Dear Lord Advocate

Petition PE1501

At its meeting on 29 September, the Justice Committee considered petition PE1501 by Stuart Graham, calling on the Scottish Parliament to urge the Scottish Government to introduce the right to a mandatory public inquiry with full evidence release in deaths determined to be self-inflicted or accidental, following suspicious death investigations.

At that meeting, the committee agreed to write to the COPF seeking greater clarity regarding this matter.

Notwithstanding some of the terminology used to explain the petition (reference to FAI and coroners’ inquest) the committee notes that it is the police investigation itself which is the focus of this petition, and in particular, the opportunity families have to scrutinise an investigation if they consider that they have reasonable grounds to question its reliability.

The committee accepts that where the cause of death is difficult to ascertain it may be hard for the police to come to a conclusive judgement. However, the committee also notes the petitioners concerns that, without appropriate safeguards, families may not have adequate opportunity to scrutinise the calibre of a police investigation and if necessary to “appeal” it (whether in a formal or less formal sense). This is particularly relevant in cases of apparent self-inflicted or accidental death where the family is understandably concerned that a death may have been the result of foul play and need to be confident of the robustness of a police investigation to have closure.
The Committee would therefore be grateful if you could outline what safeguards are currently in place to ensure that police investigations reach robust and sound conclusions in these types of cases and what powers families have to question the quality of such an investigation.

Further information on how the Crown Office and Procurator Fiscal Service interact with the police at the police investigation stage and what role, if any, families have in the process, would be welcome.

I would be grateful for a response by 20 November 2015.

Yours sincerely

Christine Grahame MSP
Convener, Justice Committee