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Police Investigations &  
Review Commissioner

7 June 2019

# PIRC Investigation Findings

Serious Injury Following Police Contact  
22 June 2018  
Fife

## **BACKGROUND**

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On Friday 22 June 2018, Police Scotland officers arrested a 34-year-old man at his home in Fife. The Police National Computer (PNC) showed that he was wanted for interview as a suspect for a robbery and breach of bail which happened on 24 April 2018.

At the time of his arrest the man was with a 31-year-old woman. He was also on bail for another matter and one of the conditions attached to that bail was that he should not approach or contact the woman.

The man was taken to Police Scotland's Dundee Custody centre where it was established that he had been previously arrested on 15 May 2018 for the robbery charge. The police officers released the man from custody when they realised that he had been arrested before on the robbery charge.

However, Police Scotland staff did not check to see whether the man was on bail for any other matter. Had they done so they would have discovered that the man should have been arrested for breaching his bail conditions by having contact with the woman, who they had seen at his home.

Police officers then took the man home, where unknown to them the woman was still present. The woman later alleged that after returning to the house the man assaulted her, causing a fracture to her hand. However, she later told PIRC investigators that the man was not responsible for her injury and that it had happened during a previous un-related incident

## **REFERRAL TO THE PIRC**

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On 25 June 2018, Police Scotland referred the incident to the Police Investigations and Review Commissioner (PIRC), in terms of the Police, Public Order and Criminal Justice (Scotland) Act 2006 as amended and the Police Investigations and Review Commissioner (Investigations Procedure, Serious Incidents and Specified Weapons) Regulations 2013.

## **PIRC INVESTIGATION**

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The initial PIRC investigation focused on the actions of Police Scotland officers and members of police staff involved in this incident, what information was available on police systems relative to the man, police processes, procedures and whether the assault on the woman could have been prevented.

PIRC investigators obtained statements from the initial attending officers, ACR and Service Centre staff, custody officer and the woman. They also obtained and examined STORM command and control incident logs, Airwave recordings, briefing papers, Crime reports, iVPD's, police SOPs and memorandums. Investigators also examined the management of the Locate/Trace marker on the PNC for the man.

## **PIRC FINDINGS**

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Following investigation the Commissioner finds that:

- On 25 April 2018 a Locate/Trace marker was placed on the PNC instructing that if the man was traced, he was to be arrested on suspicion for the crime of robbery and breach of bail.
- The man was arrested for these crimes on 15 May 2018, however officers of Police Scotland failed to cancel the Locate/Trace marker on the PNC.
- As a result of that failure, the man was rearrested for the same matter on 22 June 2018 and taken to Dundee Custody centre before this issue was identified. The arresting officers returned the man to his home address where the woman was present. Later that evening a domestic incident took place which resulted in the woman reporting that she had been assaulted by the man. She later retracted that claim saying that she had sustained an injury during an unrelated incident.
- At the time of the incident on 22 June 2018, the man was subject to bail conditions not to approach or make contact with the woman. These conditions were recorded on his Criminal History System (CHS) record. However, as the officers who attended the incident did not appear to have any understanding of what information was held on which system, they only requested and were provided with information held on the PNC system. Had they requested information from both systems and in particular bail checks, they would have been made aware that the man was at that time on bail and the 'terms of his bail conditions'. This would have enabled them to identify that the man was in breach of those conditions on 22 June 2018.

## RECOMMENDATIONS

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The Commissioner recommends that Police Scotland:

- Ensures that officers are reminded of the requirement to cancel all Locate/Trace markers from the PNC immediately after the person has been traced. In this regard, defined responsibilities should be allocated to specific roles/officers to ensure this is carried out.
- Ensures that officers are trained in and have a clear understanding of the different information which is held on the PNC and CHS systems to assist them in identifying what information they seek from ACR staff.
- Ensures that bail and other checks are completed before arrested persons are released from custody and that these checks are recorded in custody systems.
- Reports to the Commissioner within 3 months of the date of issue of this report on action taken to implement the above recommendations.