

Meeting	SPA Complaints & Conduct Committee
Date	18 August 2022
Location	MS Teams
Title of Paper	PIRC Quarterly report on Police Scotland Handling of Complaints and Investigation Referrals
Presented By	Head of Reviews & Policy, PIRC
Recommendation to Members	For Noting
Appendix Attached	Yes – Appendix A – PIRC Statistical Update - Q1

PURPOSE

This is a report to the Complaints and Conduct Committee for the purposes of noting statistical information in relation to PIRC Complaint Handling Reviews and Investigations. The report includes key statistics reflecting the position at the end of Q1, 2022/23.

The paper is presented in line with:

- *Scottish Police Authority Committee Terms of Reference*

The paper is submitted:

- *For Noting*

1 BACKGROUND

1.1 The attached Quarterly Report provides data relating to the period ending Quarter 1 (1 April 2022 – 30 June 2022).

2 FURTHER DETAIL ON THE REPORT TOPIC

2.1 There are no further details on this report.

3 FINANCIAL IMPLICATIONS

3.1 There are no financial implications associated with this paper.

4 PERSONNEL IMPLICATIONS

4.1 There are no personnel implications associated with this paper.

5 LEGAL IMPLICATIONS

5.1 There are no legal implications associated with this paper.

6 REPUTATIONAL IMPLICATIONS

6.1 There are reputational implications associated with this paper. The report serves to highlight trends and performance in respect of PIRC Complaint Handling Reviews and Investigations, enabling the Committee to seek assurance in these important areas, recognising their key link to public confidence in policing in Scotland.

7 SOCIAL IMPLICATIONS

7.1 There are no social implications associated with this paper.

8 COMMUNITY IMPACT

8.1 There are no community implications associated with this paper.

9 EQUALITIES IMPLICATIONS

9.1 There are no equalities implications associated with this paper.

10 ENVIRONMENT IMPLICATIONS

10.1 There are no environmental implications associated with this paper.

RECOMMENDATIONS

OFFICIAL

Members are requested to note the content of this paper and request additional information if required.

OFFICIAL

pirc

Police Investigations &
Review Commissioner

Statistical Update –Q1

1 April 2022 to 30 June 2022

Independent and effective
investigations and reviews



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1. PIRC CHR Applications

Applications

	Number of Applications
	Q1 2022/23
Applications Received	47

Key points:

- The PIRC has received 47 applications requesting a complaint handling review during Q1 2022/23.
- This represents an approx. 20% decrease in comparison to the number of applications received for the same time period in 2021/22¹ and an approx. 36% 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 within 14 days;
- During Q1, of the 47 sets of case papers received by the PIRC, the average time to receive the case papers is 14 days. This is a slight increase on the 13 days in Q1 2021/2022.

¹ Between 1 April 2022 and 31 June 2022, the PIRC received 47 applications for a CHR. In 2021/2022 we received 59 applications, which equates to a decrease of 20%

² Between 1 April 2019 and 31 June 2019, 73 applications requesting a CHR were received. This represents a decrease of 36% between the numbers of applications received in 2022/23 in comparison to the same time period in 2019/20.

- During Q1, Police Scotland met the 14 day timescale in 72% of all case papers requested.
- During Q1, for those cases not provided within 14 days, the average timescale was approx. 27 days.

Information Requests during Review:

- For CHRs that were concluded during Q1, the average time spent waiting for information while the review was ongoing was 28 days.
- In 8 cases concluded during Q1 (approximately 17% of all CHRs concluded) the average time spent waiting on information from Police Scotland to enable the review to proceed was 96 days³.

On average, the overall time spent waiting on information for each CHR concluded during Q1 is as follows:

- Initial receipt of papers: 14 days
- Information awaited during review: 28 days
- Total time: 42days.

Annual Comparison:

	Q1 2022/23	Q4 2021/22	Q1 2021/22
Initial receipt of papers	14 days	19 days	13 days
Information awaited during review	28 days	30 days	23 days
Total Time	42 days or 1.4 Months	49 days or 1.6 months	36 days or 1.2 months

³ Data obtained from the PIRC's Active Cases Database

2. CHR Reports

Cases Completed - National⁴

	Q1 2022/2023	Q4 2021/2022	Q3 2021/22	Q2 2021/22	Q1 2021/22
No. of Cases	47	51	36	55	70
HoC Reviewed	225	172	161	224	260
Average HoC	5	3.4	4.5	4.1	4

Key points:

- There have been 47 CHR's completed during Q1, with 225 individual Heads of Complaint reviewed
- The number of CHR reports issued in Q1 has decreased by 4 % compared to Q4 2021/2021
- The number of individual Heads of Complaint reviewed in Q1 has increased by 34% compared to Q4 2021/2022⁵

⁴ Refers to cases for which CHR's have been concluded during time-period 1 April 2022 to 30 June 2022 (Q1); The figures reported relate to CHR's that have been completed. 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.

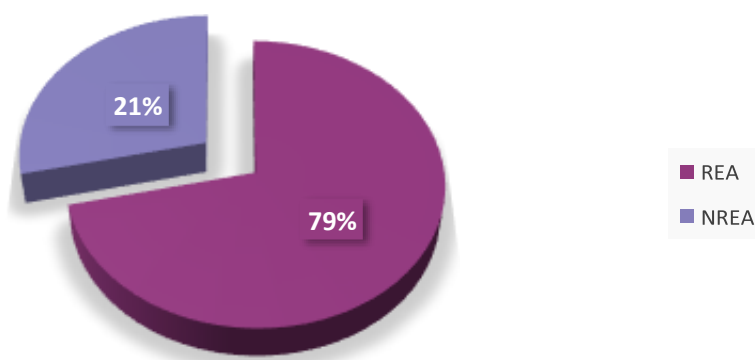
⁵ Data obtained from the PIRC's Active Cases Database

3. Outcome

Reasonable v Not Reasonable

National – Q1⁵

225 COMPLAINTS REVIEWED



Key points:

- During Q1, 79% of all complaints reviewed by the PIRC have been handled by Police Scotland to a reasonable standard⁶
- This is an improvement on the national % of complaints reasonably handled during Q4 2021/2022 (71%) and Q1 2021/2022 (66%)
- **Q1 2022/2023 Regional Breakdown:**
 - PSD East – 69% REA
 - PSD North – 74% REA
 - PSD West – 84% REA
- **Q4 2021/2022 Regional Breakdown:**
 - PSD East – 84% REA
 - PSD North – 69% REA
 - PSD West – 66% REA

⁶ 177 complaints out of 225 reviewed

Annual Total:

- 2021/22 – National – 68% REA
- 2020/21 – National – 71% REA
- 2019/20 – National – 62% REA

CHR Disposal - National YTD

	Q1 2022/2023	Q4 2021/2022	Q3 2021/22	Q2 2021/22	Q1 2021/2022
Reconsideration Direction Supervised –	0	0	0	0	0
Reconsideration Direction Unsupervised -	0	0	2	3	7
Recommendations	46	51	49	70	93
Learning Points	9	23	27	29	34

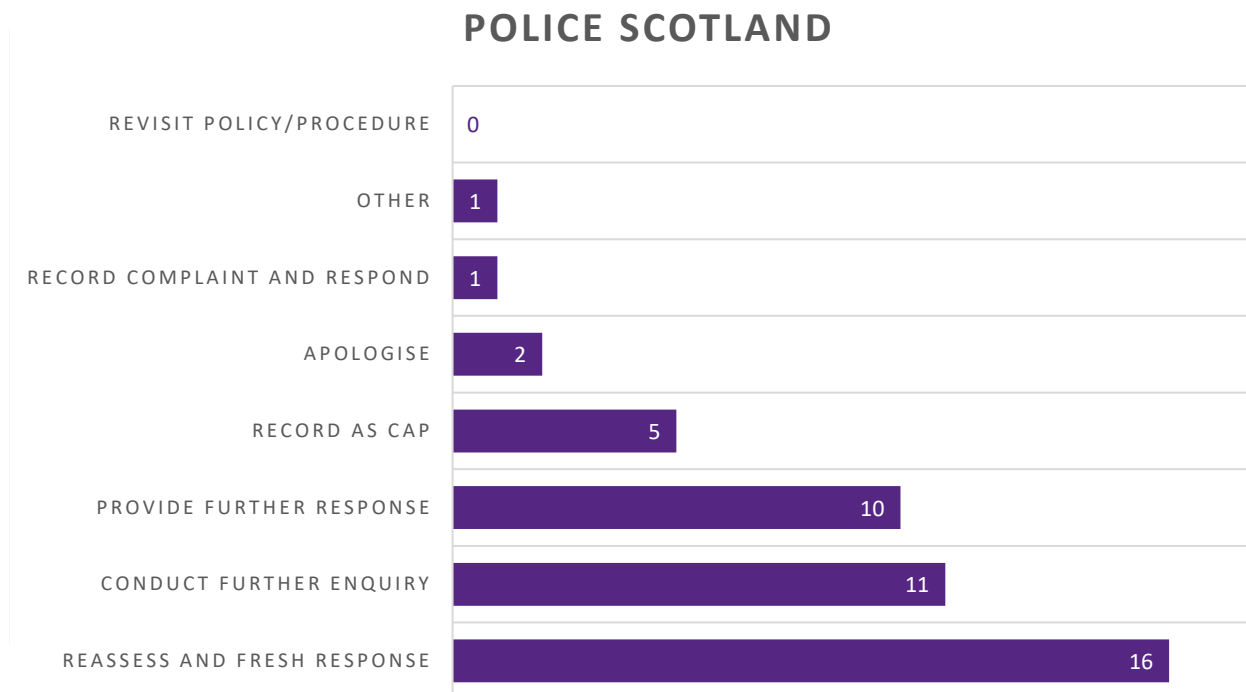
Key points:

- Despite a 34% increase in the number of complaints reviewed from the last quarter, the number of recommendations and learning points has decreased slightly. This is primarily due to a higher % of complaints reviewed deemed to be handled to a reasonable standard⁷.
- Implementation Rates – 2022/23⁸
 - Reconsideration Direction – Unsupervised N/A
 - Recommendations 22%
 - Learning Points 39%
- Implementation Rates – 2021/22
 - Reconsideration Direction – Unsupervised 38%
 - Recommendations 70%
 - Learning Points 79%

⁷ In Q1 2022/2023 a total of 225 complaints reviewed. In Q4 2021/2022 a total of 172 complaints reviewed.

⁸ Police Scotland aim to implement CHR recommendations within 56 days. The figures above include all recommendations, including those that are still within the 56 days timescale

Recommendations Made – YTD⁹



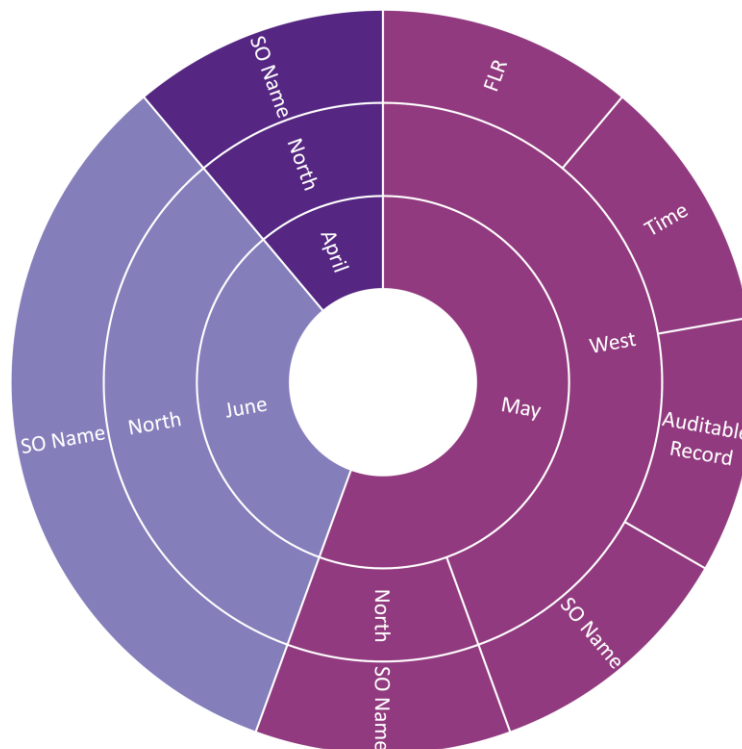
Key points:

- 35% 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;
- 24% of the recommendations relate to insufficient enquiry having been carried out into the complaint;
- 22% of the recommendations arose from the quality of the final response letters that Police Scotland sent to complainers; and
- 11% of recommendations relate to the manner in which Police Scotland have recorded individual complaints.

⁹ Between 1st April and 30th June 2022

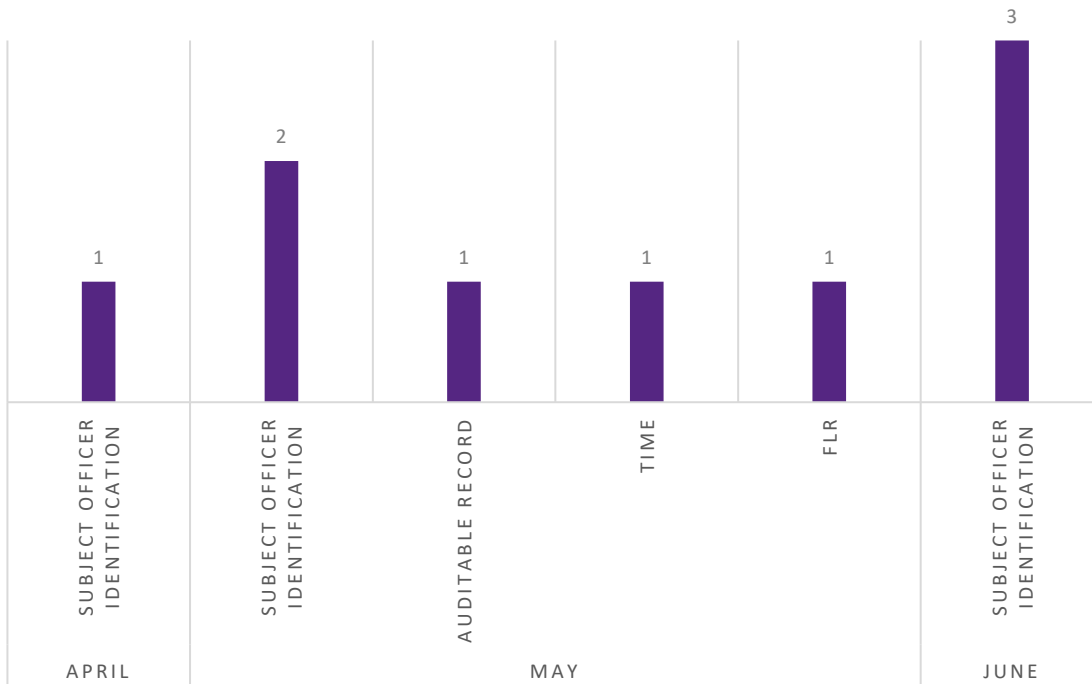
4. Learning Points Made – YTD

LEARNING POINTS ISSUED TO POLICE SCOTLAND

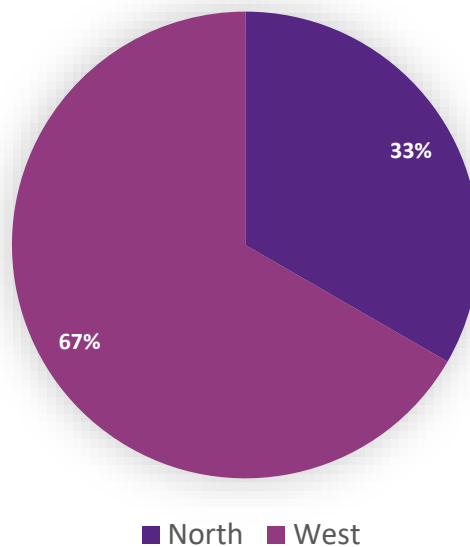


- Breakdown of Learning Points by month (April/May/June), PSD region (North, East and West) , and the subject matter (e.g. identification of Subject Officers, timescales, application of FLR provisions, etc.).
- During Q1, no Learning Points were identified in relation to complaints handled by PSD East
- Majority (67%) of the Learning Points in Q1 focused on Subject Officers not being identified in the final response letters

LEARNING POINTS ISSUED



LEARNING POINTS ISSUED



In the year to date, PIRC has issued nine learning points to Police Scotland within eight CHR's. One CHR had two learning points, the remaining seven had one each. Six Learning Points were issued to the West, three were issued to the North.

All Learning Points issued focussed on individual learning, with shortcomings identified within the complaint handling:

- Six reminded Enquiry Officers to use Subject Officer's names within the final response, as opposed to anonymising them;

-
- One advised Enquiry Officers to use FLR only where a complaint is relatively minor in nature, and can be resolved quickly.
 - One reminded Enquiry Officers to maintain an auditable record of contact with the complainer, and;
 - One 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 with the complainer throughout the complaints process.

PIRC has received a further response from Police Scotland for five of these Learning Points, which were accepted by Police Scotland and were included in May 2022 Commanders' Report. Of the remaining four outstanding, only one is out with our two month target time.

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 incident¹⁰ 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: Following a recommendation made by Dame Elish Angiolini, in her Independent Review of Complaints Handling, Investigations and Misconduct Issues in Relation to Policing, On 4 October 2021, COPFS instructed 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.

¹⁰ 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		
	Q1. 2022/23	Q1. 2021/22
Total Referrals Received	192	116
Death following police contact	2	0
Serious injury following police contact	23	13
Firearms Discharged	0	0
Firearms Presented	26	17
Taser Discharge	13	17
PAVA Use	43	69
Article 3 & 5 (assault allegations, unlawful arrest)	85	0

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

PIRC INVESTIGATIONS		
	Q1. 2022/23	Q1. 2021/22
Death following police contact	1	0
Serious injury following police contact	8	5
Firearms Discharged	0	0
Firearms Presented	0	0
Taser Discharge	1	4
PAVA Use	0	1
Article 3 & 5 (assault allegations, unlawful arrest)	21	0

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.

Findings and Recommendations

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

Since the PIRC was established in 2013, 185 recommendations arising from PIRC investigations have been made to Police Scotland, of which 156 have been implemented, representing 84%.

During Q1. of 2022/23 no recommendations arising from investigations were made.

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		
	Q1. 2022/23	Q1. 2021/22
Emotional or Mental Disturbance (EMD)	37	31
Alcohol	51	61
Drugs	35	52
Suicidal Ideation	6	7
Anxiety	2	4
Depression	5	4