| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-1623  Responded to: 27th September 2023 |
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Your recent request for information is replicated below, together with our response.

Please accept our apologies for the delay in responding.

## The number of complaints against the Police that required investigation (excluding front line resolution) over the last 5 years

## The number of complaints over the last 5 years that made criminal allegations against Police Scotland

The Police Scotland [Complaints About the Police Standard Operating Procedure (SOP)](https://www.scotland.police.uk/spa-media/lgyddvsi/complaints-about-the-police-sop.docx) outlines how we deal with complaints. Allegations are recorded in accordance with the categories listed at appendices C and D.

The table below details the number of complaints received which were graded as a Criminal Complaint or a Non-Criminal (not Front Line Resolution (FLR)) Complaint.

Only complaint cases graded as such are subject to a full investigation.

Please also note that we do not record criminal allegations which do not result in a full investigation (i.e. they are abandoned or withdrawn).

The data is based on the financial year commencing 1 April to 31 March for the respective periods.

The data is based on a snapshot taken on 31/08/2023 and is correct at that date.

The data is based on the case received date.

*Complaints received, by case grade (selected) and financial year*

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Case Grade** | **2018/19** | **2019/20** | **2020/21** | **2021/22** | **2022/23** |
| Criminal | 238 | 307 | 321 | 334 | 436 |
| Non-Criminal (not FLR) | 2,118 | 2,177 | 2,058 | 1,411 | 1,508 |

## …and if possible identifying how many (if any) were criminal complaints against PSD

Please note that complaints may relate to more than one division, as each complaint may involve multiple subject officers and may involve multiple allegations.

The table below therefore details the number of criminal allegations registered against the Professional Standards Department (PSD) and how many complaint cases this covers.

The data is based on the case received date.

*Criminal allegations and complaints received against PSD, by category and financial year*

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Category** | **2018/19** | **2019/20** | **2020/21** | **2021/22** | **2022/23** |
| Number of allegations | 3 | 5 | 2 | 1 | 0 |
| Number of cases | 3 | 4 | 1 | 1 | 0 |

## The number of criminal complaints against the Police over the last 5 years where the Crown Office advised PSD there were suitable grounds for prosecution.

For clarity in responding to your question, ‘criminal complaints’ has been interpreted as the case grade ‘Criminal Complaints’ therefore ‘Non-Criminal Complaints’ have been excluded.

‘Suitable grounds for prosecution’ has been interpreted as Criminal complaints reported to the Crown Office Procurator Fiscal Service (COPFS) which they (COPFS) advised PSD resulted in criminal proceedings.

Cases currently under consideration by COPFS are excluded as no decision has been communicated with PSD as at 31/08/2023.

Many of these outstanding cases relate to the financial year 2022/23.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Category** | **2018/19** | **2019/20** | **2020/21** | **2021/22** | **2022/23** |
| Criminal complaints resulting in criminal proceedings | 3 | 4 | 4 | 5 | 1 |

## The number of investigated (excluding front line resolution) complaints against the police over the last 5 years (broken down by year and identifying how many of these complaints made criminal allegations against the police). Identifying how many of these were resolved in the required time and how many complaints took longer than 6 months to investigate, and how many took longer than a year to investigate again identifying the spilt between complaints and criminal complaints against the Police.

The ‘required time’ has been interpreted as the 56 day timescale set out in the [PIRC Statutory Guidance](https://pirc.scot/media/5465/pirc-statutory-guidance-october-22.pdf) on the handling of complaints about the police which require investigation in Scotland.

Information regarding compliance with the 56 day period can be found in our quarterly performance reports which are available online via the Scottish Police Authority (SPA) website:

[Police Scotland Professional Standards Quarterly Performance Report (Q1 - 23/24) - 22 August 2023 | Scottish Police Authority (spa.police.uk)](https://www.spa.police.uk/publication-library/police-scotland-professional-standards-quarterly-performance-report-q1-23-24-22-august-2023/)

Beyond that, the information sought in this part of your request is not routinely collated by Police Scotland.

As explained above, the aim for Police Scotland is to respond to complaints requiring investigation within 56 days of receipt, as set out in PIRC Statutory Guidance.

However, complaints vary in complexity and seriousness which may impact on the length of time required to investigate and reach a conclusion.

Compliance with the 56 day period is based on the difference between the case received and the case closed date.

Whilst the difference between those two dates can provide a baseline figure for reporting, there are many cases where the resultant period will include extended periods of time where the case was, for example, abandoned by the complainer.

To illustrate - the difference between the two dates might be 12 months but the case was actually only live for 2 month period having been abandoned by the complainer for 10 months prior.

In relation to your request, you have asked about the time taken to *investigate* the complaint.

For the reasons set out above, it is our assessment that a simple calculation between the two dates does not provide a true reflection of the time spent on investigation and that is particularly true for cases where the difference is an extended period of time.

That said, we do accept that such data is held by Police Scotland and that it would arguably be within the scope of your request.

I am however, refusing to provide it in terms of section 16(1) of the Act on the basis that the exemption set out at section 30(c) of the Act applies:

*‘Information is exempt information if its disclosure under this Act would prejudice substantially, or be likely to prejudice substantially, the effective conduct of public affairs.’*

As set out above, the measure for assessing the turn-around-times for complaints against the police is set out in the [PIRC Statutory Guidance](https://pirc.scot/media/5465/pirc-statutory-guidance-october-22.pdf) at 56 days.

That measure is reported on both to PIRC and in our quarterly performance reports to the SPA.

There are no specific measures beyond the 56 days and for that reason, no detailed analysis is made as regards any periods that fall beyond that - for example, to fully ascertain the circumstances and attempt to calculate a *true measure* of the time spent on investigation.

Such an exercise would clearly be significantly resource intensive.

It is our view that whilst data based on case received and case closed dates is held, it would provide a wholly inaccurate representation, not truly reflective of the complexities involved.

Given the existing reporting procedures in place, it is our assessment that the public interest is sufficiently catered for by the publication of data regarding compliance with the 56 day timescale set out in the [PIRC Statutory Guidance](https://pirc.scot/media/5465/pirc-statutory-guidance-october-22.pdf).

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.