



pirc

Police Investigations &  
Review Commissioner

FACING THE FUTURE WITH CONFIDENCE

**ANNUAL REPORT**  
2015-16

# Police Investigations & Review Commissioner (2016)

ANNUAL REPORT FOR THE YEAR ENDED 31 MARCH 2016

This report is prepared in accordance with and meets reporting obligations under Part 2 of the Police, Public Order and Criminal Justice Act (Scotland) 2006 as amended by the Police and Fire Reform (Scotland) Act 2012.

It presents highlights of the achievements of the PIRC and statement of accounts for the 2015-16 financial year.

The report compares the organisation's performance against its targets.

The report (SG/2016/142) was laid before the Scottish Parliament in November 2016.

## OUR PURPOSE

Is to undertake independent investigations into serious incidents involving the police and to undertake independent examination of the way police handle complaints.

## OUR VISION

Is to secure and increase public confidence in policing in Scotland by supporting continuous improvement, promoting positive change and thereby driving up standards in policing bodies operating in Scotland.

## OUR REMIT

The Police, Public Order & Criminal Justice (Scotland) Act 2006, as amended by the Police and Fire Reform (Scotland) Act 2012, sets out the functions of the PIRC. Further provisions are made in the Police Investigations & Review Commissioner (Investigations Procedure, Serious Incidents and Specified Weapons) Regulations 2013 and the Police Service of Scotland (Senior Officers) (Conduct) Regulations 2013.



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To undertake investigations into serious incidents involving the police and to review the way they handle complaints from the public, with the aim of increasing public confidence in policing in Scotland.

## Objectives

1

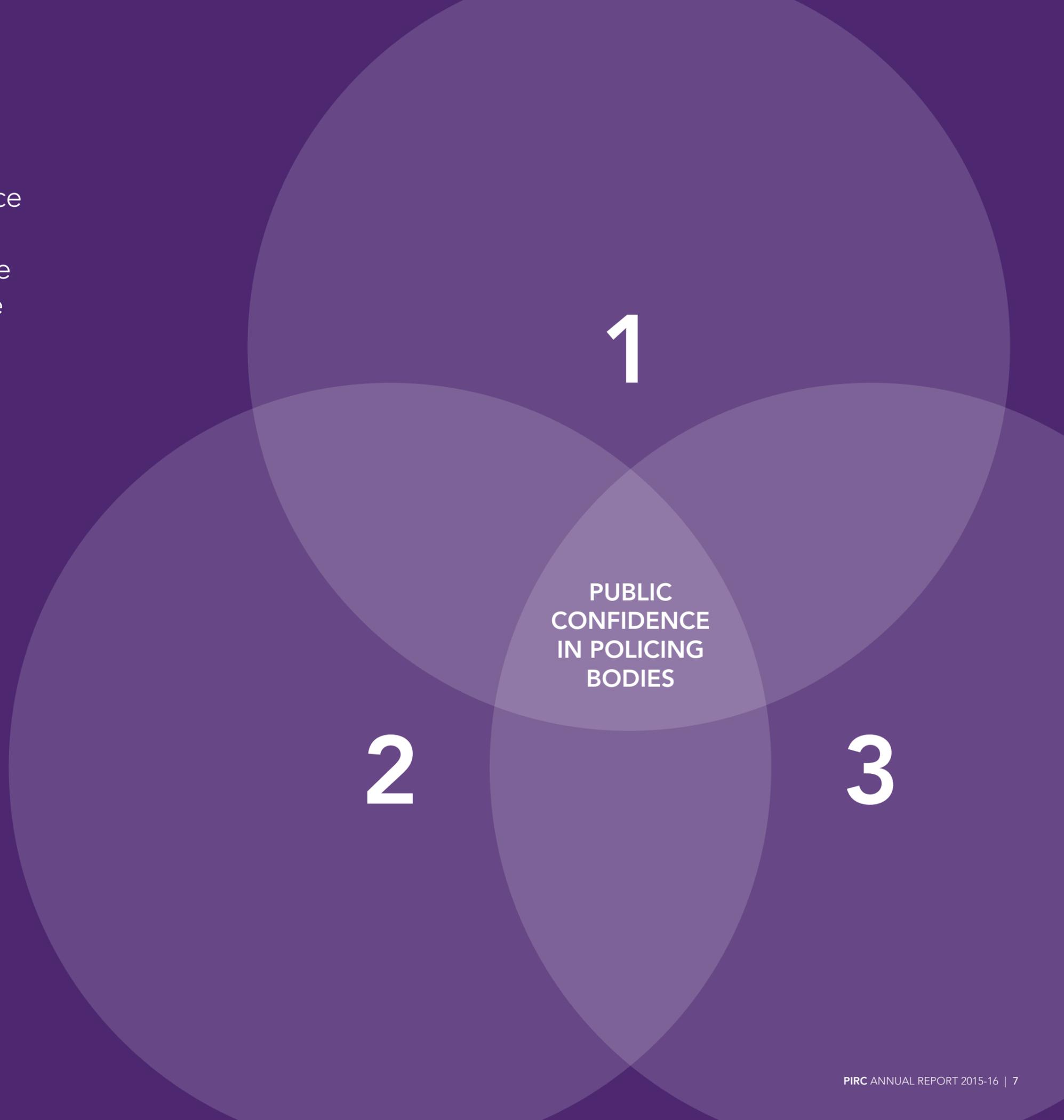
To undertake independent, thorough and timely investigations into serious incidents involving the police with the aim of improving police procedures and increasing public confidence in policing in Scotland.

2

To undertake independent examination of the way the police handle complaints with the aim of increasing public confidence in policing in Scotland, by making recommendations and ensuring the police have suitable complaints procedures.

3

To demonstrate a high level of governance and business effectiveness in accordance with best practice for Scottish Public Sector bodies.



## Facing the Future with confidence

This report relates to the final year of the 2013-2016 Strategic Plan and also marks the conclusion of the third year in operation of the Police Investigations & Review Commissioner (PIRC). This provides an opportunity to reflect on the significant progress made in those years as well as the continued commitment by me and my entire team to build on the strong foundations put in place since the PIRC was established in April 2013.

Over the past year, there has been a considerable increase in the proportion of investigation cases directed to me from the Crown Office and Procurator Fiscal Service. These cases by their nature are complex and challenging and demand a much higher level of independent scrutiny than those referred to the PIRC during the initial two years.

Notwithstanding the increased volume and complexities, along with the accelerated rate of referrals, these investigations have been undertaken thoroughly and professionally drawing on all our resources and established expertise.

Several of these cases attracted a high level of media coverage, which in turn heightened public awareness of the role of the PIRC in independently investigating incidents involving the police.

While the public spotlight was trained on the work of the Investigations Team last year, the Review Team worked tirelessly to streamline the process for reviewing the way policing bodies handle complaints made about them. As a consequence of installing improved processes, the PIRC now completes 93% of complaint handling review reports within three months of the necessary material being provided to the Review Team.

The work undertaken by the Investigations and Review Teams continued to be supported by our highly skilled and engaged Corporate Services Team who focused on transforming our increased administrative, communications and finance functions.

“In undertaking independent investigations into serious incidents involving the police and examining the way in which policing bodies in Scotland handle complaints, I recognise in this evolving and dynamic policing environment, it is important the PIRC does not stand still and adapts to meet the fresh challenges presenting.”

In undertaking independent investigations into serious incidents involving the police and examining the way in which policing bodies in Scotland handle complaints, I recognise in this evolving and dynamic policing environment, it is important the PIRC does not stand still and adapts to meet the fresh challenges presenting.

To increase the PIRC’s resilience and operational effectiveness, I commissioned a Structural Review this year. It identified a revised corporate structure, which I will implement in the forthcoming year.

Work is also currently underway to develop our new website, which will provide clearer information on my investigatory and complaint handling review functions. Additionally, it will increase public accessibility to our services.

The reports and recommendations produced by the Investigations and Review Teams will continue to constructively challenge and act as a catalyst to promote positive change within policing in Scotland, thereby increasing public confidence.

I intend to continue to build on the effective work undertaken in our first three years to ensure that there is continuous improvement in the service delivered to the people of Scotland by policing bodies operating here. I look forward with confidence to contributing to that outcome.



**Kate Frame,**  
Commissioner



## Who is the Commissioner and what is her role?

The post of Police Investigations & Review Commissioner (PIRC) is a Ministerial appointment which was established in April 2013.

The Commissioner has the following areas of responsibility:

- She investigates certain matters involving the police when directed to do so by the Crown Office and Procurator Fiscal Service (COPFS). This may include, for example, deaths in custody, serious injury following a road collision involving the police and offences committed by police officers. She may also investigate serious incidents involving the police at the request of the Chief Constable or the Scottish Police Authority. Requests for investigations from the Chief Constable may include the death or serious injury of a person following contact with the police or the use of firearms by police officers.
- She undertakes reviews of the way in which policing bodies operating in Scotland handle complaints made about them. She also ensures that the Scottish Police Authority and Chief Constable maintain suitable arrangements for the handling of complaints made to them.
- She may investigate allegations of misconduct by a senior police officer of the rank of ACC and above, if requested to do so by the Scottish Police Authority.
- She may investigate relevant police matters where she considers it would be in the public interest.

Following the conclusion of an investigation or review, the Commissioner may make recommendations to policing bodies as to how they can improve the manner in which they operate and deliver their services to the public in Scotland.

“I intend to continue to build on the effective work undertaken in our first three years to ensure that there is continuous improvement in the service delivered to the people of Scotland by policing bodies operating here. I look forward with confidence to contributing to that outcome.”



## Senior Management Team

The PIRC's Senior Management Team (SMT), which comprises the Commissioner, Director of Investigations, Director of Corporate Services and Head of Reviews, meet regularly to obtain briefings and updates from departmental heads on a range of matters.

**Kate Frame**  
COMMISSIONER



**John Mitchell**  
DIRECTOR OF  
INVESTIGATIONS



**Barry Mackay**  
DIRECTOR OF  
CORPORATE SERVICES



**Peter Innes**  
INTERIM HEAD  
OF REVIEWS

Our values guide, inspire and are reflected in all aspects of our work. The Commissioner is committed to ensuring all staff are guided by these values in carrying out their work.

## Our Values

### INTEGRITY

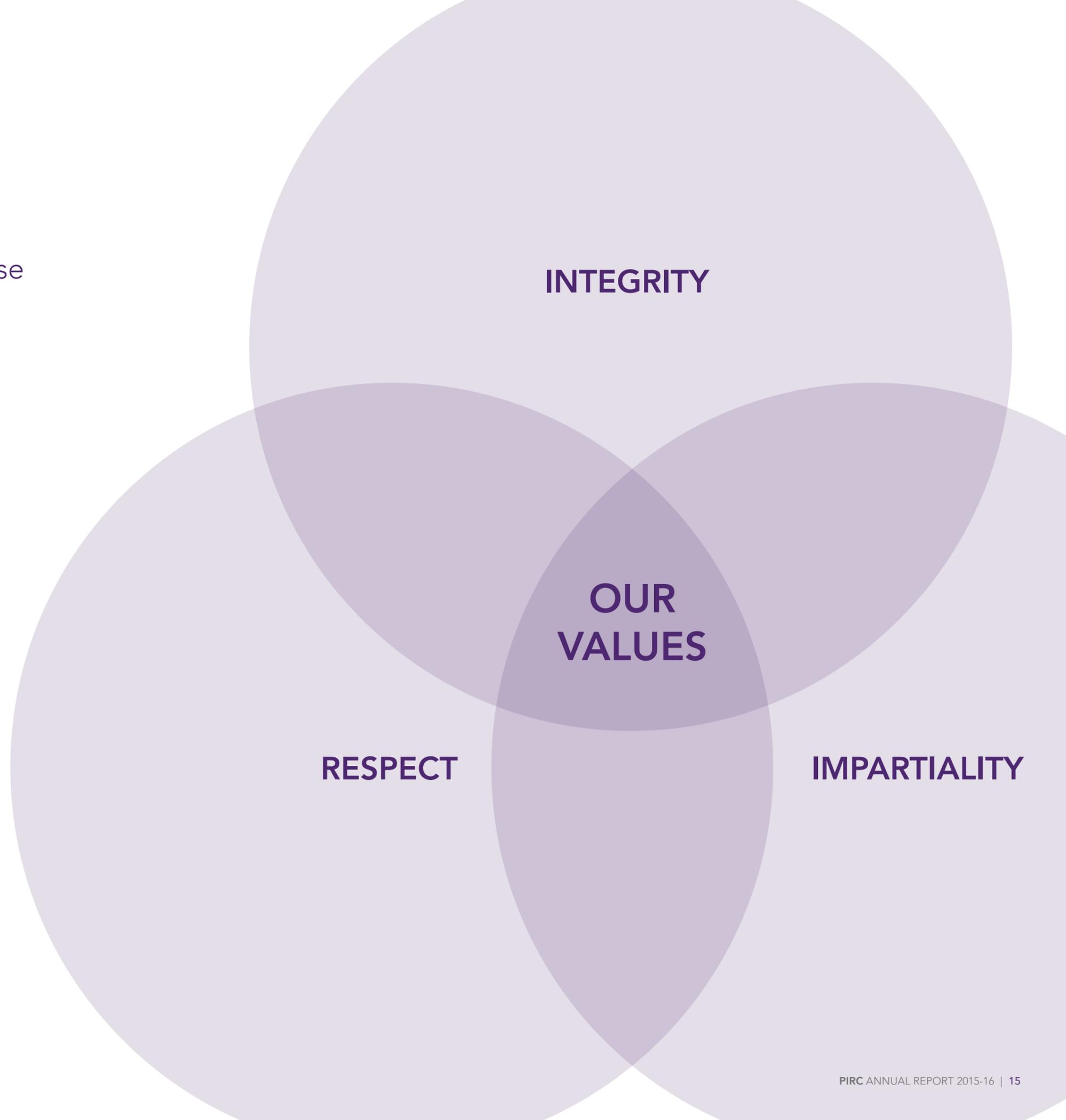
We will be trustworthy, honest, open and accountable for our actions.

### IMPARTIALITY

We will act fairly and independently, ensuring that our work is objective and reflects a rigorous analysis of the evidence. Our actions and decisions will be based on professional judgement and free from bias and discrimination.

### RESPECT

We will treat everyone with courtesy and dignity, openly demonstrating respect for diversity and equality, irrespective of an individual's background, beliefs, values, culture and needs.



## The work of the Investigating Team

The Commissioner conducts investigations regarding incidents involving persons "serving with the police". A person serving with the police means a Constable of the Police Service; a member of police staff; or a member of the Scottish Police Authority's (SPA) staff.

The Commissioner also has Memoranda of Understanding with other policing bodies operating in Scotland, such as the Civil Nuclear Constabulary, that allows for investigations to be conducted in respect of these policing bodies.

When conducting enquiries, the Commissioner's investigators have all the powers of a constable in Scotland. This means that they can administer cautions, arrest/detain, search and apply for warrants.

### Investigations directed by the Crown Office & Procurator Fiscal Service

The Commissioner must, if directed to do so by the Lord Advocate, investigate:

- Any circumstances in which there is an indication that a person serving with the police may have committed an offence.
- The circumstances of any death involving a person serving with the police which the Procurator Fiscal is required to investigate under the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976.

At the end of the investigation the Commissioner submits a report to the Lord Advocate who, along with Crown Counsel, will consider that report before deciding what action is appropriate.

That may include consideration of criminal proceedings or holding a Fatal Accident Inquiry. Reports of this nature are not published by the Commissioner.





### Investigations referred by policing bodies in Scotland

The Commissioner must investigate incidents referred by Police Scotland and the SPA where the incident relates to:

- The death of a person who, at or before the time of death, had direct or indirect contact with the police who were acting in the execution of their duties and there is an indication that the contact may have been caused (directly or indirectly) or contributed to, the death or serious injury.

The Commissioner may investigate incidents referred by Police Scotland and the SPA where the incident relates to:

- The serious injury of a person who, at or before the time of the serious injury, had direct or indirect contact with the police who were acting in the execution of their duties and there is an indication that the contact may have caused (directly or indirectly), or contributed to, the serious injury.
- The use by police of a firearm (which includes the discharge of a Taser or CS/Pava spray).

If the Commissioner decides to investigate in any of these instances, she will compile and submit a report to Police Scotland or the SPA and may publish the report if she considers it appropriate to do so.

Based on what her investigation has uncovered, the Commissioner may make recommendations to the policing body for changes.

These recommendations often relate to policies and procedures which have been found to be lacking in some way or where they are in place, it is considered that they are not being followed by police officers.

The aim of these recommendations is to work with policing bodies to promote best practice, and in turn improve the service provided to the public.

### Investigations referred by SPA

The Commissioner may also receive referrals from the SPA relating to:

- Complaints against senior officers (officers of Assistant Chief Constable rank and above) where the SPA assesses that if proven, the complaint would amount to misconduct or gross misconduct.

The Commissioner must, on receipt of such a referral, assess whether in her view the complaint, if proven, would amount to misconduct, gross misconduct or neither.

If she assesses that the matter would, if proved, constitute misconduct the Commissioner may conduct an investigation into the circumstances. If, following assessment, she considers that the complaint would, if proved, amount to gross misconduct she must conduct an investigation.

If the Commissioner assesses that the allegation would constitute neither misconduct nor gross misconduct, she must refer the matter back to the SPA.

In circumstances where the Commissioner has conducted an investigation she must report her findings to the SPA, offering an opinion on whether the matter should be referred to a misconduct hearing. The Commissioner will not publish the report on this type of investigation.

The Commissioner may investigate relevant matters where she considers it would be in the public interest to do so. However, the Commissioner cannot investigate a matter in the public interest if she is investigating this matter, or has investigated this matter, under any of the circumstances listed above, or if another person has investigated the matter under section 1 of the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976.

## The work of the Review Team

The Review Team is responsible for examining the way policing bodies handle complaints made about them. This is known as a “Complaint Handling Review” (CHR).

If a member of the public has made a complaint about any of the policing bodies operating in Scotland and is dissatisfied with the way the complaint was handled, they may apply to the PIRC for a complaint handling review (CHR).

Additionally, the Commissioner may also carry out a review at the request of the police.

The team cannot conduct CHRs made by persons serving or who have served with the police, regarding terms and conditions of their service. Furthermore, complaints that contain criminal allegations against police officers or police staff must be directed either to the police or to the Crown Office and Procurator Fiscal Service.

Before the Review Team can consider any request for a CHR, the police must first be given the opportunity to consider and respond to the complaint.

When conducting a review, the team determines whether or not the complaint was handled to a reasonable standard by the police.

A number of key principles are taken into account when considering this, such as whether the police response to the complaint has been adequately reasoned and supported by the evidence provided, and whether the police have adhered to the appropriate procedures and legal provisions.

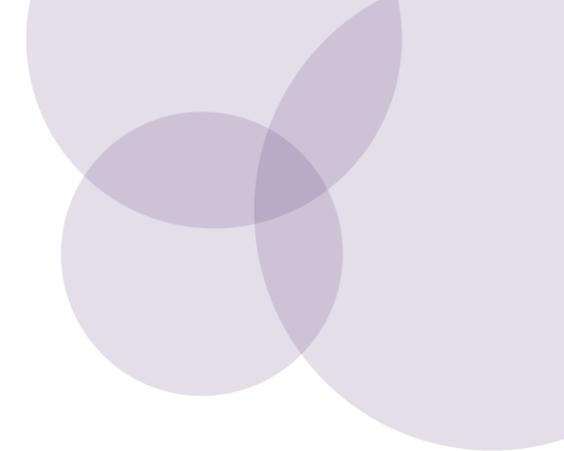
Upon concluding a CHR, the Review Team issues a report of findings which is published on our website whenever possible. The report may direct the police to reconsider the complaint; contain recommendations designed to improve the handling of the complaint; and/or identify learning points. The PIRC also issues policing bodies with general guidance on how best to handle complaints made about them.



“When conducting a review, the team determines whether or not the complaint was handled to a reasonable standard by the police.”



INDEPENDENT  
AND EFFECTIVE  
INVESTIGATIONS  
AND REVIEWS



## Corporate Objectives

The PIRC annual business plan and performance measures are based on the corporate objectives and priorities set out in the Corporate Plan for 2013-16. Our annual targets illustrate our progress towards achieving those key goals.

This has been done by maximising the organisation's resources to ensure the best management of public funds.

## 1. Corporate Objectives: Investigations

To undertake independent, thorough and timely investigations into incidents involving the police with the aim of improving police procedures and increasing public confidence in policing in Scotland.

### INDEPENDENT AND THOROUGH INVESTIGATION REPORTS

In the year 2015-16, a total of 21 investigations were undertaken at the direction of the Crown and Procurator Fiscal Service (COPFS). This included 2 into deaths in police custody and 12 into deaths following police contact.

The Commissioner also received a total of 278 referrals from Police Scotland, other policing bodies and the Scottish Police Authority (SPA). Following assessment, the Commissioner investigated 8 of these incidents. These ranged from an investigation into the circumstances of a road crash in which two people suffered serious injuries to the discharge of conventional firearms using vehicle tyre deflation rounds.

Feedback from the COPFS and Police Scotland in relation to how these investigations have been undertaken has been positive.

A total of 31 reports were either published or submitted to the COPFS or SPA during 2015-16.

### INCREASING AWARENESS

PIRC staff participated in numerous events with Police Scotland to provide police officers with greater clarity and understanding of the role of the PIRC during investigations.

Online briefings and information leaflets were also widely distributed to police premises throughout Scotland to continue to increase awareness of the role and responsibilities of the Commissioner.

In addition, there have been regular meetings between the Commissioner and the Cabinet Secretary for Justice, the Lord Advocate, the Crown Agent, the Chief Constable of Police Scotland, the Chair of The Scottish Police Authority and Her Majesty's Inspectorate of Constabulary to discuss emerging matters.

The PIRC also works closely with a range of other important stakeholders such as British Transport Police, the Ministry of Defence, the Civil Nuclear Constabulary, the NHS and Scottish Ambulance Service, to promote increased awareness and engagement.

## 2. Corporate Objectives: Reviews

To undertake independent examination of the way the police handle complaints with the aim of increasing public confidence in policing in Scotland, by making recommendations and ensuring the police have suitable complaints procedures.

### INDEPENDENT AND THOROUGH COMPLAINT HANDLING REVIEWS

The Review Team, which has a range of legal expertise, carefully considers and reviews how policing bodies handle relevant complaints made about them.

In 2015-16, the Review Team saw an increase in the number of complaint handling review (CHR) applications received from 281 in the year 2014-15 to 310 in 2015-16. Following assessment, the team accepted 248 of the applications received.

A total of 230 cases were concluded and the average time taken to close cases significantly reduced from 4.7 months in 2014-15 to 2.6 months in 2015-16. The team finalised 93% of these cases within three months, exceeding the ambitious performance target of 90% set by the Commissioner for 2015-16.

Alterations to Police Scotland's complaints system, prompted by the PIRC, saw the number of complaints dealt with to a reasonable standard rise to 48% from 41% in 2014-15, while those that were not dealt with to a reasonable standard dropped to 50% from 54% in 2014-15.

An important feature of the work carried out by the Commissioner in reviewing the way policing bodies handle complaints is that both good and poor practice is highlighted to the police with a view to driving up standards and to encouraging best practice within policing bodies. The findings of a CHR are communicated to both the police and complainers. The Commissioner also distributes a regular bulletin to police organisations which summarises key findings in relation to reviews. It is also published on the PIRC's website.



### RECOMMENDATIONS IMPLEMENTED

The Commissioner made a total of 370 recommendations arising from complaint handling reviews (CHR) to Police Scotland in 2015-16 of which 94% were implemented. Work is ongoing to ensure that recommendations which remain outstanding are implemented.

Recommendations made to policing bodies following CHRs included recommending that the police provide the complainer with a fuller or further response. This arises where the initial police response was not supported by the evidence or there was no proper reason why certain conclusions were reached.

Other recommendations made to policing bodies included recommending that the police undertake further investigations, make improvements to record keeping, respond to complaints and review policies or procedures.

### AUDITING

As part of her responsibilities, the Commissioner has a legal duty, to secure and maintain the arrangements made by Police Scotland for the handling of relevant complaints

The Commissioner previously identified that police officers did not always capture an accurate summary of complaints made to them and in December 2014, she undertook an audit which revealed that just 41% of files contained an accurate summary of complaints.

The following month, Police Scotland agreed to roll-out a new system which encourages greater clarity in recording and agreeing the scope of the complaint, with the complainer.

In December 2015, the Commissioner undertook a follow-up audit to assess the impact of the new processes. It indicated a significant improvement across the country with 80% of complaint cases being captured correctly.

However, the audit also found that there remained room for improvement and a further audit will take place during 2016/17.

### 3. Corporate Objectives: Corporate Services

To demonstrate a high level of governance and business effectiveness in accordance with best practice for Scottish Public Sector bodies.

This year our administration team handled 619 enquiries from members of the public. In relation to Freedom of Information (FOISA) requests the organisation saw a decrease in the number of FOI requests from 77 in 2013-14 to 68 this year, with 99.2% of those requests being met within the recommended timescale of 20 working days. Meanwhile, the number of Data Protection (DPA) requests increased from 27 to 34, with 100% of those requests complying with the 40 day response timescale.

The PIRC also experienced a decrease in the number of complaints made against the organisation from 31 in 2014-15 to 28 this year.

#### INCREASED GOVERNANCE AND ACCOUNTABILITY

The PIRC follows the guidance to public bodies in Scotland issued by Scottish Ministers, and contained in the Scottish Public Finance Manual, and the Governance and Accountability Framework Document agreed with the Scottish Government.

The PIRC's Senior Management Team (SMT), which comprises the Commissioner, Director of Investigations, Director of Corporate Services and Head of Reviews, meet regularly to obtain briefings and updates from departmental heads on a range of matters including progress on performance objectives and reviewing the PIRC's risk register. It also agrees on the strategic direction of the organisation.

The PIRC Audit and Accountability Committee (Audit Committee) met quarterly throughout the year. It provides independent oversight and scrutiny of our finances, risk management and governance. The Committee also approves the appointment of internal auditors and reviews the PIRC's annual accounts and internal audit reports.

In 2015-16 our internal auditors conducted audits of five areas of governance relating to the PIRC's business:

- Travel and Subsistence
- Follow Up on previous audit recommendations
- Creditor Payments including the use of Government Procurement Cards (GPC)
- Flexi Time Procedure
- Data Published

In 2015-16 the auditors provided some medium and low recommendations which were accepted by management but did not identify any high recommendations. The auditors found that all audit recommendations made in 2014-15 had been implemented and added that the PIRC has progressively demonstrated improvements in overall governance, year on year, since 2012-13.

In addition to these independent audits, the PIRC carried out 49 internal audits covering Finance & Review Client Records.

We again met our 95% target of making payments to suppliers within 10 days.

#### INCREASING VALUE FOR MONEY

It has been challenging to identify increased value for money whilst maintaining the rigorous standards expected in the face of an increased demand on the organisation's services. Notwithstanding, in 2015-16, we delivered efficiency savings of £33,120 which exceeded our 1% target.

The PIRC remains committed to identifying improvements and efficiencies where possible and making best use of resources by working closely with other organisations to take advantage of shared services such as procurement, payroll and pensions. This year we delivered an average of 23 shared service initiatives against the target of 21 detailed in our business plan.

#### INCREASED AWARENESS AMONGST THE PUBLIC

This year public awareness of our work has increased significantly in the local and national media due to a number of high profile investigations being referred to the PIRC. This has been supported by a rolling programme of press releases and updates on the PIRC's website. The Communications team also continued to build strong relationships within the media to inform them of the PIRC's role and responsibilities.

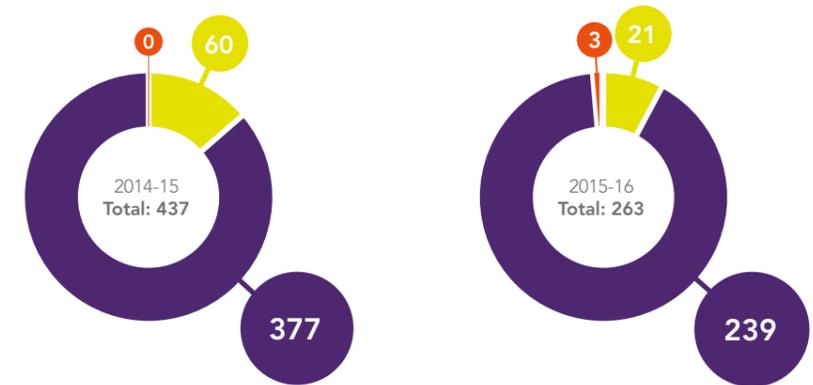
To increase accessibility, we are currently developing a new mobile phone friendly website which will allow complaint handling reviews and job applications to be completed and registered online.

# Key Statistics 2015-16



## Independent Assessments

### 1. Firearms assessments referred by Policing Bodies:



#### Assessment Type of Firearm

- Conventional
- CS/Pava
- Taser/other

\*NOTE: the large number of assessments in 2014-15 is historical due to the under-reporting of 117 CS spray incidents, which related to 2013-14.

### 2. Other assessments referred by Policing Bodies:



# Independent Investigations

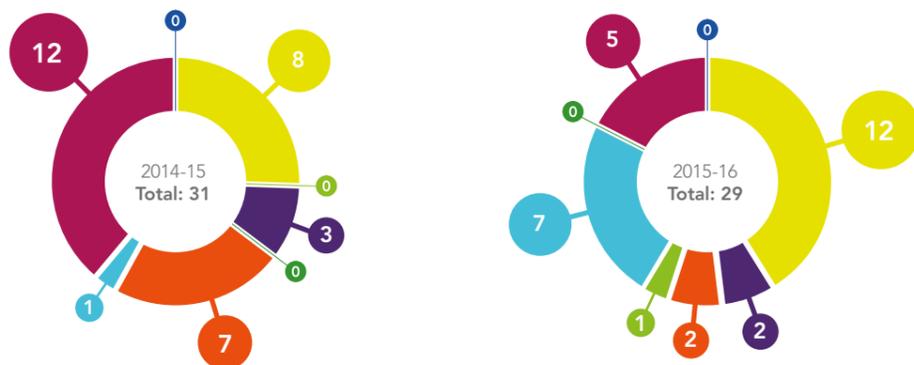
## 3. Investigations by Referring body:



### Referring Body

- Crown Office and Procurator Fiscal Service (COPFS)
- Police Scotland
- Scottish Police Authority (SPA)
- Other policing bodies
- Public interest

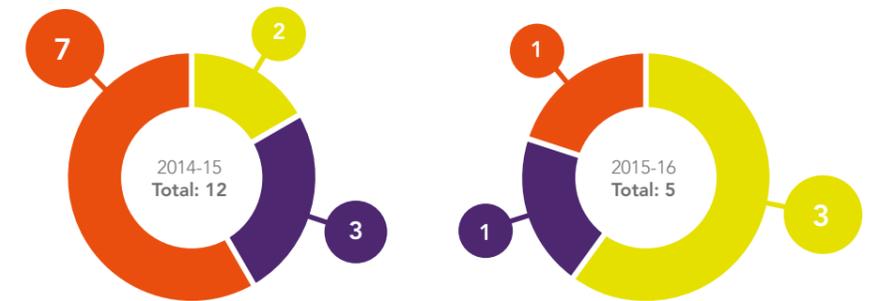
## 4. Investigations by Type:



### Category

- Death following police contact
- Death in police custody
- Serious injury following police contact
- Misconduct by a senior police officer
- Criminal investigation
- Firearms related
- Public interest enquiry
- Road traffic collision (fatal)

## 5. Firearms Investigations by Type of Firearm:



### Type of Firearm

- Conventional
- CS/Pava spray
- Taser

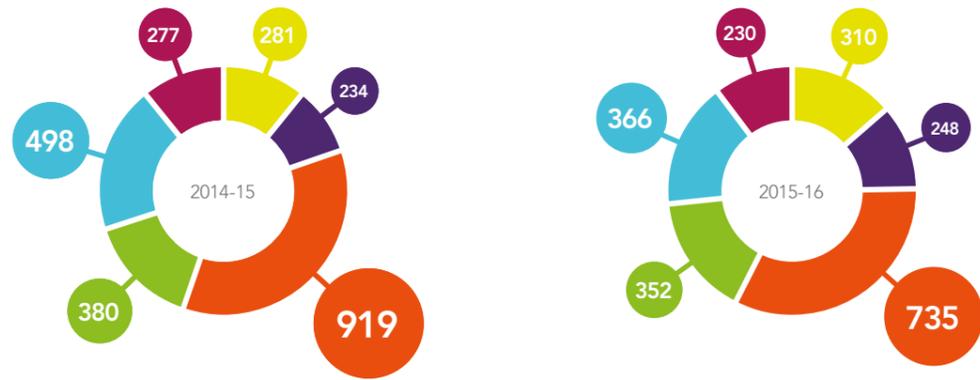
## 6. Reports published or submitted to the Crown Office and Procurator Fiscal Service (COPFS) or the Scottish Police Authority (SPA):



### Reports

- Published
- Submitted to COPFS
- Submitted to SPA
- Ongoing

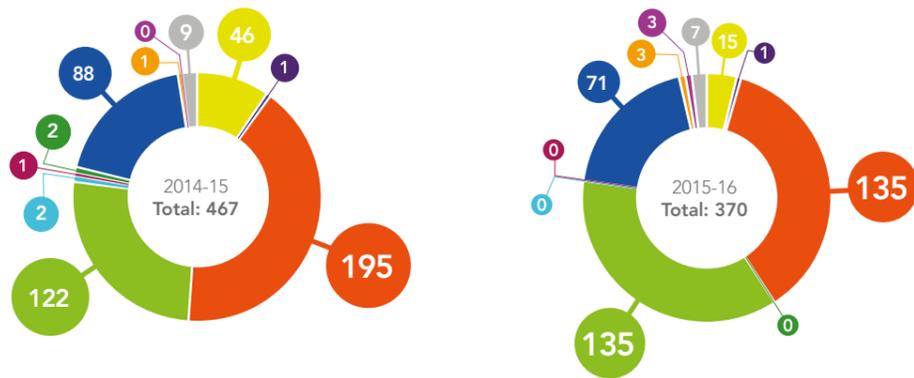
# Independent Complaint Handling Reviews



### Reviews

- New applications received
- Applications accepted
- Total number of Heads of complaint
- Heads of complaint dealt with to a reasonable standard by police
- Heads of complaint not dealt with to a reasonable standard by police
- Cases concluded

### Complaint Handling Review



### Recommendation to police body

- Apologise
- Change SOP/Policy/Procedure
- Provide fuller/further response
- Undertake further investigation
- Improve record keeping
- Now record as a complaint
- Reclassify complaint
- Record and/or respond to complaint
- Reconsider
- Review SOP/policy/procedure
- Other

# Corporate Services

FOI Requests	DPA Requests	Complaints against PIRC	Efficiency savings	Enquiries total
2014-15	2014-15	2014-15	2014-15	2014-15
77	27	31	£31,637	745
2015-16	2015-16	2015-16	2015-16	2015-16
68	34	28	£33,120	619

# Summarised Accounts 2015-16

This report contains a selection of our data reported correctly at the year ending.

To view our summarised accounts across 2015-16 you can download it by visiting: [www.pirc.scotland.gov.uk](http://www.pirc.scotland.gov.uk)

# Staff Profiles

## Lynn McCord



**Job Title:** Review Officer  
**Joined:** January 2013

I joined the then Police Complaints Commissioner for Scotland (PCCS) in January 2013 as an Admin Officer during a period of increased recruitment in preparation for the transition to the PIRC.

Working with the PIRC has allowed me to build on my previous experience within the criminal justice environment, allowing me to continue learning and developing my skills.

As an Admin Officer I was involved in a number of interesting and challenging projects and was delighted to be given the opportunity to contribute to a working group which considered the journey of a complaint from first contact with an applicant, to the conclusion of a complaint handling review report. This fuelled my interest in dealing with complaints to a high standard. With the support and guidance from staff within the Review Team, I have now taken on the temporary role of Review Officer. In this post, I prepare reports which consider how the police have handled complaints made against them and provide recommendations where appropriate, so that the police can improve how they handle these matters.

With the support of the PIRC's staff development programme I am also currently training as a FOISA and DPA Practitioner. This allows me to support the role of the organisation's Information Officer, by responding appropriately to information requests.

The work that I undertake is both challenging and rewarding and I enjoy working for the PIRC because of the culture it fosters in getting the best out of its people.

**"The work that I undertake is both challenging and rewarding and I enjoy working for the PIRC because of the culture it fosters in getting the best out of its people."**

## Laura Duguid



**Job Title:** Finance Manager  
**Joined:** March 2013

Before joining the PIRC I worked as a finance manager for one of the largest hospitality groups in Scotland.

This equipped me with considerable expertise and experience in managing significant financial budgets and I have been able to apply my skills as the PIRC's financial responsibility has continued to expand.

In my three years working for the PIRC, I have had the privilege of watching the organisation change and grow dramatically. Being a part of that change has been both challenging and exciting.

In my role as Finance Officer I look after the PIRC's budget and report performance against this budget on a monthly basis. Monitoring the different types of expenditure has changed dramatically due to the ever changing landscape, not to mention staff numbers having more than doubled in my time here.

It has been exciting to be involved in the PIRC's work during the last three years and I look forward to being a part of the team to take us into the future.

**"In my three years working for the PIRC, I have had the privilege of watching the organisation change and grow dramatically. Being a part of that change has been both challenging and exciting."**

## Alistair Lewis



**Job Title:** Investigator  
**Joined:** March 2013

As part of the PIRC's Investigation Team, I work with a broad mix of staff from a wide range of backgrounds, who hold a variety of specialisms and skills and are responsible for impartial investigations throughout Scotland.

I developed my skills in Family Liaison Support, Road Crash Investigations and Scene Management whilst working with Strathclyde Police. Since joining the PIRC, I have had the opportunity to take part in training courses which has allowed me to add to those skills. In March 2016, I completed nationally recognised training as a Family Liaison Coordinator, allowing me to provide valuable support to families when a death occurs.

Naturally, it is a traumatic time for relatives when a family member suddenly dies and my role is to explain the role of the PIRC when investigating such cases and provide them with regular updates where necessary. We are also on hand to provide support and advice where appropriate.

I enjoy the range and challenge of my work, whilst working alongside highly dedicated and committed colleagues who demonstrate their professionalism in often difficult circumstances.

I am pleased to be working for an organisation which values and recognises the important work, which we as the Investigations Team, undertake.

**"I enjoy the range and challenge of my work, whilst working alongside highly dedicated and committed colleagues who demonstrate their professionalism in often difficult circumstances."**

## Lorraine Patrick



**Job Title:** Trainee Investigator  
**Joined:** February 2012

The organisation's trainee programme provides a unique opportunity to learn and develop a wide skill base utilising the breadth of knowledge within the PIRC.

Having worked as the Quality and Standards Officer within the then Police Complaints Commissioner for Scotland (PCCS), I had built up a good knowledge of the eight legacy police forces and the general workings of the police complaints system. When the PIRC was established in April 2013, I was able to use this knowledge in my role as a Review Officer, whilst I completed a certificate in Complaint Handling.

In January 2015 I joined the Investigations Team as a Trainee Investigator and went on to complete two university modules in Forensics and Criminal Law and Procedure whilst also being supported and encouraged by my colleagues who have been keen to share their wide range of knowledge with me.

The different opportunities that I have enjoyed since joining the PIRC have equipped me with a wide range of skills and I look forward to developing further within the Investigations Team as I gain experience in all aspects of the organisation's investigative work.

**"The organisation's trainee programme provides a unique opportunity to learn and develop a wide skill base utilising the breadth of knowledge within the PIRC."**

# Glossary

## The "ACT"

The Police, Public Order and Criminal Justice (Scotland) Act 2006, as amended by the Police and Fire Reform (Scotland) Act 2012.

## Complainer

Any member of the public who is:

- the person in relation to whom the alleged failing occurred;
- any other person who claims to be adversely affected by the alleged failing;
- any person who claims to have witnessed the alleged failing;

or

- any person acting on behalf of those listed above.

## Complaint

A complaint about the police is defined as a statement (whether oral, written or electronic) expressing dissatisfaction about an act or omission by policing bodies or by a person who, at the time of the act or omission, was a person serving with the police.

## Heads of Complaint

Complaints identified by the PIRC and confirmed with the complainer following assessment of the application form and case papers.

## Handled to a Reasonable Standard

Where, following a Complaint Handling Review, the Commissioner has come to the view that a specific head of complaint has been handled to a reasonable standard by the police.

## Not Handled to a Reasonable Standard

Where, following a Complaint Handling Review, the Commissioner has come to the view that a specific head of complaint has not been handled to a reasonable standard by the police.

## Complaint Handling Review

An examination of the way in which a police body handled a relevant complaint. The report following the review includes the background to the case, the Commissioner's decision as to whether the complaint was handled to a reasonable standard, along with any recommendations or learning points identified during the review.

## Investigations

The Commissioner may undertake investigations in the following circumstances:

1. Allegations of a criminal nature (as directed by the Crown Office and Procurator Fiscal Service).
2. Death in police custody (under direction of the Crown Office and Procurator Fiscal Service).
3. Death following police contact (at the request of the Chief Constable or the Scottish Police Authority).
4. Police use of Firearms and other weapons as specified in Regulations (at the request of the Chief Constable or Scottish Police Authority).
5. Serious injury in police custody or following police contact (at the request of the Chief Constable or the Scottish Police Authority).
6. Complaints made against senior officers (at the request of the Scottish Police Authority).
7. Relevant police matters where the Commissioner considers it would be in the public interest to do so.

## Policing Bodies Operating in Scotland

- Police Scotland
- The Scottish Police Authority
- British Transport Police
- British Transport Police Authority
- The National Crime Agency
- Civil Nuclear Constabulary
- Civil Nuclear Police Authority
- Ministry of Defence Police
- The Home Office
- HM Revenue & Customs

In addition, the Commissioner may review complaints from the public and undertake investigations of any serious incidents involving an immigration officer, general customs officials, customs revenue official or other relevant individual acting in the exercise of specified enforcement functions in Scotland.

## Auditing

The PIRC also has responsibility to ensure that The Scottish Police Authority and Chief Constable maintain suitable arrangements for handling relevant complaints.

The PIRC expects auditable records to be kept in respect of all complaints made to any and all of the policing bodies accountable to the PIRC. These should consist of recorded accounts of all enquiries undertaken and all significant steps taken during the complaints process. All evidence obtained or created as part of the enquiry must be retained on file.

Record keeping is an integral part of the complaint handling process, whether through local complaint handling or specialist complaint investigation. A comprehensive record benefits the complainer, the policing body and the public. It allows the complainer to be fully informed as to the handling of the complaint; it protects the policing body against claims of poor complaint handling, and it makes for a transparent complaint handling system that is open to scrutiny.



## Police Investigations & Review Commissioner

The Police Investigations & Review  
Commissioner (2016)

This report presents highlights of the  
achievements of the PIRC and statement  
of accounts for the 2015-16 financial year

It compares the PIRC's performance against its  
targets and meets reporting obligations under  
Part 2 of the Police, Public order and Criminal  
Justice (Scotland) Act 2006, as amended.  
The report **(SG/2016/142)** was laid before  
the Scottish Parliament in November 2016

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