

Briefing for the Citizen Participation and Public Petitions Committee on petition [PE1948](#): A Improve the way that unexplained deaths are dealt with, lodged by Alex O’Kane, lodged by Alex O’Kane

Background

The [petition](#) wants Police Scotland to review its practices for dealing with unexplained deaths. It raises concerns about the approach to investigating such deaths, commenting that:

“Whilst representing a family who had lost a loved one to an unexplained death, I discovered that Police Scotland did not conduct door to door enquiries at relevant locations nor did they formally appeal for witnesses after a body was discovered. I believe this should be good practice and become policy when a body is discovered with no clear cause of death.”

It also argues for more support for affected families.

Police Scotland

[Police Scotland](#) has produced new guidance on the Investigation of Death (not published on its website at the time of writing this briefing). The guidance sets out three broad categories of death; outlining what involvement the police and [Crown Office & Procurator Fiscal Service](#) (COPFS) may have in investigating each:

- medical death – both police and the COPFS may have minimal involvement
- unexplained medical death – healthcare professionals may be required to report the death to the COPFS with the level of any police involvement depending on whether it is a suspicious death
- police reportable death – the guidance lists a range of situations in which the police are required to investigate and report a death to the COPFS.

Police reportable deaths include ‘suspicious deaths’ – any death where the circumstances are unknown and give cause for concern.

The guidance goes on to detail what steps should be taken during a police investigation.

Crown Office & Procurator Fiscal Service

Although the petition does not refer to the COPFS, it plays an important role in the investigation of unexplained deaths. This may include instructing the police to carry out investigations when more information is needed to find out the cause of death.

Information on the role of the COPFS is set out on its website under the heading of [our role in investigating deaths](#) and in its [family liaison charter for bereaved families](#). The latter notes that:

“The extent of the investigation that is required depends on the facts and circumstances of each death. When a person dies in Scotland, a burial or cremation cannot take place until a medical certificate giving the cause of death has been issued. This certificate must be completed by a doctor, and must show the time, place and cause of death. Most sudden and unexplained deaths are reported to the Procurator Fiscal because a doctor is unable to confirm the cause of the death and is therefore unable to issue a death certificate. Other cases may require further investigation into the circumstances leading up to the death.

In any investigation the police will submit a report to the Procurator Fiscal for consideration. This report should be received as soon as possible after the police are aware of the death. It will contain background information of the deceased, including their medical history, and a summary of the events leading up to the death. On receiving this information the Procurator Fiscal will decide what investigation is necessary, which may include instructing a post mortem examination to determine the cause of death.” (page 7)

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Senior Researcher
26/07/22

The purpose of this briefing is to provide a brief overview of issues raised by the petition. SPICe research specialists are not able to discuss the content of petition briefings with petitioners or other members of the public. However, if you have any comments on any petition briefing you can email us at spice@parliament.scot

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