CRIME

In January 2017, you gave evidence to the Environment, Climate Change and Land Reform Committee on behalf of the Crown Office and Procurator Fiscal Service on the Scottish Government's Wildlife Crime in Scotland 2015 Annual Report. In concluding that meeting, I noted the Committee's "*interest in wildlife crime extends way beyond simply looking at the annual report.*" It is on that basis that I am writing to you on behalf of the Committee seeking clarity around the gathering and admissibility of evidence of potential wildlife crime.

During its consideration of wildlife crime annual reports, the Committee and its predecessor have consistently heard of the challenges of gathering evidence of a sufficient quality to support prosecution. At the Committee's meeting in January, Detective Chief Superintendent Sean Scott of Police Scotland [highlighted](#) the "*huge amount of effort*" Police Scotland dedicate to gathering evidence to present to the Crown and Procurator Fiscal Service in order for it to prosecute. DCS Scott further [told the Committee](#) of the geographical challenges involved in gathering evidence of wildlife crime due to, among other issues, "*lack of closed-circuit television, witnesses, social media or open source information*".

Witnesses from Police Scotland [told the previous session's Rural Affairs, Climate Change and Environment Committee](#) of the specific issues around video evidence and that admissibility of such evidence was a matter for the Crown Office.

The Committee has noted recent high profile instances where video evidence of alleged offences was available and not utilised, it has been suggested, on the grounds of admissibility.

The committee is therefore seeking clarity around the admissibility of evidence of wildlife crime, with specific regard to:

- Which pieces of legislation and case law cover:
 - admissibility of evidence; and
 - the admissibility of video evidence and of CCTV evidence;
- How the Crown Office and Procurator Fiscal Service use this to interpret the admissibility of evidence
- Whether there is guidance which is issued and/or applied by the Crown Office and Procurator Fiscal Service to the analysis of:
 - admissibility of evidence; and
 - video/CCTV evidence,
- What the guidance states with regard to admissibility of evidence, and
- How that guidance is currently publicised to stakeholders and interested parties.

It would also welcome an understanding, to whatever extent is possible, of the rationale behind the decisions taken in the previously noted cases.

I would be most grateful for a response to this letter by **Wednesday 31 May 2017**.

On behalf of the Committee, I thank you in advance for your time and look forward to hearing from you.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'Graeme Dey', with a stylized flourish at the end.

Graeme Dey MSP
Convener
Environment, Climate Change and Land Reform Committee