

PE1699/A

PETAL submission of 13 September 2018

PETAL (People Experiencing Trauma and Loss) Support after Homicide.

PETAL Support offers bereavement counselling, including emotional and practical support to the families and friends who have experienced the grief and trauma of losing a loved one to homicide in Scotland.

PETAL Support's view on Petition PE199

In respect of our views regarding the petition raised for a review and change of the existing post mortem examination protocols, it is the view of PETAL Support that we wholeheartedly agree with the call for a humane change in the protocol and procedure raised in this petition, for a timelier release of the body or remains as raised in this petition.

PETAL totally understands that the role of the coroner and that the pathologist's autopsy and toxicology reports are critical pieces of evidence in homicide cases for both sides, and at present the accused defence has a right within law to challenge these reports. However, the call from defence lawyers for second post mortem to be performed are quite rare in Scotland, and furthermore we believe that it is totally unjust for the victims family and partners when release of the body is protracted for months, thus inflicting unnecessary extended grief and suffering which in our view is and has been totally unacceptable.

In my own personal experience, and similarly with very many other people who attend now and have previously attended our services have asked the question, "How can our family possible grieve? if day after day, month after month, they keep holding the body?". It is difficult to offer a humane fathomable answer for the demand to stop the body from being returned to the family by the Procurator Fiscal, who is technically waiting for the accused defence QC to step-in and confirm the agreed cause of death. To stop bodies from being returned to the family is reinforcing the trauma and victimhood that they first felt, and the helplessness and lack of support that they feel within the Criminal Justice System. Furthermore, it is our experience that victims families who attend our service and have been in this situation, take a huge step back in psychological recovery from the impact of the event, including a feeling re-victimisation and being unable to feel closure on the death of their loved one.

PETAL would like that the following be taken into consideration:

- We suggest that a new protocol that includes a second independent post mortem examination (and toxicology report) being undertaken automatically within a maximum 4-week period of discovering the remains. Thereafter the relatives can make arrangements for the return of their loved one.
- We also believe that the procedure and protocol used in England and Wales as outlined in the petition, is far better and humane to the loved ones affected by homicide south of the border than is available to similar victims in Scotland.

Although, we believe that Scotland has an opportunity to have a better and more timely solution to the issue, if regardless of a charge on any suspect we adopt an automatic second post mortem solution. If England and Wales can offer a timelier solution with almost 700 homicides per year south of the border, then surely, we can do far better with 64 (recent) homicides per year.

- If we agree that bodies or remains are held too long and it brings added suffering to victims' families. Then when a body has eventually been granted release there is a further blow to the victims family, as just when they think they can have proper ceremony or funeral, they are appalled to hear that the condition of the body has deteriorated during the time, to the extent that a 'closed casket' is advised to grief stricken families due to the condition of the body! All available procedures should be looked at to try and alleviate this inherent problem as much as possible, to help reduce further anguish and suffering to the victims families.