



Police Investigations &
Review Commissioner



CROWN OFFICE
& PROCURATOR
FISCAL SERVICE

SCOTLAND'S PROSECUTION SERVICE

MEMORANDUM OF UNDERSTANDING

between

THE POLICE INVESTIGATIONS AND REVIEW COMMISSIONER

and

THE CROWN OFFICE AND PROCURATOR FISCAL SERVICE

For the purposes of ensuring effective co-operation between the PIRC, and the COPFS in the provision, sharing and exchange of information or services, to allow each organisation to fulfil their statutory functions and obligations.

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Glossary of Terms

The following acronyms and abbreviations are used throughout this document:

The COPFS	Crown Office and Procurator Fiscal Service
The PIRC	Police Investigations and Review Commissioner
PS	Police Scotland
ECHR	European Convention on Human Rights
GDPR	General Data Protection Regulations
DPA Act 2018	Data Protection Act
'the Authority'	The Scottish Police Authority
'the 2006 Act'	The Police Public Order and Criminal Justice (Scotland) Act 2006
'the 2012 Act';	The Police and Fire Reform (Scotland) Act 2012
'the Order'	The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013
'the Regulations'	The Police Investigations and Review Commissioner (Investigations Procedure, Serious Incidents and Specified Weapons) Regulations 2013
'the 2016 Act'	The Criminal Justice (Scotland) Act 2016
CAAPD	Criminal Allegations against the Police Division
MoU	Memorandum of Understanding
SFIU	Scottish Fatalities Investigation Unit
SPR	Standard Prosecution Report
PSD	Professional Standards Department
SRA	Specialist Reporting Agency
DCA	Deputy Crown Agent

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1. Introduction

This Memorandum of Understanding (MoU) between:

- Crown Office and Procurator Fiscal Service
- The Police Investigations and Review Commissioner (PIRC)

takes account of the functions, powers, duties and obligations of each organisation in accordance with legislative provisions. In applying the MoU, the organisations will work collaboratively and in a spirit of mutual co-operation to fulfil their respective functions and responsibilities.

2. Purpose

- 2.1 To fulfil their functions under legislation, the Police Investigations and Review Commissioner and any member of the PIRC's staff, where directed to do so by the appropriate prosecutor, will adhere to the procedures or processes outlined in this MoU in respect of the provision, sharing and exchange of information or services. It is acknowledged, however, that circumstances may arise in which it is necessary for one or more of the parties, acting in good faith, to depart from the terms of this MoU.
- 2.2 It should be emphasised that this updated MoU only relates to the investigative functions of the PIRC. A separate MoU relating to the Review functions of the PIRC, including revised Statutory Guidance, will be forwarded at a future date.

3. Effective Date and Periodic Review

- 3.1 This MOU becomes effective on 21 October 2021.
- 3.2 This MOU will be reviewed after three years. Any party to this MOU may request a review, in writing, at any time, and interim reviews must be implemented should there be any amendments to the existing legislative framework within which the MOU operates.
- 3.3 Any party may seek to end this MOU, giving notice of one month in writing to all other parties.

4. Role of the Crown Office and Procurator Fiscal Service (COPFS)

- 4.1 COPFS is the sole prosecuting authority in Scotland, which, in the public interest, ensures that all crimes reported to the Procurator Fiscal are investigated and that effective and consistent use is made of the range of options for proceedings.
- 4.2 COPFS has the sole discretion for determining, in any case, whether there is sufficient evidence and whether that evidence is of a quality which justifies further investigation or the institution of proceedings.

- 4.3 COPFS has responsibility for establishing the cause of all sudden, unexplained and suspicious deaths in Scotland and ensuring that these deaths are investigated appropriately and efficiently.

Investigations

5. Role of the PIRC in Investigations

- 5.1 The primary legislative functions of the PIRC are set out at Appendix A.
- 5.2 When undertaking an investigation on behalf of the Commissioner, PIRC investigators have all the powers and privileges of a constable throughout Scotland.
- 5.3 The PIRC is independent from any policing body operating within Scotland.
- 5.4 In order to provide effective investigations, particularly those requiring specialist skills, the PIRC may second officers, or members of staff from police forces operating in Scotland or elsewhere within the UK. Officers on secondment will be directly supervised and instructed by senior PIRC investigators during the course of investigations. Any decision to second specialists will require careful consideration about independence in particular in relation to obligations under ECHR.

6. COPFS Directed Investigations

- 6.1 The COPFS may direct the PIRC to undertake an investigation of:
- any circumstances in which there is an indication that a person serving with the police may have committed an offence.
 - the circumstances on behalf of the relevant Procurator Fiscal of any death involving a person serving with the police which that Procurator Fiscal is required to investigate under Section 1 of the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016.
- 6.2 It has been agreed that Police Scotland will immediately notify COPFS/PIRC of any death in police custody.
- 6.3 Police Scotland will also notify the COPFS of any death following police contact, where it is considered that there may be contributable or causal factors relating to the death. Irrespective of this notification, Police Scotland will notify the PIRC of any death following police contact. The COPFS may direct the PIRC to investigate the circumstances (Section 33A(b)(ii) of the 2006 Act) or if Police Scotland referral only, the PIRC may decide to investigate the circumstances (Section 33A(c) of the 2006 Act). In circumstances where the PIRC receive a referral, jointly from the COPFS and Police Scotland or SPA under the aforesaid provisions, the referral from the COPFS would take primacy. The COPFS would be the recipient of the PIRC investigation report.

- 6.4 In the case of a COPFS directed investigation under section 33A(b)(i) or (ii) of ‘the 2006 Act’ the PIRC will submit a completed report to the COPFS within a period of three months from the date of notification by the COPFS. A complex investigation may require timescales beyond this period which should be agreed between the COPFS and the PIRC. Interim updates will be provided to the COPFS when required.
- 6.5 During a complex investigation the PIRC may consider that the appointment of an ‘Expert Witness’ may be required and, if so, will contact the COPFS to obtain any necessary instruction or direction.

7. Notification Timescales

- 7.1 The PIRC will provide a 24 hour on call contact number for use by the COPFS. A PIRC Senior Investigator or Deputy Senior Investigator (DSI) will be available as an initial point of contact on a 24 hour basis. The COPFS will supply the PIRC with contact numbers of staff who can make a decision in relation to the PIRC involvement in a case.
- 7.2 The COPFS will assume responsibility for contacting the PIRC at the earliest possible stage following identification of the requirement, or potential requirement, for the PIRC to undertake an investigation into a death or serious incident.
- 7.3 In the case of a death or serious injury investigation, the COPFS recognises the importance of allowing the PIRC early access to ensure independence from any police investigation from the outset.
- 7.4 In the case of a death investigation, the police will be required to submit the initial death report by the next working day to the SFIU. The PIRC will submit its full death investigation report into the death in the timescales mentioned at paragraph 6.4 above.
- 7.5 In the case of a criminal investigation, CAAPD will instruct whether the PIRC shall report by way of a full Investigation Report on the agreed template or/and an SPR/SRA, together with full statements and productions, and will determine the timescales for each individual case.
- 7.6 If the PIRC, in undertaking an investigation into an incident involving serious injury in which COPFS has no interest, assesses that there is an inference of criminality or it is considered that the injury may lead to death, the PIRC will notify the COPFS at the earliest opportunity. The COPFS will assess the matter, following which it may subsequently direct a PIRC investigation.
- 7.7 Whilst undertaking any investigation at the request of the police or the Authority, the PIRC will disclose any information to the COPFS of which it becomes aware and considers that it may impact on an ongoing criminal investigation, or would infer that criminality may have occurred.
- 7.8 For investigations instructed by SFIU into the circumstances of a death, the point of official handover from the PIRC FLO to the SFIU VIA Officer is at the stage of the

submission of the final PIRC investigation report to SFIU. PIRC will not provide the nearest relatives with a copy of this report nor discuss the findings. On a case by case basis, consideration should be given to having PIRC input at a handover meeting with the nearest relatives to discuss the findings.

- 7.9 Following a death or serious injury, the COPFS may, after an initial investigation, assess that it has no further role in the matter. In such circumstances the PIRC should be notified by the COPFS at the earliest opportunity. The PIRC must investigate circumstances in which a person has died and may determine the need to investigate when a person has been subject to serious injury. The PIRC must report its findings to Police Scotland and the Authority.
- 7.10 Appendices B and C are a high level diagrammatical representation of the decision making process in relation to the PIRC involvement in an investigation on behalf of the COPFS.

8. Investigation Processes

- 8.1 The PIRC will notify the Assistant Chief Constable, Professionalism and Assurance, in writing, of any decision to investigate on the instruction of COPFS an incident or criminal allegation.
- 8.2 The letter of notification will include a notification under 'the 2006 Act' or a notification under the 2006 Act and 'the Regulations', requiring the Chief Constable or the Authority to provide any document, record or other information the PIRC may require to undertake its investigation. Specimen notification letters are provided at Appendix E.

Intimation of No Proceedings decisions

- 8.3 Following a decision by COPFS not to initiate criminal proceedings, COPFS will notify the PIRC and the complainer. The PIRC will then notify PSD of the decision in writing. COPFS will also advise the PIRC if a victim's right of review is requested by the complainer. On receipt of such notification, the PIRC will advise the PSD.

9. PIRC Reports

- 9.1 PIRC produce different reports dependent on the type of investigation:

- Standard Prosecution Report (SPRs) – submitted to COPFS
- CAAPD reports – submitted to COPFS;
- Death investigation reports – submitted to COPFS, SFIU;
- Police referred Investigation reports – submitted to Police Scotland, Other Policing body;
- Misconduct reports – submitted to the Authority.

Disclosure of PIRC reports

- 9.2 PIRC reports submitted to the COPFS should not routinely be disclosed in the course of any proceedings. Any request for disclosure of the PIRC report requires to be

considered on its own facts and circumstances with any request for disclosure being directed through the DCA's Legal Assistant to Crown Counsel. The request should be discussed with the PIRC investigator prior to any report being sent to Crown Counsel or any decision being made regarding disclosure. Information contained within such documents will be assessed in terms of confidentiality and relevance and may be redacted appropriately. Where a redacted copy is being provided, the COPFS should remove information within the report that (1) provides advice to COPFS; (2) relates to collateral issues that are not relevant or material to the purpose of the inquiry and (3) relates to sensitive and personal information in relation to witnesses which, on one view, could engage their Article 8 rights, such as addresses, relationship dynamics and health related information.

Report Publication

9.3 The PIRC must provide a copy of the report to the person who requested the investigation. The PIRC may also provide a copy of the report to any person the PIRC considers appropriate.

9.4 The PIRC may publish:

- Police referred Investigation reports;
- Death Investigation reports where the COPFS have decided that no Fatal Accident Inquiry will take place; and
- Public Interest reports.

9.5 The PIRC **will not** publish:

- SPRs or CAAPD reports;
- Death Investigation reports where a FAI is to be or has been held;
- Misconduct reports.

9.6 Where the PIRC identify any matter during the course of any investigation which may impact on public or officer safety and requires immediate action by Police Scotland or the Authority, the PIRC, after obtaining consent by the appropriate prosecutor, will notify them accordingly.

10. Misconduct

Conduct issues relating to Federated or Superintendent ranks and members of police or Authority staff

10.1 The PIRC has no powers or authority to undertake misconduct investigations against officers of Federated or Superintendent ranks or members of police staff.

10.2 The PIRC recognises that where it identifies actions which may breach the Standards of Professional Behaviour or may be considered a performance matter and where there is scope for improvement(s), there is a legitimate public interest and expectation that such matters will be investigated or considered and ultimately improved. Where the PIRC identifies potential breaches of Standards of Professional Behaviour or a performance issue(s) during any investigation, it will,

therefore, notify PSD or the Authority and provide all relevant information to allow those organisations to examine the matter.

10.3 Section 46 of the 2006 Act provides that the PIRC may disclose information obtained during the course of an investigation for the purpose of enabling Police Scotland or the Authority to carry out any function. Nothing in that section requires or authorises the disclosure of any information relating to a particular investigation carried out by the Commissioner on the direction of the appropriate prosecutor in pursuance of paragraph (b) of section 33A of the Act (unless the appropriate prosecutor consents to such disclosure).

Information Sharing for Conduct or Misconduct Proceedings where a Criminal Investigation Occurs

10.4 Information may be provided by the PIRC to Police Scotland or the Authority for the purpose of conduct or misconduct proceedings. Such information will advise of the nature of any allegations at the outset, whether there is likely to be additional offences, the evidence at the conclusion of the investigation and following a decision by the COPFS to prosecute or not.

10.5 During the investigation if there are any significant developments that substantially weakens or strengthens the case against the officer, the timing and disclosure of such information will be discussed and agreed with the COPFS to ensure that the ongoing investigation and any potential criminal proceedings are not compromised.

10.6 Such information will be provided on a confidential basis **solely** for the purpose of disciplinary considerations and not for any other purpose such as civil proceedings.

10.7 The PIRC will notify Police Scotland or the Authority when they submit a report to CAAPD and advise of the category of report in order for Police Scotland to notify Subject Officers and, when there is a reasonable inference of criminality, provide specific detail of the allegation in order that they comply with Regulation 9 of the Conduct regulations.

10.8 The agreement on the sharing of Information between Police Scotland, the PIRC and the COPFS is contained at Appendix D

Witness Statements

10.9 The PIRC will take cognisance of the needs of any person identified (to the PIRC) as having or who identifies that they have a 'relevant protected characteristic' and put in place any necessary or reasonable adjustments in order to facilitate the gathering of their evidence.

11. Suspension or Duty Restrictions

- 11.1 The PIRC do not take decisions on whether an officer, member of police staff or member of the Authority's staff is to be suspended or have restrictions placed on their duties.
- 11.2 Where the PIRC identify that allowing the person to remain in their current role may hamper or interfere with a PIRC investigation, they will notify Police Scotland or the appropriate Authority outlining their reasons and concerns. Any action taken to address the concerns is a matter for the Police or the appropriate Authority.
- 11.3 Where a person is suspended during a PIRC investigation, the PIRC undertake to complete its investigation as quickly as possible. It will notify the Police or the appropriate Authority as soon as its investigation is complete and a report submitted to COPFS.

12. Suspect Interviews and Arrest procedures

- 12.1 The PIRC's investigators have all the powers and privileges of a constable throughout Scotland when undertaking an investigation on behalf of the Commissioner.
- 12.2 During the course of a criminal investigation the PIRC's investigators may require to interview a police officer, member of police staff or member of the Authority's staff as a suspect under terms of the Criminal Justice (Scotland) Act 2016.
- 12.3 Suitable operational practices and procedures are in place with policing bodies and appropriate Authorities regarding any intention to arrest such a person or to interview a person as a suspect.

13. Communications & the Media

- 13.1 The COPFS, Police Scotland, the Authority, along with other policing bodies in Scotland and the PIRC have a communication department which manage liaison with the media.
- 13.2 Following any incident which the COPFS may instruct the PIRC to investigate, involving a matter falling within the scope of the '2006 Act', there may be media interest or media requests for information.
- 13.3 Each organisation recognises the potential demand for an immediate news release or statement following any incident.
- 13.4 In any investigation instructed by the COPFS, the PIRC will liaise with the COPFS Media Relations Team before issuing any media release. For cases, where there has been a death, this information will normally be restricted to stating that the PIRC have received a referral from the COPFS, the age of the deceased and the location and nature of the incident. No names should be published, (unless already in the public domain and family are content) of those involved.

- 13.5 In respect of a criminal investigation, any statement issued by the PIRC would be limited to confirming they are investigating 'allegations of potential criminality' against an officer(s) serving with the Police.
- 13.6 Where an issue impacts on the COPFS and the PIRC, to ensure consistency of facts provided to the media, both organisations should liaise before issuing statements to the media.
- 13.7 Prior to the publication of any PIRC investigation report, a copy of the report and any proposed media release will be provided to the Police and appropriate Authority at least 48 hours in advance of publication.
- 13.8 The PIRC will not provide any media release in respect of a Senior Officer misconduct investigation, unless approached by the media. In which case they will confirm that they are investigating an allegation but provide no further details.
- 13.9 Active' proceedings (i.e. following an arrest – officially accused)
- Where the media intend to publish anything where proceedings are 'active' the PIRC and Police Scotland media departments will ensure that the media are made aware of the 'active' status of the proceedings.
 - Proceedings are 'active' on arrest –officially accused, the granting of a warrant for arrest, the service of an indictment or complaint, or the grant of a warrant to cite.
 - Amended Guidelines issued by the Lord Advocate for the Police and the Media will be adhered to.

Enactment: This Memorandum comes into effect on 21 October 2021

14. Signatories



Signed Jennifer Harrower, Procurator Fiscal Specialist Casework

Date 15 October 2021

On behalf of the Crown Office and Procurator Fiscal Service



Signed Michelle Macleod,

Date 21 October 2021

Police Investigations & Review Commissioner

Appendix A

Legislative Framework for the PIRC and the Authority

- A.1 Section 33A of the Police Public Order and Criminal Justice (Scotland) Act 2006, as amended by the Police and Fire Reform (Scotland) Act 2012, outlines the general functions of the PIRC.
- A.2 Section 33A(b) of the 2006 Act provides that the PIRC, where directed to do so by the appropriate prosecutor, (i) investigate any circumstances in which there is an indication that a person serving with the police may have committed an offence; (ii) investigate, on behalf of the relevant procurator fiscal, the circumstances of any death involving a person serving with the police which that procurator fiscal is required to investigate under Section 1 of the Inquiries into Fatal Accidents and Sudden Deaths (Scotland) Act 2016.
- A.3 Section 33A(c) of the 2006 Act provides that the PIRC, where requested to do so by the Authority or the Chief Constable, investigate and report on certain serious incidents involving the police.
- A.4 Section 33A(d) of the 2006 Act provides that the PIRC may investigate other matters relating to the Authority or the Police Service where the Commissioner considers that it would be in the public interest to do so.
- A.5 Section 41B of the 2012 Act provides that a serious incident involving the police is:
- (a) 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; or
 - (c) any other circumstance involving the Authority, the Police Service or a person serving with the police as may be specified in regulations made by the Scottish Ministers.
- (2) But a matter is not a "serious incident involving the police" if it is:
- (a) a matter—:

(i) which the Commissioner is investigating in pursuance of paragraph (b)(i) of section 33A; or

(ii) in respect of which criminal proceedings have been brought following such an investigation by the Commissioner; or

(b) a matter which is being, or has been, investigated:

(i) by the Commissioner in pursuance of paragraph (b)(ii) of section 33A; or

(ii) by any other person under the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016.

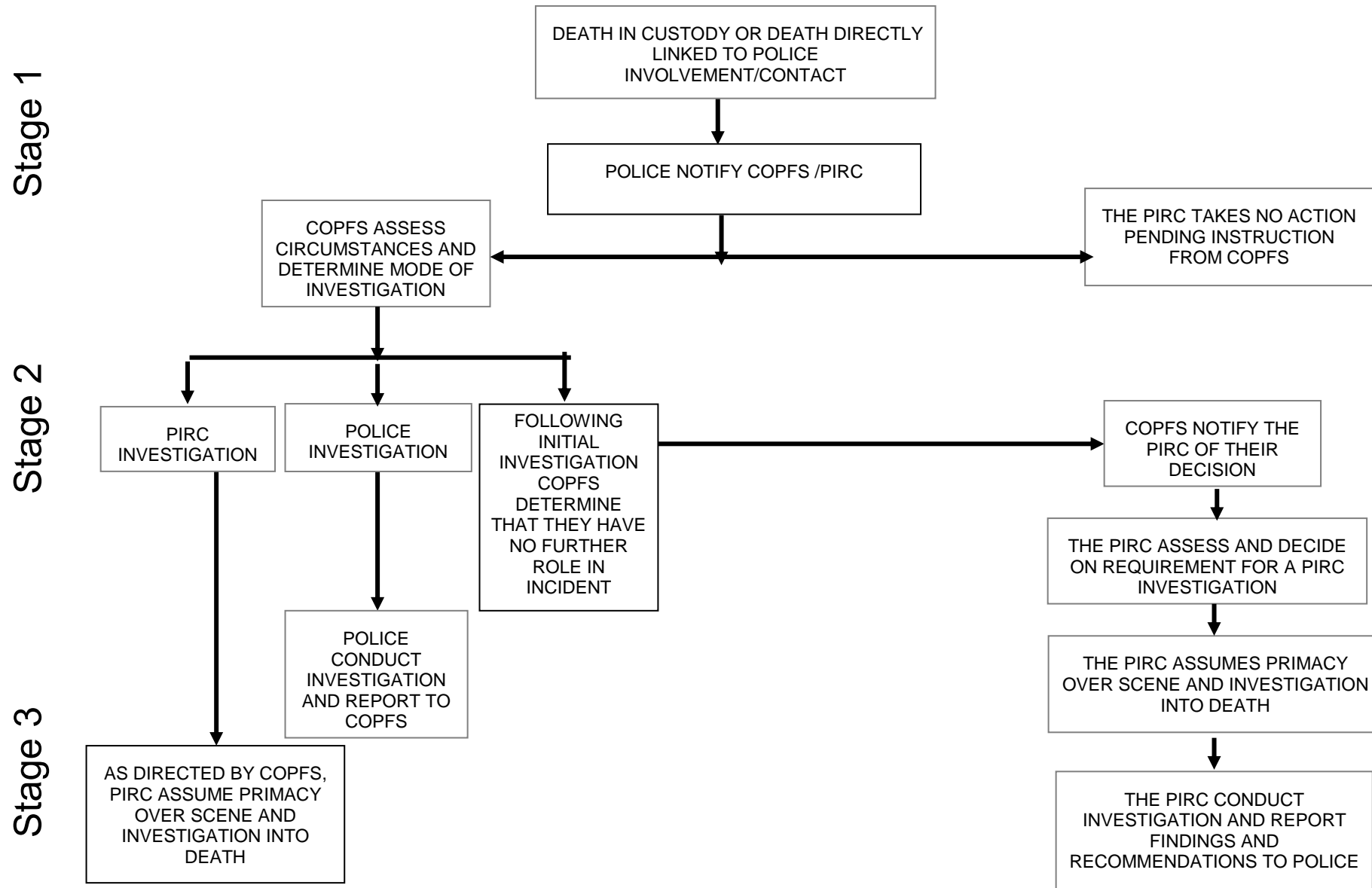
A.6 Regulation 3 of the Police Investigations and Review Commissioner (Investigations Procedure, Serious Incidents and Specified Weapons) Regulations 2013, provides that the Authority must request the Commissioner to investigate any serious incident involving the police which is a circumstance involving a member of the Authority's staff.

A.7 Applicable legislation:

- The Human Rights Act 1998;
- The Police Public Order and Criminal Justice (Scotland) Act 2006 Act, (the 2006 Act);
- The Police and Fire Reform (Scotland) Act 2012 (the 2012 Act);
- The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (the Order)
- The Police Investigations and Review Commissioner (Investigations Procedure, Serious Incidents and Specified Weapons) Regulations 2013 (the PIRC Regulations);
- The Criminal Justice (Scotland) Act 2016;
- The General Data Protection Regulations (GDPR);
- The Data Protection Act 2018 (DPA)

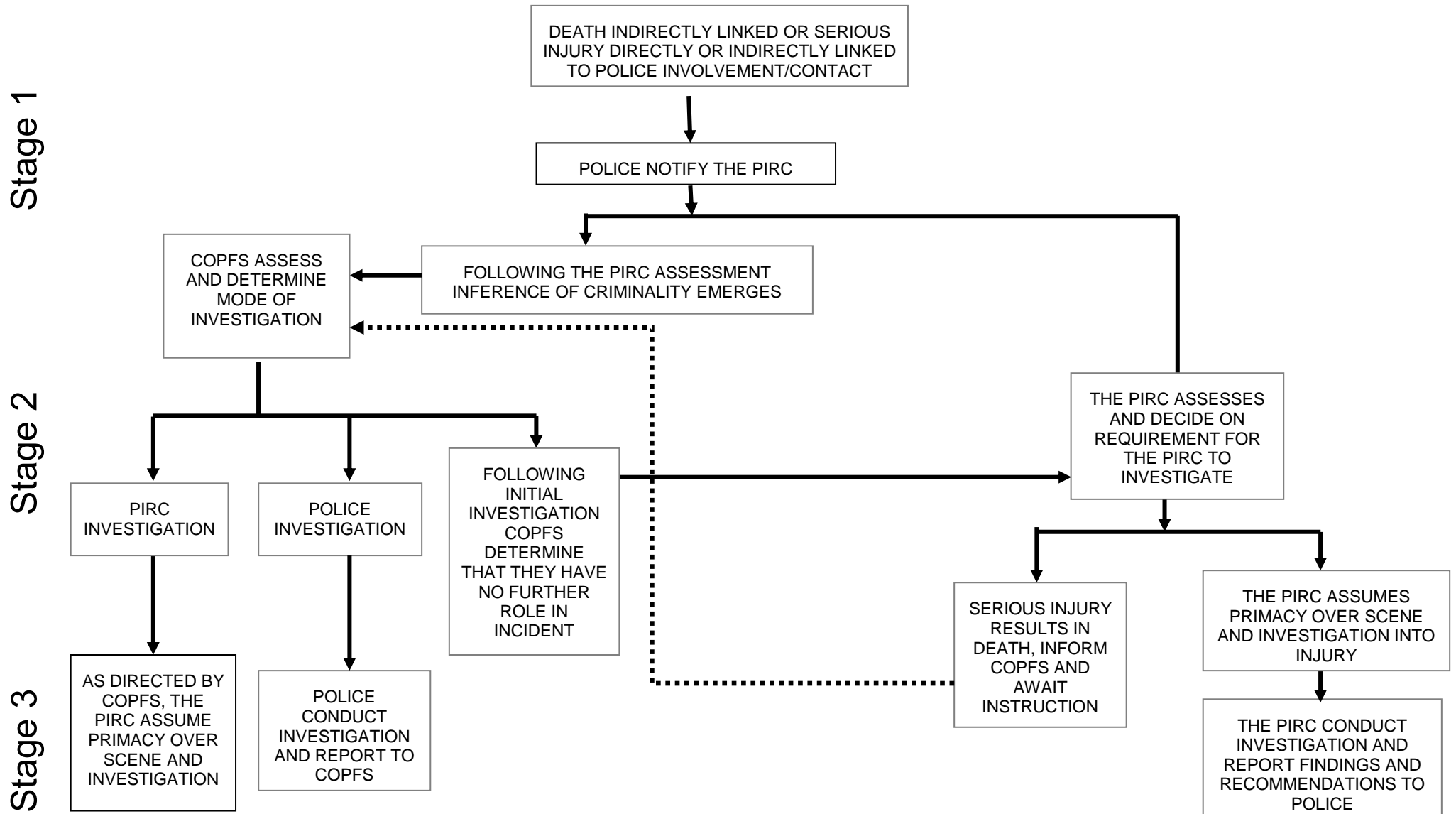
APPENDIX B

INITIAL OPERATIONAL RESPONSE



APPENDIX C

INITIAL OPERATIONAL RESPONSE



APPENDIX D

Sharing of Information between Police Scotland, the Authority, the PIRC and the COPFS in conduct matters

Information may be provided with the prosecutors consent to PSD or the Authority for the purpose of conduct or misconduct proceedings. Such information will advise PSD or the Authority of the nature of any allegations at the outset, advise if there is likely to be additional offences and of the evidence at the conclusion of the investigation and following a decision by the COPFS to prosecute or not.

- During an investigation, if there are any significant developments that substantially weakens or strengthens the case against the officer, member of staff or member of the Authority's staff, the timing and disclosure of such information will be discussed and agreed with the COPFS to ensure that the ongoing investigation and any potential criminal proceedings are not compromised.
- Such information will be provided on a confidential basis **solely** for the purpose of conduct considerations and not for any other purpose such as civil proceedings.

APPENDIX E

(SPECIMEN LETTERS)

SPECIMEN NOTIFICATION - A COPFS Instructed investigation into a Death

Recipient Details

Assistant Chief Constable
Police Service of Scotland
Police Headquarters
Tulliallan Castle
Kincardine
Fife
FK10 4BE

PIRC Ref
Number

cc: Head of PSD

Date

Dear XXXX

Death in Custody – Date and Locus

The Crown Office and Procurator Fiscal Service (COPFS) has instructed the PIRC under the terms of Section 33A(b)(ii) of the Police, Public Order and Criminal Justice (Scotland) Act 2006 (as amended) to investigate the death of xxxx, who died on xxxx.

The PIRC has been instructed to investigate the circumstances of xxxx arrest and demise from the point at which police officers were alerted to attend at xxxx until his being declared dead in xxxx at xxxx hours.

Under the terms of Section of 44(2) of the 2006 Act I hereby give notice that the information or documents specified below should be produced to the PIRC within 7 days.

I understand that Police Scotland will appoint a single point of contact (SPOC) to facilitate the production of the specified information or documents and to deal with any subsequent notifications of specification under the '2006 Act'.

As you are aware, the PIRC is required to give the Chief Constable a reasonable time to comply with the notice of specification and, in this regard, should the appointed SPOC encounter any difficulties in complying with the timeframes for the production of information or documents, I will be obliged if they can inform the appointed PIRC investigator accordingly.

I have appointed xxxx Deputy Senior Investigator (DSI) with PIRC to undertake the investigation.

I will be obliged if you will arrange for the specified information and documents outlined hereafter to be submitted to xxxx Deputy Senior Investigator (DSI) by specific date.

Please note that the documents or other information should be produced in the form specified.

Please provide documents in Microsoft Word format or Adobe pdf format, any audio material in WAV format, and ensure that any video material supplied can be viewed/played in Windows Media files.

Please provide all witness statements from civilian witnesses and police officers and staff in MS Word format on the National Standard statement form. In this regard, please ensure that all appropriate sections of the statement form are fully completed with the relevant details of the witness, including rank or occupation of witness, police identification or shoulder number, full citation address including post code for citation purposes, all relevant contact details, including landline telephone number, mobile number and email address where relevant.

Documents of Information specified:

1. Witness statements from all police officers or members of police staff, involved in the incident from the time that the deceased xxxx was reported to be at xxxx until he was pronounced life extinct at xxxx;
2. Copies of witness statements from all civilian witnesses, including paramedics and other medical personnel obtained during the course of the police investigation;
3. Copies of recordings of all telephone communications and Airwave radio traffic related to the incident and index of content to show file number/dates/times of recordings and identification of police officers and police staff;
4. Copies of relevant command and control incident logs (Full STORM prints);
5. Copies of all minutes and other documentation from all Police Scotland Gold Group meetings and any other briefing documents held in furtherance of this investigation;
6. Copies of Police Scotland Death Report and medical records/background in relation to xxxx;
7. Copies of any records held by Police Scotland in relation to the deceased xxxx, including any records from the Scottish Intelligence Database (SID), Interim Vulnerable Persons Database (IVPD) or other relevant databases (CHS and PNC);
8. Copies of custody records and CCTV footage from xxxx at xxxx, in relation to the deceased;
9. Copies of public space CCTV in relation to the report of xxxx at;
10. A full list of productions seized by Police Scotland as part of their investigation.
11. Copies of SPA Forensic Services reports, photographs and video footage taken in relation to the deceased;

Police Scotland may consider or be aware of other documents or information which are connected to this incident and which have not been initially specified above. I would be obliged if you can identify any such document in order that I can provide Police Scotland with a specification under Section 44(2) to recover these documents or information.

Where possible all documents should be transmitted electronically to the following secure email address at referrals@pirc.scot.gov The availability of the hard copy material should be notified to xxxx PIRC DSI who will arrange collection.

NAME DSI can be contacted on telephone number on xxxx or by email to

xxxx@pirc.gov.scot

Should you have any queries in respect of this matter please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read "John S. McSpoman". The signature is written in a cursive style with a long, sweeping underline.

SPECIMEN NOTIFICATION - A COPFS Instructed Criminal Investigation

xxxx

Assistant Chief Constable
Police Service of Scotland
Police Headquarters
Tulliallan Castle
Kincardine
Fife
FK10 4BE

PIRC Ref No

cc: xxxx PSD

Date

Dear xxxx

COPFS Instructed Investigation – (Nature of Investigation)

On (date), the COPFS, instructed the Police Investigations and Review Commissioner (PIRC) in terms of Section 33A(b) of the Police, Public Order and Criminal Justice (Scotland) Act 2006 (as amended) to investigate (outline the nature of the investigation).

Under the terms of Section 44(2) of the 2006 Act. I hereby give notice that the information, records or documents specified below should be produced to the PIRC within 7 days.

I understand that Inspector xxxx has been appointed as the Single Point of Contact (SPOC) to facilitate the production of the specified information or documents and who may deal with any subsequent notifications of specification under the Act.

As you are aware, the PIRC is required to give the Chief Constable a reasonable time to comply with the notice of specification and, in this regard, should Inspector xxxx encounter any difficulties in complying with the timeframes for the production of information or documents I will be obliged if xxxx could inform the appointed PIRC investigator accordingly.

I have appointed xxxx, Investigator with PIRC to undertake the investigation.

I will be obliged if you will arrange for the specified information and documents outlined hereafter to be submitted to PIRC Investigator xxxx by xxxx hours on xxxx. Please note that the documents or other information should be produced in the form specified.

Please provide documents in Microsoft Word format or Adobe pdf format, any audio material in WAV format, and ensure that any video material supplied can be viewed/played in Windows Media files.

Please provide all witness statements from civilian witnesses and police officers and staff in MS Word format on the National Standard statement form. In this regard, please ensure that all appropriate sections of the statement form are fully completed with the relevant details of the witness, including rank or occupation of witness, police identification or

shoulder number, full citation address including post code for citation purposes, all relevant contact details, including landline telephone number, mobile number and email address where relevant.

Documents of information specified:

1. Copies of witness statements from police officers and civilian witnesses, including xxxx and medical personnel which are in possession of Police Scotland and which are relevant to this incident.
2. Copies of relevant Command and Control incident logs (full STORM prints) in relation to the initial report regarding xxxx and xxxx subsequent apprehension.
3. List of any known witnesses (police or civilian) who have not yet provided witness statements and attended this incident. Please provide full contact details for these individuals.
4. Copies of any medical related reports obtained regarding the serious injury to xxxx.
5. Copies of any other relevant public space CCTV, police vehicle CCTV or Body Worn Camera footage of the incident. In this regard, please identify any officers who feature in this footage.
6. A copy of any Standard Prosecution Report and Crime Report submitted in relation to the preceding incident involving xxxx.
7. A copy of any relevant Airwave transmissions relating to the initial report relating to xxxx and also broadcasts made during xxxx arrest and thereafter.
8. Copy of any other Police Scotland forms created in relation to the arrest of xxxx.
9. Details of any complaint against the police made by xxxx relating to this incident.

Police Scotland may consider or be aware of other documents, records or information which are connected to this incident and which have not been initially specified above. I would be obliged if you can identify any such documents, records or information in order that I can provide Police Scotland with a specification in terms of the '2006 Act' to recover these documents, records or information.

Where possible all documents should be transmitted electronically to the following secure email address referrals@pirc.gsi.gov.uk. The availability of any hard copy material should be notified to Investigator xxxx who will arrange collection.

NAME DSI can be contacted on xxxx, by mobile telephone number on xxxx or by email on xxxx@pirc.scot.gov

Should you have any queries in respect of this matter please do not hesitate to contact me.

Yours sincerely



Head of Investigations