

Our Ref: IM-FOI-2015-1187



Sir Stephen House QPM
Chief Constable

FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

I refer to your recent request for information which has been handled in accordance with the Freedom of Information (Scotland) Act 2002.

For ease of reference, your request is replicated below together with the response.

With respect to the Freedom of Information (Scotland) Act 2002, I am making the following request.

For the numbers of deaths in the following categories, as defined by the IPCC [1], that have occurred since the formation of Police Scotland:

Road traffic incidents

Fatal shootings

Deaths in or following police custody

Apparent suicides following police custody

Other deaths following police contact

In accordance with Sections 12(1) (Excessive cost of compliance) and 16(4) (Refusal of request) of the Freedom of Information (Scotland) Act 2002 (the Act), this letter represents a Refusal Notice.

By way of explanation, the Police and Fire Reform (Scotland Act) 2012 and Police Investigations and Review Commissioner (Investigations, Procedures and Specified Weapons) Regulations 2013 place a responsibility on Police Scotland to refer 'serious incidents'.

In relation to deaths this is further defined as;

any circumstances or in consequence of which a person has died where -

- the person at or before the time of death had contact (directly or indirectly) with the police acting in the course of their duty

AND

- there is an indication that the contact may have caused (directly or indirectly) or contributed to the death

Applying the above definition, Police Scotland **must** refer deaths following police contact to the Scottish Fatalities Investigation Unit, Crown Office and Procurator Fiscal Service

who thereafter decide whether to refer the matter to the Police Investigations and Review Commissioner (PIRC) for investigation.

However Police Scotland does not categorise such deaths following police contact under the headings defined by the IPCC, nor is this standard data that Police Scotland provide to the Scottish Police Authority. To provide the information requested would require the manual review of all such cases so referred. To undertake this task would take in excess of the £600 prescribed by the Scottish Ministers under the Act. I can find no overwhelming public interest in this case, which would allow me to justify such expense.

PIRC publish information in relation to their investigations on their website and within their annual report which can be found on the PIRC website; <http://pirc.scotland.gov.uk/>

Should you require any further assistance concerning this matter please contact me directly on 01786 895864 quoting the reference number given.

If you are not satisfied with the way in which your request has been dealt with, you are entitled in the first instance, and within 40 working days of receiving this response, to request a review of the decision. Should you wish to do so, contact details are; FOI Central Processing Unit, Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH - foi@scotland.pnn.police.uk

If you remain dissatisfied following the outcome of that review, you are thereafter entitled to apply to the Scottish Information Commissioner within six months for a decision. Contact details are; Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS - enquiries@itspublicknowledge.info

Should you wish to appeal against the Scottish Information Commissioner's decision, there is an appeal to the Court of Session on a point of law only.

Yours sincerely,

Colette McGloan
Information Management