

Our Ref: IM-FOI-2015-1170



Sir Stephen House QPM
Chief Constable

FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

I refer to your recent request for information which has been handled in accordance with the Freedom of Information (Scotland) Act 2002.

For ease of reference, your request is replicated below together with the response.

Under the Freedom of Information (Scotland) Act, I wish to obtain all correspondence between Police Scotland and the Police Investigations and Review Commissioner (PIRC) and between Police Scotland and the Crown Office (COPFS) on the issue of so-called "operational statements" i.e. statements given by police officers to their superiors regarding their duties. The time period I am interested in is from 1 January 2015 - present.

Operational Statements have been the subject of discussion between the law officers for Scotland and Police Scotland and to comply with a corresponding Crown instruction from the Crown Office and Procurator Fiscal Service (COPFS) an amendment was made in this respect.

To clarify, this requirement relates to the gathering of evidence and specifically that the practice of obtaining of operational statements from on-duty officers who are the subject of a criminal complaint should cease.

All discussions between Police Scotland and COPFS were verbal and communicated by senior management to all operational staff within Police Scotland through the dissemination of two memoranda, both dated 26 March 2015.

There has been no correspondence between Police Scotland and the Police Investigations and Review Commissioner (PIRC) specifically on the subject of operational statements.

As such, in terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information you seek is not held by Police Scotland

I can however confirm that PIRC were sent copies of the two memoranda on 10/06/2015 in relation to another matter.

Should you require any further assistance concerning this matter please contact me directly on 01463 720555 quoting the reference number given.

If you are not satisfied with the way in which your request has been dealt with, you are entitled in the first instance, and within 40 working days of receiving this response, to request a review of the decision.

Should you wish to do so, contact details are; FOI Central Processing Unit, Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH - foi@scotland.pnn.police.uk

If you remain dissatisfied following the outcome of that review, you are thereafter entitled to apply to the Scottish Information Commissioner within six months for a decision. Contact details are; Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS - enquiries@itspublicknowledge.info

Should you wish to appeal against the Scottish Information Commissioner's decision, there is an appeal to the Court of Session on a point of law only.

Yours sincerely,

Donna Quick
Information Management