

Assisted Suicide (Scotland) Bill

Police Scotland

Police Scotland acknowledges the complex ethical considerations surrounding this Bill and the considerable debate over the moral, religious and cultural aspects of it. It would not be appropriate for Police Scotland to enter the ethical debate or to provide opinion on whether or not a person should be able to request assistance to commit suicide.

The question of the legality of the proposed measures is a matter for the Scottish Parliament and Crown Office and Procurator Fiscal Service. The way in which assistance could be provided with the related medical and psychological considerations is a matter for the medical profession. In the event the Bill was to become law, Police Scotland would follow guidelines issued by the Lord Advocate.

The police currently investigate and report to the Procurator Fiscal all:

- Sudden or accidental deaths
- Suicides
- Deaths, which have occurred in suspicious circumstances
- Deaths for which a medical practitioner declines to issue a death certificate
- Deaths arising at or in connection with employment: and
- Deaths in respect of which the Procurator Fiscal requests a report

Assisted Suicide (Scotland) Bill – Explanatory Notes

- Costs on other bodies, Individuals and businesses

Police Scotland and Crown Office and Procurator Fiscal Service (COPFS)

Paragraph 30 outlines 'Every assisted suicide (or attempt) must be reported to the Police. It will be for the police to decide whether the Bill has been properly complied with. In most cases, this should be a straightforward matter, as there will be a clear set of documented evidence (signed and endorsed preliminary declaration, first and second requests etc), and there should normally be a facilitator who can provide any further information that may be required (including about the circumstances of the death itself). Only if there is reason to believe that the new law has been breached would it be necessary for the police to carry out more extensive investigations and, where appropriate, refer the case to the Procurator Fiscal'

If the Bill were enacted there may be an increase in the overall number of investigations carried out by the police as a result of additional enquiries into deaths where suicide assistance has been provided. Each stage of the process would have to be evidenced as having been lawfully undertaken. Any investigation into a suspicious death is protracted and resource intensive.

Assisted Suicide (Scotland) Bill – as Introduced

- Section 20 – Reporting to Police

Section 20 sets out the circumstances in which a licensed facilitator is under a duty to report the person's death or attempted suicide to the police.

The potential for an enquiry to be instigated for any death where there is any accusation or uncertainty over the meeting of the Bills eligibility conditions needs to be considered including clarity over recording, monitoring and accountability, which Police Scotland considers is still not fully addressed in the current draft.

Comparison with End of Life Assistance (Scotland) Bill

It is noted that The Assisted Suicide (Scotland) Bill removes the words “finds life intolerable” which was within the 2010 proposed End of Life Assistance (Scotland) Bill. This was highlighted as a concern previously by the then Association of Chief Police Officers (Scotland) (ACPOS) as medical practitioners may have had different interpretations. It is further noted that many of the ACPOS points made within their original response made to the earlier Bill have been addressed within the content of the current Bill and these changes are welcomed by Police Scotland.

Method

The Bill does not specify what methods are available for ending the life of the requesting person although within the associated Policy Memorandum the provision of prescribed drugs by a medical practitioner is envisaged as being the normal method used. The Policy Memorandum, however, does contain comment that the “Bill is drafted widely enough to allow for the use of other substances or means, should those be preferred or become available”. It is suggested that consideration is given to providing further detail around method, means and recording.

Role of Licensed facilitators

The information contained in the Bill relevant to the role of the licensed facilitators is fairly general. Reference is made to opportunities to make subordinate legislation, which are delegated to Scottish Ministers. These powers cover the ‘Appointment of the Licensing Authority’ and ‘Maintenance of Standards Amongst Licensing Authorities and Facilitators and Procedural Matters’. The nature of the role and the conduct of the licensed facilitator is core to ensuring compliance with the requirements of the Bill. Police Scotland would welcome any future opportunity to contribute to the development of Regulations governing all aspects of the operation of the relevant licensing scheme, including the maintenance of written records by facilitators and how, if acting alone with the person at the time of the assisted suicide, they would be legally protected if there was a subsequent allegation of impropriety.

Insurance Implications

Life Insurance policies may require further consideration given many insurers will not pay out if the policy holder commits suicide in the first 12 months of the

policy or there has been non-disclosure about medical or psychiatric treatment.

Police Scotland works closely with our partners to prevent suicide in line with the Scottish Government's National Suicide Prevention Strategy (2013–2016). The strategy, which commits to continue the downward trend in suicides and contributes to the delivery of the National Outcomes to enable people to live longer healthier lives, also forms the policy developed alongside the National Programme for the Improvement of Mental Health and Wellbeing in Scotland.

While I acknowledge the widespread discussions on going in terms of proposed legislation change, Police Scotland continues to work within the present legislative framework and investigates sudden deaths, as directed by the Procurator Fiscal, which includes occasions where information or evidence suggests a criminal offence may have been committed.

I hope the above is of some assistance.

Iain Livingstone
Deputy Chief Constable
Police Scotland