

Our Ref: IM-FOI-2020-1002
Date: 02 July 2020



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.

From 2010-2020 inclusive, how many have died in or following police custody in Scotland, sorted by ethnicity.

Please be advised this information is publicly available. As such, in terms of Section 16 of the Freedom of Information (Scotland) Act 2002, I am refusing to provide you with the information sought. Section 16 requires Police Scotland when refusing to provide such information because it is exempt, to provide you with a notice which:

- (a) states that it holds the information,
- (b) states that it is claiming an exemption,
- (c) specifies the exemption in question and
- (d) states, if that would not be otherwise apparent, why the exemption applies.

I can confirm that Police Scotland holds the information that you have requested and the exemption that I consider to be applicable is set out at Section 25(1) - information otherwise accessible.

This information is already in the public domain and can be found in the Police Investigation and Review Commissioners (PIRC) annual reports from 2013, via the following link to their website:

[Publications | Police Investigations & Review Commissioner \(PIRC\)](#)

You will also find published 'death following police contact' investigation reports on the PIRC website.

For the period prior to April 2013, differences in the way in which the legacy divisions were structured means I am unable to provide you with this information, as it would prove too costly to do so within the context of the fee regulations.

As you may be aware the current cost threshold is £600 and I estimate that it would cost well in excess of this amount to process your request.

OFFICIAL

However to assist further, I can advise you that a Fatal Accident Inquiry, (FAI) is mandatory when someone dies in custody in prison or in a police station. This information is available on the Scottish Courts Fatal Accident Inquiry website, via the following link;

<https://www.scotcourts.gov.uk/search-judgments/fatal-accident-inquiries>

To assist, if you type 'death in police custody' into the search bar, it will return all such deaths which have occurred since 1999.

Finally, in terms of ethnicity, I must advise you that this detail is not routinely recorded by police officers and there is no mandatory field to allow me to retrieve any data which may exist. Consequently we are unable to answer this part of your request as the information is not held, therefore under Section 17 of the Freedom of Information (Scotland) Act 2002 I must inform you that we do not hold the information you have requested.

Should you require any further assistance please contact Information Management - Highland & Islands Divisional Headquarters on 01463 720508, quoting the reference number given.

If you are dissatisfied with the way in which Police Scotland has dealt with your request, you are entitled, in the first instance, to request a review of our actions and decisions.

Your request must specify the matter which gives rise to your dissatisfaction and it must be submitted within 40 working days of receiving this response - either by email to foi@scotland.pnn.police.uk or by post to Information Management (Disclosure), Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH.

If you remain dissatisfied following the outcome of that review, you are thereafter entitled to apply to the Office of the Scottish Information Commissioner within six months for a decision. You can apply [online](#), by email to enquiries@itspublicknowledge.info or by post to Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

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

As part of our commitment to demonstrate openness and transparency in respect of the information we hold, an anonymised version of this response will be posted to the Police Scotland Freedom of Information [Disclosure Log](#) in seven days' time.