Justice Committee

Inquiry into the role and purpose of the Crown Office and Procurator Fiscal Service

Written submission from David Hutchon

Does the COPFS work effectively with the police in investigating fatal road traffic collisions throughout Scotland? The Police Investigation Review Commissioner, Kate Frame reported in 2016 in relation to a fatal road collision in 2015, that there was a failure of the police in the Aberdeen area to follow their common law powers to interview suspects without specific instruction from the COPFS. This was in contravention of the of the Lord Advocate’s Guidelines on the Investigation of Road Traffic Deaths. Although there was agreement by the COPFS and the police of this local practice, it was not recorded in writing either by the COPFS or Police Scotland. How can this failure of a legacy force and the local COPFS office be addressed and compensated retroactively and how can the practice be eliminated prospectively? This must have affected hundreds of investigations over a number of years.

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