

Our Ref: IM-FOI-2015-1143



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.

In your email you asked:

**How many deaths in police custody were there in 2014, and the months of 2015?
How many of those were at the scene of an incident, in a police van, in an ambulance, in a police station cell, in prison, elsewhere?
Could I have an age, race, gender breakdown?**

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 involving the police".

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 a person serving with the police acting in the execution of that persons duties;

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, in applying this definition Police Scotland does not categorise 'deaths in custody' instead applying the definition of 'death following police contact', 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 ascertain where the death occurred and whether the deceased was 'in custody' at the time of death. This would be a considerably time consuming task that would outweigh the cost limits described under FOISA and the Fees Regulations. Therefore section 12(1) applies to your request: excessive cost of compliance.

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

Should you require any further assistance concerning this matter please contact me directly on 0131 311 3901 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,

Gabriella Trybalska
Information Management