

Margaret Mitchell MSP  
Convener  
Justice Committee  
The Scottish Parliament  
Edinburgh  
EH99 1SP

5 February 2018

Dear Margaret

### **PIRC workload and resources**

Thank you for your letter of 30 January 2018. As you highlight, the continuous growth in investigations referred to me throughout not only 2016 but also 2017-18 has made it particularly difficult to deliver our investigation reports as quickly as I would have liked.

I detailed in my 2016-17 Annual Report that not only does the sustained volume increase in investigation referrals present particular challenges but the increased complexity and resource intensive nature of investigations referred by the Crown, heighten that challenge.

As you will see from my report, throughout 2016-17, there was a 52% increase on the 2015-16 figure in the number of COPFS referrals I received, mainly alleging criminality by police officers or deaths in custody/following police contact.

Whilst I am sure that you will recognise that that percentage increase is significant in itself, the level and detailed nature of the investigative work required in these matters is critical.

Such investigations require that I ensure that all evidence gathered during the process is collected and presented in an admissible format and in a way which not only allows COPFS to decide whether to institute criminal proceedings or hold an FAI, but also withstands the rigour of any subsequent judicial process.

Investigations to this level require preparation, detailed examination of all available evidence, recourse to specialist expert witnesses, family liaison support and meticulous processes and production handling. In cases where criminality is identified there is a need to interview suspects under caution, prepare and submit Standard Prosecution Reports to COPFS and take cognisance of the roles of disclosure.

All of these requirements in COPFS referred investigations certainly stretched the PIRC resources throughout 2016-17 and whilst the Scottish government provided an uplift of £455,000 in April 2016, that only allowed me to offer permanent posts to some investigators who prior to that had been employed with the organisation on fixed term contracts and it allowed me to recruit two additional new investigators and two trainee investigators.

Throughout 2017, I continued to witness an increase in the scale and complexity of investigations referred to me and a considerable rise in the number of senior officer (ie above the rank of Assistant Chief Constable) misconduct referrals to me by the Scottish Police Authority,

Being aware that our resources were already stretched to the limit and as I was extremely concerned about the unsustainability of the situation, I raised this issue on several occasions with our Sponsor Team at the Scottish Government.

I am appreciative that the Sponsor Team offered me £100,000 on a one off non-recurring basis in November 2017 for use by the end of March 2018 and am further heartened by the fact that as of last week, I have now been offered an increase of £1,068,000 to my budget, which meets the current business demands of the PIRC.

Whilst it is always almost impossible to predict with any degree of certainty how long it will take to complete any investigation, the shortage of resources throughout 2017 has undoubtedly impacted on the speed at which the investigation team has been able to complete its work.

As an illustration of the current pressure on that team, I can advise you that there are currently 30.6 full time equivalent investigators working on 31 live concurrent investigations – some of which individually have required over 100 witness statements to be taken. These investigations include allegations of criminality by police officers and death investigations, as well as the high profile senior officer misconduct referrals.

I trust that this letter gives you some indication of the acute pressure that staff here have been working under, in order to meet the ever increasing demand placed on this organisational and provide you with some reassurance that these demands have now been recognised by the latest funding allocation.

I intend to commence a recruitment exercise shortly and following security vetting procedures, hope that a number of additional staff should be in position by April 2018.

I trust that that will allow us to progress investigations more timeously but I will continue to monitor the situation.

Best Wishes

A handwritten signature in black ink, appearing to read 'Kate Frame'. The signature is stylized with a large 'K' and 'F'.

**Kate Frame**  
**Commissioner**