

Statistical Update - Q4 & Year End

1 January 2023-31 March 2023



Contents

Page

1.	PIRC CHR Applications	3
	Timescales	4
	Information Requests during Review	4
2	CHR Reports	5
	Cases Completed	5
3	Outcome	6
	Reasonable v Not Reasonable	6
	CHR Disposal – National YTD	7
	Recommendation Made - YTD	9
4	Learning Points Made - YTD	11
	Learning Points Issued	11
5	Partnership Working	14
6	PIRC Investigations	15
	Referrals	15
	Number of Referrals	16
7	Number of Investigations	17
	Findings & Recommendations	17
8	Impact Factors	17
9	Partnership Working	19

PIRC CHR Applications

Applications

	Number of Applications				
	Q4 2022/23	Q3 2022/23	Q2 2022/23	Q1 2022/23	Q4 2021/22
Applications Received	88	69	49	48	66

Key points:

- PIRC has received 88 applications requesting a complaint handling review during Q4 2022/23. This represents an increase of 22 application (33%) in comparison to the number of applications received in Q4 2021/2022, and represents 19 applications increase (27%) in comparison to Q3 2022/2023 and an increase of 40 applications (83%) in comparison to Q1 2022/2023.
- It is assessed that the increase in applications in Q3 and Q4 2022/23 is attributable to a gradual increase in utilisation of the non-investigation provisions by the PSD in line with PIRC Statutory Guidance. 29 applications (approx. 33%) received in Q4 were for complaints where PSD had applied the non-investigation provision. This is an increase of approx. 71% in comparison to Q3, whereby only 17 applications received in Q3 (approx. 25%) related to the non-investigation provisions.

	Number of Applications		
	2022/23	2021/22	2020/21
Applications Received	254	269	268

- Overall, we have received 254 applications for a complaint handling review relating to Police Scotland between 1 April and 31 March 2023. This represents an approx. 6% decrease in comparison to the number of applications received during financial year 2021/22¹ and 2020/21.

¹ Between 1 April and 31 March 2023, the PIRC received a total of 256 applications for a CHR. 254 applications related to complaints handled by Police Scotland. For the same time period in 2021/22, we received a total of 271 application, 269 of those related to complaints handled by Police Scotland. In 2020/2021, we received a total of 270 applications, 268 of which related to complaints handled by Police Scotland.

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 Q4, of the 76 sets of case papers received by the PIRC, the average time to receive the case papers was 10 days. This figure is consistent with the average timescale reported for Q3 2022/23 (i.e. 10 days) and an increase on the 8 day average timescale reported in Q2 2022/2023. However the time taken from the initial receipt of case papers during Q3 and Q4 2022/23 represents an improvement on the average 14 days reported in Q1 (2022/23). During Q4, Police Scotland met the 14 day timescale in 77% (59 out of 76) of all case papers requested;
- For cases in which Police Scotland was unable to provide the PIRC with the case papers within 14 days during Q4, the average wait was approx. 18 days.

Information Requests during Review:

- For CHRs that were concluded during Q4, the average time spent waiting for information while the review was ongoing was 14 days². This represents a decrease of approx. 9 days in comparison to the average waiting time during Q3 2022/23 (i.e. 23 days), 17 days decrease in comparison to the average waiting time during Q2 2022/23 (i.e. 31 days) and a decrease of approx. 13 days in comparison to the average waiting time during Q1 2022/23 (i.e. 27 days);
- In 6 cases during Q4 (or approx. 11% of all CHRs concluded³), the time spent waiting on information from Police Scotland to enable the review to proceed on average was 86 days.

On average, the overall time spent waiting on information for each application we progressed during Q4 is as follows:

- Initial receipt of papers: 10 days
- Information awaited during review: 14 days
- Total time: 24 days or 0.8 months

² Figure based on CHRs that have concluded during 1 January and 31 March 2023.

³ Of the 56 CHRs that concluded during 1 January and 31 March 2022, 6 of them were delayed by more than 50 days waiting on information from Police Scotland. This equates to 15%.

Annual Comparison (YTD)⁴:

	2022/23	2021/22	2020/21
Initial receipt of papers	11 days	12 days	10 days
Information awaited during review	19 days	28 days	37 days
Total Time	30 days or 1 month	40 days or 1.3 months	47 days or 1.6 months

Since 2020/2021, the average time for Police Scotland to provide complaint files and associated paperwork to the PIRC during the CHR process has reduced from 47 days to 30 days (a decrease in waiting time of 36%). We are encouraged by the gradual reduction in these timescales over the last three years.

CHR Reports

Cases Completed - National⁵

	Q4 2022/2023	Q3 2022/2023	Q2 2022/2023	Q1 2022/2023	Q4 2021/22
No. of Cases	55	48	50	47	51
HoC Reviewed	243	265	213	225	172
Average HoC	4.0	5.5	4.2	4.7	3.4

Key points:

- There have been 56 CHR reports issued during Q4, with 55 of those relating to complaints handled by Police Scotland. This is an increase in the output of CHRs in comparison to Q3, Q2, and Q1 of 2022/23.
- The number of individual Heads of Complaint reviewed in Q4 decreased by

⁴ 1 April to 31 March 2023

⁵ Refers to cases for which CHR's have been issued and not when recs/recons have been implemented during Q1, Q2, Q3, and Q4 2022/23 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.

approx. 6% in comparison to Q3 2022/23. However, noteworthy is that the number of individual Heads of Complaint reviewed in Q4 represents an increase of approx. 17% in comparison to Q2 2022/23 and an increase by approx. 11% in comparison to Q1 2022/23.

	Cases Completed		
	2022/2023	2021/22	2020/21
No. of Cases	201	210	230
HoC Reviewed	946	813	879
Average HoC	4.7	3.9	3.8

- On average, the CHR's concluded during 2022/23 had approx. 5 Heads of Complaint per CHR report. This is an increase on the average of approx. 4 Heads of Complaint per CHR report concluded during 2021/22 and 2020/21.

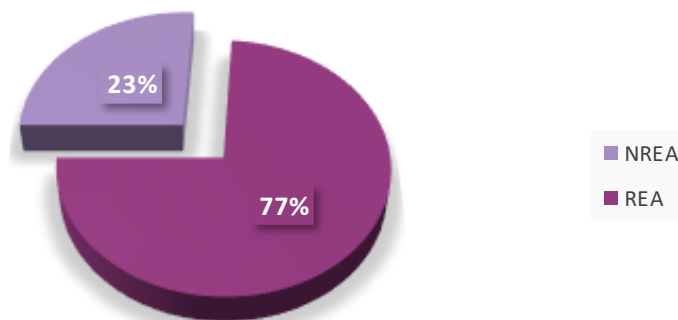
Since 2020/21, the average number of Heads of Complaint per CHR concluded has increased from 4 to 5 (an increase of 25%). It is assessed that the increase to the average HoC per CHR demonstrates the increasing complexity of the cases we are being asked to review. The ability of NCARU to resolve low level straightforward complaints is also a contributing factor.

Outcome

Reasonable v Not Reasonable

National – Q4⁶

243 Heads of Complaint



Key points:

- During Q4, 77% 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 Q3 2022/23 (i.e. 74%) and Q2 2022/23 (i.e. 66%) and a decrease in comparison to the national % reasonable in Q1 2022/23 (i.e. 79%);
- Q4 2022/2023 Regional Breakdown:
 - PSD East – 88% REA
 - PSD North – 66% REA
 - PSD West – 83% REA
- Yearly Comparison:
 - 2022/23 – National – 74% REA
 - 2021/22 – National – 68% REA
 - 2020/21 – National – 71% REA
 - 2019/20 – National – 62% 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. The proportion of complaints considered reasonably handled by Police Scotland during the financial year 2022/23 (i.e. 74%) is the highest recorded figure by PIRC since its inception in 2013.

⁶ Cases closed between 1 January and 31 March 2023

CHR Disposal - National 2022/23

	Q4 2022/2023	Q3 2022/2023	Q2 2022/2023	Q1 2022/2023	Q4 2021/22
Reconsideration Direction - Supervised	0	0	0	0	0
Reconsideration Direction - Unsupervised	1	2	2	0	0
Recommendations	53	58	66	46	51
Learning Points	17	4	13	9	23

Key points:

- Despite a slight decrease in the number of complaints reviewed between Q4 and Q3, there has been a significant increase in the number of learning points identified during Q4 in comparison to Q3 2022/23. The number of Learning Points during this period increased from 4 to 17. This increase correlates with the increase in the number of CHR applications relative to PSD’s use of the non-investigation provision (as referred to earlier in this report), with 7 Learning Points in Q4 relating to this topic. ⁷.

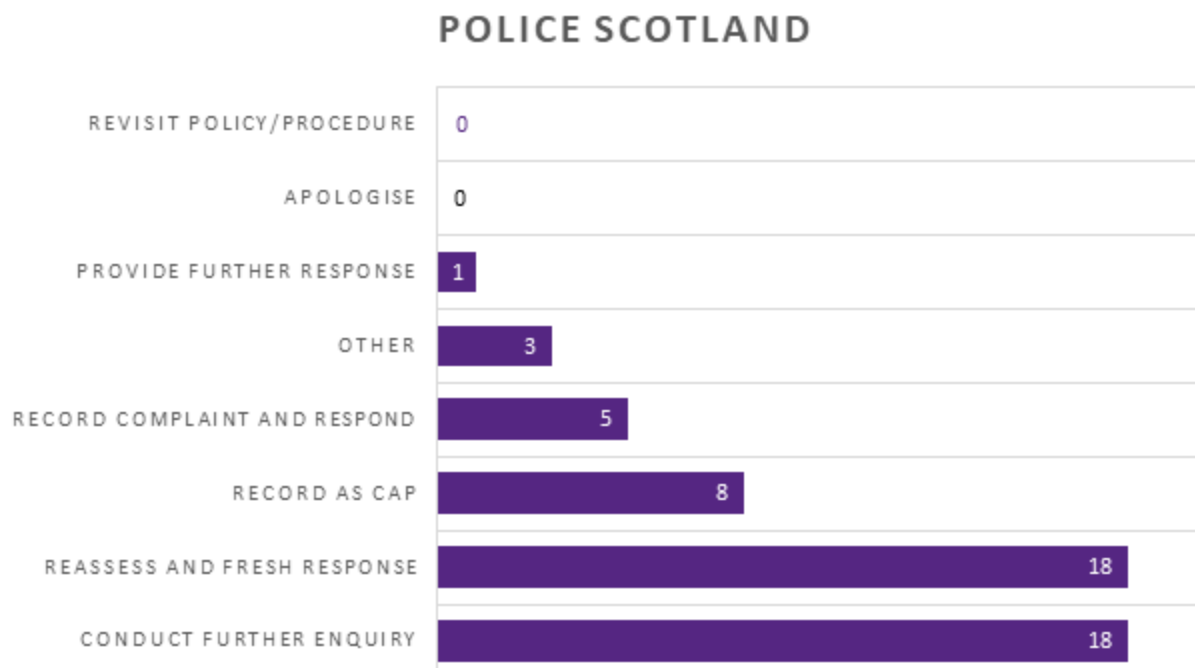
	2022/2023	2021/22	2020/21
Reconsideration Direction - Supervised	0	0	0
Reconsideration Direction - Unsupervised Issued	4	12	17
Reconsideration Direction - Unsupervised Implemented	0%	85%	100%
Recommendations Issued	225	264	268
Recommendations Implemented	45%	93%	99%
Learning Points Issued	44	108	51
Learning Points Implemented	84%	92%	96%

- Implementation Rates⁸ – (YTD)
 - Reconsideration Direction – Unsupervised 0%
 - Recommendations 45%
 - Learning Points 84%
- Implementation Rates – 2021/22
 - Reconsideration Direction – Unsupervised 85%
 - Recommendations 93%
 - Learning Points 92%

⁷ Details of the Learning Points issued during Q4 relative to PSD’s use of the Non-Investigation provision can be found on page 11 of this report.

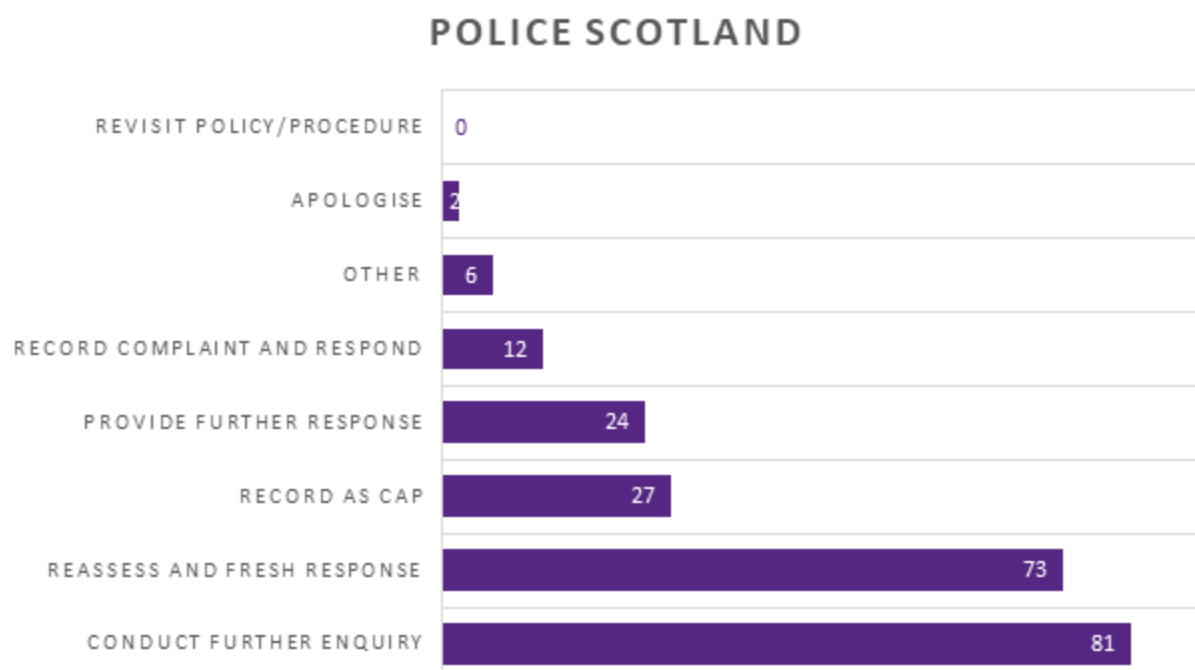
⁸ 18 recommendations made and 4 Learning Points issued in Q4 (8% of the overall No of recommendations and 9% of Learning Points issued this year) are still within 56 days implementation period

Recommendations Made – Q4¹



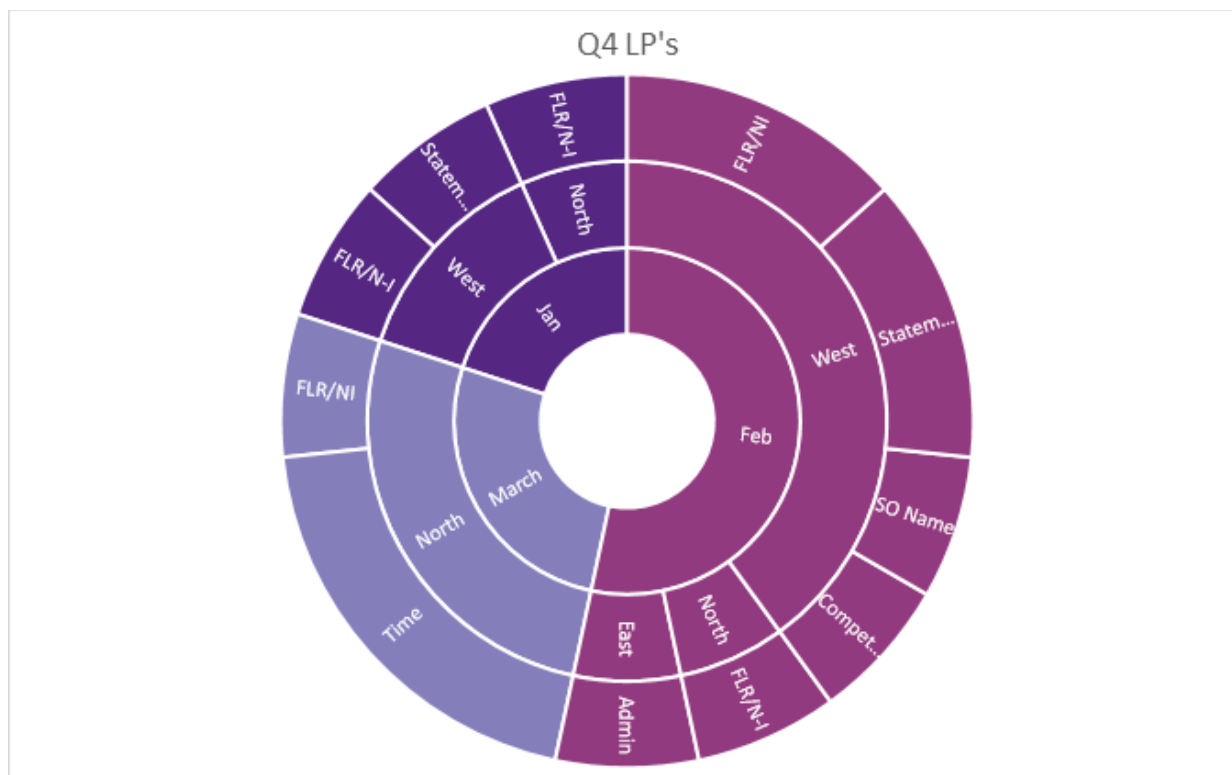
- 34% of the recommendations that have been issued to Police Scotland in Q4, relate to insufficient enquiry having been carried out into the complaint;
- 34% of recommendations asked that the complaint be reassessed, and the complainer provided with a fresh response;
- 15% of recommendations relate to the manner in which Police Scotland have recorded individual complaints;
- 9% asked Police Scotland to formally record the complaint and provide complainer with a letter of response;
- 6% related to other matters; and
- 2% of the recommendations arose from the quality of the final response letters that Police Scotland sent to complainers.

Recommendations Made - 2022/23



- 36% of the recommendations that have been issued in 2022/2023, relates to insufficient enquiry having been carried out into the complaint;
- 32% of the recommendations asked that the complaint be reassessed, and the complainer provided with a fresh response;
- 12% relate to the manner in which Police Scotland have recorded individual complaints;
- 11% of the recommendations arose from the quality of the final response letters that Police Scotland sent to complainers.
- 5% asked that the complaint be recorded and that the complainer receive a response;
- 3% related to other matters; and
- 1% asked the policing body to apologise to the complainer.

Learning Points Made – Q4



In Q4, PIRC has identified 18 Learning Points for Police Scotland within 14 CHR's – seven of which were issued to PSD West, five to PSD North and one to PSD East.

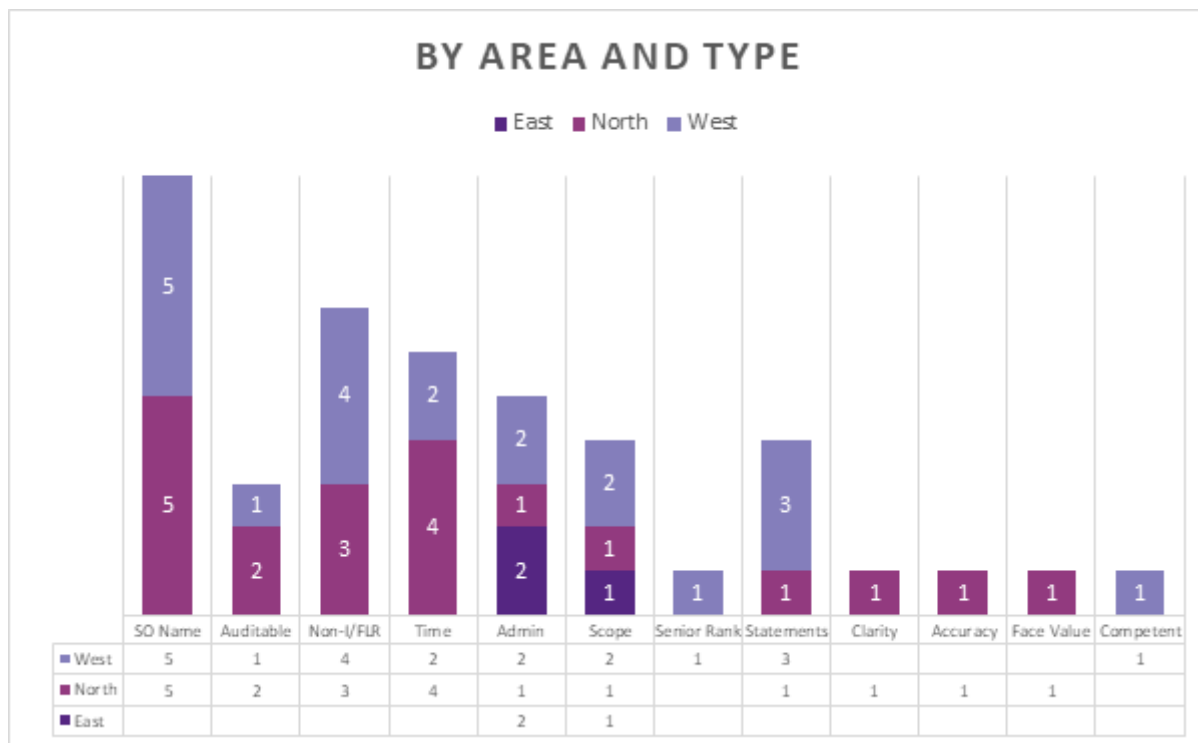
All Learning Points issued focussed on individual learning, with shortcomings identified within the complaint handling. A summary of the learning identified is as follows:

- One Learning Point reminded Enquiry Officers to use Subject Officer's names, within the final response, as opposed to anonymising them;
- Six reminded Enquiry Officers of the correct application of FLR and non-investigation provisions;
- Three Learning Points were made in relation to the quality of statements noted by Enquiry Officers. Two of these reminded officers to gather detailed statements from the complainer and witnesses, that addressed the complainer's concerns. The other two reiterated that Subject Officer's statements must be their own accounts, compiled independently from other police witnesses.
- 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 with the complainer throughout the complaints process;
- One reminded Enquiry Officers of the statutory definition of relevant complaints;

-
- Three highlighted administrative concerns. One reminded Officers that complainers can apply for a CHR within three months, instead of the 28 days advised within the final response. The other reminded officers that any corrective action taken must be recorded on the complaint handling form. The third reminded Investigating Officers to record whether each complaint was upheld/not upheld within the final response;
 - One reminded Enquiry Officers that complaints must be taken at face value, which did not appear to have happened in that case; and
 - One reminded Enquiry Officers of the importance of conducting a thorough investigation and highlighted our expectations in terms of agreeing Heads of Complaint and obtaining a statement of complaint

PIRC has received confirmation from Police Scotland that all of these Learning Points have been accepted and cascaded accordingly.

Learning Points - 2022/23



In 2022/2023, PIRC identified 44 learning points for Police Scotland within 36 CHR's - 21 of which were issued to PSD West, 20 to PSD North and three 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:

- Ten reminded Enquiry Officers to use Subject Officer's names within the final response, as opposed to anonymising them;
- Seven advised Enquiry Officers of the correct application of the FLR and non-investigation provisions;
- Three reminded Enquiry Officers to maintain auditable records within the case files;
- Six 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;
- Four focussed on the quality of statements captured by Enquiry Officers. They were reminded to ensure that statements addressed the complainer's specific concerns, and that statements from Subject Officers must be their own accounts, prepared independently of other witnesses;
- Four reminded Enquiry Officers of the importance of carrying out a thorough

complaint enquiry, to enable a full complaint response to be provided;

- Five Learning Points were raised in relation to administrative concerns. These included incorrect dates and officer ranks within letters, 'upheld/not upheld' being omitted from the final response, incorrect complaint reference numbers and complaint handling forms not being updated accordingly.
- Other issues highlighted to Enquiry Officers: complaints must be taken at face value; statutory definition of relevant complaint about the police; the requirement for officer responding to a complaint to be of a more senior rank than the Subject Officer; there should be clarity and clear understanding with the complainer regarding the complaints to be investigated; and of the importance of ensuring that information relayed to complainers within final response letters is accurate.

PIRC has received a further confirmation from Police Scotland that 41 of these Learning Points have been accepted by Police Scotland and cascaded accordingly. Of the remaining three outstanding, all are out with our two month target time.

Partnership Working

During Q4, the Review Team continued to engage with the Professional Standards Department.

PIRC Reviews Team held monthly update meetings with regional PSD teams from the NORTH, EAST and WEST.

We are currently engaged in various Short Life Working Groups to progress a variety of initiatives following PIRC/PSD liaison event in September 2022.

We have engaged with our colleagues from the SPA and PSD in discussions designed to re-establish the National Complaint Handling Development Group (NCHDG).

In March 2023, PSD WEST attended the PIRC Review Team Continuous Professional Development (CPD) event. PSD WEST delivered a presentation, providing an overview of PSD and the current challenges faced. This was well received by both PSD WEST and PIRC Review Team.

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 incident⁹ 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.

⁹ 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		
	Q4. 2022/23	Q4. 2021/22
Total Referrals Received	221	117
Death following police contact	4	1
Serious injury following police contact	25	11
Firearms Discharged	0	0
Firearms Presented	25	15
Taser Discharge	29	11
PAVA Use	46	28
Article 3 & 5 (assault allegations, unlawful arrest)	92	51

The increase in referrals is partially due to greater familiarisation with the need to refer Article 3 & 5 allegations to PIRC. In 2021/22 this requirement was newly established, following a recommendation arising from the Dame Elish Angiolini report and it was recognised that a period of adjustment and familiarisation would occur. In addition, there has been an increase in serious injury, firearms and Taser referrals. The increase in Taser referrals may be due to the continuing roll out, equipping a greater number of operational police officers with Taser. The reason for the increase in serious injury referrals cannot be firmly established however, during 2021/22 Covid lockdown restrictions applied and less people were congregating together or coming into contact with the police which may partially provide one reason behind the increase.

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		
	Q4. 2022/23	Q4. 2021/22
Death following police contact	2	0
Serious injury following police contact	5	1
Firearms Discharged	0	0
Firearms Presented	0	0
Taser Discharge	3	0
PAVA Use	0	1
Article 3 & 5 (assault allegations, unlawful arrest)	18	16

Investigations

PIRC aim to complete 80% of its Category A investigations within 90 working days following receipt of necessary documents and other material and 80% of Category B & C investigations within 120 days following receipt of necessary documents and other material. 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, 212 recommendations arising from PIRC investigations have been made to Police Scotland, of which 187 have been implemented, representing 88%.

During Q4. of 2022/23, 4 recommendations arising from investigations were made. These recommendations were primarily intended to address issues arising in respect of persons in police custody, to raise awareness and draw attention of custody staff to warning signs that a person may be suffering the effects of ill health or drug abuse, thereby requiring greater consideration of risk factors and monitoring measures.

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		
	Q4. 2022/23	Q4. 2021/22
Emotional or Mental Disturbance (EMD)	35	23
Alcohol	51	33
Drugs	34	27
Suicidal Ideation	7	5
Anxiety	4	4
Depression	3	1

Partnership Working

During Q4, 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.