

SPA Complaints & Conduct Committee

2023/24 – Quarter 4 and End of Year Summary

1 January – 31 March 2024



Executive Summary

Complaint Handling Reviews

Applications received for CHRs concerning Police Scotland numbered 252 in 2023/24 – a decrease of 2 from the previous year.

During 2023/24, Police Scotland generally adhered to the requirement to provide pertinent information to allow reviews to proceed within a reasonable timeframe.

There was an annual 22% decrease (n=44) in cases concluded by the issuing of a CHR report by PIRC. The application of discretionary decisions by PIRC staff is assessed to have influenced this decrease.

By end of 2023/24, 57% of the Heads of Complaint reviewed were assessed to be reasonably handled by Police Scotland.

A cumulative total of 259 recommendations were made by the PIRC Reviews Team to Police Scotland in 2023/24.

Recommendations to 'Conduct further enquiries' have had the most notable annual increase (n=45). These account for 48% of all recommendations made in 2023/24.

Recurring themes highlighted as Learning Points to complaint handlers within Police Scotland include agreeing heads of complaint, adherence to SOPs / statutory guidance and the requirement for clear communication with complainers.

Investigations

A total of 823 referrals were made to PIRC for incidents concerning Police Scotland. 429 (52%) of these originated from Police Scotland itself.

Police Scotland referrals resulted in 26 PIRC investigations in 2023/24. The most common type of investigation involved 'Serious Injury Following Police Contact'.

Two investigations into the discharge of firearms were conducted in 2023/24. Both involved the deployment of AFOs in relation to recently acquired XL Bully type dogs.

Four referrals where incapacitant spray was used progressed to investigation in 2023/24. All these involved persons under the age of 18.

Five thematic recommendations were issued by the PIRC Investigations Team in Q4. Police Scotland has responded to three of these at this time.

All Key Performance Indicators set for PIRC Reviews and Investigations Teams were met in 2023/24.

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Introduction

This is the third submission of the Police Investigation and Review Commissioner to the SPA Complaints and Conduct Committee for 2023/24.

Following an extensive Performance Data Review and consultation, the PIRC introduced new recording standards and counting rules which came into effect on 1st April 2023.

This report provides details in relation to the interaction between Police Scotland and the PIRC to increase public confidence in policing by ensuring learning recommendations are identified, issued and lead to positive change in police practice.

Our Role

The role of the Police Investigations & Review Commissioner (PIRC) was established in 2013 at the same time as the single Police Service of Scotland.

The Commissioner, who is appointed by Scottish Ministers, is independent of the police. Her role is to independently investigate incidents involving the police and independently review the way the police handle complaints from the public.

The PIRC ensures that the SPA and the Chief Constable maintain a suitable system for handling complaints and issues statutory guidance where appropriate.



We can investigate:

- Incidents involving the police, referred by COPFS. These may include deaths in custody and allegations of criminality made about police officers or members of Police staff.
- Serious incidents involving the police, at the request of the Chief Constable or SPA. Reasons for requests for investigations from the Chief Constable may include the serious injury of a person in police custody, the death or serious injury of a person following contact with the police or the use of firearms by police officers.
- Allegations of misconduct by senior police officers of the rank of Assistant Chief Constable (ACC) and above, if requested by the SPA.
- Other matters relating to the SPA or the Police Service where the Commissioner considers it in the public interest.
- At the conclusion of an investigation, the Commissioner can recommend learning and improvements to the way the police operate and deliver services to the public in Scotland.



We can review:

- How the police in Scotland handle complaints made to them by the public. The purpose of the Complaint Handling Review (CHR) process is to determine whether or not the complaint was handled to a reasonable standard by the police.

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- At the conclusion of a CHR, the Commissioner can make recommendations, identify learning points, or direct the policing body to reconsider their response.



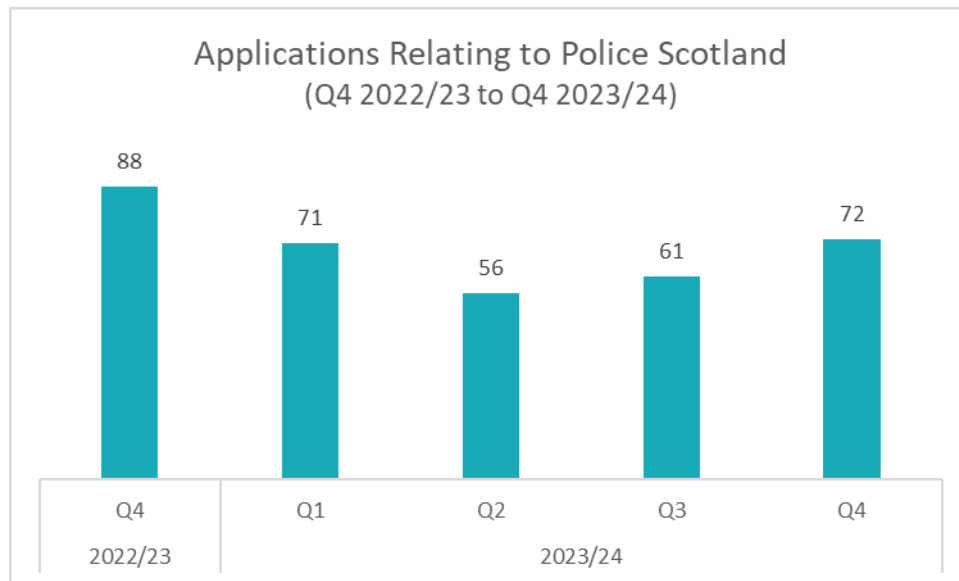
We cannot review:

- Complaints which have not been considered and adjudicated upon by the policing body.
- Complaints of criminality.
- Complaints made by individuals currently serving, or who formerly served, with the police about the terms and conditions of their service.



Complaint Handling Reviews

Applications



1. Source: PIRC Reviews Quarterly Performance Report – Q4

In Q4 2023/24 PIRC has received 72 applications for a Complaint Handling Review (CHR), an increase of 11 applications (18%) on the previous quarter (Q3) but a decrease of 16 (18%) on the preceding year's Q4 applications.

Applications made to PIRC numbered 252 by the close of 2023/24. This is two fewer than reported in 2022/23.

The new counting rules brought into effect at the start of quarter 1 aim to increase public confidence in police through scrutiny of their actions and ensuring any lessons are learned to improve the standard of service provided by the Police in Scotland. Standardisation of the counting rules is an important step to ensure CHR applications are appropriately recorded, categorised and processed efficiently.

Key Performance Indicators

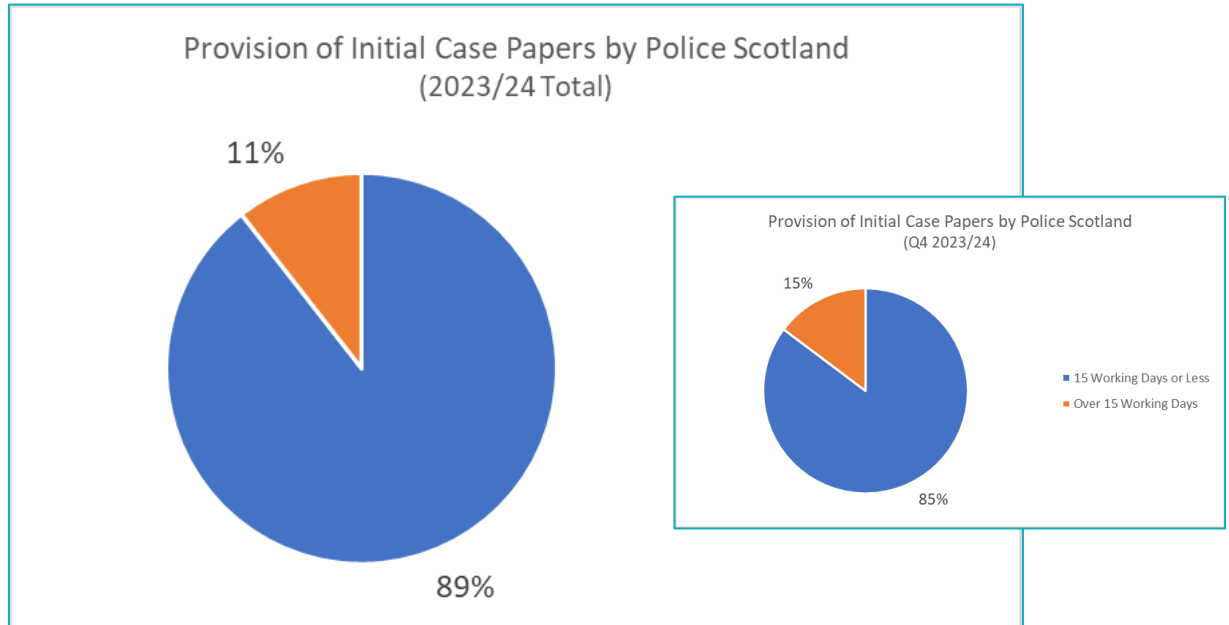
- 90% of CHR applications to undergo SRO assessment and decision to be taken within 5 working days of receipt of the relevant police case papers.
 - Q4 2023/24 - 100% (YTD – 99%)
- 80% of CHRs including discretionary decisions (minus major cases) to be completed within 90 working days, following receipt of the relevant police case papers.
 - Q4 2023/24 – 99% (YTD – 96%)
- PIRC carried over a total of 30 CHR applications from the previous counting arrangements. None remain ongoing at the end of Q4.



Timescales

Provision of Initial Case Papers

As part of the PIRC's Performance Data Review, it has been agreed that Police Scotland will now aim to provide all complaint case papers to the PIRC within 15 working days of request. This was previously 14 calendar days. This approach standardises the process for the provision of case papers across the Reviews and Investigations functions within PIRC.



2. Source: Centurion System

In Q4, there were 61 cases where papers were requested from Police Scotland. Requests were complied within timescale in 85% of cases. Background papers were provided, on average, within 9.7 working days.

For the full year, papers were requested for 237 cases, with compliance within timescale occurring in 89% of cases. Average time taken to provide papers for the year's requests was 8.6 working days.

From both perspectives, Police Scotland has generally adhered to the requirement to provide the pertinent information to allow reviews to proceed within a reasonable timeframe.

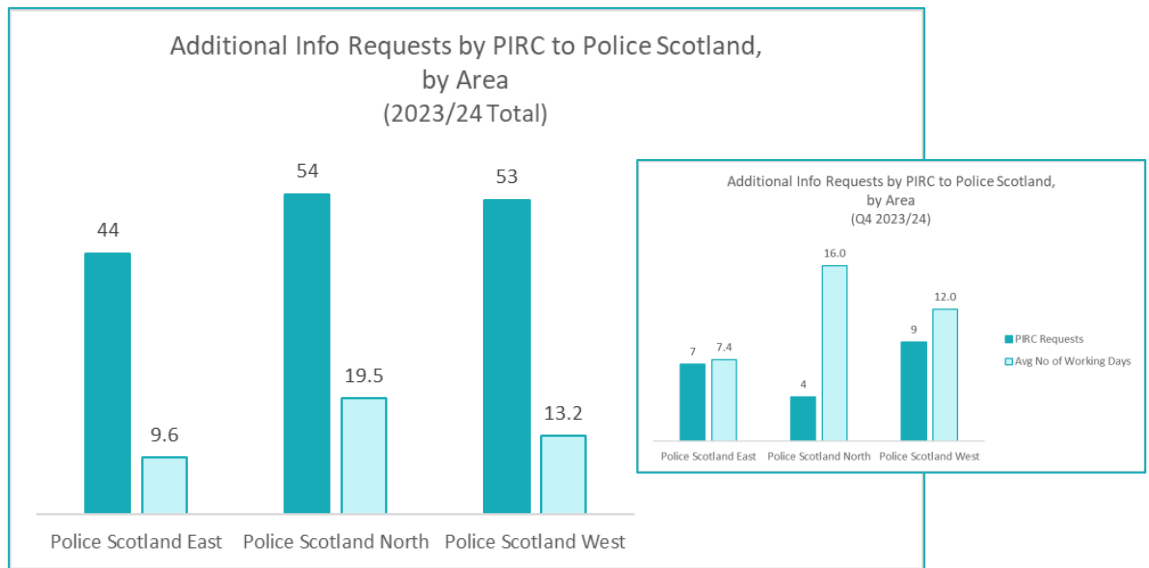
Information Requests During Review

On receipt of background papers, the Reviews team will undertake a detailed assessment of the police complaint file and identify any information or documentation that was relied upon or referred to in the police complaint response but not included in the papers initially provided to the PIRC.

In these circumstances, a further information request is made, with Police Scotland now aiming to provide the further information requested within 15 working days.

During Q4 2023/24, PIRC also made a further 20 requests to Police Scotland as part of an ongoing review. On average, requests were fulfilled within 11.2 working days of receipt of the request.

This is in line with the timescales agreed with Police Scotland.



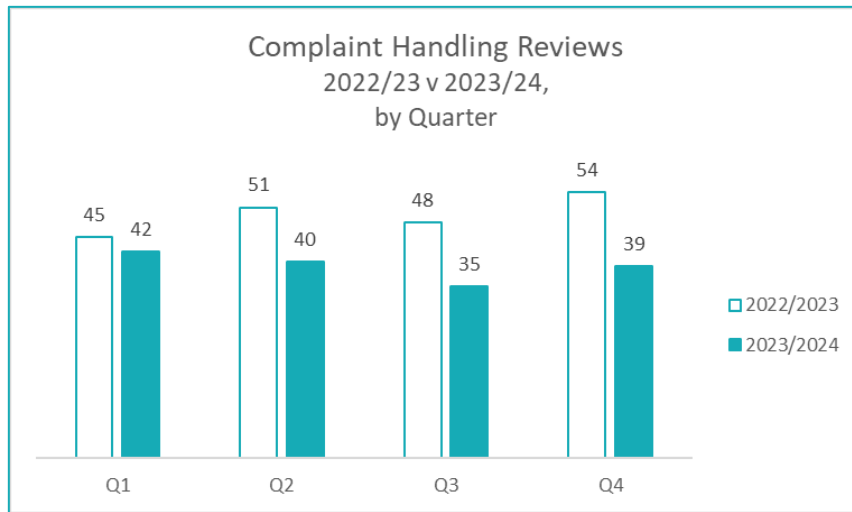
3 Source: Centurion System

The full number of additional information requests made by PIRC in 2023/24 was 151, with the overall average number of working days taken to comply being 14.4, again in line with agreed timescales. The graphics above breaks both Q4 and annual figures down to Police Scotland regional areas.

4 Source: Centurion System



Complaint Handling Review Reports Cases completed – National



5. Source: Centurion System

PIRC issued 39 Complaint Handling Reviews to Police Scotland in Q4 2023/24.

Over the financial year, the full complement was 156 cases concluded by the issuing of a CHR report by PIRC. This represents a decrease of 42 (21%) from the CHRs issued in 2022/23 (n=198).

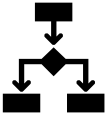
The application of discretionary decisions by PIRC staff is assessed to have influenced this decrease and associated efficiencies.

Cases closed - Decisions

The change to the business counting rules means that the PIRC now report and record the number of applications that were the subject of a discretionary decision. This includes applications where, following an assessment, the PIRC is satisfied that Police Scotland has taken reasonable steps to address a complaint. Consequently, the PIRC will not proceed with a review on the grounds of proportionality.

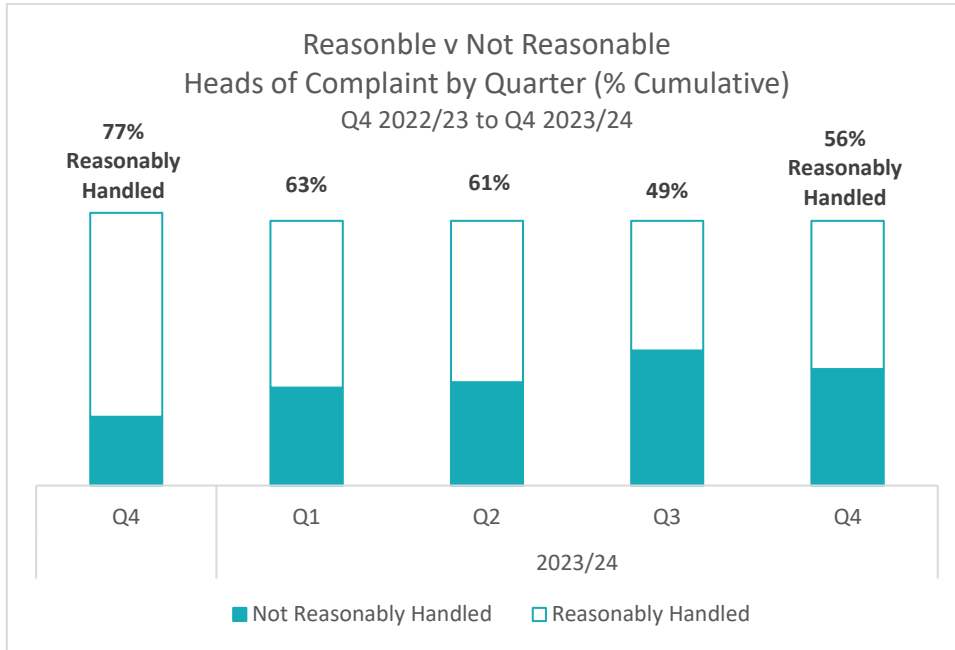
The PIRC recognise that complaints that we do not review on proportionality grounds represents an opportunity for PSD to identify good complaint handling practice. To assist in this regard, the PIRC now send PSD a detailed letter explaining why discretion was exercised, so that the good practice can be shared with those involved in complaint handling.

It is important to highlight that applications and heads of complaint that did not progress on proportionality grounds would otherwise be complaints that were likely to be reasonably handled had they been taken to review.

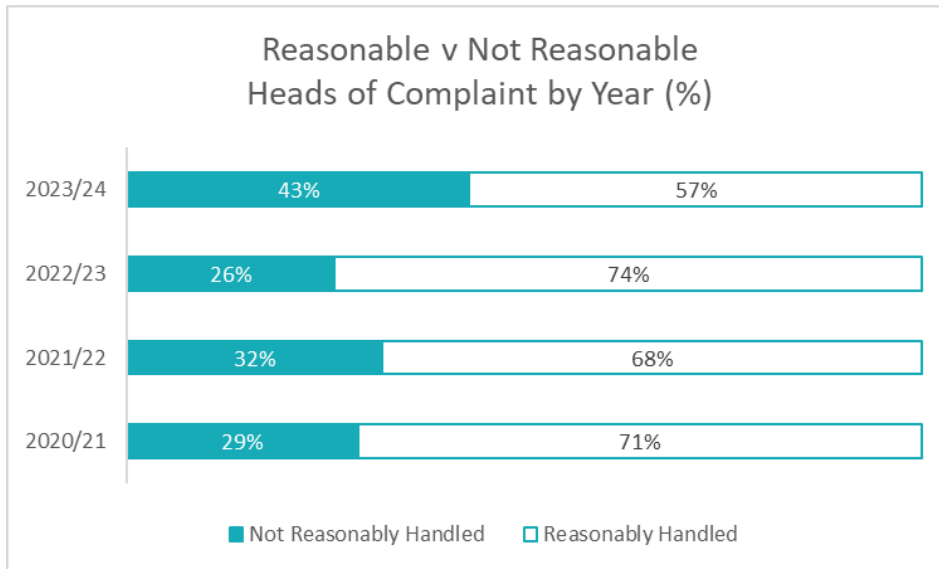


Outcome

Reasonable v Not Reasonable



6. Source: PIRC Reviews Quarterly Performance Report



7. Source: PIRC Reviews Quarterly Performance Report

CHR Disposal Outcomes

- **Recommendations** - these are made in the CHR reports where we identify deficiencies or shortcomings in the police complaint handling. Our recommendations may, for example, ask the policing body to undertake further enquiries, to re-assess the available information, to issue an apology, to re-visit a specific policy/procedure or issue the complainer with further response.
- **Learning Points** - PIRC is committed to promoting a culture of learning and improvement. During our reviews, we seek to identify and capture organisational and individual learning opportunities.
- **Reconsideration Directions** - reconsideration directions are used in cases where significant complaint handling failings have been identified during a review. It requires someone previously unconnected with the complaint enquiry to reconsider the complaint. One Reconsideration Direction was issued to Police Scotland in Q4. The total issued in 2023/24 was eight.
- **Discretionary Decisions** – Not every CHR application is progressed to a Complaint Handling Review. The Commissioner may carry out a CHR where it is deemed fair, reasonable, proportionate and in the public interest to do so. In cases where applications are not taken forward, the Commissioner will issue a discretionary decision letter, having considered the application and found that it does not merit a Complaint Handling Review. A total of 127 decision letters were issued by PIRC to Police Scotland up to the end of Q4 2023/24.

This means that the PIRC has deemed Police Scotland to have carried out a proportionate enquiry into these complaints. Accordingly, as the police appeared to have already taken reasonable steps to respond and address the complaint, the PIRC has determined there would be no added value to be gained from reviewing the handling of the complaints.

It can be reasonably assessed that - had these applications proceeded to a complaint handling review - a finding of 'reasonably handled' would follow. This would thereafter have increased the overall figure of complaints handled to a reasonable standard by up to 5%.

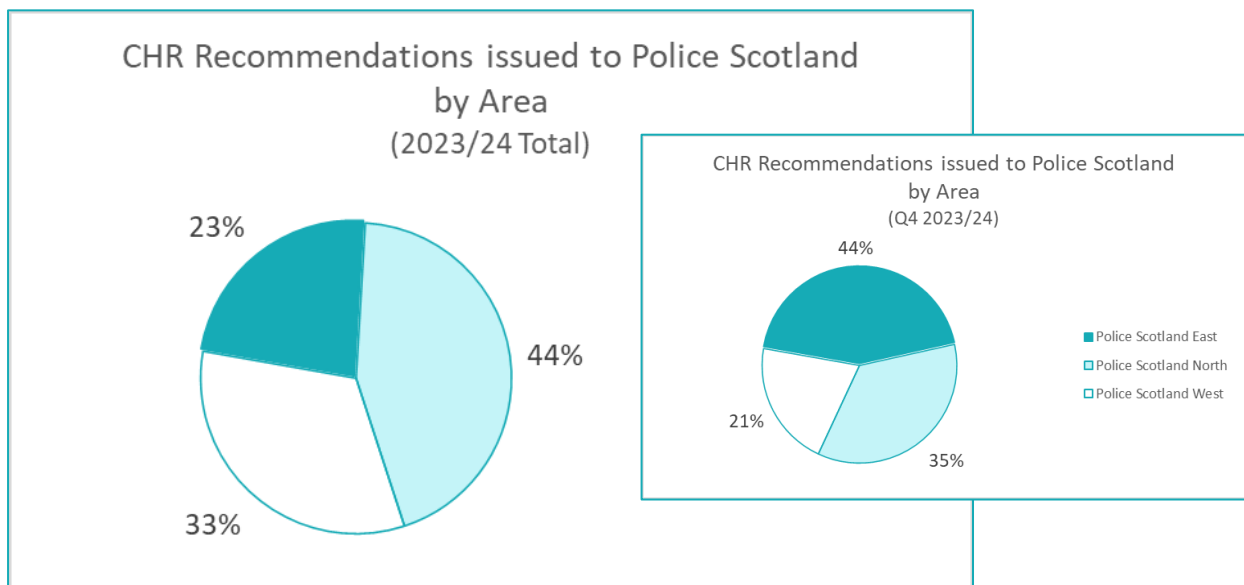


Recommendations Made

Over the quarter the PIRC has made 48 recommendations relating to 27 CHRs to Police Scotland. These are broken down by type and area below:

CHR Recommendation Type	Q4
Conduct further enquiry	26
Reassess and fresh response	15
Record as CAP	5
Other	1
Provide further response	1
Grand Total	48

8. Source: Centurion System



9. Source: Centurion System

A cumulative total of 259 recommendations have been made by the PIRC Reviews Team to Police Scotland by the end of Q4 2023/24, relating to 109 Complaint Handling Reviews.

122 recommendations have been implemented, 45 (37%) were implemented within the suggested 56 day timescale.

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CHR Recommendation Type	No of Rec's	
	2022/2023	2023/2024
Conduct further enquiry ¹	81	126
Reassess and fresh response	66	66
Record as CAP	32	24
Provide further response	29	25
Record complaint and respond	15	12
Other	8	4
Apologise	2	1
Revisit policy/procedure		1
Grand Total	233	259

10. Source: Centurion System

Recommendations to conduct further enquiries have had the most notable increase between the two periods (n=45). These account for 48% of all recommendations made in 2023/24

An annual increase of 11% has been noted in the total number of recommendations PIRC has passed onto Police Scotland.

¹ Subsumes values for “Reassess and fresh response / Conduct further enquiry” and “Conduct further enquiry / Provide further response” held on Centurion, which are Recommendation Types that no longer apply.



Learning Points Identified

The PIRC identifies opportunities for organisational or individual learning and improvement as part of the Complaint Handling Review process. These learning opportunities are highlighted to the police as Learning Points within the CHR reports. All our Learning Points were designed to enhance PSD compliance with our Statutory Guidance and Police Scotland’s Complaints About Police Standard Operating Procedures.

The Learning Points are also opportunities for PIRC to highlight examples of good complaint handling practices.

Quarter	2022/2023	2023/2024
Q1	9	21
Q2	13	22
Q3	4	34
Q4	18	13
Total	44	90

Over the full year, PIRC has identified 90 Learning Points to Police Scotland. Recurring themes that have been highlighted to Complaint Handlers include:

- ensuring heads of complaint are agreed with complainers.
- adherence to provisions of our statutory guidance
- maintaining effective communication with complainers to ensure that the crux of the complaint is appropriately captured and understood by the enquiry officers

PIRC Learning

The complainer in this case was a serving police officer. The complainer had been reporting matters that he did not wish to be known by colleagues. Despite having requested officers from another station take his report, officers that he knew were allocated the case. In our view, this could lead to a perception of bias from either the officer reporting the alleged crime, the person who is the subject to a police investigation, or both parties.

PIRC advised Police Scotland to consider whether formal documented guidance is required relating to the process for dealing with crime reports involving serving officers, particularly those reports of a sensitive nature. Guidance similar to that contained within the Complaints SOP, which states that the investigating officer must be suitably independent, would help to mitigate against allegations of bias during a criminal investigation where a serving police officer is the alleged victim.

Police Response

The learning point has been accepted by Police Scotland. Police Scotland has advised that the Crime Investigation SOP is under wider review – a process that involves various departments.

Police Scotland provided an update with the proposed wording to be included in the revised SOP. The proposed amendment, once the SOP document is published, will signal successful implementation of this Learning Point. Police Scotland will continue to keep PIRC updated on progress.

PIRC Learning

The complaints in this case arose after the complainer's husband died suddenly whilst working in Scotland. PIRC identified that Police Scotland should consider whether the Investigation of Death Guidance requires to be updated, to include a clearly defined process for officers seeking to notify next of kin living in England, Wales, or Northern Ireland of the death of a person.

This would provide clarity on the role and responsibilities of Police Scotland in such circumstances and ensure that next of kin living elsewhere in the UK can be notified of a death as soon as reasonably possible.

Police Response

The learning point has been accepted by Police Scotland. The proposed amendments to the Investigation of Death Guidance, as advised by PSD Support & Service Delivery, is currently being reviewed by the Death in Community Group. The proposed amendments may require further consultation with other departments prior to publication. PIRC will be updated accordingly.

PIRC Learning

The complaints in this case arose after complainer reported suspicious activity to the police. The complainer in this case was a very vulnerable individual with significant mental health issues. In our opinion, in the call recording between the complainer and Police Scotland, the call handler displayed a very high level of professionalism and empathy in his approach to a very vulnerable and distressed complainer. As a result, he was able to elicit the relevant information and re-assure the complainer that there would be a police response to her report. As the complaint process is about promoting a culture of learning and improvement, as well as identifying learning where something went wrong, we asked Police Scotland to encourage complaint handlers to identify and highlight examples of good policing practice to the officers involved.

Police Response

The learning point has been accepted by Police Scotland. Police Scotland have provided confirmation that the learning was also included in PSD's monthly Learning Point Report to be circulated to all complaint handlers within the PSD.



Stakeholder Engagement

During Q4 2023/24, the Review Team continued to engage with the Professional Standards Department of Police Scotland.

PSD/PIRC Liaison Event

In January 2024, the PIRC hosted a liaison event with Police Scotland Professional Standards Department. This was designed to promote staff build strong working relationships, improve communication, increase clarity and mutual understanding around existing policies and procedures and provide an opportunity to identify areas for improvement.

The event was attended by over 70 delegates, including representatives from Reviews and Investigations teams from the PIRC, PSD Criminal and Non-Criminal teams, including NCARU and the SPA Complaints and Conduct team.

During the event, our Reviews team organised workshops, designed to improve application of Non-Investigation provisions, to increase consistency in categorisation of complaints and to improve capture and identification of learning and improvement opportunities.

As a direct result, the PIRC in collaboration with PSD will organise a series of Practitioners Forums during 2024/2025. The aim of these events is to provide a platform for constructive engagement for PSD complaint practitioners and PIRC.

Practitioners Forum

Following PSD/PIRC Liaison Event, the PIRC Reviews team in collaboration with PSD set up a series of Practitioners Forums to take place during 2024/2025. It is anticipated that these events will take place quarterly, with separate forums organised for each PSD region. The PIRC will provide detailed feedback to PSD teams on the findings and themes arising out of CHR reports originating from the designated PSD region. The events will also provide an opportunity for PSD complaint handlers to raise any topical issues or to request additional guidance on complaint-related matters arising in their respective regions. The first of this type of engagement events took place in April 2024, with further events scheduled for July/August 2024.

PSD Induction Training

In October 2023, PSD ran a new comprehensive induction training course for those recently appointed to work within PSD. Over the course of four days, both Reviews and Investigations teams delivered training inputs and presentations, covering complaint handling best practice, CHR process, statutory referrals, and PIRC investigations.

The training received positive feedback from those in attendance, with PIRC Reviews and Investigations having been invited to present at the next Induction Training Sessions. It is anticipated that this course will run every six months to ensure that all new PSD recruits receive standardised training. The second PSD Induction Training took place in April 2024. The next PSD Induction Training session is scheduled for November 2024.

National Complaint Handling Development Group (NCHDG)

The newly reformed NCHDG has resumed its work, with meetings held in December 2023 and March 2024. The group, chaired by Superintendent Kate Stephen, consists of representatives from PSD involved in complaint handling, PIRC, and the SPA.

This group is focused primarily on practical complaint-handling trends/themes. The group is also used as the forum to discuss any recommendations arising from the PIRC/SPA NCARU Audit.

PIRC Audit – 6-Stage Process

In line with recommendation 7 of the DEA report, the PIRC has undertaken an audit of Police Scotland's 6-stage complaints process. A copy of the Terms of Reference has been shared with the SPA. The field work stage of the audit commenced in November 2023 and is now complete. The PIRC audit team also conducted interviews with PSD staff in January 2024. The final report has been through the Quality Assurance process and is currently with Police Scotland for factual accuracy check. It is anticipated that the final audit report will be published imminently.

PIRC/SPA Joint Audit – NCARU

PIRC Reviews team have been liaising with PSD in relation to implementation of the eight recommendations made in this audit report. Significant progress has been made by PSD to progress implementation of recommendations and work is being undertaken to collate the evidence of implementation to be presented for consideration by the PIRC and the SPA.

EPAC/EACN) 22nd Annual Conference

In November 2023, PIRC attended at the 22nd Annual Conference of European Partners Against Corruption (EPAC) and European contact-point network against corruption (EACN) in Dublin.

This event was attended by delegates across Europe and attracted a very large number of representatives from policing bodies and police oversight organisations.

The main themes of the conference included whistleblowing, police corruption, gender-based violence and challenges associated with digital evidence. PIRC is committed to engagement with international network of police oversight organisations, in order to share good practice and learn from our colleagues in other jurisdictions.



Investigations

In terms of Section 33A(c) of the Police, Public Order and Criminal Justice (Scotland) Act 2006 (as amended) and Regulation 3 of the Police Investigations and Review Commissioner (Investigations Procedure, Serious Incidents and Specified Weapons) Regulations 2013 (the 2013 Regulations), **the Chief Constable must request the Commissioner to investigate any serious incident² involving the police which is a circumstance involving, (a) a constable; or (b) a member of the police staff.**

On receipt of a referral from Police Scotland, PIRC undertake an assessment of the referral and decide whether to investigate or not. Assessments may include examining CCTV, Body Worn Video, other video, witness statements, command & control logs, telephone calls, Airwave radio transmissions, briefing papers or other material.

Referrals

Following a Performance Data Review in October 2022, the PIRC, as part of this review, revised referral incident types that the PIRC deal with, to streamline and standardise referral types.

Referrals from Police Scotland are categorised in the following terms:

- Death Following Police Contact
- Serious Injury Following Police Contact
- Serious Injury in Police Custody
- Firearms Discharged
- Firearms Presented
- Taser
- Incapacitant Spray³

² A “serious incident involving the police” which the Commissioner may investigate in pursuance of paragraph (c) of section 33A is a circumstance in or in consequence of which a person has died or has sustained serious injury where (i) the person, at or before the time of death or serious injury, had contact (directly or indirectly) with a person serving with the police acting in the execution of that person’s duties; and (ii) there is an indication that the contact may have caused (directly or indirectly) or contributed to the death or serious injury; (b) any other circumstance in or in consequence of which (i) a person has otherwise sustained a serious injury at a time when the person was being detained or kept in custody by a person serving with the police; or (ii) a person serving with the police has used a firearm or any other weapon of such description as the Scottish Ministers may by regulations specify

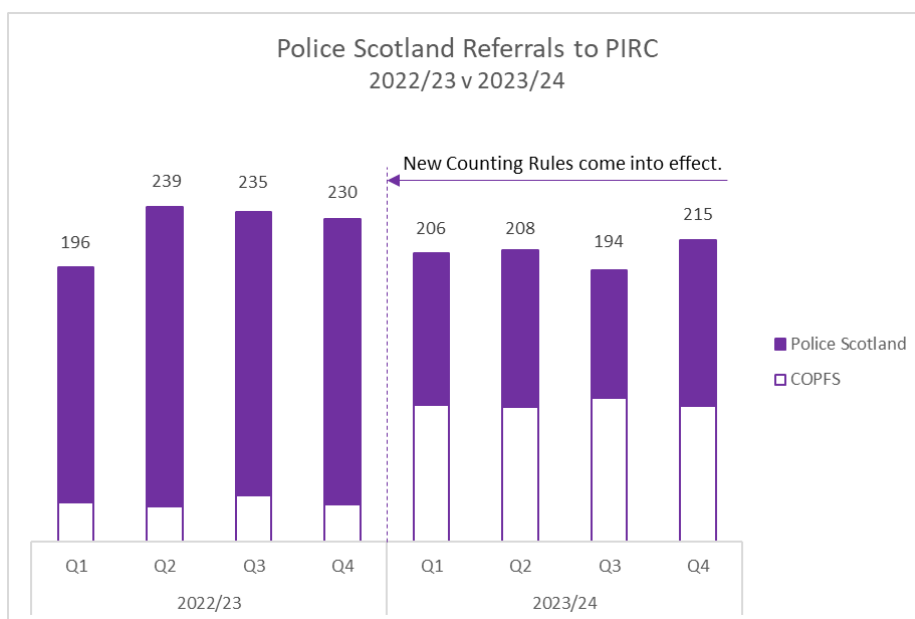
³ The overall referral figures quoted by PIRC are not comparable to those reported by PSOS. This is due to the inclusion of referrals involving incapacitant spray (which are not managed by PSD, therefore not cited) as well as the PSOS inclusion of Crown Directed matters, which are excluded in PIRC figures.

In addition, under Section 33A(b) of the 2006 Act, COPFS may instruct PIRC to investigate:

- Death in Custody
- Death Following Police Contact
- Other Criminal Matters

COPFS investigation statistics are not included in this report, as they related to live ongoing criminal investigations at the direction of COPFS.

(Note: Since 4 October 2021, COPFS has a standing instruction resulting from the Dame Elish Angiolini Independent Review of Complaints Handling, Investigations and Misconduct issues (Recommendation 47), which instructs that all on duty allegations of assault made against police officers and police staff are referred onwards from Police Scotland to PIRC for assessment and where appropriate investigation.



11. Source: Referral Logs (2023/23 & 2023/24)

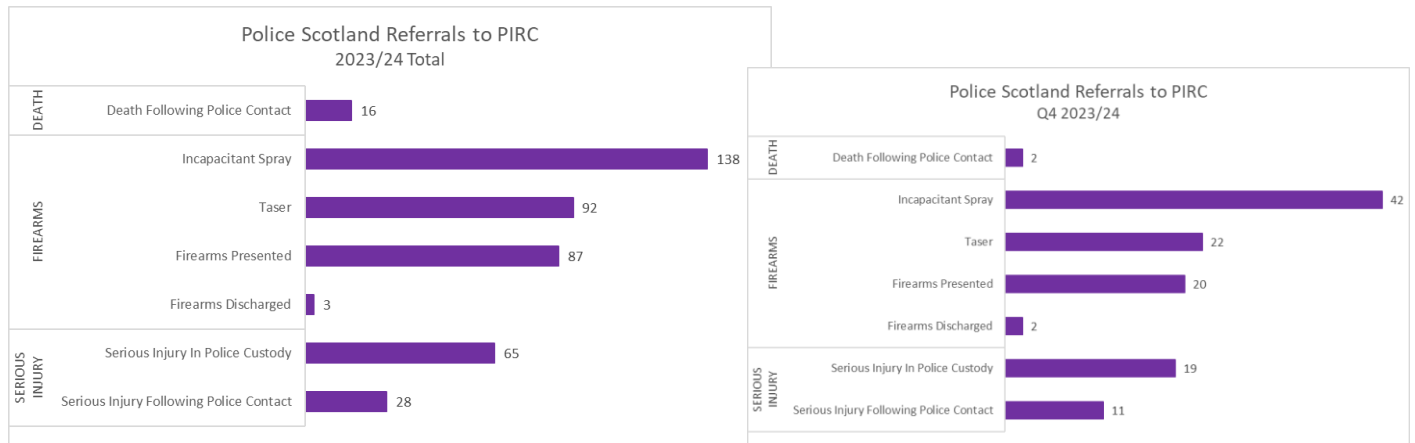
In total, there were 823 referrals concerning Police Scotland in 2023/24, with just over half (n=429) originating from Police Scotland itself.

The change to PIRC counting rules has brought about an anticipated decrease in referrals coming from Police Scotland. In Q4 this equated to 85 fewer than in Q4 2022/23. For the full year, the number of referrals was 429; a proportional decrease of 45% from the number recorded at the end of 2022/23 (n=787).

There has been corresponding increase in referrals from COPFS - 70 more than in the Q4 of preceding year. Annually, the number of referrals from COPFS was 394, a 249% increase against those recorded in 2022/23 (n=113).

The Standing Instruction from Crown has transferred the source of appropriate referrals to the PIRC being categorised from COPFS rather than Police Scotland. The new counting rules reflect this change and account for the fall in referrals from Police Scotland and the increase in COPFS referrals.

Referrals by Type



. Source: PIRC Referral Log (2023/24)⁴

Use of Incapacitant Spray was the most common referral type from Police Scotland both in Q4 (n=42) and for the full year (n=138). Presentation of firearms account for 87 and Tasers 92 referrals. Cases involving serious injury account for 93 for the full year.

A Senior Investigator (SI) will review the content of assessments and/or terms of reference for a Crown directed referral. Where a decision is taken that the incident is proceeding to investigation, an SI will categorise the case (in consultation with the Head of Investigations) and allocate the investigation to a lead investigator.

⁴ Discrepancies between figures submitted by PIRC and Police Scotland can arise from different categorisation requirements for each organisation's workload management.

For example, if an Authorised Firearms Officer discharges a taser in the course of their duties – one of a suite of options available to AFOs – Police Scotland will refer this as an Armed Policing incident. If the officer involved was a Specially Trained Officer, the referral would be counted as a 'STO – Taser' referral by Police Scotland.

For its part, the PIRC's interest in the same incident would be primarily concerned with the fact that a taser was discharged at all - but it would not make the distinction between the type of officer involved. PIRC would therefore always record this type of incident as a 'Taser' event.

If, however, firearms were also presented by AFOs at the same incident, PIRC would have an obligation to examine each element of the incident (i.e. both taser discharge and firearms) so would raise a second referral for 'Firearms Presented'.



Investigation Categories

To ensure adequate resourcing and prioritisation, all PIRC investigations are categorised using criteria detailed in the PIRC Operations Directorate Business Counting Rules.

Prioritisation is given to death and other high profile investigations. Each investigation is categorised either A+, A, B or C depending on the complexity or seriousness of the investigation.

Major Cases – Category A+

In exceptional circumstances, the Head of Investigations or the Head of Reviews and Policy (or their nominated representative) can request the Director of Operations or, in their absence, the Commissioner, to designate an investigation with major case status. This only applies to a very small number of complex or protracted investigations, including those where the timescales are being directed by another authority such as COPFS. In such cases it will be clear from the outset that the case is going to take a prolonged period to reach a conclusion, and there is no reasonable prospect of KPI timescales for the completion of the case being met.

An extended timescale will be provided for major cases with the Commissioner and Director of Operations given regular situational updates. The PIRC will also maintain contact with affected family members or next of kin and ensure that timeous progress updates are provided on the status of the investigation.

Category A

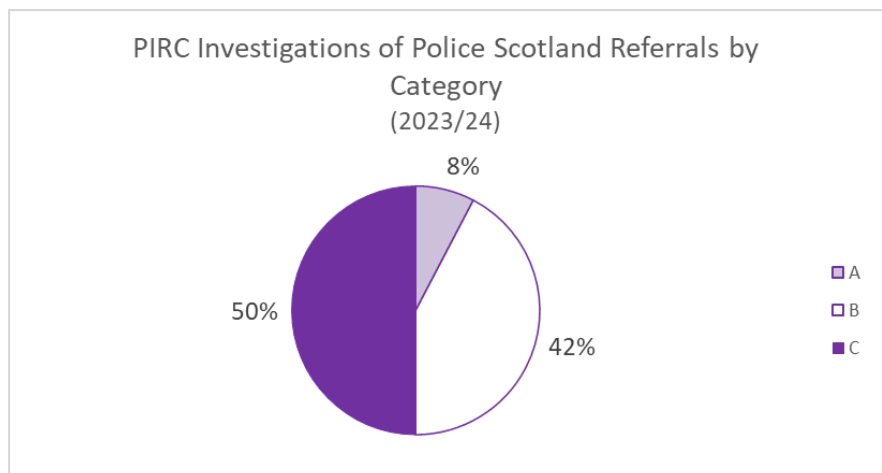
Investigations into deaths in police custody or following police contact; or a major investigation with complex lines of enquiry where the securing of evidence requires significant resource allocation over a protracted period or an investigation which generates high levels of public/political interest placing additional demands on the organisation in relation to completion times.

Category B

An investigation where the lines of enquiry are apparent from the outset but where the securing of evidence can only be achieved through prolonged investigation.

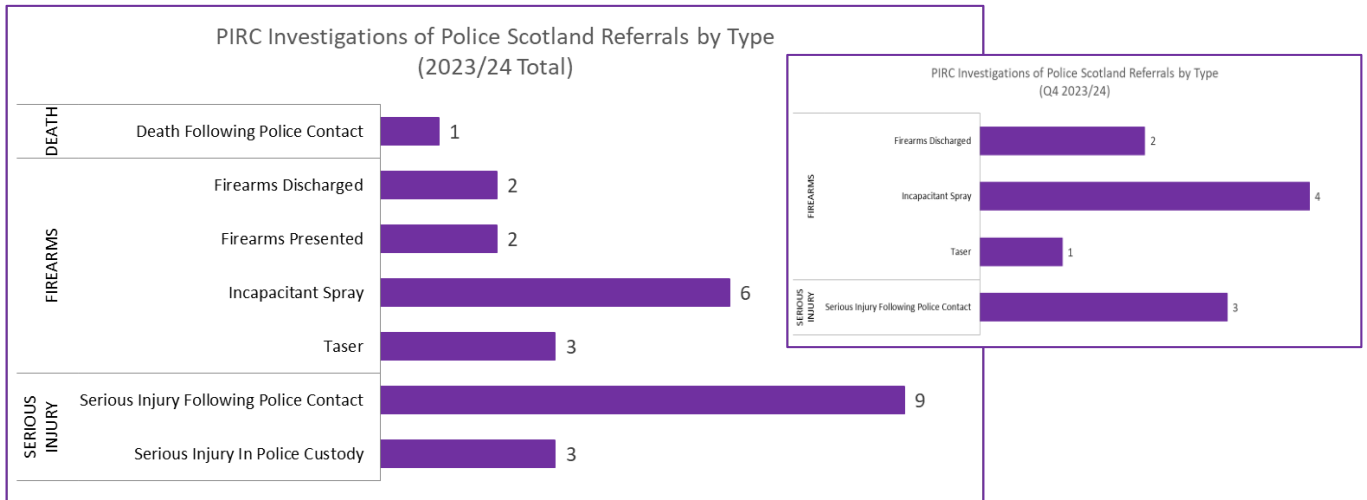
Category C

A routine investigation where the lines of enquiry are apparent from the outset and the gathering of all relevant evidence can be achieved without placing great demands on the investigations team.



12. PIRC Referral Log (2023/24)

Investigations by Type



13 & 11 PIRC Referral Log (2023/24)

PIRC has initiated ten investigations from Police Scotland referrals during Q4, bringing the total number of investigations initiated in 2023/24 to 26.

Two discharges of firearms took place in 2023/24, both of which took place in Q4 in ‘Q’ Division and involved Authorised Firearms Officers despatching XL Bully type dogs, where transfer of ownership had only recently taken place.

The taser discharge which took place in Q4 was in ‘P’ Division and involved multiple cycles of taser being discharged against a female subject.

Four referrals where incapacitant spray was used have progressed to investigation. All these involved persons under the age of 18. Two took place in ‘A’ Division and one each in ‘V’ and ‘E’ Divisions.

Key Performance Indicators

The following key performance indicators, (KPI’s) report on the PIRC’s performance on managing all investigations:

- 90% of all cases referred to the PIRC will be assessed and a decision provided of whether an investigation will proceed within 5 working days following receipt of background case papers police.
 - Q4 2023/24 - 99%
- 80% of Category A investigations (minus major cases) completed and reports submitted within 90 working days, following receipt of background case papers.
 - Q4 2023/24 – 100%
- 80% of Category B & C investigations (minus major cases) completed and reports submitted within 120 working days, following receipt of background case papers.
 - Q4 2023/24 – 90%⁵

⁵ Figures drawn from PIRC Investigations Quarterly Workload Report.



Recommendations Made

PIRC reports to Police Scotland may include findings and recommendations and are intended to assist organisational learning and development or to address any systemic issues discovered. **Police Scotland do not have a legal requirement to implement any recommendations**, however, in the main these are implemented.

To assist Professional Standards Department implement best practice, a PIRC Senior Investigator has been assigned responsibility for the progression of recommendations, through improved communication channels and scheduled meetings taking place to provide clarification and suggest implementation strategies, if required.

PIRC issued five recommendations in Q4 2023/24. All were thematic in nature:

PIRC Recommendation

Police Scotland review the guidance contained in Section 4 of the Domestic Abuse SOP which outlines roles and responsibilities including those of Supervisory Officers. In instances where Police Scotland officers attend a domestic incident outwith their sub-division or command area, the SOP is silent on oversight arrangements.

It does not specify whether management responsibility sits with attending officers own line managers or the duty supervisor with geographical responsibility for the location of the incident. It is recommended that the SOP is revised to provide clarity to ensure effective management overview.

Police Response

The Domestic Abuse SOP has been reviewed by the Domestic Abuse Coordination Unit and proposed amendments are in the process of being implemented. Relevant amended sections include:

Page 3 - Area Control room (ACR) Controller Notify relevant Divisional Supervisor (the sub-divisional Sergeant who has geographical responsibility for the location of the incident).

Page 5 - Supervisory officers The sub-divisional Sergeant who has geographical responsibility for the location incident will assume overall management for the policing response / investigation and provide support to those investigating the report. It is anticipated that these amendments may take up to 2 months for completion, a copy of the revised Domestic Abuse SOP will be shared once published.

PIRC Recommendation
It is recommended that Officers who have been issued with body worn cameras should activate them at the earliest opportunity when anticipating or faced with a confrontational situation.
Police Response
<i>On 7th March 2024, the learning from the report was circulated via a Powerpoint briefing slide to all officers in the North East Division. To reinforce the message an email was circulated to Community Policing Inspectors to encourage discussion with officers at local level.</i>
<i>In January 2024, updated Body Worn Video (BWV) guidance was circulated to all officers to improve the use and activation of BWV cameras across North East Division, in response to the recommendation within the [PIRC] report.</i>

PIRC Recommendation
Police Scotland Custody Division staff to be reminded of the criticality in accurately undertaking and recording the Prisoner Vulnerability Assessment for persons entering police custody. Any disclosures or signs of recent drug or alcohol consumption should be fully documented and, on all occasions, where appropriate an assessment undertaken by a Health Care Professional to ensure a custody care plan is implemented.
Police Response
<i>No response received as yet. Still within suggested response timescale.</i>

PIRC Recommendation
Police Scotland should consider the implementation of a programme for all newly appointed PCSO's to be afforded an opportunity to shadow an experienced PCSO to develop operational competence and effectiveness.
Police Response
<i>No response received yet. Still within suggested response timescale.</i>

Outstanding Recommendations

PIRC Recommendation
Police Scotland should review procedures and risk assessments for contacting suspects of non-recent sexual offences to ensure all officers are fully aware of policy and procedures. This must include a clear protocol for dealing with suspects who reside in a force area out with that of Police Scotland.
Recommendation issued 05/10/2023.
Police Response
<i>Interim response: Amendments to the relevant SOP agreed to address recommendation however still awaiting implementation through policy process. In addition, a guidance document is to be issued to all Police Scotland staff and suicide prevention guidance to be included in future Detective Training programmes.</i>

PIRC Recommendation

Considers including specific guidance on the deployment of Taser against children and vulnerable persons, including the elderly within its Standard Operating Procedure.

Recommendation issued 20/10/2023.

Recommendation Update

It has been established that relevant guidance is already in place. PIRC to review and re-issue reports, removing this recommendation.

PIRC Recommendation

Takes cognisance of any revised policy or practice arising from the ongoing reviews being undertaken by the NPCC and the CoP on the use of Taser on children

Recommendation issued 20/10/2023.

Recommendation Update

It has been established that relevant guidance is already in place. PIRC to review and re-issue reports, removing this recommendation.



Stakeholder Engagement

Post Incident Manager Continuous Professional Development (CPD).

PIRC staff continue to support a series of ongoing presentations to Local Policing Divisional management teams around the function and respective roles / responsibilities and the wider impact on PIRC investigations.

PIRC provided a presentation on the PIRC role at the National CPD day for Post Incident Procedures (PIP) at the Scottish Police College in March 2024.

SPC Training.

PIRC staff continue to support Police Scotland training across a variety of training courses at the SPC, including PSD Induction Training, as discussed in the Reviews section of this report.

PIRC Staff Continuous Professional Development.

As part of the ongoing CPD process PIRC staff development continues to benefit from training opportunities provided by Police Scotland. In addition to ongoing established specialist training, PIRC Investigators are being provided with Disclosure Training.

END OF REPORT