| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-2774  Responded to: xx January 2024 |
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Your recent request for information is replicated below, together with our response.

Please accept our sincere apologies for the delay in responding.

We have received an unprecedented volume of requests on the subject of police officer conduct and criminality and that has, unfortunately, impacted on our ability to meet the statutory timescales in some cases.

## I am writing to request figures in relation to:

## a) people who have died in police custody as well as those who have

## b) died following police contact for the last ten years.

## I'm looking for figures for 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022 and 2023 to date.

## Having considered your request in terms of the Act, it may provide useful additional context for you to consider the Police Scotland [Death or Serious Injury in Police Custody National Guidance](https://www.scotland.police.uk/spa-media/hpsdce3p/death-or-serious-injury-in-police-custody-national-guidance.doc).

Police Scotland also publish information relating to deaths and serious injuries in police custody or following police contact in our reporting to the Scottish Police Authority Complaints and Conduct Committee.

On that point, it is important to note that any death in police custody requires to be investigated independently of the policing body. In Scotland the Crown Office & Procurator Fiscal Service (COPFS) has primacy in respect of all death investigations.

This means that the investigation into a death in custody must be directed by COPFS and in order to ensure independence COPFS will instruct PIRC to conduct the investigation. COPFS provide PIRC with a Terms of Reference which provides that direction.

Such matters are not automatically referred to PIRC as some are overridden by instruction by the Crown office and consequently may not appear categorised as such in our public reporting to the Scottish Police Authority.

Please note, for each of the tables listed below, a single referral may involve multiple deceased individuals, therefore the number of individuals may vary from the number of referrals (this is particularly relevant if you seek to compare referral figures published online as these figures may differ).

Furthermore, data has been provided based on the date of referral and this may vary from the date of the related incident.

Please be advised that data is not held prior to 01/04/2014 and section 17 of the Act (information not held) therefore applies in respect of that data.

Table a): Death of Individuals in Police Custody referred to PIRC (calendar year) 1 2

| **2014** | **2015** | **2016** | **2017** | **2018** | **2019** | **2020** | **2021** | **2022** | **2023** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 2 | 3 | 5 | 3 | 4 | 3 | 3 | 2 | 3 | 2 |

Table b): Death of Individuals following Police Contactreferred to PIRC (calendar year) 1 2

| **2014** | **2015** | **2016** | **2017** | **2018** | **2019** | **2020** | **2021** | **2022** | **2023** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 12 | 12 | 18 | 14 | 19 | 8 | 28 | 21 | 27 | 27 |

1. Data is based on the referral date. Please note that the referral date may vary from the incident date.

2. Data for 2023 covers the period of 01/01/2023 – 02/11/2023 inclusive.

I previously asked for this to be broken down by age and gender. I am now looking for this to be broken down by ethnicity.

Please also note that ethnicity data is not routinely recorded on the Professional Standards database, therefore no further breakdown is systematically available in this regard. Although it is possible that ethnicity of the deceased may be recorded on the case documentation, this is not a mandatory aspect and therefore not routinely recorded in a retrievable format.

As such in terms of section 17 of the Freedom of Information (Scotland) Act 2002, the information sought is not held by Police Scotland.

Finally, I would advise you that a Fatal Accident Inquiry (FAI) is mandatory when someone dies in custody, in prison or in a police station and related information is available online once all investigations are concluded:

[Fatal Accident Inquiries (scotcourts.gov.uk)](https://www.scotcourts.gov.uk/search-judgments/fatal-accident-inquiries)

If you require any further assistance please contact us quoting the reference above.

You can request a review of this response within the next 40 working days by [email](mailto:foi@scotland.police.uk) or by letter (Information Management - FOI, Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH). Requests must include the reason for your dissatisfaction.

If you remain dissatisfied following our review response, you can appeal to the Office of the Scottish Information Commissioner (OSIC) within 6 months - [online](http://www.itspublicknowledge.info/Appeal), by [email](mailto:enquiries@itspublicknowledge.info) or by letter (OSIC, Kinburn Castle, Doubledykes Road, St Andrews, KY16 9DS).

Following an OSIC appeal, you can appeal to the Court of Session on a point of law only.

This response will be added to our [Disclosure Log](http://www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-log) in seven days' time.

Every effort has been taken to ensure our response is as accessible as possible. If you require this response to be provided in an alternative format, please let us know.