



The Scottish Parliament
Pàrlamaid na h-Alba

Justice Committee

Lord Advocate
Via email

All correspondence c/o:
Justice Committee Clerks
Room T2.60
The Scottish Parliament
Edinburgh
EH99 1SP

Tel: 0131 348 5195
justicecommittee@parliament.scot

13 October 2016

Dear Lord Advocate

Public Petitions PE1501 Self Inflicted and Accidental Deaths (Public Inquiries) and PE1567 Fatalities (Investigations)

On 27 September 2016 the Justice Committee considered the above petitions at its meeting and agreed to write to you to seek further information. A link to the Official Report of the meeting is available here—

<http://www.parliament.scot/parliamentarybusiness/report.aspx?r=10543&mode=pdf>

The Committee considered a submission from the Petitioner for PE1501, which I have attached as an Annexe to this letter, and agreed to seek your view on the reasons for the discrepancy between the numbers of inquests in Scotland and those in other jurisdictions.

Also highlighted are comments made by Douglas Ross MSP (col 28) in regard to how often relatives are given full disclosure, and would ask you to respond to this point also.

I should therefore be grateful if you would reply to this letter by **Friday 18 November 2016**.

Yours sincerely

Margaret Mitchell MSP
Convener, Justice Committee

Stuart Graham, Petitioner PE1501, by email

I have attached below a table that looks at the level of public inquests into deaths in the stated countries/regions. It is evident that the levels witnessed are on a par with Canada but very significantly below that of every other analysed country/region.

I have also taken a paragraph (reproduced below) from the [report](#) and highlighted three points. I think in the context of Scotland, that if we did genuinely prize transparency, the process of investigating deaths is not opaque but is almost blacked out and has to be taken in the context that the narrative is controlled as this article puts it, “by choices made behind the scenes as to which deaths should proceed to inquest”.

This last point is raised as a concern in the context of Australia where that inquest levels are almost 10 times greater than in Scotland! This is raising questions on how much a nation really understands the causal links to death and is not even dealing with the individual’s family’s right to know.

The systems in these countries have evolved over the past 100 years or more and do provide greater insight but in evolving this way I believe that they carry legacy issues we do not have to face. We do have an opportunity to create a 21st century system that aids the country in understanding cause of death while having the bereaved family at its core with a given choice to have an inquest or not.

*“Although Anglo-American **justice systems prize transparency and openness, the process of investigating deaths remains opaque to the general public, with one exception: inquests. Inquests, and the publicity surrounding them, shape public knowledge and understanding of death, particularly how and why unnatural deaths occur. The entire picture is framed, however, by choices made behind the scenes as to which deaths should proceed to inquest. Our analysis shows that those choices tend to emphasize certain types of death and de-emphasize others.**”*

TABLE 1: rates of coroners' inquests in selected jurisdictions of Australia, the UK, New Zealand, the Republic of Ireland and Canada*

| Jurisdiction and period | Inquests per 1000 reported deaths, no |
|--------------------------------|--|
| Australia† | |
| New South Wales 2000–2007 | 49 |
| Victoria 2000–2007 | 45 |
| Queensland 2001–2007 | 50 |
| Western Australia 2000–2007 | 42 |
| United Kingdom | |
| England and Wales 2000–2007 | 122 |
| Scotland 2001‡ | 5 |
| Northern Ireland 2001 | 54 |
| | |
| New Zealand 2001 | 286 |
| Republic of Ireland 2001 | 185 |
| | |
| Canada | |
| Ontario 2001 | 4 |
| British Columbia 2002–2007 | 2 |

*Unless otherwise stated, rates are adapted from data presented in the Luce report.¹

†Rates in all Australian jurisdictions calculated directly from data in the National Coroners Information System.

‡Procurators Fiscal perform an analogous role to coroners in Scotland; according to the Luce report, the deaths reported to and investigated by them are “comparable to the range handled in many coronial systems.”¹