



PRIVATE AND CONFIDENTIAL

Tel: 0300 020 3000

Our Ref: R-17242-26

16 February 2026

I refer to your email of 20 January 2026 in which you requested the following information,

1. *Does COPFS hold any guidance, policy, training material, or legal advice concerning whether police officers should inform a witness or potential complainant that there are “other complainants” or allegations in the same or related investigation?*
2. *Does COPFS recognise, in any guidance or internal legal advice, the risk that such disclosure may cause:*
 - *Suggestion*
 - *Confirmation bias*
 - *Narrative alignment*
 - *Cross-contamination of testimony*
 - *particularly in cases prosecuted on the basis of mutual corroboration (e.g. under the Moorov doctrine)?*
3. *Are police officers instructed, formally or informally, to avoid disclosing:*
 - *The number of complainants*
 - *The existence of parallel allegations*
 - *The investigative theory*
 - *to witnesses or potential witnesses prior to statement taking?*
4. *Has COPFS ever issued guidance or commentary, in training or casework review, identifying the disclosure of “other complainants” to witnesses as a potential ground of appeal, evidential contamination, or Article 6 ECHR risk?*

This request will be managed by The Crown Office and Procurator Fiscal Service under the Freedom of Information (Scotland) Act 2002 (FOISA).



Request 1 & 3

This is a formal notice under [Section 17](#) of FOISA that the information sought is not held by COPFS. Police Scotland are responsible for how they carry out investigations and witness liaison.

You may however find our [Joint protocol between Police Scotland and the Crown Office and Procurator Fiscal Service](#) relevant to your interests.

Request 2 & 4

There is no existing guidance directly relating to risks of police disclosure of other complainers nor of such disclosures by police as a potential ground of appeal, evidential contamination, or Article 6 ECHR risk. As such this is a formal notice under [Section 17](#) of FOISA that the information sought is not held by COPFS.

If you are dissatisfied with the COPFS response to your FOI request, you have the right to ask us to review it. Your review request should be made within 40 working days of receipt of this letter; please e-mail foi@copfs.gov.uk and we will reply within 20 working days of receipt.

The review will be undertaken by a member of the COPFS FOI unit who was not involved in the original consideration of your request.

Under section 47(1) of FOISA if you remain dissatisfied with the response following a review you have the right to appeal to the Scottish Information Commissioner within six months of receiving the review.

Under section 48(c) of FOISA that right of appeal might be limited as it can be subject to what information is requested. It is for the Scottish Information Commissioner to decide if he will accept your appeal on a case by case basis.

Yours sincerely

FC
Information Governance and Security Assurance Unit
Corporate Services Group
COPFS



www.copfs.gov.uk

