



**CROWN OFFICE AND PROCURATOR FISCAL SERVICE**

# **THE ROLE OF THE PROCURATOR FISCAL IN THE INVESTIGATION OF DEATHS**

## **INFORMATION FOR BEREAVED RELATIVES**

Details of all Procurator Fiscal Offices are available on the Crown Office and Procurator Fiscal Service website:

[www.copfs.gov.uk](http://www.copfs.gov.uk)

**Please contact the Procurator Fiscal's office if you would like this leaflet in another language, audio, large print, Braille or in another format.**



## Contents

Responsibility of the Procurator Fiscal .....	3
Reports to the Procurator Fiscal .....	3
Suspicious Deaths .....	4
Unexplained Deaths .....	4
Burial and Post Mortem .....	5
Contact with the Procurator Fiscal .....	7



## **Responsibility of the Procurator Fiscal**

In Scotland the Procurator Fiscal is the public official responsible for the investigation of all sudden, suspicious and unexplained deaths. Procurators Fiscal are qualified lawyers and are employed by the Crown Office and Procurator Fiscal Service.

The Procurator Fiscal is responsible for investigating the circumstances and cause of death and, if necessary, instructing a post mortem examination.

In the majority of cases reported to the Procurator Fiscal early enquiries establish that death was due to natural causes.

## **Reports to the Procurator Fiscal**

Deaths are usually reported to the Procurator Fiscal by the police, a doctor or the Registrar of Births, Deaths and Marriages.

If a hospital doctor or General Practitioner is unable to determine the precise cause of death, he or she will report the death to the Procurator Fiscal. This will include any death which the doctor considers was unexpected or is clinically unexplained, after taking account of any previous or recent medical history.



## Suspicious Deaths

Where there are suspicious circumstances surrounding the death, the Procurator Fiscal will instruct the police to investigate the circumstances and consider whether criminal charges should be brought.

A post mortem examination will be carried out to establish the cause of death and the funeral can take place when all the enquiries relating to the cause of death are complete.

## Unexplained Deaths

Where there are no suspicious circumstances but the death is unexplained, the Procurator Fiscal will instruct enquiry into the cause of the death and this may involve a post mortem examination which will be carried out by pathologists. Where a doctor is able to certify the cause of death, the death will no longer be unexplained and a post mortem examination will be unnecessary.

Where no doctor is able to certify the cause of death, a post mortem examination will be carried out. This is necessary in order to find out the cause of death. It is the law that no one can be buried or cremated without a cause of death being specified in the death certificate.



## Burial and Post Mortem

When a death is reported to the Procurator Fiscal, the deceased's body will usually be taken to the local mortuary. This may be a public mortuary or may be located in a local hospital. The Procurator Fiscal has legal responsibility for the body until the death certificate is issued.

If the deceased's body is taken to a mortuary, this does not always mean that there will be a post mortem examination. It may be possible to issue a death certificate on the basis of an external physical examination or when other additional information is received.

The Procurator Fiscal recognises that a delay in confirming the cause of death can be very distressing for a bereaved family and is also aware that it is a tradition in many cultures to bury or cremate the body of the deceased as quickly as possible after death.

The Procurator Fiscal will try to deal with the death as quickly and as sensitively as possible. The funeral can take place when the enquiries relating to the cause of death are complete and the death certificate has been issued.



Where a post mortem examination is necessary, it will be conducted by pathologists who are aware of cultural traditions and sensitivities.

The mortuary assistants who assist the pathologist in the preparation of the body of the deceased before and after the post mortem examination are also aware of the need for sensitivity and respect for the body.

A separate leaflet has been produced explaining what happens when the Procurator Fiscal instructs a post mortem examination. This can be obtained from the Procurator Fiscal's office and is available on the COPFS website – [www.crownoffice.gov.uk](http://www.crownoffice.gov.uk)



## Contact with the Procurator Fiscal

Nearest relatives will be invited to meet with the Procurator Fiscal when there is the possibility of criminal proceedings or when a Fatal Accident Inquiry is being considered or where the case involves a road traffic death.

Victim Information and Advice (VIA) staff at the Procurator Fiscal's office will contact you if there is to be a prosecution, further investigations or a Fatal Accident Inquiry. VIA staff can provide you with information about the progress of the case and can assist you to get in touch with support agencies.

In other circumstances, the Procurator Fiscal will not routinely contact relatives. However, if you want to discuss matters with the Procurator Fiscal or require any further information, please contact your local Procurator Fiscal's office.



You may wish to use the space below to note details of local contacts e.g. Procurator Fiscal's Office, support or community group.

### Local Contacts

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