



The Scottish Parliament
Pàrlamaid na h-Alba

Justice Committee

James Wolffe QC
The Lord Advocate
Crown Office and Procurator Fiscal
Service

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9 September 2019

Dear James,

Fatal Accident Inquiries (FAI)

I write on behalf of the Justice Committee regarding the above issue.

The Committee has a number of questions following the tragic case of Mr Allan Marshall who died whilst in custody at HMP Saughton and whose death resulted in a recent FAI conducted by Sheriff Gordon Liddle. As I am sure you will agree that the circumstances of his death are both shocking and a matter of grave concern.

It is most certainly not for the Committee to investigate the specific circumstance of Mr Marshall's death, that is the purpose of the FAI. However the inquiry into the circumstances of Mr Marshall's death and how that was conducted has raised a number of more general questions about Fatal Accident Inquiries.

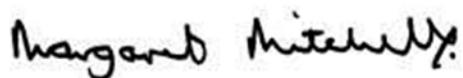
Specifically:

1. Accepting that some cases are more complex than others, what steps are being taken to improve the time taken for FAIs in Scotland?
2. Are there sufficient resources available to be able to complete these FAIs in as short a period as is possible whilst at the same time retaining the rigorous process that needs to be followed in each case?
3. Please provide current data on the length of time taken on average for FAIs conducted this year and last year to begin and conclude.
4. What criteria is used to decide whether a prosecution is viable?

5. In cases such as Mr Marshall's, on what grounds and to whom would Crown counsel decide to offer immunity from prosecution?
6. How many occasions, in the last five years, has a decision to grant immunity from prosecution for individuals involved in an FAIs been taken?

I should be grateful if you would provide answers to these questions as soon as possible, together with any further information you may wish to send to the Committee on the FAI modernisation project.

Best wishes,

A handwritten signature in black ink that reads "Margaret Mitchell". The signature is written in a cursive style with a small flourish at the end.

Margaret Mitchell MSP
Convener, Justice Committee