PPS PUBLISHES POLICY ON ASSISTED SUICIDE

Following a widespread public consultation on its interim guidance, the Public Prosecution Service (PPS) has today published its policy on prosecuting cases of encouraging and assisting suicide.

Commenting on the PPS Policy on Prosecuting the Offence of Assisted Suicide, the Acting Director of Public Prosecutions for Northern Ireland, Jim Scholes, today said: “Responses were received from individuals and organisations and these together with the debate in the Assembly have informed this policy which will guide prosecutors in making decisions in these difficult cases.

“I must stress that this policy does not in any way decriminalise the offence of encouraging or assisting suicide which carries a significant maximum penalty of 14 years’ imprisonment. Assisting suicide has been a criminal offence here for some 44 years and this policy does nothing to change that. It is only Parliament that can change the law.

“The policy sets out how prosecutors will apply the Test for Prosecution in considering cases of encouraging or assisting suicide. It clarifies the distinction between offences of encouraging or assisting suicide and offences of murder or manslaughter.

“It restates the broad presumption that the public interest requires prosecution where there has been a breach of the criminal law and outlines the public interest factors which must be assessed.

“I am grateful to all those who took the time to share their views with us and pleased to note that the policy enjoys the broad support of those who took part in the consultation process,” he added.

A copy of the PPS Policy on Prosecuting the Offence of Assisted Suicide and the summary of responses to the public consultation are available at www.psni.gov.uk.
Notes to Editors

It was a felony at common law for a sane person of the age of responsibility to kill himself either intentionally or in the course of trying to kill another.

In Northern Ireland, suicide ceased to be a crime by virtue of section 12 of the Criminal Justice (Northern Ireland) Act 1966.

Section 13(1) of the Act provides:-

“A person who aids, abets, counsels or procures the suicide of another shall be guilty of an offence and shall be liable on conviction on indictment to imprisonment for a term not exceeding fourteen years.”

The wording of s13 has been recently amended to include acts of encouraging or assisting the suicide or attempted suicide of another person.

Prosecution for this offence requires the consent of the Director of Public Prosecutions for Northern Ireland.

There is similar provision in England and Wales under section 2(1) of the Suicide Act 1961. The PPS and the Crown Prosecution Service in England and Wales have worked together to produce a policy and the revised public interest factors are as follows:

Public interest factors for prosecution

(1) The victim was under 18 years of age.

(2) The victim did not have the capacity to reach an informed decision to commit suicide because of an impairment of, or a disturbance in the functioning of, the mind or brain.

(3) The victim had not reached a voluntary, clear, settled and informed decision to commit suicide.

(4) The victim had not clearly and unequivocally communicated his or her decision to commit suicide to the suspect.

(5) The victim did not seek the encouragement or assistance of the suspect personally or on his or her own initiative.

(6) The suspect was not wholly motivated by compassion; for example, the suspect was motivated by the prospect that he or she or a person closely connected to him or her stood to gain in some way from the death of the victim.

(7) The suspect pressured the victim to commit suicide.

(8) The suspect did not take reasonable steps to ensure that any other person had not pressured the victim to commit suicide.
(9) The suspect had a history of violence or abuse against the victim.

(10) The victim was physically able to undertake the act that constituted the assistance him or herself.

(11) The suspect was unknown to the victim and encouraged or assisted the victim to commit or attempt to commit suicide by providing specific information via, for example, a website or publication.

(12) The suspect gave encouragement or assistance to more than one victim who were not known to each other.

(13) The suspect was paid by the victim or those close to the victim for his or her encouragement or assistance.

(14) The suspect was acting in his or her capacity as a medical doctor, nurse, other healthcare professional, a professional career [whether for payment or not], or as a person in authority, such as a prison officer, and the victim was in his or her care.

(15) The suspect was aware that the victim intended to commit suicide in a public place where it was reasonable to think that members of the public may be present.

(16) The suspect was acting in his or her capacity as a person involved in the management or as an employee (whether for payment or not) of an organisation or group, a purpose of which is to provide a physical environment (whether for payment or not) in which to allow another to commit suicide.

Public interest factors against prosecution

(1) The victim had reached a voluntary, clear, settled and informed decision to commit suicide.

(2) The suspect was wholly motivated by compassion.

(3) The actions of the suspect, although sufficient to come within the definition of the crime, were of only minor encouragement or assistance.

(4) The suspect had sought to dissuade the victim from taking the course of action which resulted in his or her suicide.

(5) The actions of the suspect may be characterised as reluctant encouragement or assistance in the face of a determined wish on the part of the victim to commit suicide.
(6) The suspect reported the victim’s suicide to the police and fully assisted them in their enquiries into the circumstances of the suicide or the attempt and his or her part in providing encouragement or assistance.

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