

OFFICIAL

pirc

Police Investigations &  
Review Commissioner

**Statistical Update – Q2**  
1 July 2022 to 30 September 2022

**Independent and effective**  
investigations and reviews



## Contents

		Page
<b>1.</b>	<b>PIRC CHR Applications</b>	<b>3</b>
	Timescales	3
	Information Requests during Review	4
<b>2</b>	<b>CHR Reports</b>	<b>5</b>
	Cases Completed	5
<b>3</b>	<b>Outcome</b>	<b>6</b>
	Reasonable v Not Reasonable	6
	CHR Disposal - National YTD	7
	Recommendation Made - YTD	8
<b>4</b>	<b>Learning Points Made - YTD</b>	<b>9</b>
	Learning Points Issued	9
<b>5</b>	<b>PIRC Investigations</b>	<b>11</b>
	Referrals	11
	Number of Referrals	12
	Number of Investigations	12
	Findings & Recommendations	13
	Impact Factors	14

## PIRC CHR Applications

### Applications

	Number of Applications		
	Q1 2022/23	Q2 2022/23	% Change
Applications Received	48	51	6.25%

### Key points:

- The PIRC has received 51 applications requesting a complaint handling review during Q2 2022/23. This represents an approx. 6% increase in comparison to Q1 2022/23;
- Collectively, we have received 99 applications for a complaint handling review between 1 April and 30 September 2022. This represents an approx. 22% decrease in comparison to the number of applications received for the same time period in 2021/22<sup>1</sup> and an approx. 26% decrease in comparison to the number of applications received for the same time period in 2019/20<sup>2</sup> (i.e. pre-COVID).

## Timescales

### Provision of Initial Case Papers:

Police Scotland aim to provide complaint case papers within 14 days.

- During Q2, of the 47 sets of case papers received by the PIRC, the average time to receive the case papers is 8 days. This is an improvement on the 14 days reported in Q1 2022/2023.

<sup>1</sup> Between 1 April and 30 September 2022, the PIRC received 99 applications for a CHR. For the same time period in 2021/22, we received 127 application, which equates to a decrease of 22.1%.

<sup>2</sup> Between 1 April and 30 September 2019, 134 applications requesting a review were received. This represents a decrease of 26.1% between the number of applications received in 2022/23 in comparison to the same time period in 2019/20.

- During Q2, Police Scotland met the 14 day timescale in 87% of all case papers requested;
- During Q2, for those cases where Police Scotland were unable to provide the PIRC with the case papers within 14 days, the average wait was approx. 18 days.

**Information Requests during Review:**

- During Q2, the average time spent waiting for information while the review was ongoing was 31 days. This represents an increase of approx. 4 days in comparison to the average waiting time during Q1 2022/23 (i.e. 27 days);
- During Q2, in 11 cases (or approx. 22% of all CHRs concluded<sup>3</sup>), the time spent waiting on information from Police Scotland to enable the review to proceed was in excess of 50 days or more, whereby the average waiting time for information was 94 days.

On average, the overall time spent waiting on information for each application progressed during Q2 is as follows:

- Initial receipt of papers: 8 days
- Information awaited during review: 31 days
- Total time: 39 days or 1.3 months.

**Annual Comparison (YTD)<sup>4</sup>:**

	2022/23	2021/22	2020/21	2019/20
Initial receipt of papers	11 days	12 days	10 days	14 days
Information awaited during review	29 days	28 days	37 days	35 days
Total Time	40 days or 1.3 months	40 days or 1.3 months	47 days or 1.6 months	49 days or 1.6 months

<sup>3</sup> Of the 51 CHR's that concluded during 1 July and 30 September 2022, 11 of them were delayed by more than 50 days waiting on information from Police Scotland. This equates to 21.6%.

<sup>4</sup> 1 April to 30 September 2022 (inc)

## CHR Reports

### Cases Completed - National<sup>5</sup>

	Q2 2022/2023	Q1 2022/2023	Q4 2021/22	Q3 2021/22	Q2 2021/22
No. of Cases	51	47	51	36	55
HoC Reviewed	213	225	172	161	224
Average HoC	4.2	5.0	3.4	4.5	4.1

#### Key points:

- There have been 51 CHR's issued during Q2, which represents an increase of approx. 9% in comparison to the number of CHR's issued in Q1 2022/23;
- The number of individual Heads of Complaint reviewed in Q2 has decreased by approx. 5% in comparison to Q1 2022/2023;
- The average number of Heads of Complaint per CHR concluded YTD is currently 4.5, which is an increase on the average 3.8 Heads of Complaint per CHR concluded for the same time period 2021/22,

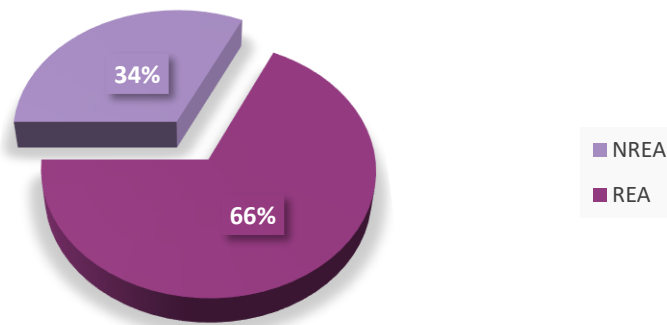
<sup>5</sup> Refers to cases for which CHR's have been issued and not when recs/recons have been implemented during Q1 and Q2 2022/23 and Q2, Q3 and Q4 2021/22. There may be occasions when PIRC require to delay issuing the CHR report until confirmation is received from COPFS that the issuing of the CHR will not prejudice any ongoing criminal proceedings.

## Outcome

### Reasonable v Not Reasonable

National – Q2<sup>6</sup>

#### 213 Complaints Reviewed



#### Key points:

- During Q2, 66% of all complaints reviewed by the PIRC have been handled by Police Scotland to a reasonable standard<sup>6</sup>;
- This represents a 13% decrease on the national % of complaints reasonably handled for Q1 2022/23 (i.e. 79%)
- Q2 2022/2023 Regional Breakdown:
  - PSD East – 74% REA
  - PSD North – 59% REA
  - PSD West – 69% REA
- YTD 2022/23 – National – 73% REA
- YTD 2021/22 – National – 67% REA
- YTD 2020/21 – National – 70% REA
- YTD 2019/20 – National – 55% REA

<sup>6</sup> Cases closed between 1 July and 30 September 2022 (inc).

## CHR Disposal - National YTD

	Q2 2022/2023	Q1 2022/2023	Q4 2021/22	Q3 2021/22	Q2 2021/2022
Reconsideration Direction Supervised	0	0	0	0	0
Reconsideration Direction Unsupervised	2	0	0	2	3
Recommendations	66	46	51	49	70
Learning Points	13	9	23	27	29

### Key points:

- Despite a 5% decrease in the number of complaints reviewed between Q2 and Q1, there has been a 30% increase in the number of recommendations made and a 31% increase in the number of learning points identified during Q2 in comparison to Q1 2022/23;

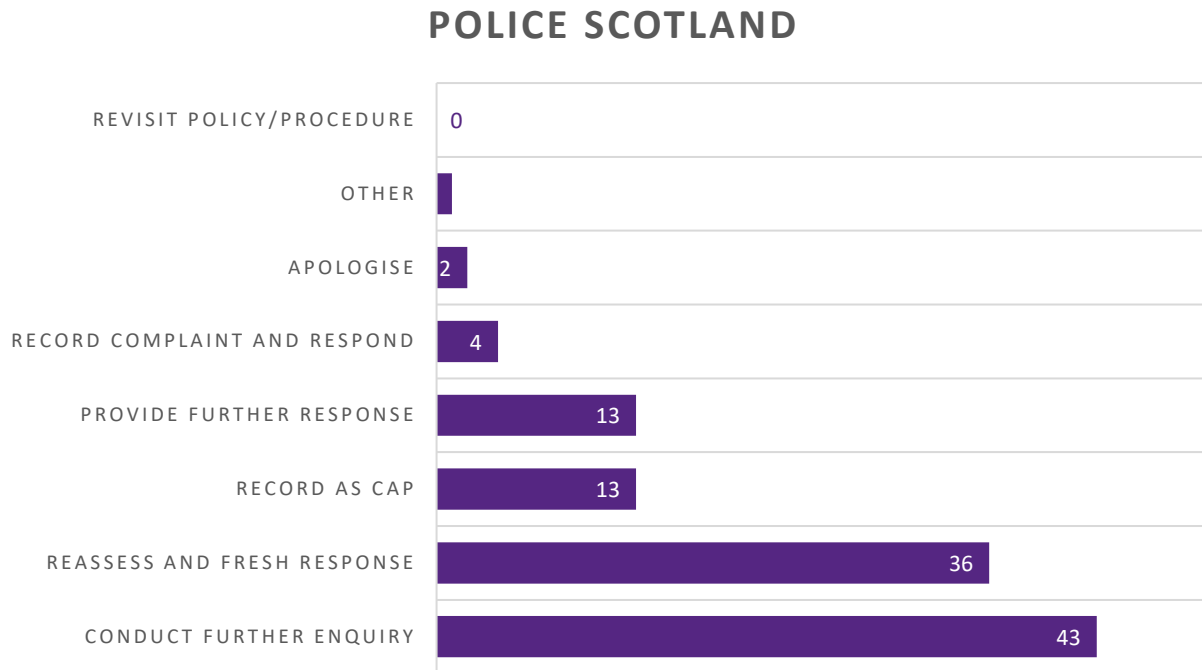
#### □ Implementation Rates – (YTD)

- Reconsideration Direction – Unsupervised 0%
- Recommendations 17%
- Learning Points 64%

#### □ Implementation Rates – 2021/22

- Reconsideration Direction – Unsupervised 50%
- Recommendations 85%
- Learning Points 88%

## Recommendations Made – YTD<sup>7</sup>

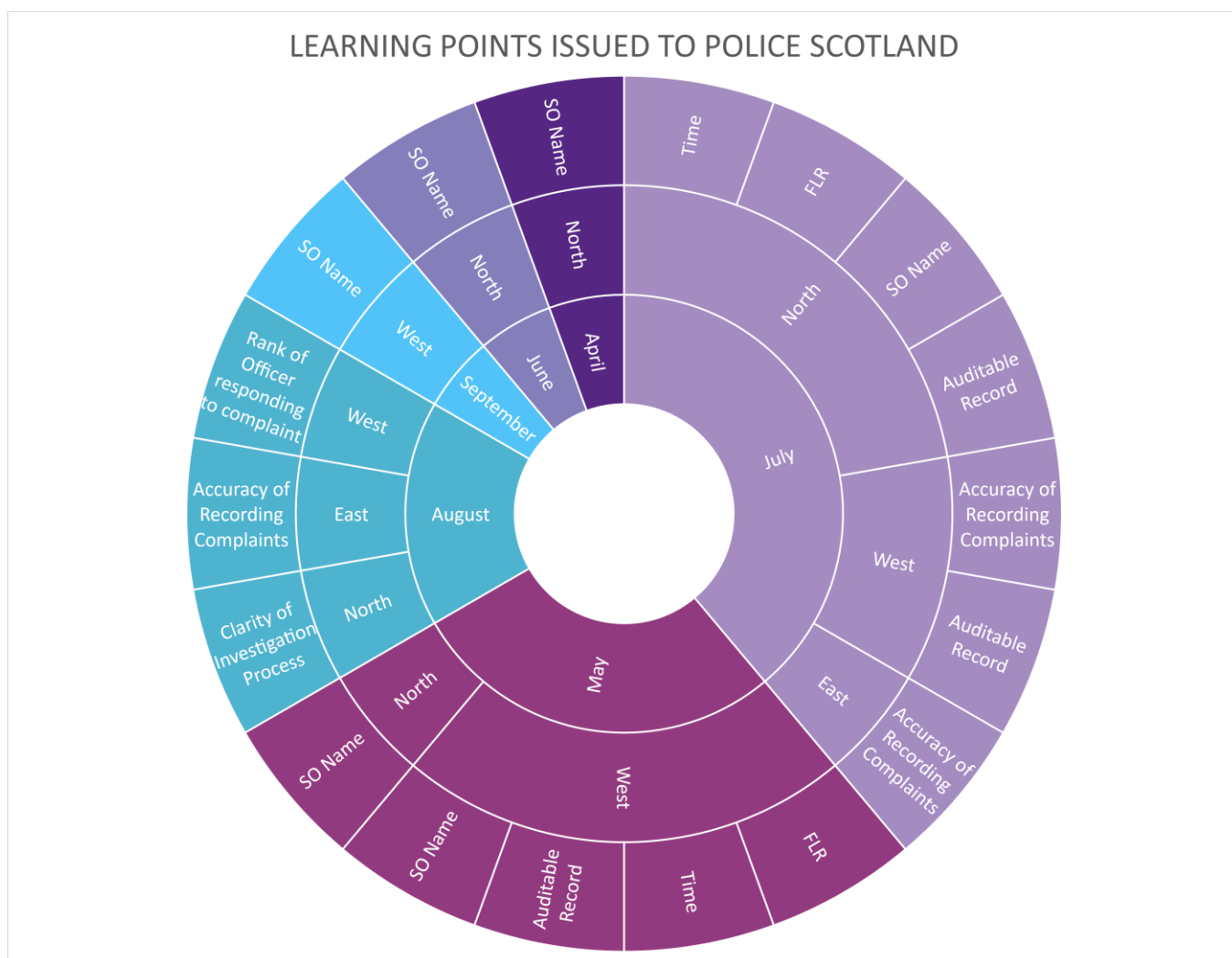


- 32% of the recommendations that have been issued to Police Scotland YTD, ~~request~~ request that the complaint be reassessed, and the complainer provided with a fresh response;
- 34% of the recommendations relate to insufficient enquiry having been carried out into the complaint;
- 7% of the recommendations arose from the quality of the final response letters that Police Scotland sent to complainers; and
- 12% of recommendations relate to the manner in which Police Scotland have recorded individual complaints.

<sup>7</sup> Outcomes associated with CHRs that have been completed between 1 April and 30 September 2022 (inc)



Learning Points Made – YTD<sup>8</sup>



YTD, we have identified **22 learning points** for Police Scotland within 19 CHR's - 11 were issued to PSD West, 9 were issued to PSD North and 2 were issued to PSD East.

### Learning Points issued

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.

<sup>8</sup> Based on CHR's issued between 1 April and 30 September 2022 (inc)

## OFFICIAL

---

- Two 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.
- 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.

We have received confirmation from Police Scotland that 13 of these Learning Points have been accepted by Police Scotland and cascaded accordingly. Of the remaining nine outstanding, five are 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 incident<sup>9</sup> 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.

---

<sup>9</sup> 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

<b>NUMBER OF POLICE SCOTLAND REFERRALS</b>		
	<b>Q2. 2022/23</b>	<b>Q2. 2021/22</b>
<b>Total Referrals Received</b>	<b>144</b>	<b>124</b>
Death following police contact	8	2
Serious injury following police contact	27	19
Firearms Discharged	3	0
Firearms Presented	34	19
Taser Discharge	21	15
PAVA Use	51	69

*NB: Does NOT include any referrals from MDP or BTP  
Does NOT include any Article 3 referrals from COPFS*

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.

<b>PIRC INVESTIGATIONS</b>		
	<b>Q2. 2022/23</b>	<b>Q2. 2021/22</b>
Death following police contact	1	2
Serious injury following police contact	2	3
Firearms Discharged	1	0
Firearms Presented	0	1
Taser Discharge	0	0
PAVA Use	0	1

*NB: Does NOT include any Article 3 Investigations referred by COPFS*

## 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 Q2. of 2022/23, 2 recommendations arising from investigations were made. Police Scotland have yet to notify if they accept or other outcome in this regard.

**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:

<b>Impact Factors</b>		
	<b>Q2. 2022/23</b>	<b>Q2. 2021/22</b>
Emotional or Mental Disturbance (EMD)	51	31
Alcohol	63	59
Drugs	46	43
Suicidal Ideation	13	8
Anxiety	0	1
Depression	5	2