

LEARNING POINT

ISSUE NO 14 MARCH 2019

pirc

Police Investigations &
Review Commissioner



Information is Power

How talking to those who report incidents may save lives

All eyes on CCTV

Exploring the role of CCTV in handling public complaints



Contents

3

Investigations

Information is power: How talking to those who report incidents may save lives

5

Reviews

All eyes on CCTV: Exploring the role of CCTV in handling public complaints

8

Get connected

Find out more about the work we do at pirc.scot

8

Your views

Tell us what you think of this issue and what you'd like to see in future



WELCOME

Welcome to Issue 14 of our best practice publication, *Learning Point* – the first edition in a brand new format. Our biannual publication now incorporates some of the learning and outcomes from the work of our Investigation Team as well as our Review Team.

In this issue, we look at the challenges faced by officers when information about reported incidents is not fully explored and understood. Drawing on examples from our investigations, we look at how police enquiries may have produced different – potentially lifesaving – results had officers spoken directly to those who reported incidents.

In the work of our Review team, we look at some of the issues relating to the seizure and analysis of CCTV footage. We explore some of the problems that we have identified and offer some suggestions on how to avoid unnecessary additional work in the handling of complaints.

We hope that you find this new format easy to navigate and digest. We anticipate that the magazine will evolve over the coming year and we're keen to receive your feedback on the new format and content. To provide your thoughts on any other areas that you'd like covered in this publication in future, please contact our team at communications@pirc.gov.scot. Alternatively you can complete our survey at www.surveymonkey.co.uk/r/LearningPoint14.

Kate Frame
Commissioner



Investigations: Information is power



Recently, a number of issues have arisen in cases where police officers attending incidents have concluded the matter without contacting, or considering contacting, the person who initially reported the incident.

Where there is a named reporter, officers who go to the call should contact that person in order to clarify the information provided, unless that person has said that they do not wish to be contacted by the police. This would allow officers to more effectively assess and investigate matters and avoid the potential for important details to be overlooked.

In a recent example, a member of the public called Police Scotland to report concerns for a neighbour's wellbeing. When officers went to the neighbour's house to check on him, there was no response at the front door and the incident was closed without the householder being traced. If officers had spoken to the caller who reported their concerns, they would have gleaned additional information which would have allowed them to make a more informed decision on the need to take further steps to ensure the man's welfare. The man was later found in his back garden with serious injuries.

In another example, a neighbour reported a disturbance in a flat above his home. However, officers sent to the call were told that the disturbance was in the street and other relevant information was not passed on to them by the Area Control Room (ACR).

On finding no disturbance in the street, officers informed the ACR that there was no trace of a disturbance and the incident was closed without any additional enquiries being made or the caller being contacted. No one checked the information provided by the caller against what the officers found. Had the information been checked or the caller contacted he would have been able to inform officers that the disturbance was in a flat above his home rather than out in the street. Officers would then have been able to ascertain whether all was in order. A man was later found dead in the flat where the disturbance was reported.



Where there is a named reporter, officers who go to the call should make contact with that person in order to clarify the information provided.

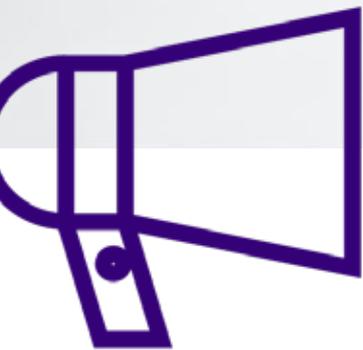
REMEMBER, ALWAYS:

- Take the time to clarify information directly with the people that report incidents. If that is not possible, double-check the information given to the Area Control Room
- Be aware of your duty under [section 20 of the Police & Fire Reform \(Scotland\) Act 2012](#): to protect life and property





Photo: Ehimetalor Unuabona



In a third example, officers were sent to a report of a disturbance at a house. On arrival, they could not

hear any disturbance and received no reply at the door. However, they did not check with ACR staff what information had been provided by the caller. Had they done so they would have learned that the caller had heard someone in the flat shouting concerning threats. Equally, if they had personally taken that information from the caller themselves, it should have caused the officers to consider the necessity of forcing entry to the house to check on the occupant's wellbeing.

Much later, a Sergeant reappraised the incident and instructed officers to force entry to the house where they then found a man dead.

THINK ABOUT IT

Section 20 of the Police and Fire Reform (Scotland) Act 2012 states that one of the duties of a Constable is to protect life.



In incidents like this, where the safety of a member of the public is in doubt, it is crucial that officers take the time to contact the ACR to double check the details of the call and, where possible, speak directly to the person who reports the incident in order to clarify the information given.

Where there is any doubt about the safety of the person concerned and having thoroughly assessed the circumstances, officers should consider forcing entry to premises without warrant to ensure the person's welfare.

Find out more about our investigations outcomes at pirc.scot





Photo: Ethan Sexton

Reviews: All eyes on CCTV

In recent years there has been a rapid expansion of public and private CCTV systems. This means that when complaints arise following police interaction with members of the public, events are likely to be captured on local CCTV systems.

Similarly, most areas within custody suites, including the charge bar and cell areas, are covered by internal police CCTV systems. Therefore, an increasing number of complaint enquiries rely upon the complaint enquiry officer viewing, seizing, and analysing CCTV footage to help reach a final determination on whether or not to uphold a complaint.

The significance of available CCTV footage in complaint enquiries cannot be underestimated. Whilst eye-witness testimony may be affected by issues of credibility and reliability, CCTV recordings can often provide conclusive and unambiguous evidence that is capable of determining the outcome of a complaint enquiry. In many instances, it can provide crucial exculpatory evidence and lead to officers being cleared of any wrongdoing.

During 2017/2018, almost a third of all complaint handling reviews that we carried out contained references to CCTV footage (59 out of 188). Notably, in almost half of those cases (29 out of 59), we highlighted issues related to CCTV footage and identified two key trends. Firstly, the regularity with which CCTV footage is not secured in a timely fashion, causing any evidence captured to be lost. Secondly, the regularity with which the summary of the CCTV footage provided in the response letters to the complainers does not match the actual content of the footage.





CCTV footage not secured

One of the most recurring issues surrounding CCTV evidence is the repeated failure to seize and preserve CCTV recordings. There are many reasons why this is the case, including the lack of communication at the very early stages of complaint handling/enquiry; the time-delay in allocating the complaint enquiry; a failure to follow the Complaints About Police (CAP) Standard Operating Procedure (SOP), or any other relevant SOP; or even carelessness.

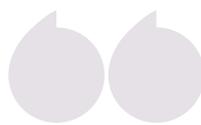
We have identified a number of instances in our Complaint Handling Reviews (CHRs) where Police Scotland failed to secure CCTV footage that would have been evidentially valuable either to the investigation of the incident or the complaint enquiry.

In one case ([PIRC/00340/16](#)), the complainer raised complaints about his interaction with police after he attempted to report that he had been assaulted by a number of officers. Despite having viewed the available CCTV and preparing an analysis of it for inclusion in the Standard Prosecution Report that was submitted to the Crown Office and Procurator Fiscal Service (COPFS), the enquiry officers failed to seize the footage. In addition, both the officer to whom the complainer made his original complaint and the complaint enquiry officer also failed to seize a copy of the relevant CCTV footage.

In this case, the evidence from the complainer and the officers accused was in direct conflict and the CCTV footage would have assisted in resolving a number of very serious allegations. The response letter acknowledged that the failure of these officers to seize the footage amounted to a neglect of duty. It also identified that new procedures in

relation to securing public space CCTV were necessary in the local policing area. We are pleased that those procedural changes have now been implemented.

Delays by members of the public in making their complaints to Police Scotland can also contribute to difficulties in the seizure of CCTV evidence. In [PIRC/00453/16](#), the complaints relating to the search of the complainer at the police station were made 26 days after the alleged incident. As the CCTV recordings from many CCTV systems are retained for a specific period of time before being erased, it is vital that enquiry officers make every attempt to secure the footage at the earliest opportunity. On this occasion, the CCTV recording retention period was 28 days, and regrettably, no request was made to seize and preserve the footage within that timeframe. We issued a Learning Point in the CHR report suggesting that the CAP SOP be revised in order to address this issue.



CCTV recordings can often provide conclusive and unambiguous evidence that is capable of determining the outcome of a complaint enquiry. In many instances, it can provide crucial exculpatory evidence and lead to officers being cleared of any wrongdoing.

In contrast, in [PIRC/00486/16](#) and [PIRC/00486/17](#), we found that CCTV footage from the charge bar area was timeously seized, analysed by the enquiry officer, and relied upon to refute the allegations made about the police officers involved. Similarly, in [PIRC/00029/17](#), a combination of public and private CCTV footage was relied upon to refute an

allegation of incivility made by a disabled complainer.

Finally, in [PIRC/00447/16](#), the complainer alleged that she was taken to the police office “underdressed” and that procedures were not explained to her at the charge bar. In this case, the CCTV footage from the charge bar area was preserved and it showed that although the complainer was very distressed, she was, nonetheless, appropriately dressed when she was brought into custody and the custody officer repeatedly explained the relevant procedures to her.

We also reviewed the police handling of quality of service complaints, which centred around the failure of the police to seize CCTV footage during criminal investigations.

In ([PIRC/00213/17](#)), a complainer said that there had been insufficient enquiry carried out into a road traffic accident in which she had been injured.

The review found that a CCTV Operator who had been contacted on the date of the incident, confirmed to police that the incident had been captured on CCTV. However, the footage of the incident was neither viewed, seized, nor preserved. The road collision investigation therefore relied upon, and was concluded on the basis of, undocumented verbal accounts of civilian witnesses at the scene. As no witness statements were obtained at the scene, the CCTV footage could have conclusively established whether the complainer was indeed at fault and established the cause of the collision. Regrettably, the final response letter to the complainer failed to acknowledge that, whilst there was CCTV footage of the incident, the opportunity to seize and preserve it had been lost. Our review concluded that insufficient enquiry had been carried out into the applicant’s complaint and a reconsideration direction was issued to Police Scotland.

We have found further examples of similar issues in our review of [PIRC/00521/16](#) and [PIRC/00100/17](#), where complaints have been upheld on the basis of investigating officers failing to seize readily available CCTV footage without reasonable explanation.





When dealing with cases where CCTV footage forms part of the complaint enquiry and is considered to have a significant evidential value, it is imperative that the content of the recording is accurately summarised in the final response to the complainer. This also applies to audio recordings of telephone calls that are made by members of the public to the police, particularly when those recordings form part of the complaint enquiry.

CCTV not accurately summarised

One of the other recurring issues surrounding CCTV evidence is the failure to accurately summarise the footage in response letters.

In [PIRC/00038/16](#), the applicant complained that an officer was rude to him as he left the police office, having made a specific comment. As part of the complaint enquiry, the CCTV footage from the reception area was reviewed. The final response from Police Scotland stated that the officer had not made the comment as alleged by the applicant. However, the CCTV footage that was considered as part of the review clearly showed that the subject officer did, in fact, make the specific comment that the complainer had alleged.

Regrettably, such an error cannot be described as an oversight and instances such as this serve only to undermine public confidence in the complaint process.

In [PIRC/00392/17](#), a member of the public complained that he had not been provided with the names and badge numbers of officers that had been at his mother's home earlier that day. The response letter from the police stated that, based on a review of the CCTV footage of his interaction with the officer, this information had been deliberately

and justifiably withheld because he had made comments that were considered to be of a threatening nature. The CCTV footage was considered as part of the review and it was found that the information sought by the complainer was not provided to him before he made any concerning comments towards officers.

KEY POINTS: MANAGERS

- We strongly recommend that, in cases where CCTV recordings are of significant evidential value to the complaint enquiry, the enquiry officers take due care when summarising the content to ensure that events captured on CCTV are accurately reflected in final responses.
- Similarly, in cases where CCTV is considered not to add any evidential value to the complaint enquiry, it is still imperative that the recording is preserved along with any other documentation associated with a particular complaint file. In some instances, we have been advised that CCTV has been discarded as it was not considered relevant and/or that it did not capture the incident in question. In such cases, when complainers refer their complaints to the PIRC for a review, we cannot assess whether the complaint enquiry has correctly assessed the evidential value of CCTV footage or not.

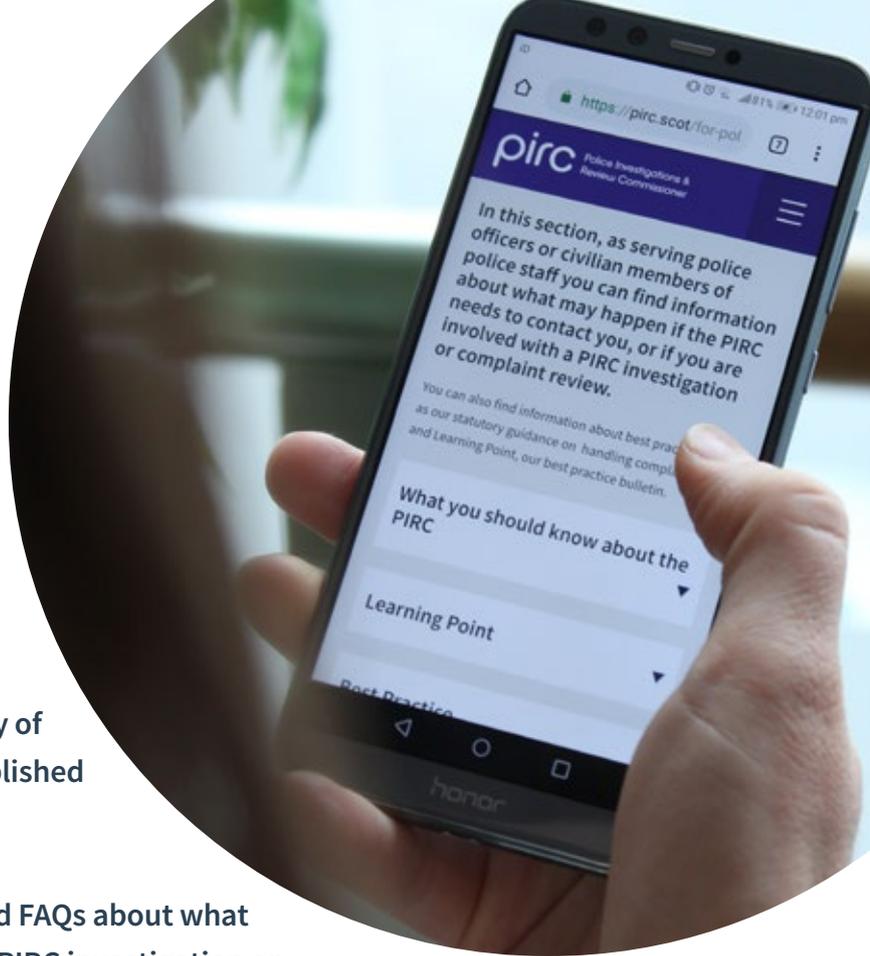


Get connected

pirc.scot is home to a whole library of publications, including our investigation reports and complaint handling reviews.

There's also a section dedicated to information for police officers and police staff. There you have access to the library of previous issues of *Learning Point*, our published audits and statutory guidance.

Additionally, you can find information and FAQs about what you need to know if you are involved in a PIRC investigation or complaint handling review.



Find out more at pirc.scot/for-police >>

Your views

We hope you enjoy the new format of *Learning Point* and find it easy to navigate and digest. We are keen to develop the publication in future, to make it a valuable resource for our readers.



We want to hear your views. Please take a few moments to complete our survey at www.surveymonkey.co.uk/r/LearningPoint14 or contact us at communications@pirc.gov.scot.



Contact us

If you have any queries about the topics covered in this issue, or would like to speak to a member of our team, please contact us at enquiries@pirc.gov.scot.

If you would like to be added to our mailing list please email communications@pirc.gov.scot.

pirc

Police Investigations &
Review Commissioner

Hamilton House, Hamilton Business Park, Caird Park, Hamilton ML3 0QA
T: 01698 542 900 E: enquiries@pirc.gov.scot [in](#) | [t](#) @PIRCNews | pirc.scot

© Police Investigations & Review Commissioner 2019

