



The Scottish Parliament
Pàrlamaid na h-Alba

Justice Sub-Committee on Policing

Michelle McLeod
Police Investigations and Review
Commissioner

All correspondence c/o:
Justice Sub-Committee Clerks
Room T2.60
The Scottish Parliament
Edinburgh, EH99 1SP
Tel: 0131 348 5220
justicecommittee@parliament.scot

By e-mail

11 September 2020

Dear Ms McLeod

PIRC investigations into the use of firearms by police officers

Thank you for your letter of 3 September, providing clarification on the process followed by the Police Investigations and Review Commissioner (PIRC) in those cases where Police Scotland or the Scottish Police Authority refer themselves to the PIRC for review.

In your response, you outline the process followed by the PIRC when the Chief Constable asks the Commissioner to investigate the use of a firearm by a police officer.

In my letter to you of 1 September, the Sub-Committee sought clarification of the circumstances in which a referral is made, specifically whether a referral is required when a firearm is drawn.

In your response, you indicate that Police Scotland follow the UK College of Policing Authorised Professional Practice, which refers to a firearm being 'pointed or aimed at another person'. Could you please clarify what this means in practice? Specifically, whether a referral and potential investigation is required when a police officer draws a firearm but does not 'point or aim it' at another person.

You indicate that 'During the assessment stage, PIRC investigators do not routinely contact every person where there has been a presentation of conventional firearm'. Could you please clarify the meaning of 'presentation'? You also refer to a circumstance 'where conventional firearms have been presented at a person'. Could you please clarify the meaning of 'presented'?

As part of the assessment process, you state that the PIRC examines whether the police tactics were 'proportionate to the threat or potential threat, **and** the subsequent actions were justified **and** necessary in the circumstances'. After the assessment, you indicate that a decision is then made by the PIRC on whether the actions were necessary, proportionate **or** justified. Could you please confirm whether the actions

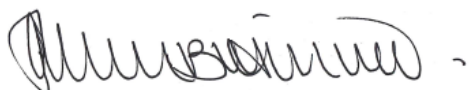
of police officers should meet all three requirements, or whether they are required to meet only one of the requirements?

As part of the PIRC investigation, you indicate that expert opinion can be sought. Could you please confirm the type of experts who may be asked to assist?

Finally, the PIRC has a dual role, to investigate a referral from the Chief Constable and to consider a complaint, should the person be dissatisfied with Police Scotland's handling of their complaint. Could you please confirm whether there is a separation of processes and individuals in carrying out these distinct roles, when they relate to the same incident?

A response by Friday 25 September would be appreciated.

Yours sincerely

A handwritten signature in black ink, appearing to read 'John Finnie', with a small dash at the end.

John Finnie MSP
Convener, Justice Sub-Committee on Policing