

Chapter 18: Criminal History Records: Content

18.1 Electronic Link to Criminal History System

18.1.1 The Crown now has direct access when a case is in FOS or SOS to CHS and, where the Crown has an 'S' (CHS) Number, it can request the criminal history record attached to that 'S' (CHS) Number. Accordingly, prior to submitting witness statements, the Police will carry out a CHS check for all civilian witnesses marked for citing. In most cases, the Police will routinely provide the 'S' (CHS) number, not the record itself. Staff should then obtain the record direct from CHS.

18.1.2 When the Police prepare statements, there will be an entry in **section 4** of the National Standard Statement for inserting details of the witness's 'S' (CHS) Number. This is a mandatory field which must always be completed by the submitting officer.

18.1.3 Where the witness is either a police witness or a "professional/expert/official" witness, this field will always be completed as follows: "'S' Number: Not Requested". Therefore it is very important to ensure that a witness is properly categorised at the time statements are requested from the police.

18.1.4 Where the witness is a civilian witness, this field will either be completed as "'S' Number: S12345/67E (this will be the unique 'S' (CHS) number for the witness) or as "'S' Number: No Note of Convictions".

18.1.5 Where a statement is submitted with an 'S' (CHS) Number, this number will be automatically populated into the relevant field in the witness record in FOS/PROMIS. Staff should then request criminal history records for such witnesses from the CHS.

18.1.6 Statements are normally electronically submitted as individual statements in the National Standard Statement format. If, however, the statement is submitted by any other means, the 'S' (CHS) number in the statement will not be automatically populated into the witness record in FOS/PROMIS. This would include where the statement is submitted by any of the following means:

- (i) Electronically in one document containing a batch of statements;
- (ii) Electronically attached to a subject sheet;
- (iii) By any means under a different PF reference number, e.g. where there is an associated criminal or death case;
- (iv) Hard copy only, e.g. statements from Scenes of Crime Officers; or
- (v) On CD-Rom

18.1.7 Where a statement has been submitted by any of the above means for, the 'S' (CHS) number, will have to be manually added to the relevant field in the witness record in FOS/PROMIS in order that the criminal history record can be obtained. This S Number may have to be requested from Police Scotland if necessary.

18.1.8 Once the records are requested, these will then be electronically submitted by CHS, and will be available in FOS for redaction. Staff should be aware that criminal history records can now be obtained directly from the CHS once a case has been transferred from FOS to SOS-R. Full details of the processes to achieve this can be found in the Case Processing Manual chapter Q4

18.1.9 On receipt of the criminal history record, staff will have access to a variety of information that they can then pull into a final record. This final record can then be considered and, if appropriate, redacted prior to disclosure to the defence.

18.2 Content of the CHS Record

18.2.1 The CHS record initially received from the CHS will provide the following information:

- Personal Details: 'S' (CHS) Number, Date of Birth, Forename and Surname
- Home address
- Firearms details
- Gender
- Number of cases and number of antecedents
- Alias details (names, dates of birth and addresses)
- Warning Signals
- Pending Cases Section (this relates to pending cases that have not yet been reported to the Fiscal)
- Bail Details Section
- Fiscal Pending Cases Section (this relates to pending cases that have been reported to the Fiscal, but proceedings have not yet commenced)
- Court Records Section (this relates to pending cases where proceedings have commenced)
- Disposal Records Section

18.2.2 Not all of this information requires to be disclosed to the defence.

18.2.3 Once the CHS record has been received, staff should create a final copy of the record. This disclosure copy will then be disclosed to the defence subject to the principles of redaction set out in Chapter 19 of this Manual. Details of what information must always be excluded and what information must always be included are detailed at paragraphs 18.2.5 and 18.2.6 below. While a legal member of staff must then consider the CHS record for redaction purposes, a member of either legal or administrative staff can create the pre-redaction record.

18.2.4 Some of the information listed at paragraph 18.2.1 should never be disclosed to the defence. As there is no obligation to disclose it, however, it need not be obvious on the disclosed record that the information has been removed. Accordingly, when creating the final record, staff can elect to exclude certain information from the final print out.

18.2.5 The following information should always be excluded from the final record:

- Home address of the witness
- Firearms details
- Gender
- Number of cases and number of antecedents
- Alias details (names, dates of birth and addresses)
- Warning Signals
- Bail Details Section

18.2.6 The following information should always be included in the final record:

- Personal Details: 'S' (CHS) Number, Date of Birth, Forename and Surname
- Pending Cases Section
- Fiscal Pending Cases Section
- Court Records Section
- Disposal Records Section

18.2.7 Although this information must always be included in the final record, some of the information may not be suitable for disclosure on applying the redaction principles set out in Chapter 19 of this Manual. It **must** be obvious on the face of the copy provided to the defence that this information has been redacted. It is on this basis that it must be selected for inclusion in the final record. If it is removed at the stage of creating the final printout, it will simply not be included in the record and, thus, it will not be obvious that it has been removed.

18.3 Pre-redaction CHS Record

18.3.1 Once the pre-redaction CHS record has been created, containing the sections referred to in paragraph 18.2.6, it can be checked to determine whether any of the pending cases or previous convictions should be redacted, applying the principles set out in Chapter 19 of this Manual.

18.3.2 Detailed guidance on how to redact a previous conviction or outstanding charge is contained in the Case Processing Manual.