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## **Case Reporting**

### **Standard Operating Procedure**

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1.01	Section 8 Cross Boundary Reporting Guidance and Appendix 'N' National Standard Statement Guidance added to document. Para 6.5 – word “will” changed to “must”.	31/10/2013
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5.00	Minor administrative amendment by Policy Support in order to add Police Scotland Form Numbers to Appendices 'K' and 'M'	24/07/2018

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### 1. Purpose

- 1.1. This Standard Operating Procedure (SOP) supports the Police Service of Scotland (hereafter referred to as Police Scotland) Criminal Justice Policy.
- 1.2 This Standard Operating Procedure (SOP) provides direction and guidance for police officers and police staff in relation to reports and statements submitted to the Crown Office and Procurator Fiscal Service (COPFS) and the Scottish Children's Reporter Administration (SCRA).
- 1.3 Where a crime or offence is detected and no other suitable form of disposal is appropriate, the police will provide the Procurator Fiscal (PF) (and/or SCRA, where appropriate) with a good quality Standard Prosecution Report (SPR). The quality of reports and sufficiency of evidence contained within are the responsibility of reporting officers and their immediate supervisory officers.
- 1.4 The PF and the SCRA will consider the SPR and identify the most appropriate disposal which may involve a request to the reporting officer for additional information or full statements.
- 1.5 For further guidance in relation to non-reporting options for adults please refer to the Recorded Police Warnings SOP and the Antisocial Behaviour SOP. For further guidance in relation to non-reporting options of children, please refer to the Offending by Children SOP.
- 1.6 It must be stressed that accuracy is **essential** when completing **all aspects** of the reporting process, particularly when recording details of witnesses or offenders, including names, addresses, contact numbers and email addresses. It is **essential** that information contained within the SPR is **accurate** in order to comply with the requirements of the Data Protection Act 2018.

### 2. Criminal History System and Police National Computer Update

- 2.1 Prior to transmitting an SPR to the PF and/or SCRA, the police are required to ensure the Criminal History System (CHS) and Police National Computer (PNC) contain an **accurate** record of the following:
  - the charges labelled against each offender in the order they appear on the SPR;
  - any undertaking information; and
  - aggravations and modifiers mirroring those presented on the SPR. (The current list of aggravators and modifiers can be found within the ISCJIS Data Standards Manual.)
- 2.2 For full details in relation to the process and procedures for updating these systems please refer to geographical Appendices 'A' to 'H'.

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- 2.3 Further guidance in relation to CHS and PNC can be obtained from the PNC User Manual and Criminal History System (CHS) for Scotland User Guide.

### **3. The Standard Prosecution Report**

#### **3.1 Document Set**

- 3.1.1 The SPR suite of documents is a nationally agreed document set which allows the transfer of information in a format and structure acceptable to the PF and SCRA.
- 3.1.2 The document set consists of the SPR, Subject Report, Occurrence Report, Memo and Witness Statements. These documents should be completed in accordance with the Police Scotland Operational Guidance Set - Reports & Statements Writing Guide.
- 3.1.3 Where applicable, officers should consider the use of an abbreviated report template when compiling an SPR. See Guidance for Use of Abbreviated Standard Prosecution Reports and abbreviated report templates for further information.
- 3.1.4 For information on local processes and systems in place for submitting SPR documents electronically, refer to geographical Appendices 'A' to 'H'.

#### **3.2 General Disclosure Considerations**

- 3.2.1 The police have a duty to reveal to the PF all material which may be relevant and that has been obtained or generated during the investigation.
- 3.2.2 To assist with the disclosure process and in fairness to the accused, information contained within the following sections of the SPR will be disclosed to the defence by the PF:
- Description of Locus;
  - Description of Events;
  - Medical Evidence;
  - Police Interview/Text of Admissions; and
  - Caution and Charge.
- 3.2.3 The PF can choose to disclose any part of the SPR if deemed necessary, but will only disclose sections other than those listed above in exceptional circumstances.
- 3.2.4 As the SCRA also has obligations in relation to disclosure, these same sections of the SPR may also be disclosed by them.

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- 3.2.5 Any sensitive information or intelligence should be included within the 'Remarks' or 'Further Enquiry' sections of the SPR which are not routinely disclosed.
- 3.2.6 For further guidance refer to the Disclosure of Evidence in Criminal Proceedings SOP.

### **3.3 Case Related Documents**

- 3.3.1 All case related documents essential to the case, such as procedural forms for Sections 4, 5, 6, and 7 of the Road Traffic Act 1988, should be submitted in line with geographical guidance in Appendices 'A' to 'H'.

### **3.4 Witness Details**

- 3.4.1 Witnesses should be advised at the time of first contact that they may be required to attend court at some future date and a witness's hostility and/or vulnerability should be noted. (Further information can be found in the Victims' Rights (Scotland) Regulations 2015 intranet site.)
- 3.4.2 Officers must attempt to obtain mobile phone numbers and email addresses for victims and witnesses and establish dates of non-availability.
- 3.4.3 If in an officer's professional judgement the witness's evidence could be challenged, for whatever reason, the officer must provide advice to the PF and/or SCRA regarding this within the 'Remarks' section of the SPR.

### **3.5 European Convictions**

- 3.5.1 Where an accused is a Foreign National from another European Union member state or a Foreign National from any country outwith the European Union, regardless of the seriousness of the crime, there is a requirement to obtain information of previous offending history which may be held by the relevant country. This information must be communicated to the PF at the earliest opportunity.
- 3.5.2 Requests for Foreign National convictions should be made using both the International Criminal Conviction Exchange - Request (Form 049-001) and a Foreign National Offender Questionnaire (Form 051-10).
- 3.5.3 Further guidance on additional information required when reporting Foreign National offenders can be found in the Care and Welfare of Persons in Police Custody SOP.

### **3.6 Referral to the Scottish Children's Reporter Administration**

- 3.6.1 The SPR will be the format for submitting all reports to the SCRA.

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- 3.6.2 A child or young person will be jointly reported to both the PF and the SCRA where the circumstances meet those set out in the Lord Advocate's Guidelines to the Chief Constable on the Reporting to Procurators Fiscal of Offences Alleged to have been committed by Children.
- 3.6.3 Early and Effective Intervention (EEI) or similar local Youth Justice Processes, provide a toolkit of options to deal with and support children and young people who offend. The overarching objective of applying the process is to prevent future offending by 8 to 17 year olds and provide interventions which are timely and proportionate, at the same time ensuring that communities see unacceptable behaviour challenged.
- 3.6.4 For further guidance refer to the Offending by Children SOP.

### 3.7 Standard Police Report Submission Timescales

- 3.7.1 The police have a duty to submit reports to the PF within specific time scales. These timescales are determined by the status of the accused. However, it should be borne in mind that early submission of reports could result in swifter consideration of the case by COPFS:
- **Custody:** Reports completed and submitted to allow consideration by the PF by no later than 1000 hours the next lawful day following arrest.
  - **Undertaking:** Reports should be submitted to PF no later than 14 days from liberation of accused as detailed in the Guidelines by the Lord Advocate to Chief Constables Relating to Liberation by the Police.
  - **Cited Cases:** Reports should be submitted to PF no later than 28 days from date of last caution and charge.
- 3.7.2 The police also have a duty to submit reports to SCRA within specific timescales and officers should refer to the Offending by Children SOP and local guidance in relation to this.
- 3.7.3 These timescales are the minimum standard to be achieved and include the time taken to process and submit reports electronically to COPFS. Officers should also adhere to local instructions from Case Management Units or local equivalents with regards to submission of SPRs in order to meet these deadlines.

## 4. Ancillary Documents

- 4.1 The national standard ancillary documents form part of the SPR document set. They should be used to provide additional information in support of a previously submitted SPR. The set contains:
- **Subject Report:** Used to convey details of new accused, accused addresses and/or additional charges;

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- **Memo:** Used to convey any relevant textual information relating to a case where the SPR has been previously submitted;
- **Witness Report:** Used to convey details of new witnesses and witness addresses;
- **Production Report:** Used to convey details of new productions.

4.2 Where an additional accused or charges are added by way of subject report, CHS and PNC must be updated (as per local guidance).

## 5. Occurrence Reports

- 5.1 An occurrence report is also part of the nationally agreed SPR document set. The occurrence report allows the submission of information to the PF regarding an ongoing investigation into a serious or sexual crime where a suspect has been identified but the sufficiency of evidence is either unclear or finely balanced. It can also be used if the police require advice and direction relative to further investigative efforts.
- 5.2 Occurrence Reports will be used to convey information to COPFS regarding Investigative Liberation as per sections 16 – 19 of the Criminal Justice (Scotland) Act 2016.

## 6. Witness Statements

- 6.1 For disclosure purposes statements are required to identify each witness as one of two witness types: civilian or police. This is to ensure that a CHS check of all witnesses is carried out.
- 6.2 Police officers or police staff who are witnesses or victims of crime whilst they are off duty must be classed as civilian witnesses. (See section 16.5.1 of the Disclosure of Evidence in Criminal Proceedings Manual of Guidance.)
- 6.3 A statement will clearly inform the PF and/or SCRA what the evidence of a civilian or police witness is. This assists in proving the case as well as informing the PF and/or SCRA of any evidence that may be used by the accused in their defence. It is a fundamental requirement that statements should be compiled as accurately as possible. The Reports and Statements Writing Guide gives advice on compiling statements.
- 6.4 Witness statements will be noted by officers in their Official Police Notebook or Personal Digital Assistant (PDA) if appropriate. In circumstances where this is not appropriate, hard copy disclosable and non-disclosable National Standard Statement (NSS) forms (045-001 and 045-001A) may be used.

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- 6.5 Officers may be called upon to produce original hard-copy statements in court under rules of disclosure. Therefore the officer noting the statement will be responsible for following local filing procedures that ensure the proper storage, retention and safekeeping of the original statement.
- 6.6 At the end of every civilian witness statement taken, the following sentence must be included before the statement is signed by the witness:
- “I confirm that this statement is a true and accurate record.”**
- 6.7 In circumstances where there are agreed geographical pro-forma statements in use for civilian witnesses, for example medical statements, the original statement will be lodged as a production.
- 6.8 Where appropriate, statements of members of police staff will be noted by a police officer in an official police issue notebook, PDA or hard copy NSS form. Statements submitted by specialist staff, including Scottish Police Authority (SPA) staff, will be forwarded to the reporting officer who will be responsible for transmitting the statement as per geographical guidance (see Appendices ‘A’ to ‘H’) and lodging the original as a production if applicable.
- 6.9 Where a statement request is received in respect of an officer who is no longer employed by the police or is on a career break, a statement should be taken by a police officer from the witness and recorded appropriately.
- 6.10 The officer noting or compiling the statement will be responsible for its accuracy, authentication and submission to the PF and/or SCRA.
- 6.11 Officers should also comply with the requirements of Section 8 of the Victims and Witnesses (Scotland) Act 2014 in relation to the gender of the interviewing officer when obtaining statements from victims or witnesses who are covered by this section. Further information and guidance can be found in the Right to Specify Gender of Interviewing Officer - Section 8 Flowchart.
- 6.12 When noting statements from non-English speaking persons, officers should ensure that the services of an interpreter are obtained. Where appropriate, interpreters should also be used for noting statements from persons with sensory impairments. Officers should also take into consideration the cultural and religious beliefs of the witness (see Interpreting and Translating Services SOP for further guidance).
- 6.13 See Appendix ‘M’ for guidance on completion of the National Standard Statement (NSS) form.

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## **7. Submission of Statements**

### **7.1 Timescales**

- 7.1.1 In order to ensure that the COPFS has sufficient time to consider statements and prepare them for disclosure, officers should ensure that statements are submitted within certain timescales:
- (i) In **solemn custody cases** essential statements should be submitted within 5 calendar days of the accused first appearance. All remaining statements should be submitted within 21 days of first appearance.
  - (ii) In **solemn bail cases**, statements should be submitted within 21 calendar days of the accused's first appearance on petition.
  - (iii) In **summary custody cases**, all statements should be submitted within 7 calendar days of the accused's plea of not guilty being recorded by the court.
  - (iv) In **summary bail/Ordained to Appear cases**, statements should be submitted within 28 calendar days of the accused's plea of not guilty being tendered.

### **7.2 Submission of Statements to the Children's Reporter**

- 7.2.1 SCRA may request statements following submission of an SPR. In order to avoid delay in a child's case, statements should be submitted within the timescales specified by SCRA. For additional local guidance contact area Case Management Units (CMU) (or local equivalent).

## **8. Cross Boundary Case Reporting**

- 8.1 Routinely, it is not anticipated that police officers will be reporting cases across legacy force boundaries with the exception of road policing officers, specialist officers and at planned events. However, within these groups it is recognised that there will be an increase in cross boundary case reporting.
- 8.2 Officers and staff will not be trained in case reporting systems other than those systems in which they are currently trained. This section therefore provides guidance for:
- officers who detect offenders outwith their legacy force area and are required to raise crime reports, update CHS records and report cases; and/or
  - officers who are within their former legacy force area and working with officers from outwith their legacy home force area and are required to raise crime reports, update CHS and report cases.

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8.3 Officers anywhere in Scotland will be able to report offenders in any other part of Scotland provided they follow the step-by-step cross boundary case reporting guidance for the legacy force in which the offence was committed. For further guidance and links to the relevant documents refer to the geographical Appendices 'A' to 'H'.

8.4 This guidance is **only** intended to be used for report and undertaking cases reported to COPFS. Cross boundary information relating to Conditional Offers of Fixed Penalty Notices (COFPN) can be found in the relevant Conditional Offer of Fixed Penalty Scheme – Traffic Offences SOP.

### 8.5 Custody Cases

8.5.1 The cross boundary solution **must not** be used to manage cases where the accused is held in custody (albeit the documents referred to may assist in the reporting process).

8.5.2 In these circumstances the officers from outwith the area must contact a local supervisor who will arrange for a local officer to become the designated Reporting Officer (RO). The officers from outwith the area will become witnesses.

8.5.3 This is necessary to ensure that the case is recorded quickly onto all local systems. The designated RO will then inform the Cross Boundary Single Point of Contact (SPOC) by completing the Record of a Cross Boundary Case (Form 022-001) and forwarding it to them by email.

### 8.6 Productions

8.6.1 Any case related productions, regardless of whether the case is a custody, undertaking or report, must be lodged in a police station within the legacy force area where the crime/offence has been detected. (See Productions SOP for further information.)

### 8.7 Reporting Officer's Responsibilities

8.7.1 When an officer reports an offender in a location outwith their legacy home force area and is, at the time, unable to obtain assistance in accessing crime recording systems they will:

- update the area control room where the cross boundary crime occurred and note the incident number via airwave if applicable;
- return to their home division and access the Record of a Cross Boundary Case (Form 022-001);
- select the appropriate legacy force where the offence was committed and access that area's step-by-step guidance for case reporting documents (refer to geographical Appendices 'A' to 'H') which will guide them through the process for recording a crime/offence and updating relevant IT systems within that legacy force area;

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- save a copy of any required documents and complete the Record of a Cross Boundary Case (Form 022-001) crime recording document and CHS update form (where appropriate) and any other case related documents relative to the offence committed and required by the legacy force (this should be highlighted within the local step-by-step guidance).

**Note:** The RO should record the Cross Boundary SPOC of the area where the offence occurred as the RO on both the Crime Report/Crime File and any updates to CHS. Their own details should be noted within the document;

- forward all relevant forms to the named Cross Boundary SPOC within the area of the offence and also to their own Cross Boundary SPOC prior to going off duty.

8.7.2 The details of the Cross Boundary SPOCs will be found within the National Cross Boundary SPOC Contact Details document.

8.7.3 In the event the RO is able, at the time of the incident, to record the crime on local IT systems and update CHS, they should:

- ensure the Cross Boundary SPOC of the area where the offence occurred is recorded as the RO on both the Crime Report/Crime File and any updates to CHS noting their own details within the enquiry field of the documents;
- note the crime and incident number;
- select the document Record of a Cross Boundary Case (Form 022-001), save a copy and complete;
- prior to the end of tour of duty forward the Record of a Cross Boundary Case (Form 022-001) to the Cross Boundary SPOC where the offence occurred and also to the reporting officer's home Cross Boundary SPOC (by email only; no requirement for a hard copy).

8.7.4 In order to subsequently report the case the RO should:

- select the appropriate legacy force step-by-step guidance for cross boundary case reporting (see geographical Appendices 'A' to 'H');
- select the appropriate SPR2 template and any other documents which require to be completed, save a copy and complete (see geographical appendices 'A' to 'H');
- include the following paragraph within the 'Remarks' section of each cross boundary case:
  - **"This report is a cross boundary case and as such the Reporting Officer is the designated Cross Boundary SPOC within the legacy force area where the crime / offence has occurred. Due to issues with legacy IT systems, all correspondence should be directed to them including statement requests, citations and countermands etc., to ensure business continuity."**
- forward the completed case to the named Cross Boundary SPOC where the crime/offence occurred within case reporting timelines.

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## **8.8 Working with Officers outwith your Legacy Home Force Area**

- 8.8.1 In circumstances where an officer is partnered with an officer from outwith their legacy home force area, it is the responsibility of the home force officer to record all crimes, issue Fixed Penalty Notices (FPN) and report cases. They will then become the designated RO. The designated RO will then inform the Cross Boundary SPOC by completing the Record of a Cross Boundary Case (Form 022-001).

## **8.9 Post Reporting**

- 8.9.1 In some cases, requests for statements and other information will be made by COPFS. These requests will be forwarded to the RO by the Cross Boundary SPOC where the crime/offence occurred.

- 8.9.2 The RO will:

- complete all necessary correspondence, saving a copy;
- email the correspondence to the legacy Cross Boundary SPOC where the offence occurred and their own Cross Boundary SPOC within the recognised timescales.

**Note:** It is the responsibility of the RO to ensure the SPR is completed within the timescales specified for reported cases and undertakings.

## **8.10 Cross Boundary SPOC Responsibilities**

- 8.10.1 It is the responsibility of the Cross Boundary SPOC for the area in which the offence was committed to:
- monitor the cross boundary email address on each working day;
  - raise all crime and other reports, eg Vulnerable Persons Database (VPD) etc, as attached in the email received from the RO;
  - quality check all documents received from the RO;
  - upload all SPRs to the local case reporting system for transfer to COPFS ensuring the RO field is completed with the name of the Cross Boundary SPOC for the area where the crime/offence occurred and all police witnesses are recorded as such within the SPR with the correct legacy force 10-character Unique Reference Number (URN) (this allows COPFS to check details against the database of officers/staff with a CHS record and/or misconduct finding);
  - forward any requests for statements or other COPFS enquiries to the RO;
  - collate any responses from the RO;
  - transmit to local case reporting system;
  - transfer to COPFS any statements and other requests for the RO in relation to cross boundary cases they are reporting.

## **9. Records Management**

- 9.1. Personnel are reminded that the majority of activities associated with Case Reporting require that records be created and managed effectively. The retention of such records is referred to within the Record Retention SOP.

**'C' Division**

**1. Criminal History System and Police National Computer Update**

**Process and Procedures for Updating CHS/PNC**

There is no requirement for the RO to advise Records Bureau when moving a Crimefile to 'detected' and adding an accused's details as this is automatically picked up by Records Bureau via the 'Events' facility.

The only data not transmitted via 'Events' and required to be advised by the RO to Records Bureau are:

- (i) charge aggravations, and
- (ii) modifiers.

To advise the Records Bureau of such, a 'Task' must be created within the Crimefile 'Administration' header page of the Crimefile by clicking on the 'Add New' button and naming the Task as a 'Specified Task' from the drop down menu in the resulting Dialogue Box. A brief 'Title' of the Task must be entered in the free text space below. Thereafter click the 'OK' button and a Task header page will open up where the 'Add Text' button must be clicked to and a brief description of what is being requested entered in the 'Task Description' field. The 'Task' must be allocated to Records Bureau. To do this, enter RECORDS (for routine reports) or RECHP (for custody/undertaking reports) within the left hand box of the 'Allocated To' field and click on the adjacent ellipsis. The Task is thereafter allocated to Records Bureau for completion.

**2. The Standard Prosecution Report (SPR)**

**Process and Procedures for Creating/Submitting Electronic SPR etc.**

To create an SPR, the 'SPR' button must be clicked within the Crimefile 'Administration' header page which will open a 'PR Header' page. Within this page the following fields require to be populated:

- **Fiscal** - from the drop down menu select the PF for the relevant area, either PF\_ALL (Alloa), PF\_FLK (Falkirk) or PF\_STR (Stirling);
- **Reporter** – from the drop down menu select the Reporter for the relevant area, either Stirling, Falkirk or Clackmannan (Alloa);
- **Case Category** – from the drop down menu select the case category, eg Road Traffic;
- **Forensic** - select from yes/no option;

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- **Productions** – if there are case related productions tick the box;
- **Officers – Typist** – click ellipsis and using search box enter the 'User Details' of the officer typing the report;
- **PR Text** – click on this button and entry is gained into the standard SPR document with all the national fields therein. Some information within the Crimefile set up is automatically populated in some of the fields, eg productions (from the Steria Crimefile Productions database).

On completion of the SPR the officer compiling same must allocate the SPR to a supervisor for checking. This is done by going to the 'Officers' field and below the 'Typist' section completing the 'Report Checker' section. The appropriate supervisor can be found and selected by clicking on the adjacent ellipsis. The SPR will then appear in the supervisor's Crimefile in-tray for checking.

Having checked the SPR is satisfactory, the supervisor will forward the SPR to the Case Management Unit (CMU) for checking and onward transmission to COPFS/Reporter. This is done by replacing his/her details in the 'Officers – Report Checker' field and by clicking on the adjacent ellipsis and selecting the appropriate mailbox viz:

CUSTFALK – for custody and undertaking reports for the Falkirk area

CUSTSTIR – for custody and undertaking reports for the Stirling area

CUSTALLO – for custody and undertaking reports for the Alloa area

REPFORCE – for all routine reports irrespective of area

JUVFORCE – for all juvenile reports

### Case Related Documents

The Case Related Documents (CRD) field within the SPR2 document is not utilised. All CRD are treated as productions and entered on the electronic production register (Steria Crimefile plus Productions version 3.2.10). The Crimefile report reference number is entered therein and this causes the list of productions to be automatically transferred to the productions section within the SPR upon its creation.

The current physical location of the productions is recorded in the Productions database, ie initially within the custody store at the relevant police station. When transferred to the custodian the location will be amended. No CRD or productions are to be conveyed to the PF until requested. On transfer to the PF the location within the database will be updated accordingly.

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## **Recording of Hostile Witnesses in Crimefile and SPR**

A number of issues arise when a witness is recorded on Crimefile and the subsequent SPR as a hostile witness due to the fact that they refuse to give police a statement. COPFS expect that every witness in a SPR has provided a statement which can be produced in response to a statement request. In most cases it is only following a statement request that COPFS are made aware that no statement was obtained.

A hostile witness is described in the SPR2 Business Rules as:

**‘The term ‘Hostile Witness’ has no formal definition in Scots’ law. However, it should be used where there is reason to believe that the witness is being evasive, is telling lies, or will not speak in court.’**

COPFS have been consulted and have instructed that where a statement has not been obtained the person is not to be recorded as a witness. The hostile witness check box should only be used in the circumstances described above in the SPR2 Business Rules.

Where a potential witness refuses to give a statement and it is reasonably believed that the person has seen or done something relevant to the enquiry the following actions must be taken:

### **Crimefile**

- the person will not be recorded as a witness;
- the person’s full details will be recorded in a Task headed ‘Reluctant Witness’ and a brief explanation given as to why it is believed that they have seen or done something relevant to the enquiry and why they refused to give a statement.

### **SPR**

- the person will be named in the ‘Description of Events’ at the appropriate part of the narrative but not tagged as a witness;
- in the ‘Remarks’ section full details of the person will be recorded as will why it is believed that they have seen or done something relevant and the reasons for refusing to give a statement.

Following the above actions will ensure that the PF is aware of the person’s existence in relation to the case in hand and that disclosure obligations to the defence are met. It will also remove the issues around statement requests for persons where no statement has been obtained.

### **3. Witness Statements**

#### **Process and Procedures for Submitting Statements Electronically**

Upon receipt of a PF statement request (forwarded to the officer via a Task within the pertinent Crimefile) the RO officer must collate the statements of all police and civilian witnesses within the case. Once collated these must be forwarded as word attachments to the relevant sub-divisional typist quoting the Crimefile and PF case reference numbers.

The typist will type the statements upon the Statement Viewer system which is electronically linked to the Crimefile database.

Once typed, the noting officer (officer whose statement it is or who noted a particular civilian statement) as opposed to just the RO will receive an email notification informing them that the statement will be available in their 'My Statements' tab in the Statement Viewer. This is divided into police and civilian statements awaiting verification. The noting officer must check the content of the statement(s) and if correct must verify same by clicking on the 'Verification' button.

**Note:** Only the submitting police officer can verify their own police statement.

Where the noting officer does not have access to the 'C' division systems - eg forensic scientists, civilian statements obtained in other force areas - the statement will be typed onto the Statement Viewer and the RO will receive the email notification. The statement will appear in their 'My Statements' tab. The reporting officer can then verify these statements having confirmed their accuracy against the original.

Once all the statements, police and civilian, have been verified, the RO must return the original Crimefile Task requesting the statements to the REPFORCE Crimefile mailbox to allow the transmission of the statement set by the Case Management Unit (CMU) to COPFS.

### **4. Cross Boundary Case Reporting**

The following documents should be utilised by officers reporting offences committed in 'C' Division:

- Crime Recording – Voicebank Prompts
- SPR 2 Template
- Step by Step Guidance for Cross Boundary Case Reporting

**'V' Division**

**1. Criminal history system and Police National Computer update**

**Process and Procedures for Updating CHS/PNC**

All police reports will be marked as ready for Records by either a supervising officer or an Accredited Constable. When ready, the report will automatically be included in the Incident Management and General Enquiry (IMAGE) Standard Prosecution Report 2 (SPR2) management system and be available for further processing by Reports Bureau staff. Reports Bureau staff at Cornwall Mount, Dumfries and the Case Management Unit co-located at the PF's Office, Buccleuch Street, Dumfries, will ensure the accuracy of entries relating to any such report on the CHS. Any necessary amendments or updates will only be carried out by Reports Bureau or Case Management staff and will be made prior to the report submission to COPFS.

**2. The Standard Prosecution Report**

**Process and Procedures for Creating/Submitting Electronic SPR etc**

The IMAGE system is used to record and manage all incidents and crimes which occur within 'V' division. Within IMAGE there is a case reporting function which is used for all reporting to the PF and SCRA.

All SPR2 queries and issues will be dealt with by Case Management staff based at the police satellite office, PF's Office, Buccleuch Street, Dumfries.

**Case Related Documents**

All Case Related Documents (CRD) for sections 4, 5, 6 and 7 of the Road Traffic Act 1988 and Police undertaking forms will be submitted at the same time as the accompanying police report is transmitted to the PF. All other CRD will be submitted to the PF on request.

CRD will be retained by the RO or, in the case of electronic forms produced by the National Custody System, stored electronically until required when it is the responsibility of the RO to provide hard copies directly to the PF.

**3. Witness Statements**

**Process and Procedures for Submitting Statements Electronically**

All statements will be submitted electronically to COPFS using the SPR2 function which is part of the IMAGE system. Statements taken in a police notebook, Personal

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Digital Assistant (PDA) or recorded on a National Standard Statement Form will be transferred onto the electronic form part of SPR2. Source documents will be retained by the officer involved.

All statements in a case will be marked as ready for Records by either a Supervising Officer or an Accredited Constable. When ready, the statements will automatically be included in the IMAGE SPR2 management system and be available for further processing and onward transmission to COPFS by Case Management staff.

### **4. Cross Boundary Case Reporting**

The following documents should be utilised by officers reporting offences committed in 'V' division:

- Memo Template
- SPR2 Template
- Step by Step Guidance for Cross Boundary Case Reporting

**'P' Division**

**1. Criminal history system and Police National Computer Update**

**Process and Procedures for Updating CHS/PNC**

On creation of a CrimeFile, within which there is a named accused, the CrimeFile system automatically creates an 'electronic event' within the application.

This event will be actioned by staff within the CHS/PNC Bureau who update or create a CHS record for the accused, adding the relevant charge(s) to the appropriate pending case chapter. A 'T' marker is added to the end of the CrimeFile reference number to indicate it is a temporary retention.

Similarly, when an accused is unlinked from a charge(s), an 'electronic event' is created by the CrimeFile system initiating removal/update of the relevant CHS record by staff within the CHS/PNC Bureau.

Prior to a completed SPR being electronically transmitted to Crown Office/SCRA, a task will be created within the relevant CrimeFile by staff within the Case Management Unit and allocated to staff within the CHS/PNC Bureau. This task ensures that a full and accurate reconciliation of charges/accused recorded within the SPR is made with CHS. The temporary 'T' marker is then removed.

Where a SPR has been rejected by Case Management Unit staff, a task, as described above, will be created and allocated to ensure reconciliation with CHS as described above.

**2. The Standard Prosecution Report (SPR)**

Process and Procedures for Creating/Submitting Electronic SPR etc

Officers in 'P' division submit all SPRs via the CrimeFile system. For further guidance refer to the CrimeFile User Guide.

**Case Related Documents**

Case Related Documents (CRDs) are submitted to Case Management Unit (CMU) for filing and storage until requested by the PF.

CRDs must be accompanied by a Form CRD (available locally) detailing the relevant Crimefile Reference number, RO details and indicating which CRDs have been submitted.

CRDs along with Form CRD will be transmitted by internal mail to CMU where they will be stored awaiting any request from PF.

Solicitor Access Recording Forms (SARF) will be stored locally until requested by PF.

### **3. Witness Statements**

#### **Process and Procedures for Submitting Statements Electronically**

All statements are submitted and viewed using the Statement Compiler and Viewer system. For further guidance refer to the Statement Compiler and Viewer User Guide.

### **4. Cross Boundary Case Reporting**

The following documents should be utilised by officers reporting offences committed in 'P' Division:

- SPR Crimefile Template
- Step by Step Guidance for Cross Boundary Case Reporting
- Voicebank Question Trail Guidance Document

**'A' Division**

**1. Criminal History System and Police National Computer Update**

**Process and Procedures for Updating CHS/PNC**

The CHS is updated by the Criminal Records Office (CRO). SPR submission processes via CrimeFile require the SPR and CHS to be updated by CRO before it can be submitted to COPFS.

**2. The Standard Prosecution Report (SPR)**

**Process and Procedures for Creating/Submitting Electronic SPR etc**

'A' division utilises the CrimeFile system for submitting all SPRs. For further guidance on this system and all processes and procedures relating to it, refer to the CrimeFile User Guidance and the Verbal Warnings Guide.

For guidance on submitting further information to the PF by re-opening a Crimefile refer to the SPWR (Subject, Production and Witness Report) Guide.

**Case Related Documents**

Further information in relation to case related documents and productions can be found in the Production and Case Related Documents Guidance document.

**3. Witness Statements**

**Process and Procedures for Submitting Statements Electronically**

For guidance on statement compilation, submission and viewing of statements refer to the Guide to the Completion and Submission of Standard Prosecuting Reports and Statements.

**4. Cross Boundary Case Reporting**

The following documents should be utilised by officers reporting offences committed in 'A' Division:

- Creating a Crime Record (Crimefile)
- SPR2 Template
- Step by Step Guidance for Cross Boundary Summary Case Reporting
- Step by Step Guidance for Cross Boundary Undertaking and Custody Case Reporting

**'E' and 'J' Divisions**

**1. Criminal History System and Police National Computer Update**

**Process and Procedures for Updating CHS/PNC**

CHS is updated by the Custody Review Officer (CRO). SPR submission processes via Unified Force Intelligence (UNIFI) and Intranet Case Reporting System (ICRS) require the SPR and CHS to be updated by CRO before it can be submitted to COPFS.

**2. The Standard Prosecution Report (SPR)**

**Process and Procedures for Creating/Submitting Electronic SPR etc**

ICRS is the system used for transmitting all SPRs to the PF/SCRA in 'E' and 'J' Divisions.

ICRS, in addition to delivering the SPR, Witness Statements, Death Reports and the SPR2 Ancillary Documents, will also receive correspondence from the PF in relation to any case on that system, including Receipts and Statement Requests.

In addition to providing a system for transmitting and receiving these documents, ICRS also provides a system for recording and managing staff workload in relation to all criminal cases and reports for management on outstanding documents and performance in terms of the turnover of these documents relative to agreed submission timescales.

When preparing any case, officers will continue to use current practice in creating a case through the UNIFI Custody application. The UNIFI case Application has been enhanced to allow the recording of a number of different case or report types and the ability to 'Complete' cases, removing them from officers UNIFI workload.

UNIFI recognises the different report types and where the cases require the submission of an SPR, officers will have the option to transfer the details to ICRS immediately or UNIFI will automatically transfer the case details after 7 days have elapsed from the date of case creation. The document How to Transfer a Case Report into ICRS provides detailed instruction on this process.

Officers should also ensure that all the available accused and charge details are recorded on UNIFI Case before the transfer to ICRS.

UNIFI will additionally recognise the officers recorded on a case as those who cautioned and charged the accused and witnesses recorded in any linked Crime Reports and automatically create and populate witness details on the SPR within ICRS. These details should be edited and telephone numbers updated for use as required.



### **Case Related Documents**

CRDs are essentially documentary productions that do not require a production label. The storage of documents can be dependant of local procedure in keeping with PF instructions. CRDs should be sent to local CMUs who will ensure onward transmission to the appropriate PF's office.

All CRDs should be listed in the Productions section of the SPR on ICRS.

## **3. Witness Statements**

### **Process and Procedures for Submitting Statements Electronically**

Statements will be requested and submitted via the ICRS system as per Section 2 above.

## **4. Cross Boundary Case Reporting**

The following documents should be utilised by officers reporting offences committed in 'E' and 'J' Divisions:

- Crime Recording Template
- SPR2 Template
- Step by Step Guidance for Cross Boundary Case Reporting

**'N' Division**

**Introduction**

The Crime Recording System in 'N' division is Information Management for Police Application Control and Tracking (IMPACT). The Case Reporting system is ICRS. The systems operate independently of each other. Officers must ensure that charges and accused details entered on one system mirror what is recorded on the other to ensure accurate reports are sent to COPFS/SCRA. Both systems must be updated manually. It should be noted though that once an SPR has been sent to COPFS on ICRS it can no longer be updated.

**Criminal History System and Police National Computer Update**

**Process and Procedures for Updating CHS/PNC**

CHS/PNC will be updated by the Criminal Justice Services Division, Records Office, Divisional HQ, Inverness. The SPR2 submission processes require that the SPR and CHS are updated by Criminal Justice Records before it can be submitted to COPFS to ensure that the charge details on the SPR2 match those on CHS. Failure for the details to match exactly can cause significant problems further down the line as a result of the way automatic updates to CHS work.

For all cases officers should either submit form OP-56-26 (SPR8 – CHS Record Update/Creation) Request to the local system typing pool or submit a Person Charged Voicebank using the Winscribe system.

The virtual typing pool will process these forms and update the IMPACT database accordingly – This in turn generates a request to Criminal Justice Records to update CHS.

It is important that every effort is made to ensure that the information provided in the form or Voicebank is accurate in order that the correct CHS record is updated appropriately.

Finally, if the submitting officer is aware that there will be no more accused / charges to add to the case and that the case is effectively ready to be written they should indicate on the form / Voicebank that the case details can be 'pushed to ICRS'. In cases where it is likely that further charges/accused will be discovered the case should not be pushed to ICRS until these enquiries are concluded and accused/charge details for all individuals to be reported is known.

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### **Weekend Marking (CHS/PNC update when Inverness Records Office is unavailable)**

There may be a requirement to submit cases to COPFS over a weekend or on a public holiday when the Records Office in Inverness is unavailable and may not be available before the report is required. In cases where a report can wait until the Records Office resumes duty, the report should be forwarded to the Records Office as normal.

In these circumstances the SPR should be created as per the process described in Section 3 below and a PDF print of same forwarded to [chs@scotland.pnn.police.uk](mailto:chs@scotland.pnn.police.uk) requesting the CHS update work be carried out. This email should be sent from the Performance Support – Highlands and Islands mailbox. It is imperative that at the time of sending that Report does not require any amendment to the accused, charges, modifiers or aggravators in order to ensure that the details on CHS accurately represent the details sent to COPFS. If the charges, accused, modifiers or aggravators are changed after the record updating has been done by IR in Glasgow, the sending Supervisor should resubmit the report to IR in Glasgow in order that the changes can be reflected on CHS.

### **3. Standard Prosecution Report (SPR)**

#### **Process and Procedures for Creating/Submitting Electronic SPR etc**

In general terms a blank SPR will be created at the time of submission of the aforementioned SPR8 form provided that officers have requested that the case be pushed to ICRS (on the form or answering 'Yes' to the relevant voicebank question. However, officers can also self-create the report on ICRS. Officers should still submit the SPR8 form for CHS/PNC update. Local guidance is available via the Criminal Justice Webpages.

Officers are encouraged to directly enter details onto ICRS as the most efficient method of compiling an SPR although <NATIONAL SPR TEMPLATE> is available. Once the report has been completed on ICRS the reporting officer should carry out an initial check for accuracy and completeness before allocating to their supervisor or duty supervisor in the absence of their own supervisor for the final QA and forwarding to the Reports unit for onward transmission.

Supervisors should check the report for accuracy and sufficiency of evidence ensuring that all required modifiers, aggravators, witness vulnerability details or other required information such as Drink Drive forfeiture information have been completed and/or included in the SPR. On occasions where a report does not meet the required evidential or data quality standards it should be returned for amendment or efforts made to amend. An incomplete report or evidentially lacking report under no circumstances should be submitted for sending to COPFS.

In normal circumstances when a report is good-to-go, the supervisor should allocate the report to the HQ, -Reports Unit workbasket on ICRS clearly indicating the correct Fiscal Location in the comments box of the report. Supervisors should ensure that

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they select the Fiscal Location for the Jurisdiction in which the offence occurred noting that this may not be the same location as a custody will be appearing from.

### **Weekend Marking/Non-Availability of Typing Staff**

In cases where there is no typist availability, officers should still submit the CHS/PNC update request for IMPACT updating as normal, however, supervisors are able to manually create a blank SPR on ICRS. Once created the blank SPR should be reallocated to the reporting officer to complete.

## **4. Case Related Documents**

Case related document is a term to refer to productions and other documents which are necessary to be submitted to the PF along with a SPR. This is to allow an informed decision about the institution of proceedings. What is a "case related document" may vary from time to time but does not affect whether a production (that is an item of evidential value) is referred to in Court (and therefore in Police Reports and Statements) as a Production Number or as a Label Number.

The following procedures with regard to productions must be adhered to:

All items (other than documentary productions) which may require to be produced in proceedings and have a label attached will be referred to in Police Reports and Statements as 'Label No'.

All documentary productions will have a backing sheet attached and be referred to as 'Production No', however, where the production is produced by Police Scotland as opposed to being recovered by it, a production backing sheet will not be required when the production is to be submitted as a 'case related document', eg arrest forms, drink driving forms etc.

The distinction between a Production Number and a Label Number is generally obvious but in some cases documents may be referred to as 'Label No'. For example, in a case of embezzlement, books of accounts would be referred to as 'Production No'. In the case of theft from an office the same books of accounts, if these items were recovered, would be referred to as 'Label No'. The difference is that in the former case it is the contents of the Production Number that are important. It is not the contents which are important in the latter case.

The procedure in relation to 'case related documents' that is those documents which require to be submitted to the PF along with a report, is as follows:

In non-custody cases, 'case related documents' will be delivered to the PF within 24 hours of the transmission of the SPR.

In custody cases, 'case related documents' should be forwarded to the PF for 0900 hours on the morning of the case calling.

It is the checking Supervisors responsibility to ensure that any documents that are to be sent to COPFS with the report, such as Undertaking Forms or Drink Drive Forms

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are timeously submitted. The checking supervisor may find it useful to ensure that they have these documents before sending the report electronically to ensure that they have been correctly referenced within the report and that the forms do get to COPFS.

To re-affirm, 'case related documents' ('Production No') produced by Police Scotland do not require a backing sheet. Case related documents ('Production No') recovered by Police Scotland do require a backing sheet.

## **5. Witness Statements**

### **Process and Procedures for Submitting Statements Electronically**

All witness statements are submitted to the PF via ICRS. Only statements for transmission to COPFS following a direct request will be placed on ICRS. The system will not be used as a repository for statements.

Statement requests from other agencies, eg Scottish Children's Reporter Administration (SCRA) are not received electronically through the ISCJIS link. These statements can be entered and stored on ICRS, however, these statements will generally be forwarded 'hard copy' to such agencies.

All staff and supervisors will ensure that they check ICRS on a daily basis to ensure that statement requests are dealt with timeously.

Where the reporting officer is unavailable due to leave/sickness absence/course the statement request should be reallocated by the supervisor to an appropriate officer for completion.

At the point where it is identified that a statement(s) will not be submitted within designated timescales a memo to that effect should be submitted to the PF by the reporting officer or if appropriate their supervisor. In these circumstances, and in addition to the subject report a 'blank' statement may be submitted on behalf of the absent officer. However, in such circumstances a further statement must then be created for that officer and allocated to them to ensure the full statement is completed on the officer's return to duty.

Supervisors have responsibility for all 'Work Items' in their 'Supervisor's Overview' within ICRS.

Once statements have been checked and are ready for submission they should be reallocated to the HQ/Reports Unit workbasket

For further guidance refer to the Typing Guidance document.

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## **6. Cross Boundary Case Reporting**

The following documents should be utilised by officers reporting offences committed in 'N' Division:

- OP-56-26 (SPR8 – CHS Record Update/Creation) Request
- SPR2 Template

**'G', 'K', 'L', 'Q' and 'U' Divisions**

**1. Criminal History System and Police National Computer Update**

**Process and Procedures for Updating CHS/PNC**

The e3:20:1 is the electronic form, accessible via the intranet, used to convey case and accused information onto the national CHS. Only through the e3:20:1 form will a Case Record be created and a valid CHS number for the accused either created or confirmed. Both of these are pre-requisite before a SPR can be submitted.

The e3:20:1 form will be completed by the RO, before the conclusion of duty on the day an accused was charged or alternatively, the day a sufficiency of evidence was identified and that a SPR was necessary, eg in cases such as failed conditional offer, HO/RT1 process. It is important to ensure as far as possible that the correct nominal, where available, is selected and address particulars etc are updated as necessary. It is also crucial that as far as possible the order of charges on the e3:20:1 form reflects the order of charges as they will appear on the SPR and all aggravators are included. This is due to the fact that PF/court updates will attach to charge numbers, not actual charges.

On submission of the e3:20:1, the form is transferred electronically to Information Resources (IR) where the details are entered onto CHS. While the CHS is a national system, Police Scotland are the owners of any information they put onto it and remain responsible for the information.

On completion of the CHS process, IR will automatically send a confirmation email to the submitting officer. This email will identify the Scottish Criminal Records Office number (known as the 'S' number) that the record has been entered into. It is a matter of good practice to cross check this number is the one used in the SPR as this is the starting position for all other agencies and Criminal Justice (CJ) partners. Attempts to remedy errors further into the process can be complicated and have obvious implications for all agencies and individuals involved.

On receipt of the subsequent SPR, divisional Case Management Units (CMU) will compare the nominal and case details in the SPR to that showing on CHS and, where error has occurred or the charge order has been amended, ensure that this is properly reflected on CHS. CMU staff can amend all aspects via e3:20:1 (including marking a case 'no crime') with the exception of nominal details and lead CR number information. Any other amendment requires a fax communication by CMU to IR. On no account should reporting officers fax or otherwise liaise directly with IR on e3:20:1 issues and should speak to their divisional CMU in the first instance.

Where known, occupation details should be accurately recorded. Not only is this a prospective intelligence source, CHS staff have an obligation to intimate certain convictions where the accused falls into a 'notifiable' category.

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As indicated above, the trigger date for reporting timelines is normally the caution and charge of an accused and as entered into the 'Date Charged' field of the e3:20:1. Where an accused has not been traced or cautioned and charged, or the sufficiency of evidence has been as a result of further enquiry or a failed process (eg HO/RT1 enquiry, failure to comply with Conditional Offer), then the appropriate date to enter here is the date this information came to light, not the date of original incident/contact.

Where the e3:20:1 relates to a person liberated on undertaking, it is essential that both the court particulars and any conditions attached are entered accurately as these are the details that are entered onto the CHS system. In particular, the wording of any further condition must be entered verbatim from the undertaking sheet. A failure to do so could lead to either evasion of detection for a future offence or alternatively wrongful arrest with the potential of action against Police Scotland.

## **2. The Standard Prosecution Report**

### **Process and Procedures for Creating / Submitting Electronic SPR etc**

The Standard Prosecution Report (SPR) format and structure should be used in all cases sent to the PF and to the Reporter. Reports for accused persons detained in custody are to be prepared and delivered timeously in accordance with local instruction and agreement.

All SPRs are created and transferred using ICRS. A brief initial review of the Reports and Statements Writing Guide will allow the reporting officer to consider all areas that will require to be covered during the course of writing and submission. Further guides are also available on the ICRS homepage itself (under 'Help' and 'User Guides').

## **3. Case Related Documents**

All case related documents in 'G', 'K', 'L', 'Q' and 'U' Divisions will be submitted as productions.

## **4. Witness Statements**

### **Process and Procedures for Submitting Statements Electronically**

Statement requests from the PF are sent electronically and will be allocated directly to reporting officers' 'Personal Workload' on ICRS.

Statement requests from other agencies, eg SCRA are not received electronically. Witness statements will be entered and stored in ICRS, however, these statements will be forwarded 'hard copy' to such agencies.

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All staff and supervisors will ensure that ICRS 'Personal Workload' and 'Supervisors' Overview' are checked on a daily basis to ensure that statement requests are dealt with timeously.

Where the RO officer is not available, the statement request should be reallocated by the supervisor to an appropriate officer for completion.

At the point where it is identified that a statement(s) will not be submitted within designated timescales, a subject report to that effect should be submitted to the PF by the RO or their supervisor. In these circumstances, and in addition to the subject report, a 'blank' statement may be submitted on behalf of the absent officer. A further statement must then be created for that officer and allocated to them to ensure the full statement is completed on the officer's return.

Supervisors have responsibility for all 'Work Items' in their 'Supervisors' Overview'.

### **5. Cross Boundary Case Reporting**

The following documents should be utilised by officers reporting offences committed in 'G', 'K', 'L', 'Q' and 'U' divisions:

- CHS Descriptive Template
- Crime Management Voice Trail
- Crime Management Continuation Report Voice Trail
- Death Report Dictation Sequence
- Occurrence Report Dictation Sequence
- PF Memo Dictation Sequence
- SPR2 Template
- Statement Dictation Sequence
- Step by Step Guidance for Cross Boundary Case Reporting
- Subject Report Dictation Sequence

**'D' Division**

**1. Criminal History System and Police National Computer Update**

**Process and Procedures for Updating CHS/PNC**

The SMART 2 case reporting system is utilised in the 'D' division area to submit all SPRs. The SMART 2 system has built in functionality to manage all CHS and PNC updates including Part V updates as required by the SPR 2 document set. This is achieved via Report Processing and Report Management functionality which presents the notification for the relevant departments to carry out all required updates of PNC and CHS.

This process occurs automatically as a report is registered and progresses through its completion and amendment including any deletion of accused or charges. The SMART 2 system also manages as required CHS and PNC updates in connection with Ancillary Reports, where accused are added, removed or charges added.

The responsibility for updating CHS and PNC lies with Information Processing Services, Data Input Bureau and Case Management Administration who have the required access to SMART 2 report processing functionality.

**2. The Standard Prosecution Report (SPR)**

**Process and Procedures for Creating/Submitting Electronic SPR etc**

'D' division utilise a case reporting system known as SMART 2. This system deals with the creation and management of the complete SPR2 document set.

All accused must be registered and a charge registered against each of them. This is in order to comply with the Part V requirements.

In all cases, without exception, an officer will register an SPR prior to termination of duty when:

1. a person has been cautioned and charged with any reportable crime or offence (there are non-reporting options);
2. when sufficient corroborative evidence is gathered to substantiate a Warrant Request or report to the PF; or where
3. road traffic camera detection cases are processed and offenders' details are identified.

**Crime Reference Numbers**

The 'D' division crime recording database is UNIFI and all crimes detected or otherwise must be recorded there.

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All crimes must be reported to the Data Input Bureau. If detected, and a case submitted, the 'Police – Tayside Police' (PTP) case reference number should be included on UNIFI.

The CHS charge number shown in the SPR is not a UNIFI crime number and is only a charge reference for administration purposes.

It is imperative that the crime report is registered timeously and populated with as much content as possible as early as possible. This will help during the compilation of the SPR.

It is the responsibility of all supervisors to monitor their staff's SMART 2 workloads to ensure the timely submission of all reports.

With the exception of custody cases all SPR2 reports are submitted to Case Management for checking and transmission to COPFS.

Custody reports within the former Central and Western Local Policing Areas are checked by the on-duty Custody Suite Sergeant for each area. Eastern Division Local Policing Area custodies are checked by the on-duty Sergeant covering the area in which the crime occurred.

### **Case Related Documents**

CRDs are recorded within the 'Productions' section of the report.

A list of CRDs must be produced. This is done after completing the CRD field, by pressing the 'Print Case Related Documents Receipt' button and a form, which contains the details of the case and the list of CRDs, will be produced.

This form should be physically attached to the documents and forwarded immediately to Case Management. On receipt at Case Management the documents will be checked and signed for. This form will also act as a receipt to be signed by the PF when the documents are sent to that office and retained at Case Management.

The same receipt system will apply when officers are submitting memoranda to the PF with attachments, eg 'please find the DQ3 attached'.

## **4. Witness Statements**

### **Process and Procedures for Submitting Statements Electronically**

As part of the SPR2 document set, the SMART 2 system also manages all statements from request to submission. Case Management will, under normal circumstances, raise the statement request after a request via the ISCJIS link from COPFS. Officers also where required have the ability to raise statement requests.

Statements are managed within the SMART 2 system as batches connected to a specific case. Any number of statement batches can be raised against a case.

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The reporting/collating officer is responsible for ensuring that a statement batch is forwarded to Case Management after completion by all relevant officers involved in the case.

It is the responsibility of all supervisors to monitor their staff's SMART 2 workloads to ensure the timely submission of statements and statement batches.

### **5. Cross Boundary Case Reporting**

The following documents should be utilised by officers reporting offences committed in 'D' division:

- CHS Descriptive Template
- Hate Crime Voicebank Trail
- Hate Crime Update Voicebank Trail
- Cross Border Reporting Process
- New Report Voicebank Trail
- Pro Active Search Voicebank Trail
- SPR2 Template
- Standard Update Voicebank Trail
- Step by Step Guidance for Cross Boundary Case Reporting

**List of Associated Legislation**

- Data Protection Act 2018
- Criminal Justice (Scotland) Act 2016
- Victims' Rights (Scotland) Regulations 2015
- Victims and Witnesses (Scotland) Act 2014

## **List of Associated Reference Documents**

### **Policy**

- Criminal Justice Policy

### **Standard Operating Procedures**

- Care and Welfare of Persons in Police Custody SOP
- Conditional Offer of Fixed Penalty Scheme – Traffic Offences SOP
- Disclosure of Evidence in Criminal Proceedings SOP
- Antisocial Behaviour SOP
- Recorded Police Warnings SOP
- Interpreting & Translating Services SOP
- Offending by Children SOP
- Productions SOP
- Record Retention SOP

### **Guidance**

- Abbreviated Report Templates
- Abbreviated Reports Guidance
- CHS User Guide
- Guidelines by the Lord Advocate to Chief Constables Relating to Liberation by the Police
- ISCJIS Data Standards Manual
- Joint Protocol Between Police Scotland and COPFS: In partnership challenging domestic abuse
- Lord Advocate's Guidelines to the Chief Constable on the Reporting to Procurators Fiscal of Offences Alleged to have been committed by Children
- National Cross Boundary SPOC Contact Details
- PNC User Manual
- Reports and Statements Writing Guide
- Right to Specify Gender of Interviewing Officer - Section 8 Flowchart

**List of Generic Police Scotland Forms**

- England/Wales Statement Forms MG11 (045-002(A) and 045-002(B))
- Foreign National Offender Questionnaire (Form 051-010)
- International Criminal Conviction Exchange - Request (Form 049-001)
- National Standard Statement (Form 045-001)
- National Standard Statement Continuation (Form 045-001A)
- Record of a Cross Boundary Case (Form 022-001)

## **Glossary of Terms**

- **CHS** - Criminal History System
- **CMU** - Case Management Unit
- **COPFN** - Conditional Offers of Fixed Penalty Notices
- **COPFS** - Crown Office and Procurator Fiscal Service
- **CRO** - Criminal Records Office
- **EEI** - Early and Effective Intervention
- **FPN** - Fixed Penalty Notice
- **GSC** - Government Security Classification
- **ICRS** - Intranet Case Reporting System
- **IMAGE** - Incident Management and General Enquiry
- **IMPACT** - Information Management for Police Application Control and Tracking
- **IMU** - Information Management Unit
- **IR** - Information Resources
- **ISCJIS** - Integration of Scottish Criminal Justice Information Systems
- **NSS** - National Standard Statement
- **PDA** - Personal Digital Assistant
- **PF** - Procurator Fiscal
- **PNC** - Police National Computer
- **RO** - Reporting Officer
- **SARF** - Solicitor Access Recording Forms
- **SCRA** - Scottish Children's Reporter Administration
- **SOP** - Standard Operating Procedures
- **SPA** - Scottish Police Authority
- **SPR** - Standard Prosecution Report
- **UNIFI** – Unified Force Intelligence
- **URN** - Unique Reference Number
- **VPD** - Vulnerable Persons Database



## **National Standard Statement Guidance**

As a part of day-to-day business, Police Scotland gather a wide variety of information. In order to present this information evidentially at court we regularly note statements from witnesses that outlines what that witness is able to speak to in relation to the matter under investigation.

All statements noted should be in accordance with the National Standard Statement (NSS) format (forms 045-001 and 045-001A). All statements transmitted to COPFS must be in this format. It is vital, therefore, that sufficient detail is noted to allow officers to comply with this.

In the case of statements required for cases in England and Wales, statement Forms MG11 (045-002(A) and 045-002(B)) must be used (see Appendix 'K').

This guide is aimed at operational officers to give them guidance in how to complete a NSS to ensure that the highest quality of evidence is presented to COPFS and in court.

Further information regarding the content of statements can be found in the Police Scotland Reports and Statement Writing Guide.

## **Disclosure of Evidence**

In order to secure a fair trial in terms of Article 6 ECHR, COPFS is under an obligation to disclose to the defence, in advance of trial, all statements obtained from witnesses who are to be called to give evidence. In addition, where a case is listed for High Court, COPFS will disclose all statements obtained by the police during an investigation, not just those witnesses to be used at trial.

This has resulted in the accuracy of statements of both police officers and civilian witnesses coming under more scrutiny than ever before.

Police officers should work on the presumption that a witness statement will be disclosed to the defence and care, thought and professional judgement should come into play when dealing with sensitive information contained within witness statements.

Completed statement forms have a Government Security Classification (GSC) marking **OFFICIAL SENSITIVE – POLICE AND PARTNERS**. This is required due to the personal and sensitive information about the witness that may be recorded on the form. However, statements must be listed on the **non-sensitive schedule**. This is because COPFS will remove the non-disclosable sections prior to disclosure to the defence. On the non-sensitive schedule the **generic note 1** - 'This material contains sensitive information and may require redaction prior to disclosure.' - must be added for each statement listed. (See Disclosure of Evidence in Criminal Proceedings SOP for further information.)

## **Format and Retention**

The NSS format contains six distinct sections. The first three of these sections are disclosable to the defence and the last three are non-disclosable and should contain any sensitive or intelligence information.

The six sections are:

- **Section 1** – Personal Information (**Disclosable**)
- **Section 2** – Provenance (**Disclosable**)
- **Section 3** – Free Text (**Disclosable**)
- **Section 4** – Free Text and Personal Information (**Non-Disclosable**)
- **Section 5** – Availability (**Non-Disclosable**)
- **Section 6** – Additional Information (**Non-Disclosable**)

Whilst these distinct sections are laid out on manuscript statement forms, it is considered good practice to use this layout when recording statements in police notebooks.

## **Section 1 – Personal Information (Disclosable)**

This section applies to both civilian and police witnesses and all sections should be completed where information is available. This includes:

### **Forenames/Surname:**

Care should be taken in respect of spelling of names and the forenames/surnames should match those detailed in the witness list on any SPR.

### **Title/Rank:**

In respect of police officers, this should be their rank (including the detective title if applicable).

### **Other/Previous Surname:**

Should a witness have a maiden name, or frequently use an alternative surname for professional reasons, this should be detailed in this section.

### **Age:**

This should be the age of the witness in years.

### **Occupation:**

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This should be the witness's current occupation.

### **Other Occupation:**

Should the witness have more than one occupation, their secondary employment should be listed in this section.

### **Police Scotland Identifier (PSI):**

This is only applicable to police witnesses (officers and staff).

### **Police Office:**

This is only applicable to police witnesses and should contain the name of the office where that officer is based. Officers should refrain from locally used acronyms, as this may lead to confusion for COPFS or defence agents.

### **Years' Service:**

This field is only applicable to police witnesses and should include the number of years' service the witness has. In respect of officers in their first year of service, the number **1** should be inserted as 0 will cause the statement to be rejected by the COPFS computer system.

### **Disclosable Address:**

This is the disclosable address of the witness. This address will be given to the defence/accused.

This section must **not** include either the home or business address of a civilian witness. Agreement has been reached with COPFS that in all cases the disclosable address for a civilian witness will be given as 'c/o Police Service of Scotland'. The actual witness address to which any citation or other correspondence is served will be entered in Section 4 (Non-Disclosable Free Text).

**Officers must ensure when completing a NSS/SPR that the disclosable and the non-disclosable addresses are added correctly within the appropriate sections, otherwise this will cause an unnecessary burden on the amount of citations required to be served by Police Scotland.**

## **Section 2 – Provenance (Disclosable)**

This section of the statement details when and where a statement was noted, who by, in what format and the authentication of the statement. It should be noted that whilst police officers are expected to compile their own statements, should a statement be required from a member of police staff, this must be noted by a police officer in their notebook or on a NSS form.

**All fields within this section are mandatory and must be completed.**

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### **Date and Time Commenced:**

This is the date and time that the noting of the statement commenced or was compiled in the case of police officers.

### **Date and Time Concluded:**

This is the date and time that the noting of the statement concluded.

### **Place:**

This relates to the location where the statement was taken or compiled. Officers should note that this information is disclosable. As the disclosable address will be as per Section 1 'Personal Information (Disclosable)', care should be taken when updating this information as the non-disclosable address may inadvertently be disclosed. Where a statement is noted at the witness' home address, it should be entered in this section as **'witness' home address'**.

### **Noted By:**

This contains details of the officer actually noting the statement. For police officers compiling their own statement the word **'Self'** should be used.

### **Other Person(s) present:**

This should include the details of any other person present at the time the statement was noted that could speak to what the witness said. This other person should also be listed as a witness and a statement obtained from them which includes details of what they speak to and their designation, eg appropriate adult, social worker etc.

### **Statement:**

Whether noted or compiled.

### **Source:**

Where the original copy of the statement was noted on another source, the choices are 'Notebook/Statement Form/Operational Statement/Log/Casefile Notes or Other'.

Police officers compiling their own statement should choose **'Other'** as the source.

### **Authentication:**

This field indicates the method by which the statement is authenticated. The options are 'Signed/Refused to Sign/Read Over/Tape/Video/Verified as Own Statement'.

### **Confirmation of Statement Content:**

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It is good practice to allow the witness to read over their statement and sign same indicating that they agree with the contents.

### **Section 3 – Free Text (Disclosable)**

This section contains the main body of the statement.

Whenever possible, a full statement should be noted from the witness. If brief initial details are noted and the officer has to deal with another incident ongoing nearby or for any other valid reason is unable to note a full statement at that time, the officer should return at a later time and note a full statement.

Any initial details noted from a witness are legally defined as that witness' first statement to the police. Even if the notes are in bullet point format, this is classed as a statement and officers should return to note a full statement at a suitable time.

If an initial statement obtained is in bullet point format, it is not the officer's place to convert this into a running narrative. This should simply be typed up as noted (in bullet point format) and sent as that witness's first statement, with the full statement being sent as that witness' second statement.

Where more than one statement has been noted from a witness, all of them must be revealed to COPFS. They should be revealed individually and not as one long free text narrative.

This free text section must not include details of personal/business addresses, telephone numbers, email addresses etc of the witness providing the statement or of any other witnesses. Such details must only be included in Section 4 (non-disclosable).

### **Section 4 – Free Text and Personal Information (Non-Disclosable)**

Any part of the free text of the witness' statement that is considered non-disclosable should be inserted here (eg addresses, telephone numbers or any other personal contact details for either the witness or other persons mentioned in the statement).

**Postcodes, mobile telephone numbers and email addresses must be inserted where available to assist in tracing and citing witnesses which will enable both COPFS and Police to work more effectively.**

#### **Alias/Known as:**

This is applicable where any alias or known name is to be inserted.

#### **Date and Place of Birth:**

Date of birth in the format DD/MM/YY along with the place of birth to be inserted.

#### **Home address:**

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This is where the witness' full home or business address must be entered. This address will not be disclosed to the defence. This is the address that will be used for citations and other correspondence from COPFS.

### **Postcode:**

The postcode must be entered.

### **Home Telephone No/Business Telephone No:**

Where a witness has a home or business telephone number it must be entered.

### **Mobile Telephone No:**

Where a witness has access to mobile telephones, numbers must be entered as this will enable the COPFS to contact witnesses regarding the time of court attendance.

### **Email Address:**

Where an email address is available it must be entered.

### **CHS Number:**

When obtaining a statement from a witness, it is important that the officer taking the statement obtains sufficient details from them to enable a Criminal History System (CHS) check on them to be carried out. Under Section 13 of the Criminal Procedure (Scotland) Act 1995, a constable can require that a potential witness provide his or her name, address, date of birth, place of birth and nationality. Police officers taking statements from witnesses should ensure that this information is obtained in order to facilitate any search for their details.

Where COPFS requests a statement to be submitted from a witness who is likely to be cited for trial, a CHS check should be carried out for that witness. The relevant part of this section should be completed specifying whether the witness has a CHS number and detailing it if so.

Where the officer carrying out the check identifies a CHS number for the witness, but is concerned that this number may not relate to the witness, it is important that this information is contained within the statement. The CHS number identified should be inserted in this section. Thereafter, the officer should include in Section 6 of the statement that there are concerns regarding the CHS check result and details of the grounds for these concerns.

**CHS checks must not be carried out on police witnesses, either officers or staff. Separate processes are in place for informing COPFS of CHS records relating to police witnesses.**

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## **Section 5 – Availability (Non-Disclosable)**

Witnesses should be asked whether there are any dates in the next 12 months on which they may be unavailable to attend court. Such information is particularly important in solemn procedure where practices involve setting a trial date within a limited time frame at a preliminary hearing at which witness availability will require to be confirmed.

Police officers should only put in approved annual leave dates and confirmed course dates in this section of their statement. Rest days and shifts non-conducive with attendance at court will be dealt with through court scheduling and SCoPE updates to rosters.

## **Section 6 – Additional Information (Non-Disclosable)**

Information of a medical, sexual or personal nature that may nonetheless be relevant for the purpose of the investigation or by way of background should be set out in these notes by the reporting officer. Similar considerations apply to expressions of opinion and matters of a sensitive operational nature which are not suitable for disclosure to the defence.

References to the mental state of witnesses or any previous history of the witness, including reference to previous convictions etc should be noted and included in the confidential notes. This section should also be used to record any remarks the officer wishes to make about the witness or the statement and, in particular, any information of which they are aware of that could influence or impact upon the credibility or reliability of the witness. **If the officer noting the statement adds such remarks to this section after the witness has signed the pages of the statement, this must be made clear.**