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Rt Hon Dorothy Bain KC
Lord Advocate Scotland
Crown Office and Procurator Fiscal Service
25 Chambers Street
Edinburgh
EH1 1LA

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Dear Lord Advocate,

Independent Investigation of Deaths – Key recommendation from the Independent Review of the Response to Deaths in Prison Custody

On behalf of the Co-Chairs of the Independent Review of the Response to Deaths in Prison Custody (Families Outside, HMIPS, and the Scottish Human Rights Commission), I am writing to request a meeting at your earliest convenience.

We would like to raise with you our concerns about progress on the key recommendation regarding independent investigation of deaths. This focuses primarily on the original intent of the recommendation and our thoughts regarding how this purpose could yet be met, albeit not necessarily in the original format.

In response to the key recommendation the Scottish Government worked with COPFS, Police Scotland, the Scottish Prison Service, and the NHS to develop a new methodology for an independent investigation of prison deaths prior to any Fatal Accident Inquiry. HMIPS, and the Scottish Human Rights Commission were not involved in developing the methodology but assisted the Scottish Government with running two desk top pilots. Unfortunately, these pilots identified a number of fundamental flaws with the proposed methodology which clash with some of the key principles that underpinned the recommendation, namely independence, autonomy, timeliness, and ability to involve families and have credibility with families.



As your role is pivotal in creating the meaningful change we intended for families, the Co-Chairs would value your views on how we can best move things forward to meet the aspirations behind the original recommendation.

If you prefer, we could perhaps arrange a joint meeting with yourself and the Cabinet Secretary for Justice and Home Affairs.

I look forward to hearing from you.

Yours sincerely,

Wendy Sinclair-Gieben

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