

Statistical Update - Q3

1 October 2022 - 31 December 2022



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PIRC CHR Applications

Applications

	Number of Applications				
	Q3 2022/23	Q2 2022/23	Q1 2022/23	Q4 2021/2022	Q3 2021/2022
Applications Received	69	51	48	66	69

Key points:

- The PIRC has received 69 applications requesting a complaint handling review during Q3 2022/23. This is consistent with the number of applications received in Q3 2021/2022 and represents an approx. 35% increase in comparison to Q2 2022/23 and an approx. 44% increase in comparison to Q1 2022/23;
- There are no discernible trends or themes to highlight in this regard.
- Collectively, we have received 168 applications for a complaint handling review between 1 April and 31 December 2022. This represents an approx. 13% decrease in comparison to the number of applications received for the same time period in 2021/22¹ and an approx. 20% decrease in comparison to the number of applications received for the same time period in 2019/20² (i.e. pre-COVID).

Timescales

Provision of Initial Case Papers:

- Police Scotland aim to provide complaint case papers to the PIRC within 14 days for Complaint Handling Reviews;
- During Q3, of the 69 sets of case papers received by the PIRC, the average time to receive the case papers was 10 days. This is an increase on the 8 day average wait reported in Q2 2022/2023 however represents an improvement on the average 14 days reported in Q1 (2022/23). During Q3, Police Scotland met the

¹ Between 1 April and 31 December 2022, the PIRC received 168 applications for a CHR. For the same time period in 2021/22, we received 194 application, which equates to a decrease of 13.4%.

² Between 1 April and 31 December 2019, 210 applications requesting a review were received. This represents a decrease of 20% between the number of applications received in 2022/23 in comparison to the same time period in 2019/20.

14 day timescale in 68% (47 out of 69) of all case papers requested;

- For cases in which Police Scotland were unable to provide the PIRC with the case papers within 14 days during Q3, the average wait was approx. 19 days.

Information Requests during Review:

- For CHRs that were concluded during Q3, the average time spent waiting for information while the review was ongoing was 23 days³. This represents a decrease of approx. 8 days in comparison to the average waiting time during Q2 2022/23 (i.e. 31 days) and a decrease of approx. 4 days in comparison to the average waiting time during Q1 2022/23 (i.e. 27 days);
- In 7 cases during Q3 (or approx. 15% of all CHRs concluded⁴), the time spent waiting on information from Police Scotland to enable the review to proceed on average was 91 days.

On average, the overall time spent waiting on information for each application we progressed during Q3 is as follows:

- Initial receipt of papers: 10 days
- Information awaited during review: 23 days
- Total time: 33 days or 1.1 months.

Annual Comparison (YTD)⁵:

	2022/23	2021/22	2020/21	2019/20
Initial receipt of papers	11 days	12 days	10 days	14 days
Information awaited during review	27 days	28 days	37 days	35 days
Total Time	38 days or 1.1 months	40 days or 1.3 months	47 days or 1.6 months	49 days or 1.6 months

Since 2019/2020, the average time for Police Scotland to provide complaint files and associated paperwork to the PIRC during the CHR process has reduced from 49 days to 38 days (22%)

³ Figure based on CHRs that have concluded during 1 October and 31 December 2022.

⁴ Of the 48 CHRs that concluded during 1 October and 31 December 2022, 7 of them were delayed by more than 50 days waiting on information from Police Scotland. This equates to 15%.

⁵ 1 April to 30 December 2022 (inc)

CHR Reports

Cases Completed - National⁶

	Q3 2022/2023	Q2 2022/2023	Q1 2022/2023	Q4 2021/22	Q3 2021/22
No. of Cases	48	51	47	51	36
HoC Reviewed	265	213	225	172	161
Average HoC	5.5	4.2	4.7	3.4	4.5

Key points:

- There have been 48 CHR's issued during Q3, which is generally consistent with Q2 (51) and Q1 (47) of this financial year.
- Noteworthy is that the number of individual Heads of Complaint reviewed in Q3 has increased by approx. 24% in comparison to Q2 2022/23 and increased by approx. 18% in comparison to Q1 2022/23;
- The average number of Heads of Complaint per CHR concluded YTD is currently 5.5, which is an increase on the average 4.5 Heads of Complaint per CHR concluded for the same time period 2021/22.
- Overall, we have observed an increase in applications this quarter for CHR's with a significant number of individual complaint allegations per case.

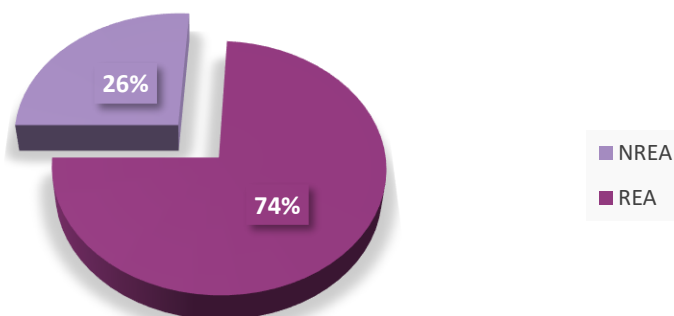
⁶ Refers to cases for which CHR's have been issued and not when recs/recons have been implemented during Q1, Q2 & Q3 2022/23 and Q3 and Q4 2021/22. There may be occasions when PIRC require to delay issuing the CHR report until confirmation is received from COPFS that the issuing of the CHR will not prejudice any ongoing criminal proceedings.

Outcome

Reasonable v Not Reasonable

National – Q3⁷

265 Complaints Reviewed



Key points:

- During Q3, 74% of all complaints reviewed by the PIRC have been handled by Police Scotland to a reasonable standard⁶;
- This represents an increase on the national % of complaints reasonably handled for Q2 2022/23 (i.e. 66%) and a decrease in comparison to the national % reasonable in Q1 2022/23 (i.e. 79%);
- Q3 2022/2023 Regional Breakdown:
 - PSD East – 87% REA
 - PSD North – 60% REA
 - PSD West – 77% REA
- YTD 2022/23 – National – 74% REA
- YTD 2021/22 – National – 67% REA
- YTD 2020/21 – National – 70% REA
- YTD 2019/20 – National – 55% REA

Since 2019/2020, the PIRC CHR findings indicate that there has been a gradual and steady improvement in the quality of the complaint handling by Police Scotland.

⁷ Cases closed between 1 October and 31 December 2022 (inc).

CHR Disposal - National YTD

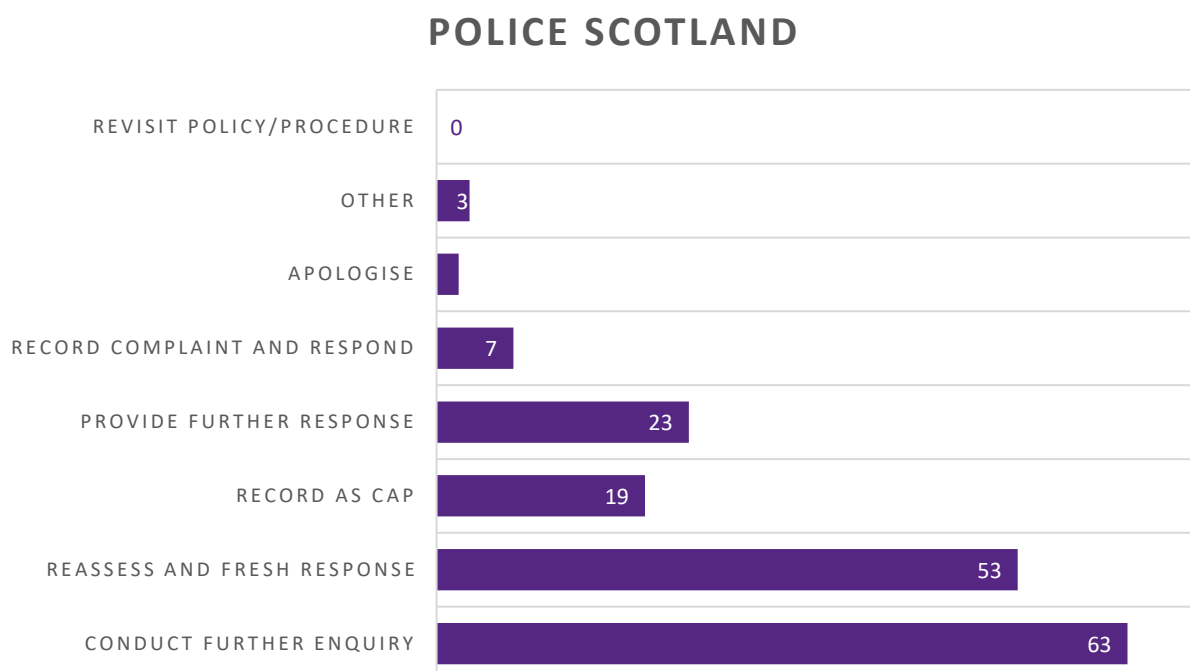
	Q3 2022/2023	Q2 2022/2023	Q1 2022/2023	Q4 2021/22	Q3 2021/22
Reconsideration Direction - Supervised	0	0	0	0	0
Reconsideration Direction - Unsupervised	2	2	0	0	2
Recommendations	58	66	46	51	49
Learning Points	4	13	9	23	27

Key points:

- Despite the approx. 24% increase in the number of complaints reviewed between Q3 and Q2, there has been a 12% decrease in the number of recommendations made and a 69% decrease in the number of learning points identified during Q3 in comparison to Q2 2022/23;
- Implementation Rates⁸ – (YTD)
 - Reconsideration Direction – Unsupervised 0%
 - Recommendations 47%
 - Learning Points 77%
- Implementation Rates – 2021/22
 - Reconsideration Direction – Unsupervised 77%
 - Recommendations 90%
 - Learning Points 92%

⁸ 17 recommendations made and 2 Reconsideration Directions issued in Q3 (10 % of the overall No of recommendations and 50% of Reconsideration Directions) are still within 56 days implementation period

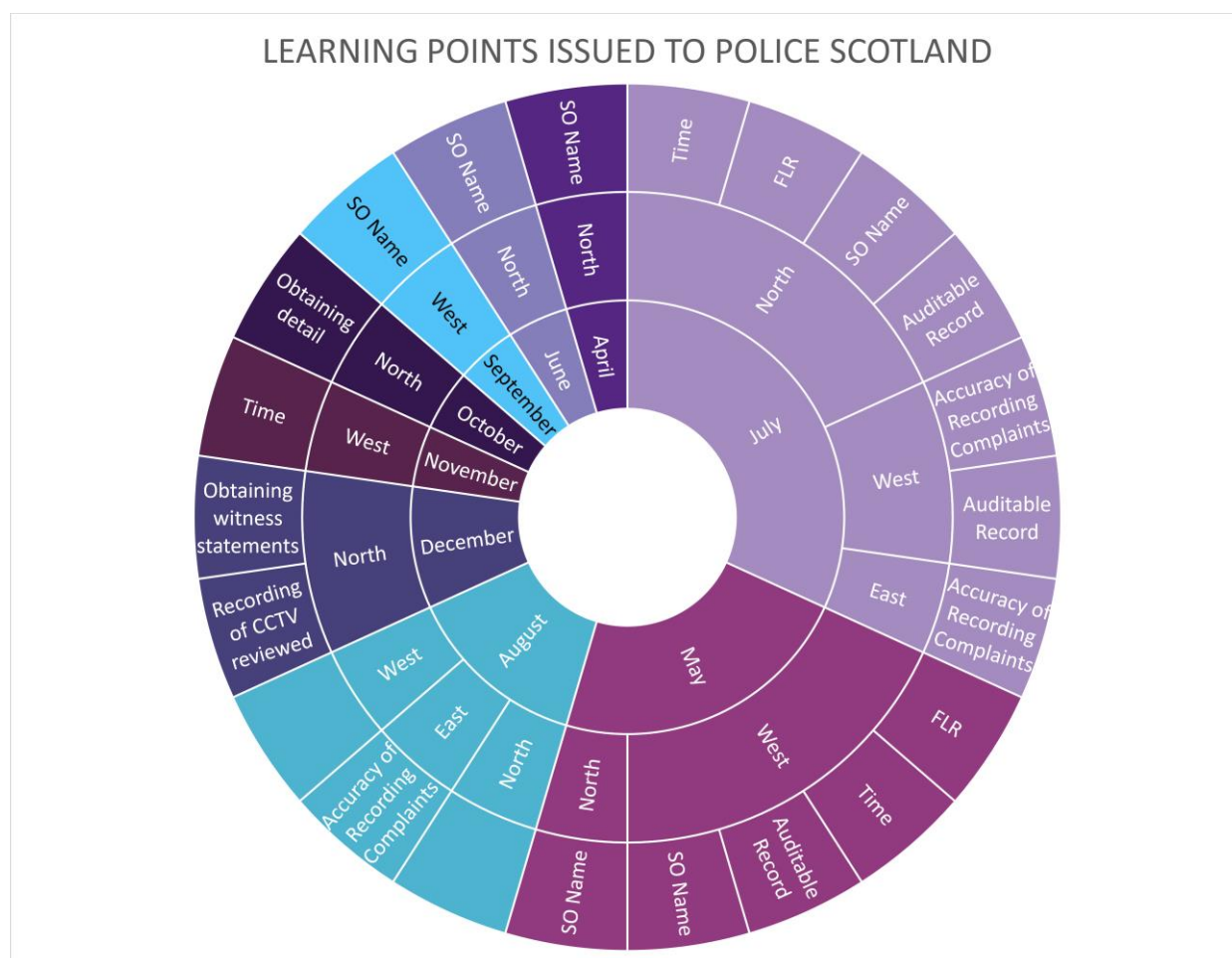
Recommendations Made – YTD⁹



- 31% of the recommendations that have been issued to Police Scotland YTD, asks that the complaint be reassessed, and the complainer provided with a fresh response;
- 37% of the recommendations relate to insufficient enquiry having been carried out into the complaint;
- 14% of the recommendations arose from the quality of the final response letters that Police Scotland sent to complainers; and
- 15% of recommendations relate to the manner in which Police Scotland have recorded individual complaints.

⁹ Outcomes associated with CHR that have been completed between 1 April and 31 December 2022 (inc)

Learning Points Made – YTD¹⁰



YTD, PIRC has identified 26 learning points for Police Scotland within 22 CHR's - 10 of which were issued to PSD West, 10 to PSD North and 2 to PSD East.

All Learning Points issued focussed on individual learning, with shortcomings identified within the complaint handling. A summary of the learning identified is as follows:

- Nine reminded Enquiry Officers to use Subject Officer's names within the final response, as opposed to anonymising them;
- Two advised Enquiry Officers to use FLR only where a complaint is relatively minor in nature and can be resolved quickly.
- Three reminded Enquiry Officers to maintain an auditable record of contact with the complainer;
- Three reminded Enquiry Officers of the importance of recognising, and apologising for delays out with the 56 day target time for final response, and to maintain contact

¹⁰ Based on CHRs issued between 1 April and 31 December 2022 (inc)

with the complainer throughout the complaints process;

- Three reminded Enquiry Officers of the importance of accurately recording complaints and complaint reference numbers whilst taking details of the complaint;
- Two reminded Enquiry Officers that the officer responding to a complaint must be of a more senior rank than the subject officer;
- One reminded Enquiry Officers to ensure there is clarity and clear understanding regarding the complaints that are to be investigated;
- One reminded Enquiry Officers of the importance of providing officers with full details of the allegations made, including any specific words or phrases alleged to have been used, in order to provide a full and thorough response;
- One reminded Enquiry Officers of the importance of carrying out a thorough complaint enquiry, taking relevant police witness statements and CCTV footage obtained, enabling a full response to be provided;
- One reminded Enquiry Officers of the importance of accurately recording whether CCTV has been reviewed during the investigation.

PIRC has received a further confirmation from Police Scotland that 20 of these Learning Points have been accepted by Police Scotland and cascaded accordingly. Of the remaining six outstanding, two are out with our two month target time.

Partnership Working

During Q3 the Review Team continued to engage constructively with the Professional Standards Department.

PIRC Reviews held monthly update meetings with regional PSD teams from the NORTH, EAST and WEST. We also participated in the follow-up meetings after the PIRC/PSD liaison event in September 2022, and are currently engaged in various Working Groups to progress a variety of initiatives. We have also engaged with our colleagues from the SPA and PSD in discussions designed to re-establish National Complaint Handling Development Group (NCHDG).

PIRC Investigations

In terms of Section 33A(c) of the Police, Public Order and Criminal Justice (Scotland) Act 2006 (as amended) and Regulation 3 of the Police Investigations and Review Commissioner (Investigations Procedure, Serious Incidents and Specified Weapons) Regulations 2013 (the 2013 Regulations), the Chief Constable must request the Commissioner to investigate any serious incident¹¹ involving the police which is a circumstance involving, (a) a constable; or (b) a member of the police staff.

On receipt of a referral from Police Scotland, PIRC undertake an assessment of the referral and decide whether to investigate or not. Assessments may include examining CCTV, Body Worn Video, other video, witness statements, command & control logs, telephone calls, Airwave radio transmissions, briefing papers or other material.

Referrals

Referrals from Police Scotland are in the following categories:

- Death Following Police Contact
- Serious Injury Following Police Contact
- Firearms Discharged
- Firearms Presented
- Taser Discharge
- PAVA Use
- Article 3 & 5 (assault allegations, unlawful arrest) (see note below)

In addition, under Section 33A(b) of the 2006 Act, COPFS may instruct PIRC to investigate:

- Death in Custody
- Death Following Police Contact
- Allegations of Criminality

COPFS investigation statistics are not included in this report.

Note: Since 4 October 2021, COPFS have a standing instruction resulting from the Dame Elish Angiolini Independent Review of Complaints Handling, Investigations and Misconduct issues (R47), which instructs that all on duty allegations of assault made against police officers and police staff are referred onwards from Police Scotland to PIRC for assessment or investigation.

¹¹ A “serious incident involving the police” which the Commissioner may investigate in pursuance of paragraph (c) of section 33A is a circumstance in or in consequence of which a person has died or has sustained serious injury where (i) 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 that person's duties; and (ii) there is an indication that the contact may have caused (directly or indirectly) or contributed to the death or serious injury; (b) any other circumstance in or in consequence of which (i) 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 (ii) 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

	NUMBER OF POLICE SCOTLAND REFERRALS				
	Q3 2022/23	Q2 2022/23	Q1 2022/23	Q4 2021/22	Q3 2021/22
Total Referrals Received	206	214	168	149	156
Death following police contact	0	8	2	1	1
Serious injury following police contact	20	27	23	17	20
Firearms Discharged	2	3	0	1	3
Firearms Presented	22	34	26	18	12
Taser Discharge	11	21	13	14	17
PAVA Use	55	51	42	36	46
Article 3 (assault allegations)	96	70	62	62	57

Following assessment, the number of referrals progressed to full investigation (these figures do not include COPFS instructed investigations) are detailed below: A number of referrals are still under assessment, consequently the number of investigations may increase.

The number of Article 3 assault allegations has continued to rise on a quarterly basis. It cannot at this time be projected when the number of referrals will level out. However, on the current basis it is anticipated that the overall number of investigations undertaken this year will be circa 150 compared to 124 in the previous year. This equates to an increase of 21%.

Investigations

PIRC aim to complete 80% of its investigations within three months. Prioritisation is given to death and other high profile investigations. Each investigation is categorised either A, B or C depending on the complexity or seriousness of the investigation.

Category A

A major investigation generating significant interest and the associated response is such that normal staffing levels are not adequate to keep pace with the investigation.

Or a major investigation which is of public concern, where it is not immediately apparent what happened and the investigation and the securing of evidence requires significant resource allocation.

Category B

An investigation where it may be apparent what happened, however the enquiry or securing of evidence can only be achieved through protracted investigation.

Category C

An investigation where it is apparent from the outset what happened and the investigation, or securing of evidence, can be achieved easily. This relates to all allegation of breaches of Article 3 and 5 of European Convention of Human Rights (ECHR), unless a significant issue is identified, whereby the category would be changed.

PIRC INVESTIGATIONS						
	Q3 2022/23	Q2 2022/23	Q1 2022/23	Q4 2021/22	Q3 2021/22	
Total	5	4	10	31(5)	25(5)	
Death following police contact	0	1	1	0	0	
Serious injury following police contact	3	2	8	2	2	
Firearms Discharged	1	1	0	1	2	
Firearms Presented	0	0	0	1	1	
Taser Discharge	1	0	1	0	0	
PAVA Use	0	0	0	1	0	
Article 3 (assault allegations)	0	0	0	26**	20**	

***As of 1 January 2022 Article 3 referrals were re-categorised as COPFS Directed Criminal investigations to align with the standing instruction from CAAPD*

In the current reporting year, there have been no PAVA referrals that PIRC have required to progress to full investigation

One of the Firearms discharges referred to PIRC is still subject to a criminal investigation and no further details can be provided (the other discharge was a non-intentional which has been reported on and the recommendations implemented by Police Scotland).

Findings and Recommendations

PIRC reports to Police Scotland may include findings and recommendations which are intended to assist organisational learning and development or to address any systemic issues discovered. Police Scotland are not required to accept or implement any recommendations, however, in the main they are implemented.

Since the PIRC was established in 2013, 194 recommendations arising from PIRC investigations have been made to Police Scotland, of which 163 have so far been

implemented, representing 84%.

During Q3 of 2022/23, three recommendations arising from investigations were made by the PIRC and implemented by Police Scotland.

Impact Factors

PIRC records impact factors noted by Police Scotland and contained in any referral made to PIRC. A person may have a combination of impact factors when interacting with the police:

	IMPACT FACTORS				
	Q3 2022/23	Q2 2022/23	Q1 2022/23	Q4 2021/22	Q3 2021/22
Emotional or Mental Disturbance (EMD)	29	53	33	37	7
Alcohol	47	63	49	50	53
Drugs	31	46	33	38	38
Suicidal Ideation	5	13	6	11	22
Anxiety	0	0	2	5	3
Depression	2	5	2	3	9

These impact factors are recorded from documentation sent to PIRC by Police Scotland where the details of such are obtained from the complainer/s.

Partnership Working

During Q3, PIRC Investigations staff have been involved in joint training and briefing sessions with Police Scotland in relation to Post Incident Management procedures, Firearms incidents and operational discussion meetings with PSD from Police Scotland.