| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-2790  Responded to: xx March 2024 |
| --- | --- |

Your recent request for information is replicated below, together with our response.

Please accept our apologies for the delay in responding.

## I am writing to request information about deaths occurring in police custody or following police contact. The dates I require this information for 1 January 2015 - 30 September 2023 incl.

## Please provide me with;

## Names

## Age

## Date of death

Any FOI response is a *public disclosure* and the release of any information about individuals or related investigations must be carefully considered.

Accordingly, in terms of section 16 of the Freedom of Information (Scotland) Act 2002, I am refusing to provide you with a copy of some of the requested information.

Section 16 requires Police Scotland when refusing to provide such information because it is exempt, to provide you with a notice which:

(a) states that it holds the information,

(b) states that it is claiming an exemption,

(c) specifies the exemption in question and

(d) states, if that would not be otherwise apparent, why the exemption applies.

I can confirm that Police Scotland holds the information that you have requested and the exemptions that I consider to be applicable to the information requested by you are:

Section 39(1) - Health & Safety

Information is exempt information if its disclosure under this Act would, or would be likely to, endanger the physical or mental health or the safety of an individual.

Public Interest Test

Whilst I appreciate the reasons why you might wish this information; I must consider the wider implications of the release of such information under this Act as a release of sensitive information into the public domain.

I acknowledge that public awareness may favour disclosure and contributes towards public debate and the police handling of any enquiry.

Nevertheless, public interest also lies in protecting individuals’ right to privacy and honouring their expectation of confidentiality - even in death.

Disclosure may bring unwanted attention to bereaved families who may also suffer harm if sensitive or upsetting detail is disclosed publicly.

Information about investigations will only ever be disclosed by Police Scotland where there are overwhelming public interest considerations favouring disclosure.

I can find no corresponding argument supporting the disclosure of names in the public domain within this response.

## Specific details of age and date of death are also captured within the scope of the section 39(1) exemption detailed above.

Furthermore, any information held for the purpose of an investigation, carried out with the aim of making a report to COPFS as respects the cause of death of a person, is exempt from disclosure in terms of section 34(2)(b) of the Act.

## Ethnicity:

Please note that ethnicity data is not recorded for these referrals and therefore this data is not held. For this reason, I must respond in terms of Section 17(1) of the Act: Information not held.

## Please also indicate whether each of the deaths occurred in police custody or were following police contact.

## For each of the deaths, please indicate the relevant police station or area the involved officers are from.

## Having considered your request in terms of the Act, it may provide useful additional context for you to consider the Police Scotland guidance document below:

## [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 [SPA Complaints & Conduct Committee](https://www.spa.police.uk/what-we-do/governance-meetings/complaints-and-conduct-committee/).

Section 64 of the Police and Fire Reform (Scotland) Act 2012 introduces Section 41B of the Police, Public Order and Criminal Justice (Scotland) Act 2006. Section 41B provides that a serious incident involving the police may be investigated by the Police Investigation and Review Commissioner (PIRC). This includes instances of death or of serious injury to a person in police custody and is further held to apply where:

* The person, at or before the time of death or serious injury, had contact (directly or indirectly) with a person serving with the police acting in the execution of their duties, and there is an indication that the contact may have caused (directly or indirectly) or contributed to the death or serious injury; and
* Any other circumstance in or in consequence of which a person has otherwise sustained a serious injury at a time when the person was being detained or kept in custody by a person serving with the police; or a person serving with the police has used a firearm or any other weapon of such description as the Scottish Ministers may by regulations specify.

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 the PIRC to conduct the investigation, under a specific Terms of Reference.

Whilst such matters are referred by Police Scotland to the PIRC, a Crown Directed instruction for PIRC to investigate will override any Police referral to PIRC. Consequently, some may not appear to be categorised as such in our public reporting to the Scottish Police Authority.

Data has been provided based on the date of referral and this may vary from the date of the related death.

## Data has been provided which separately details the number of individuals who have died following Police contact (tables 1 & 2) or in Police custody (tables 3 & 4) broken down by age grouping and calendar year.

Data for 2023 covers the period of 01/01/2023 – 30/09/2023 inclusive*.*

Table 1:

**Deaths following** **Police contact** referred to the PIRC by division and year referred

| **Division** | **2015** | **2016** | **2017** | **2018** | **2019** | **2020** | **2021** | **2022** | **2023** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| North East | 0 | 1 | 0 | 0 | 0 | 0 | 3 | 2 | 2 |
| Tayside | 1 | 2 | 2 | 2 | 0 | 4 | 1 | 7 | 2 |
| Highlands & Islands | 1 | 1 | 0 | 0 | 1 | 1 | 0 | 3 | 3 |
| Forth Valley | 1 | 1 | 3 | 0 | 0 | 2 | 1 | 0 | 1 |
| Edinburgh | 2 | 2 | 1 | 3 | 1 | 2 | 0 | 1 | 1 |
| Lothians & Scottish Borders | 1 | 0 | 2 | 3 | 1 | 1 | 1 | 2 | 1 |
| Fife | 0 | 1 | 0 | 1 | 1 | 0 | 3 | 1 | 0 |
| Greater Glasgow | 5 | 4 | 5 | 5 | 3 | 6 | 7 | 4 | 7 |
| Renfrewshire & Inverclyde | 0 | 1 | 0 | 0 | 0 | 1 | 0 | 1 | 2 |
| Lanarkshire | 0 | 0 | 0 | 0 | 0 | 8 | 3 | 3 | 2 |
| Argyll & West Dunbartonshire | 0 | 0 | 0 | 2 | 1 | 0 | 0 | 1 | 0 |
| Ayrshire | 1 | 3 | 1 | 3 | 0 | 2 | 1 | 2 | 2 |
| Dumfries & Galloway | 0 | 2 | 0 | 0 | 0 | 1 | 1 | 0 | 2 |
| **Total** | **12** | **18** | **14** | **19** | **8** | **28** | **21** | **27** | **25** |

Table 2:

**Deaths following** **Police contact** referred to the PIRC by age group and year referred

| **Age Group** | **2015** | **2016** | **2017** | **2018** | **2019** | **2020** | **2021** | **2022** | **2023** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Under 21 years | 0 | 0 | 1 | 4 | 0 | 1 | 2 | 1 | 2 |
| 21-30 years | 2 | 3 | 4 | 4 | 0 | 8 | 3 | 4 | 5 |
| 31-40 years | 1 | 5 | 1 | 4 | 4 | 11 | 3 | 8 | 5 |
| 41-50 years | 2 | 6 | 4 | 2 | 3 | 4 | 7 | 4 | 5 |
| Over 50 years | 7 | 4 | 4 | 5 | 1 | 4 | 6 | 10 | 8 |
| **Total** | **12** | **18** | **14** | **19** | **8** | **28** | **21** | **27** | **25** |

Table 3:

**Deaths in Police Custody** referred to PIRC, by Division and year referred

| **Division** | **2015** | **2016** | **2017** | **2018** | **2019** | **2020** | **2021** | **2022** | **2023** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| North East | 0 | 0 | 1 | 0 | 1 | 1 | 0 | 0 | 0 |
| Tayside | 0 | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 0 |
| Highlands & Islands | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Forth Valley | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Edinburgh | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 |
| Lothians & Scottish Borders | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Fife | 1 | 0 | 0 | 0 | 0 | 1 | 0 | 3 | 0 |
| Greater Glasgow | 2 | 1 | 2 | 1 | 0 | 1 | 1 | 0 | 0 |
| Renfrewshire & Inverclyde | 0 | 1 | 0 | 0 | 0 | 0 | 1 | 0 | 0 |
| Lanarkshire | 0 | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 0 |
| Argyll & West Dunbartonshire | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 |
| Ayrshire | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Dumfries & Galloway | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| **Total** | **3** | **5** | **3** | **4** | **3** | **3** | **2** | **3** | **1** |

Table 4:

**Deaths in Police Custody** referred to PIRC, by age group and year referred

| **Age Group** | **2015** | **2016** | **2017** | **2018** | **2019** | **2020** | **2021** | **2022** | **2023** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Under 21 years | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 |
| 21-30 years | 0 | 2 | 0 | 1 | 2 | 0 | 0 | 0 | 0 |
| 31-40 years | 2 | 2 | 2 | 3 | 0 | 1 | 1 | 2 | 0 |
| 41-50 years | 0 | 1 | 1 | 0 | 0 | 1 | 0 | 1 | 1 |
| Over 50 years | 1 | 0 | 0 | 0 | 1 | 0 | 1 | 0 | 0 |
| **Total** | **3** | **5** | **3** | **4** | **3** | **3** | **2** | **3** | **1** |

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.