



Police Investigations &
Review Commissioner

PUBLICATIONS POLICY

August 2024

Independent and effective
investigations and reviews



1. Introduction

We are committed to being open and transparent about our work.

This policy document outlines the guidance, legislation and procedures that our organisation follows for the publication of information. It outlines what we publish and the rationale for doing so.

The policy also supports our core corporate values:

- **Integrity:** We are honest, open, and accountable.
- **Impartiality:** We carry out our work fairly and independently, ensuring all evidence is considered objectively and that decisions are based on sound professional judgement.
- **Respect:** We treat everyone with courtesy and dignity, irrespective of their background and needs.

2. Legislation

The law applicable to the Police Investigations and Review Commissioner's functions is contained in:

- [The Police Public Order and Criminal Justice \(Scotland\) Act 2006 as amended by the Police and Fire Reform \(Scotland\) Act 2012](#). (the 2006 Act)

PIRC may consider it appropriate to publish details which demonstrate to the public that the Commissioner is diligent in carrying out these functions.

Section 35 of the 2006 Act provides the applicable law regarding the publication of Complaint Handling Reviews (CHRs) and Section 41E provides the provisions governing the publication of investigation reports.

These provisions must be taken into account when publishing details of live investigations and summarised investigation reports.

Other areas of legislation that we consider ahead of the publication of information includes:

- [Data Protection Act \(2018\)](#).
- [Contempt of Court Act \(1981\)](#).
- [Freedom of Information \(Scotland\) Act 2002](#).

PIRC also has regard to other relevant and appropriate guidance such as the:

- [Lord Advocate's guidelines on the police and the media](#) which includes possible contempt of court implications and guidance on statements given to the media during the course of an investigation.



3. Investigations

We independently investigate incidents involving policing bodies in Scotland.

We can investigate:

- **Serious incidents involving the police** such as deaths in custody and allegations of criminality made about police officers. These instructions to investigate are sent to us by the Crown Office and Procurator Fiscal Service (COPFS).
- **Other incidents involving the police** including the serious injury of a person in police custody or the use of firearms by police officers. These requests to investigate are sent to us by the Chief Constable, Scottish Police Authority (SPA) and other Scottish policing bodies.
- **Allegations of misconduct by senior police officers of the rank of Assistant Chief Constable (ACC) and above.** These requests to investigate are sent to us by the SPA.
- **Relevant police matters which the Commissioner considers would be in the public interest.**

At the conclusion of an investigation, we can recommend improvements to the way the police operate and deliver services to the public in Scotland.

Key stages for publishing information regarding investigations

Stage 1 - The commencement of the investigation

Stage 2 - During the course of the investigation

Stage 3 - At the conclusion of the investigation

Stage 1 – Commencement of a new investigation

PIRC will publish brief details for new referrals of Category A+ and Category A investigations which are referred to PIRC by policing bodies, and any other investigations which the Commissioner deems to be in the public interest.

- Category A+ investigations include major cases with complex lines of enquiry. These types of investigations are likely to generate high levels of public and/or political interest.
- Category A investigations include deaths in police custody and deaths following police contact.

The details published at this stage may contain information about a person's age, gender, and the location of an incident. However, it will not include any information that will identify the person.



Brief details will be published on both the Publications section of our website (pirc.scot), and our online newsroom. New investigation statements will be made available online for two years, as provided for in our Record Management policy.

We will not routinely proactively publish statements for the following type of investigations:

- Allegations of criminality about a police officer.
- Misconduct investigations involving a senior police officer (i.e., rank of ACC and above).
- Category B and C investigations.

Where possible, we will also provide statements in response to media enquiries about our investigations.

Our response may contain information about a person's age, gender, and the location of an incident. However, it will not include any information that will identify the person. For example: if the incident has occurred in a rural location, e.g. the Highlands and Islands, we may not include the exact location and/or other details that may lead to the identification of those involved.

PIRC will not provide a media response regarding any new referrals:

- Where it relates to children aged 17 and under.
- Where there are significant health/wellbeing/security concerns for family members.

During the course of the investigation

PIRC will confirm and take steps to inform media when investigations are live but will not provide details of any live investigations as this may prejudice any future criminal proceedings.

The [Lord Advocate's guidelines on the police and the media](#) states:

"Publication of information prejudicial to an accused will be treated as contempt under the rule of strict liability only when criminal proceedings are "active" as defined in the Act.

Proceedings are "active" on arrest (which will include any arrest under section 1 of the Criminal Justice (Scotland) Act 2016 from the 25th of January 2018 onwards), the granting of a warrant for arrest, the service of an indictment or complaint, or the grant of a warrant to cite."

The exception is where an active appeal for witnesses is considered appropriate.

Misconduct investigations are confidential by nature so we will not include the name of the officer concerned, age, location, or dates of when the allegation(s) took place.



We will also not provide any comment, however, if details are already in the public domain, then we may issue a statement to address any inaccuracy.

At the conclusion of the investigation

At the conclusion of a police referred investigation, we may publish our findings and recommendations unless criminal proceedings are still under consideration. These include category B and C investigations.

Once the PIRC investigation has been concluded, and a full report sent to the referring body, we will assess whether a summarised version of the final report can be made public.

Those which can be published, may include reports regarding investigations into police referred incidents of serious injury in custody, serious injury following police contact, firearms presentation, and firearms discharge.

The published report will include a summary of our findings and recommendations.

A summarised report will be made available on the PIRC website and an announcement will be posted on our online newsroom.

As stipulated in our Record Management policy, summarised investigation reports will be made available online for two years.

The following Investigation reports cannot be made publicly available:

- **Investigations directed by the Crown Office and Procurator Fiscal Service (COPFS):** Our findings and report to COPFS are confidential and will not be published.
- **Investigations referred by the Chief Constable or other policing bodies operating in Scotland:** We will not publish our conclusions if criminal proceedings are still being considered.
- **Investigations referred by the Scottish Police Authority (SPA) regarding misconduct by a senior officer of the rank of ACC and above:** The Commissioner is not authorised to publish these reports.

4. Reviews

A member of the public can apply for a Complaint Handling Review if they are dissatisfied with how a policing body operating Scotland dealt with their complaint. **PIRC will not review the original complaint itself.**

Key stages for communicating:

Stage 1 - The commencement of the review

Stage 2 - At the conclusion of the review



Commencement of the review

Our media statements in relation to CHR cases will not contain names, ages, location, or any other details that may identify those involved.

At the conclusion of the review

A summarised version of some CHR reports will be published. However, the summary must be anonymised with names, addresses, place names and other details removed that may lead to identification of those involved.

The published report will include a summary of our findings and recommendations.

Once recommendations/reconsideration directions are implemented by the policing body concerned, where possible, the summary section of the relevant CHR, published on our website, should be updated to reflect this. It is important to demonstrate to the applicant, public and media that we are diligent in ensuring that the police implement any actions resulting from our reports.

A summarised CHR report will be made available on the Publications section of our website. An announcement will also be posted on our news pages of the website.

As provided for in our Record Management policy, summarised CHR reports will be made available online for two years.

In general, summaries are not published where publication might:

- Pose a risk of harm to anyone referred to in the report.
- Be detrimental to the welfare of children or vulnerable adults.
- Be reasonably likely to allow the identification of anyone referred to in the report.
- Prejudice or affect ongoing or potential legal proceedings or misconduct proceedings.
- Provide a risk that an individual(s) may be identified, or it may compromise their safety or security or cause distress.
- Impact on the wellbeing of the complainer

Additionally, we will not publish a summarised report if it is linked to any outstanding or future criminal proceedings.

5. Other published documents

The Freedom of Information (Scotland) Act 2002 requires Scottish public authorities to produce and maintain a publication scheme. This is a commitment to make information routinely available without waiting for a member of the public to specifically request it.



Our publication scheme is called Guide to Information and is available on our website www.pirc.gov.scot

The following information is routinely made available on the Publications section of our website:

- [Annual Reports](#)
- [Strategic Plans](#)
- [Senior Management Team meeting minutes](#)
- [Audit and Accountability Committee minutes](#)
- [Memoranda of Understanding documents](#)
- [Policies and Procedures](#)
- [Audits of relevant policing bodies](#)
- [Learning Point - our best practice bulletin for policing bodies](#)
- [FOI responses](#)
- [Governance and Accountability Framework](#)
- [Discrimination Guidelines for Staff](#)
- [Information Leaflets](#)

6. implementation and monitoring of policy

The Communications Manager has overall responsibility for implementing and monitoring this policy, which will be reviewed on a regular basis following its implementation and additionally whenever there are relevant changes in legislation or to our working practices.

7. Review of policy

This policy is a formal PIRC policy and will be reviewed by the Senior Management Team on an annual basis.

Version Control Data

Version control data

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