

<b>Meeting</b>	<b>Complaints and Conduct Committee</b>
<b>Date</b>	<b>18 August 2022</b>
<b>Location</b>	<b>MS Teams</b>
<b>Title of Paper</b>	<b>Police Scotland Professional Standards Department Quarterly Performance Report (Q1)</b>
<b>Presented By</b>	<b>CS John Paterson</b>
<b>Recommendation to Members</b>	<b>For Discussion</b>
<b>Appendix Attached</b>	<b>Appendix A – Performance Report Q1</b>

**PURPOSE**

To report to Members of the Complaints and Conduct Committee, for the purposes of noting, statistical information on the overarching performance activity in relation to complaints and conduct matters about members of Police Scotland for period (1 April 2022 – 30 June 2022).

Members are invited to discuss the content of this report.

## **1. BACKGROUND**

- 1.1. The attached performance report provides data relating to the period ending Quarter 1 (1 April 2022 – 30 June 2022).

Data contained in this report is management information and is correct as at 22/07/2022, unless elsewhere specified.

Note: Appendix 'A' provides detail of allegations of Discriminatory Behaviour – sub categories for the current year-to-date v previous five year average (based on the year-to-date period).

## **2. FURTHER DETAIL ON THE REPORT TOPIC**

- 2.1 There are no further details on this report.

## **3. FINANCIAL IMPLICATIONS**

- 3.1 There are no financial implications associated with this paper.

## **4. PERSONNEL IMPLICATIONS**

- 4.1 Clearly the nature of the matters reported inevitably leads to implications for both individual and wider personnel matters. These are considered on a case by case basis to ensure welfare, conduct and individual and organisational learning opportunities are identified and addressed.

## **5. LEGAL IMPLICATIONS**

- 5.1 There are no legal implications associated with this paper.

## **6. REPUTATIONAL IMPLICATIONS**

- 6.1 As per Item 4.1, each case is assessed for individual and organisational reputational risks and implications and appropriate action taken.

## **7. SOCIAL IMPLICATIONS**

- 7.1 The nature of the data reported in this paper is related to complaints about the police and related conduct matters. By its very nature, the subject matter implies a level of negative social, community and equalities impact. By addressing the individual matters and thereafter considering holistically that which has been

reported, Police Scotland seek to mitigate the negative impact of those cases reported.

**8. COMMUNITY IMPACT**

8.1 As per 7.1 above.

**9. EQUALITIES IMPLICATIONS**

9.1 There are equalities implications associated with this paper, as per 7.1 above.

**10. ENVIRONMENT IMPLICATIONS**

10.1 There are no environmental implications associated with this paper.

**RECOMMENDATIONS**

Members are invited to discuss the content of this report.



# Professional Standards SPA Performance Report Quarter 1 of 2022/23

Meeting Date: 18/08/2022

Reporting Period: April 2022 – June 2022

**OFFICIAL**

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## Executive Summary

This Performance Report provides the Scottish Police Authority (SPA) Complaints and Conduct Committee details of Professional Standards Department (PSD) activity from 1 April 2022 to 30 June 2022.

### Quarter 1 (Q1) 2022/23 Performance Overview

- A total of **1,677** complaints were received during Q1 of 2022/23, a decrease of **7.7%** on Q1 of 2021/22.
- **728** complaints (**43.4%**) were Frontline Resolved (FLR) during Q1 of 2022/23 (**-1.6%** compared to Q1 PYTD). This includes early resolution and subsequent resolution by PSD/Specialist officers.
- **6.1%** of allegations closed during Q1 of 2022/23 were upheld, a decrease of **1.0%** on Q1 PYTD.
- **78** preliminary conduct assessments were undertaken during Q1 of 2022/23, a **25.7%** decrease on Q1 of 2021/22.
- **68** statutory referrals were made to the Police Investigations and Review Commissioner (PIRC) during Q1 of 2022/23, a **9.7%** increase on Q1 of 2021/22.
- During Q1 of 2022/23, **49** of the **68** statutory referrals were marked as no investigations by PIRC (**72.1%**).
- In October 2021 COPFS directed that, in line with Article 3 ECHR, all complaints of assault would be automatically referred to PIRC. During Q1 of 2022/23, **82** such referrals were made, **24 (29.3%)** of which were not subject to an investigation by PIRC. However, **36** of those referrals (**43.9%**) are awaiting decision from PIRC as of 28<sup>th</sup> of July 2022.
- **46** Complaint Handling Reviews were conducted by PIRC during Q1 of 2022/23. **76.6%** of allegations reviewed during Q1 of 2022/23 were deemed by PIRC to have been handled to a reasonable standard, an increase of **11.4** percentage points from Q1 of 2021/22.
- Based on the statistics of CHR during Q1 of 2022/23, notionally, the proportion of complaints subject to a CHR by PIRC is **2.7%**. It should be noted that some of the complaints subject to CHR may predate the Q1 period.

# Complaints and Allegations

## Complaint Cases Received

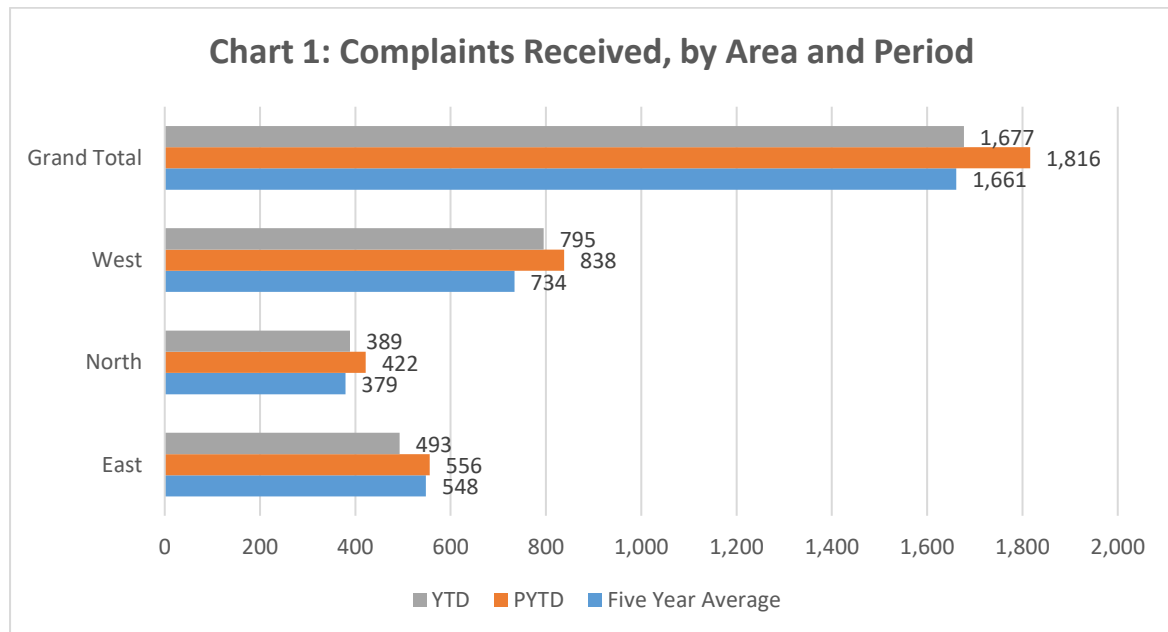
### What is a 'Complaint'?

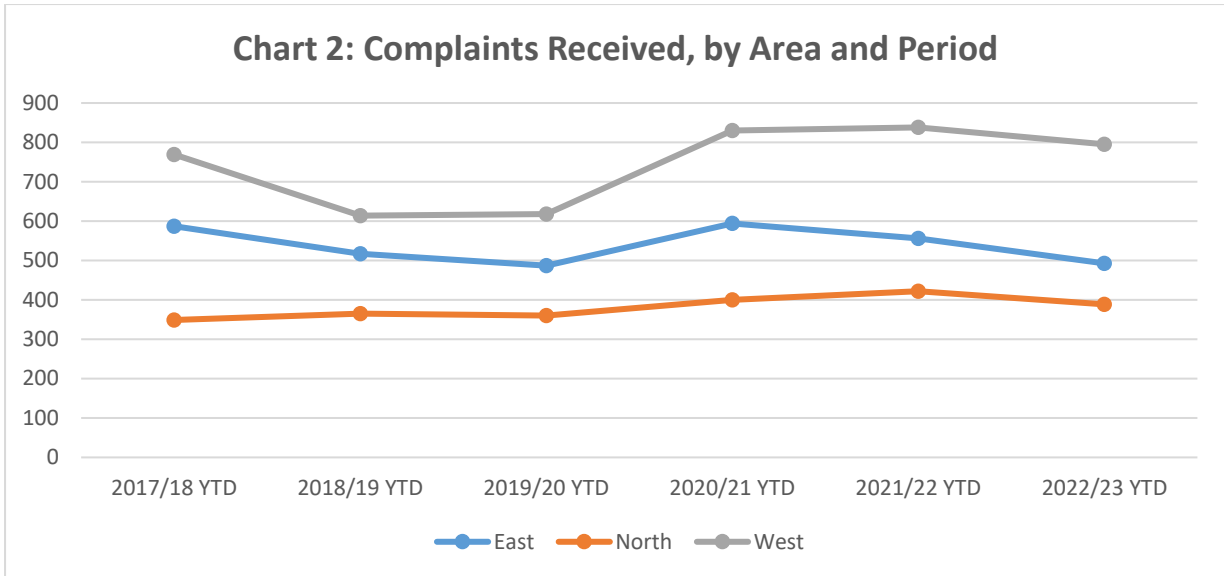
A complaint about the Police is defined in the Police, Public Order and Criminal Justice (Scotland) Act 2006 Section 34(2) as:

*“A statement (whether oral, written or electronic) expressing dissatisfaction about an act or omission by the Authority, by the Police Service or by a person who at the time of the act or omission was a person serving with the Police”.*

A total of **1,677** complaints were received from members of the public during the YTD, which represents a **7.7%** decrease from the same period in 2021/22. This total represents a **1.0%** increase from the five year average. Based on this wider context, complaints during the YTD are at a level broadly comparable with an average year.

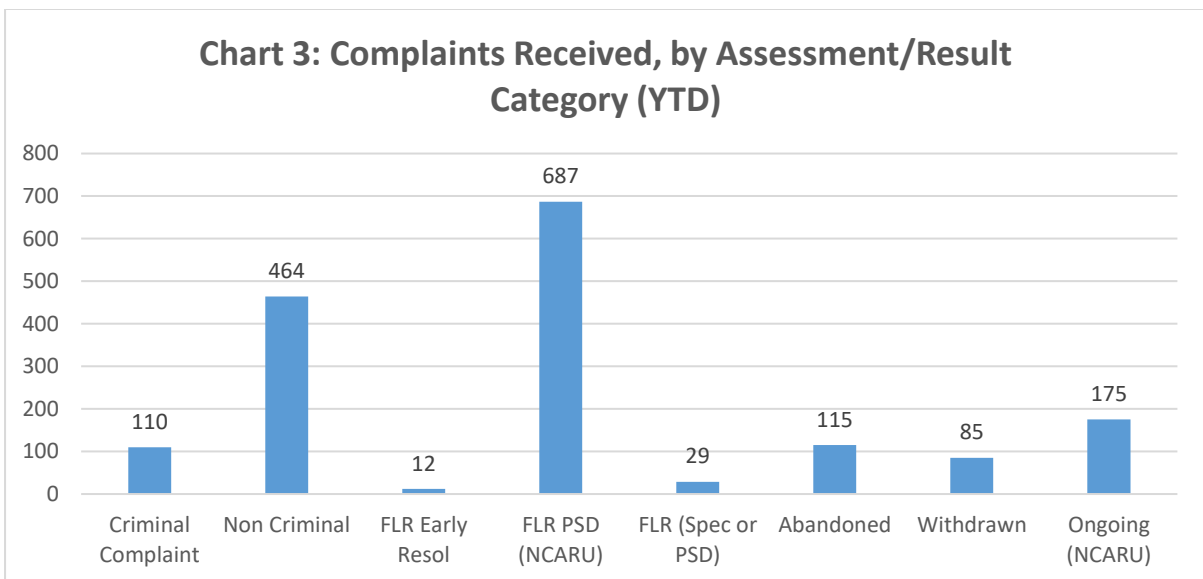
The impact of an elevated volume of complaints during the PYTD, influenced considerably by Quality of Service related allegations (primarily the Service Delivery and Service Outcome sub categories), should be accounted for when comparing against the PYTD in isolation. As described in the allegations section of this report, Service Outcome allegations have decreased notably from the PYTD. This is assessed to be the key driver in the overall decrease in complaints YTD.





Increases were identified YTD in the North (+2.6%) and West (+8.3%) Command Areas, when compared against the five year average. The East registered a 10.1% decrease in this same period.

However, each Command Area displayed decreases YTD compared to the PYTD – in the East (-11.3%), North (-7.8%) and West (-5.1%); as noted above, comparison against the PYTD in isolation is influenced by the impact of Quality of Service related complaints during the latter period.



The highest volume of complaints received during YTD were Frontline Resolved (FLR) by PSD NCARU, which applied to 687 complaints received. In addition, 12 complaints were subject to Early Resolution and 29 were subsequently FLR by PSD/Specialist officers. Overall, 43.4% of all complaints received during the YTD were resolved by FLR, a decrease from 45.0% during the PYTD.

A further 464 complaints were categorised as Non-Criminal (not FLR). Taken together, the vast majority of received complaints were either FLR at some stage, or resulted in Non-Criminal enquiry. This contrasts with the 110 complaints categorised as Criminal,



representing a relatively low proportion compared to those which are Non-Criminal in nature.

The remainder of complaints received were either Abandoned (**115**), Withdrawn (**85**) or are Ongoing with the PSD NCARU (**175**).

### **North Command**

In the North, a total of **389** complaints were received during the YTD. This represents a **7.8%** decrease on the PYTD and, conversely, a **2.6%** increase against the five year average. The latter comparison accounts for an additional **10** complaints.

The increase against the five year average is primarily driven by:

- North East, **175** complaints (**+18.2%** from the PYTD, **+27.6%** against the five year average).

Continued increases in Quality of Service related allegations is the primary influence in the North East's increase. Service Delivery allegations have increased from the PYTD (an additional **26** allegations) and against the five year average (an additional **32** allegations), with **42** received overall YTD. Moreover, **33** Service Outcome allegations represent an increase from the PYTD (an additional **14** allegations) and against the five year average (an additional **18** allegations).

However, it is of note that the volume of complaints received YTD in Tayside have decreased by **24.8%** from the PYTD and **7.8%** from the five year average. This follows an increase identified during 2021/22. An analytical report detailing factors influencing this increase was briefed into the division and actions were taken locally to mitigate (as noted in the Q4 of 2021/22 report). This provides further assurance that those measures have had a positive impact and that the identified increase has since levelled.

***Analytical Action*** – the YTD increase of complaints within North East Division is noted and will be subject to continued monitoring. Further analysis will be tasked where it is assessed as proportionate and necessary.

### **East Command**

In the East, a total of **493** complaints were received during the YTD. This represents an **11.3%** decrease on the PYTD; however, this total also represents a **10.1%** decrease against the five year average.

No increases of note were identified within divisions across the East.

It should be noted that Fife Division did register YTD increase of **0.9%** against the PYTD and **4.3%** against the five year average. However, those represent low volume increases accounting for an additional **1** and **5** complaints respectively. An analytical report detailing factors influencing an increase in complaints during 2021/22 was recently briefed into the division and actions were taken locally to mitigate (as noted in the organisational learning section of this report).

Furthermore, C3 Division registered decreases of **48.3%** against the PYTD and **46.0%** against the five year average. This follows an increase identified in the East during 2021/22. An analytical report detailing factors influencing this increase was briefed into the division – focussed across regions as C3 is a national division - and actions were taken to mitigate (as noted in the organisational learning section of this report). The YTD complaint volume provides further assurance that those measures have had a positive impact and that the identified increase has since levelled.

***Analytical Action*** – *Complaints in Fife Division will continue to be monitored.*

## **West Command**

In the West, a total of **795** complaints were received during the YTD. This represents a **5.1%** decrease from the PYTD and, conversely, an **8.3%** increase against the five year average. The former comparison accounts for **43** less complaints, whereas the latter comparison accounts for an additional **61** complaints.

Given the overall decrease from the PYTD, no increases of note were identified at divisional level in the West. However, when contrasted against the five year average, increases were identified at all territorial divisions (except Argyll and West Dunbartonshire). Those are:

- Greater Glasgow (**244** complaints, **-7.2%** compared to the PYTD and **+3.4%** against the five year average).
- Ayrshire (**93** complaints, **-10.6%** compared to the PYTD and **+14.3%** against the five year average).
- Lanarkshire (**180** complaints, **-4.3%** compared to the PYTD, **+12.5%** against the five year average).
- Renfrewshire and Inverclyde (**80** complaints, **-3.6%** compared to the PYTD and **+26.2%** against the five year average).
- Dumfries and Galloway (**56** complaints, **+3.7%** compared to the PYTD and **+26.1%** against the five year average).

The rise in the five year average is attributed to increases mainly over the past two YTD periods (from 2021/22), with levels prior to this being stable. Further analysis of allegation categories has identified no clear pattern or apparent cause of this increase.

It should be noted that C3 Division in the West registered no change (**0.0%**) YTD against the PYTD and a **21.5%** increase against the five year average. However, the latter represents a low volume increase accounting for an additional **8** complaints. An analytical report detailing factors influencing this increase was briefed into the division and actions were taken locally to mitigate (as noted in the organisational learning section of this report). Although the volume increase is relatively low in volume within the context of the five year average, this area will continue to be monitored closely.

***Analytical Action*** - *Complaints in C3 Division within the West will continue to be monitored, as the YTD figures thus far represent low volume increase against the five year average.*

*Furthermore, Quality of Service related allegations in the West will be subject to further scrutiny to identify any emerging themes should further increase become evident.*

## Allegations Received

### What is an 'Allegation'?

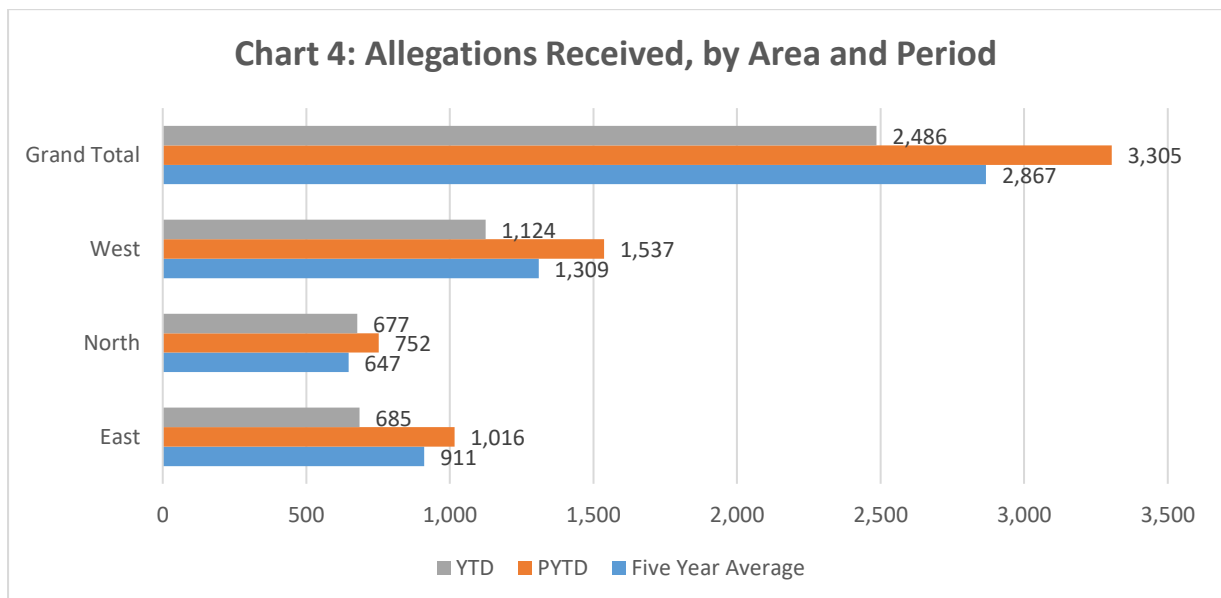
*Allegations are the component parts of a Complaint, which*

- *Categorise specifically what has happened*
- *Can be seen as an agreement between the complainer and the Enquiry Officer and sets out what exactly is to be investigated*
- *Are capable of being independently Upheld or Not Upheld*
- *Each complaint case may include multiple allegations.*

During the YTD, a total of **2,486** allegations were received. This represents a **24.8%** decrease compared to the PYTD and a **13.3%** decrease against the five year average.

Decreases were identified YTD within the East and West, when compared to the PYTD and the five year average. The North registered a decrease against the PYTD, but saw an increase against the five year average. As detailed below:

- North, **677** allegations (-10.0% compared to the PYTD, +4.6% against the five year average).
- East, **685** allegations (-32.6% compared to the PYTD, -24.8% against the five year average).
- West, **1,124** allegations (-26.9% compared to the PYTD, -14.2% against the five year average).



**Table 1: Allegations by Category (selected)**

<b>Allegation Category</b>	<b>YTD 2022/23</b>	<b>PYTD 2021/22</b>	<b>Trend</b>
Assault	107	82	+30.5%
Other - Criminal	29	20	+45.0%
Quality of Service – Service Delivery	354	310	+14.2%
Traffic Irregularity/Offence	39	30	+30.0%

The increase in Assault allegations is primarily driven by Tayside (+10 allegations). Further increases at lower volumes were identified within Forth Valley (+5 allegations), Dumfries and Galloway (+4 allegations), Argyll and West Dunbartonshire (+4 allegations), plus Lanarkshire (+3 allegations).

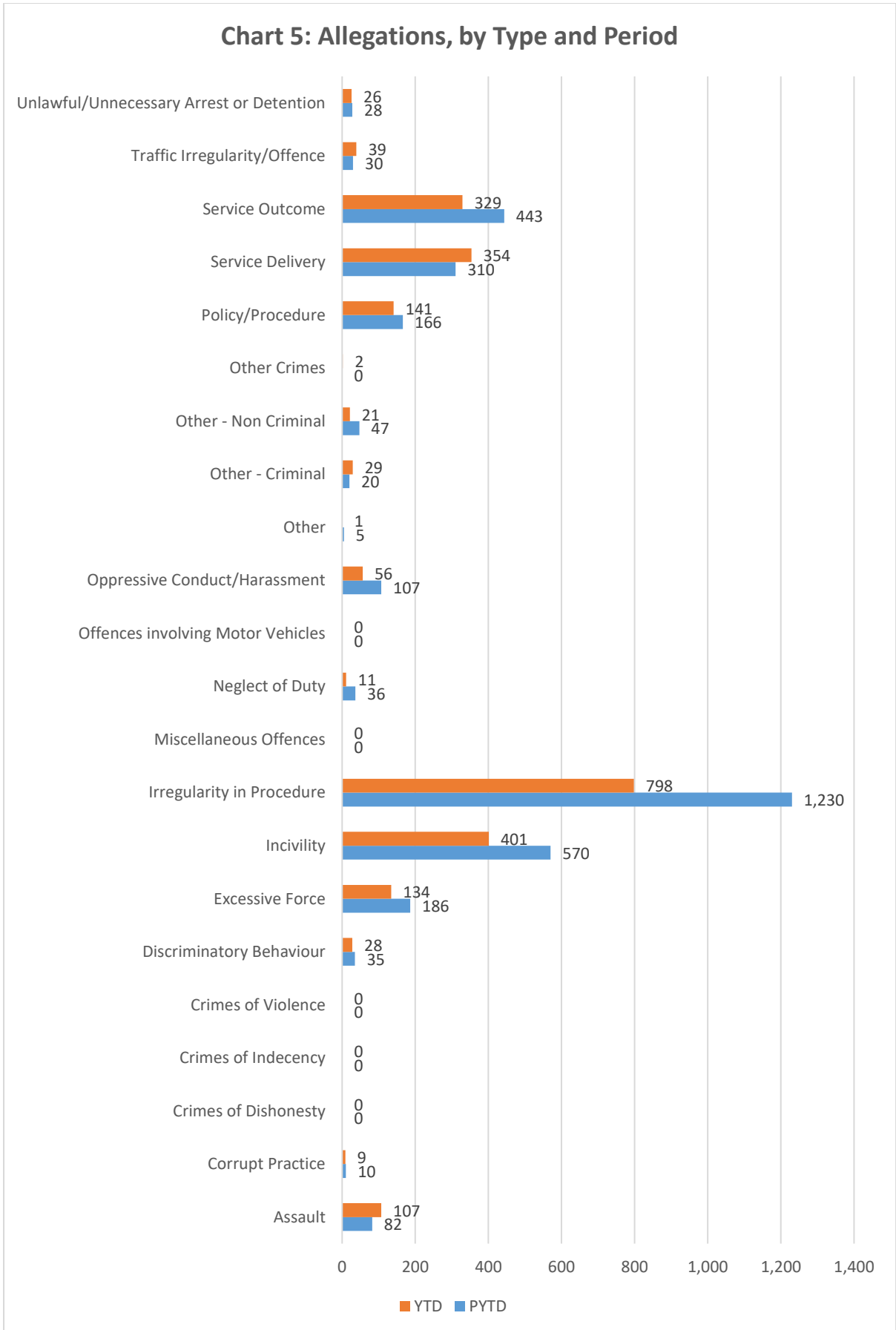
Although the increase in Other – Criminal allegations represents a low volume increase, this is primarily driven by an additional 8 allegations against Operational Support Division. Of those, 5 are attached to one individual complaint and relate to alleged breaches of data protection. As a consequence, this influences the extent of the increase identified.

Moreover, the increase in Quality of Service – Service Delivery allegations is primarily driven by North East (+26 allegations), plus Highlands and Islands (+18 allegations). To a lesser degree, this increase is influenced by Lanarkshire (+11 allegations).

Finally, the increase in Traffic Irregularity/Offence represents a low volume increase of 9 allegations nationally. No division was identified as a key influence here, with low volume increases (of mostly single additional allegations) identified across 12 divisions.

It should also be noted that Service Outcome allegations, assessed to have increased significantly during 2021/22 within previous reports, has decreased during the YTD. A total of 329 such allegations were received YTD, accounting for a 25.7% decrease from the PYTD (114 less allegations) and an 8.0% decrease against the five year average (29 less allegations). As this represents one of the high volume allegation categories, this decrease is assessed to be a primary driver of the overall decrease in complaints as described above.

All allegations received YTD and PYTD are summarised in Chart 5 below.



## Allegation Results

During the YTD period, a total of **2,692** allegations were closed. Of those, **6.1%** were upheld. This represents a decrease from the PYTD rate of **7.1%** and the five year average of **9.1%**.

## Timescales

The aim for Police Scotland is to respond to complaints requiring investigation within 56 days of receipt, as set out in PIRC Statutory Guidance; however, complaints vary in complexity and seriousness which may impact on the length of time required to conclude. Where the notional timescales are exceeded, complainers are regularly kept updated on the progress of the enquiry throughout the process until the complaint is concluded.

At the point of implementation of the new complaint handling model in May 2021, there were **743** live complaints being investigated by local and specialist policing divisions. By comparison, at the conclusion of Q1 2022/23 there were **113** live complaints outstanding at these divisions. Again, there are impact factors which may account for delay, for example, complexity, volume of allegations per complaint and other, ongoing, judicial proceedings. PSD will continue to support these divisions to bring them to conclusion.

***Analytical Action*** – PSD will continue to work with Local Policing & Specialist Service Divisions to pro-actively target these 113 live complaints via PSD monthly meetings.

During the YTD period, **1,118** non-criminal and Frontline Resolved (FLR) complaints were closed, with **791 (70.8%)** closed within the 56 day timescale. The average closure time was **70** days.

These comparative timescales for non-criminal and FLR complaints represent a **0.2%** increase on the PYTD, where **70.6%** were closed within 56 days and the average closure time was **58** days.

FLR complaints are now included in this measure to better reflect the overall demand in complaint handling. Moreover, this further reflects the key aim of frontline resolution in providing an informed response within a shorter timescale, whilst also enabling an amicable conclusion for both complainers and subject officers.

The complaints detailed in this section may have been received prior to the Q1 reporting period.

It should be noted that non-criminal cases closed during the YTD will also include cases handled by local and specialist policing divisions received prior to the implementation of the new complaint handling model.

Further information on the Statutory Guidance can be accessed via the following link:

<https://pirc.scot/media/5262/statutory-guidance-march-2021.docx>

## PIRC Complaint Handling Reviews, Referrals and Significant Investigations

### PIRC Referrals

#### What is a PIRC referral?

*Statutory referrals are made to PIRC under the provisions of the Police, Public Order and Criminal Justice (Scotland) Act 2006, the Police and Fire Reform (Scotland) Act 2012, and the Police Investigations and Review Commissioner (Investigations Procedure, Serious Incidents and Specified Weapons) Regulations 2013.*

*As of 4<sup>th</sup> October 2021, allegations of On Duty Assault - plus any associated criminal allegations - are now referred to the PIRC. These referrals relate to alleged breaches of Articles 3 and 5 of the European Convention of Human Rights (ECHR).*

*These referrals facilitate independent and transparent scrutiny in relation to serious incidents involving the Police. A decision on whether to investigate is taken by PIRC following a referral.*

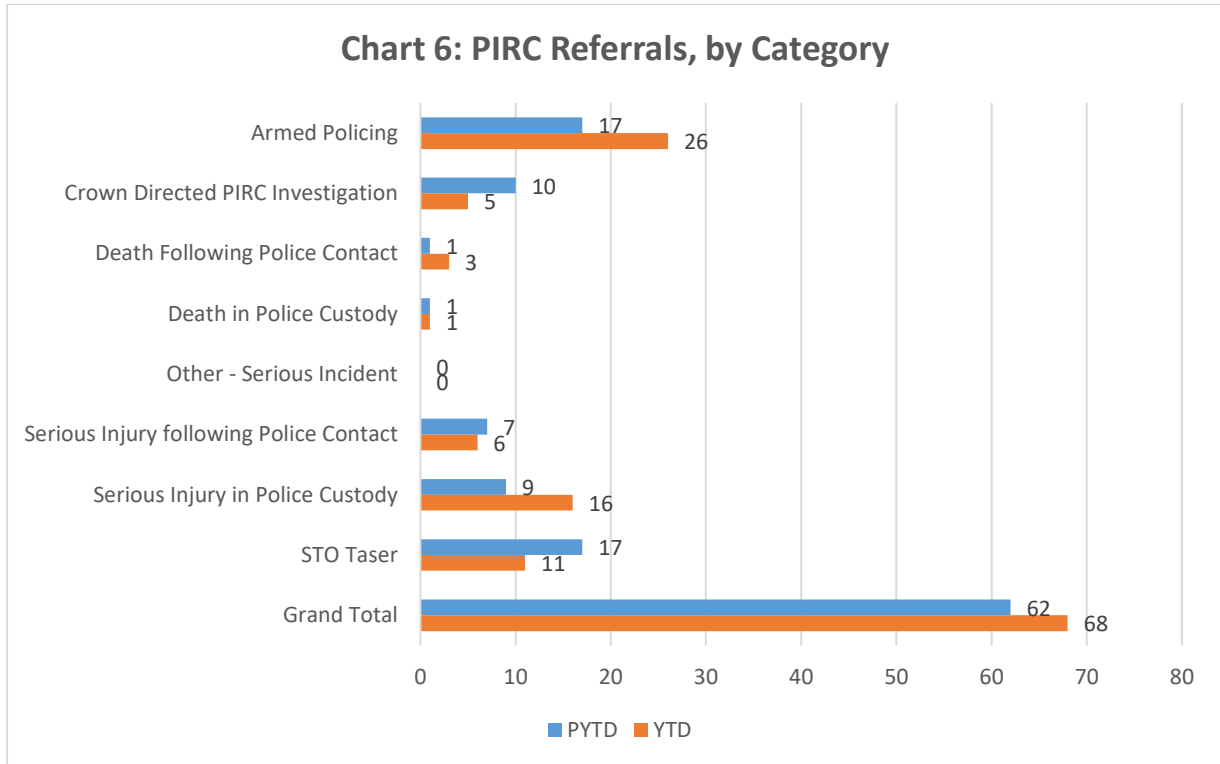
A total of **150** referrals were made to the PIRC during the YTD period. It should be noted, as referenced above, that this total now includes referrals related to alleged breaches of Articles 3 and 5 of ECHR.

Given the change in process, this total is not directly comparable to referrals made in the periods prior to 4<sup>th</sup> October 2021. To ensure comparability, these referrals have been separated out and presented separately within the sections below – DSI and Assault Referrals.

### PIRC Statutory Referrals

In addition to the new process involving referrals of assault, statutory referrals continue to be submitted to PIRC for serious incidents involving the Police, such as those involving death or serious injury in Police Custody and following Police contact, the presentation or discharge of Police firearms, plus other criminality matters as directed by the Crown Office and Procurator Fiscal Service.

A total of **68** statutory referrals were made to PIRC during the YTD, a **9.7%** increase on the PYTD.



The key drivers in the YTD increase in statutory referrals overall are those pertaining to Armed Policing (+9 from PYTD) and Serious Injury in Police Custody (+7 from PYTD).

By way of context, the monthly average of Armed Policing referrals during 2021/22 overall was 6. The total registered during April (10), May (8) and June (8) of 2022 remain above that monthly average. It is currently assessed that this represents a low volume increase; however, this will continue to be monitored.

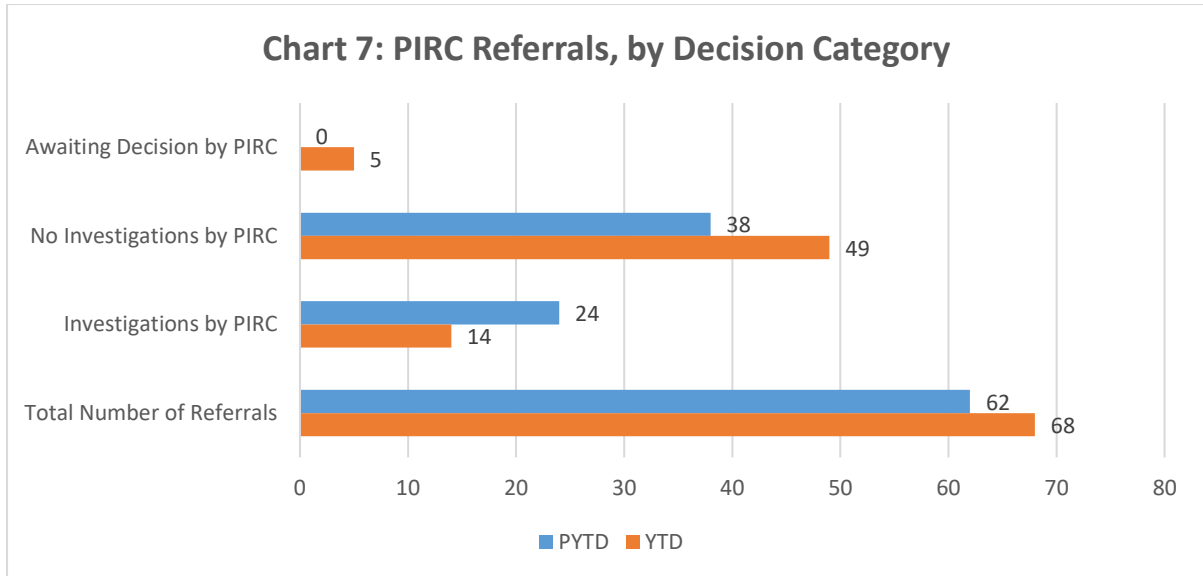
Moreover, the comparative volume of Serious Injury in Police Custody referrals is influenced by no such referrals made during June of 2021. The average number of those referrals during 2021/22 overall was 4 per month, with the YTD (April – June 2022) having a monthly average of 5.

However, these increases are partly mitigated by a decrease in STO Taser referrals (-35.3%, accounting for 6 less referrals). As previously highlighted, the volume of these referrals spiked in April and May of 2021. With an average of 5 referrals per month during 2021/22 overall, compared to 4 per month during the YTD, this is currently assessed to represent a low volume decrease.

### PIRC Investigations

The majority of DSI referrals (72.1%) within the YTD were marked as no investigation required by PIRC, accounting for 49 of the 68 referrals.





The percentage of the **68** statutory referrals YTD which led to a PIRC investigation has decreased (-18.1%) compared to the PYTD, with **20.6%** of these referrals subject to a PIRC investigation. This decrease is primarily influenced by a reduction in investigations relating to Crown Directed Criminality (-5) and STO Taser (-4). Both are linked to a corresponding decrease in referrals to PIRC within these specific categories.

### Allegations of Assault

As of October 2021, all on-duty allegations categorised as Assault – plus any associated criminal allegations - are referred to PIRC for assessment and potential investigation. This follows recommendations made in the Independent Review of Complaint Handling, Investigations and Misconduct Issues by Lady Elish Angiolini in relation to alleged breaches of Articles 3 of the European Convention of Human Rights (ECHR).

During the 2022/23 YTD, **82** relevant cases have been referred to PIRC, **22** of which are subject to PIRC investigation (**26.8%**). A further **24** cases have been marked as no investigation by PIRC with the majority classed as ‘no criminality established’ or ‘abandoned’. The remaining **36** referrals are awaiting decision from PIRC. These figures are summarised in Table 2 below. Status is correct as at 28<sup>th</sup> of July 2022.

**Table 2: Cases involving Allegations of Assault (01/04/22 – 30/06/22), by Status**

Status	Number of Cases
<b>Referred to PIRC</b>	<b>82</b>
Investigation by PIRC	22
No Investigation by PIRC	24
At PIRC - Awaiting Decision	36

### **Live PIRC Investigations**

Overall, **169** PIRC investigations remain live as at 28<sup>th</sup> of July 2022, as detailed in Table 3 below. This total also involves matters referred outwith the YTD period (including referrals made prior to the YTD). Please note that these figures include statutory referrals and referrals made in relation to alleged breaches of articles 3 and 5 of ECHR.

It should also be noted that the actual PIRC Investigation may have concluded and a report submitted to COPFS (SFIU/CAAPD); however, due to criminal justice processes, matters remain outstanding.

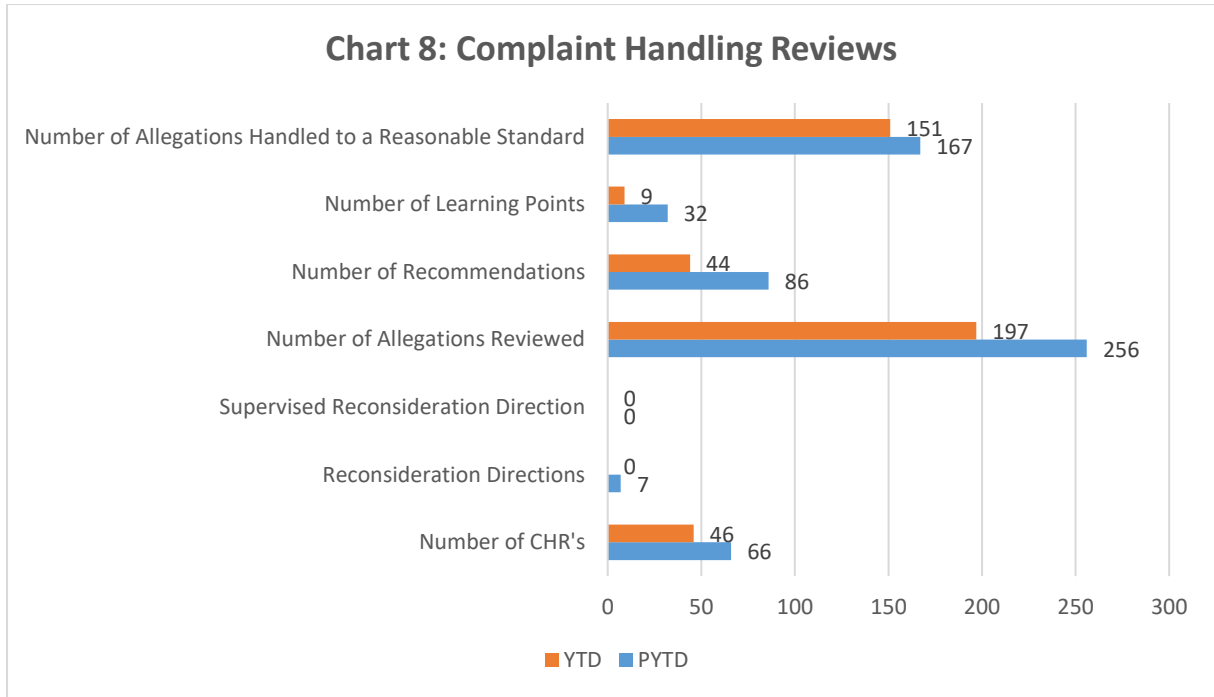
**Table 3: Ongoing PIRC Investigations, by Command Area (as at 28<sup>th</sup> July 2022)**

<b>Command Area</b>	<b>Number Ongoing</b>
East	46
North	28
West	95
<b>Grand Total</b>	<b>169</b>

### **PIRC Complaint Handling Reviews (CHR)**

Complaints handled by Police Scotland may be subjected to an independent Complaint Handling Review (CHR) by PIRC. Within three months of receiving a final response from Police Scotland, complainers have the opportunity to request an independent review by PIRC in respect of how their complaint was handled.

A total of **46** Complaint Handling Reviews (CHR) were received during the YTD, a **30.3%** decrease on the PYTD, equating to a decrease of **20** CHR.

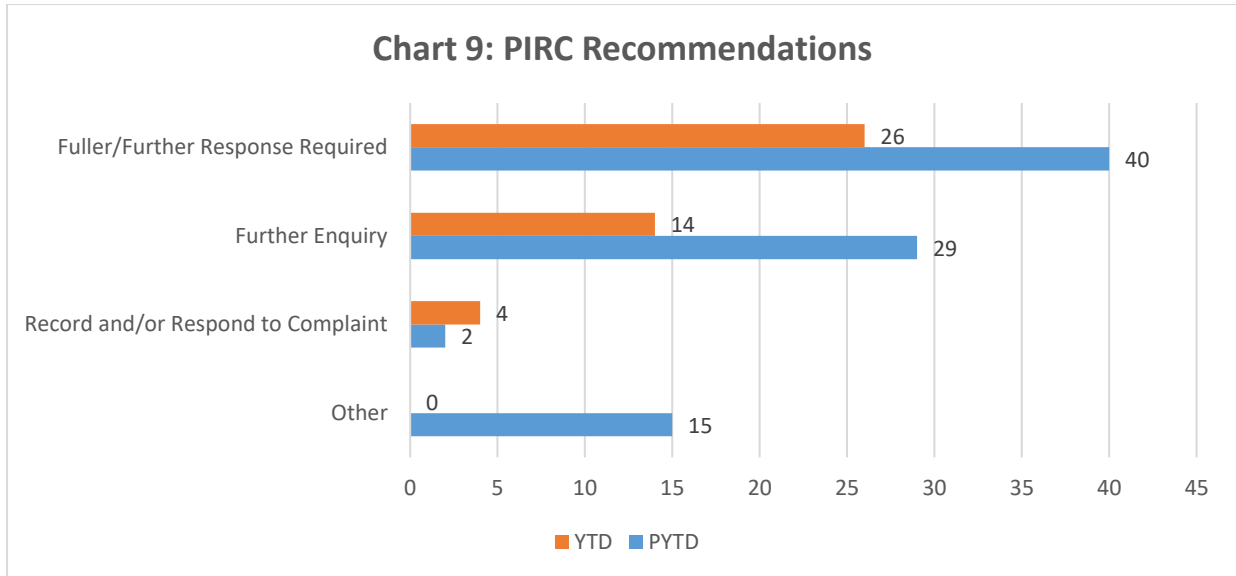


Of the **46** CHRs received YTD, **197** allegations were reviewed and **76.6%** were handled to a reasonable standard during the YTD. This represents an **11.4** percentage point increase on the comparable rate during the PYTD.

Of note is that the rate of allegations handled reasonably for the month of May 2022 was **84.4%**, the highest monthly rate ever recorded for this measure going back to March 2017.

Given that the YTD rate is based on a lower volume sample across a three month period, it is not yet clear whether this rate will be sustained. It is however further evidence of continued improvement in complaint handling by Police Scotland in the broader context of recent years. CHR continue to be monitored and all relevant learning disseminated to ensure continued improvement.

Based on the statistics of CHRs received during the YTD, notionally, the proportion of complaints subject to a CHR by PIRC is **2.7%**; however, some of the complaints subject to CHR may predate the YTD period.



The vast majority of the **44** PIRC CHR recommendations received during the YTD were in the 'further enquiry' or the 'fuller/further response required' category (**90.9%**) when combined.

Of note is the YTD decrease within the 'fuller/further response required' category (**-35.0%**), which was previously reported as having increased significantly within 2021/22 financial year. However, the YTD decrease in this category is influenced by the corresponding decrease in recommendations overall (**-48.8%**) and the broader decrease in the number of CHR received during the YTD period as described above. This category remains subject to close monitoring by PSD Senior Management Team (SMT).

Learning and advice from CHR recommendations is cascaded nationally and addressed with relevant individuals.

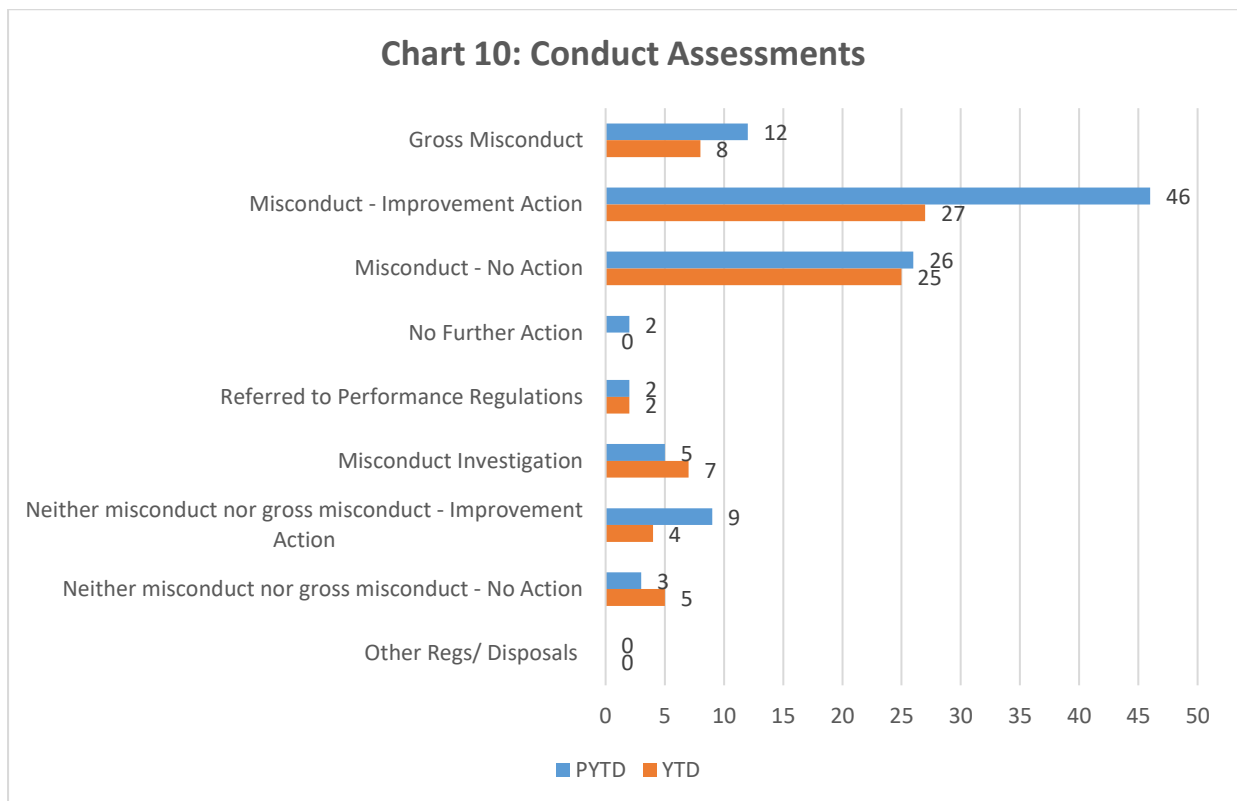
# Conduct Unit

## Conduct

The Police Service of Scotland (Conduct) Regulations 2014 is the primary legislation through which allegations of misconduct by serving police officers up to the rank of Chief Superintendent are considered. These regulations are supported by published guidance supported by staff associations, Scottish Government and Police Scotland.

The misconduct procedures aim to provide a fair, open and proportionate method of dealing with alleged misconduct while recognising that police officers have a special status as holders of the Office of Constable.

The procedures are intended to encourage a culture of learning and development for individuals and the organisation. Disciplinary action has a part, when circumstances require this, but improvement will always be an integral dimension of any outcome.



A total of **78** preliminary conduct assessments were undertaken by the Professional Standards Department during the YTD, a **25.7%** decrease on the **105** assessments undertaken PYTD.

During this period, the majority of assessments (**66.7%**) were resulted as ‘Misconduct – Improvement Action’ or ‘Misconduct – No Action’.

Due to the overall decrease in conduct assessments YTD, decreases are visible across most assessment categories. Despite this decrease, it is of note that

misconduct investigations has increased compared to the PYTD. However, this does represent a low volume increase of **2** additional investigations, with **7** YTD compared to **5** PYTD.

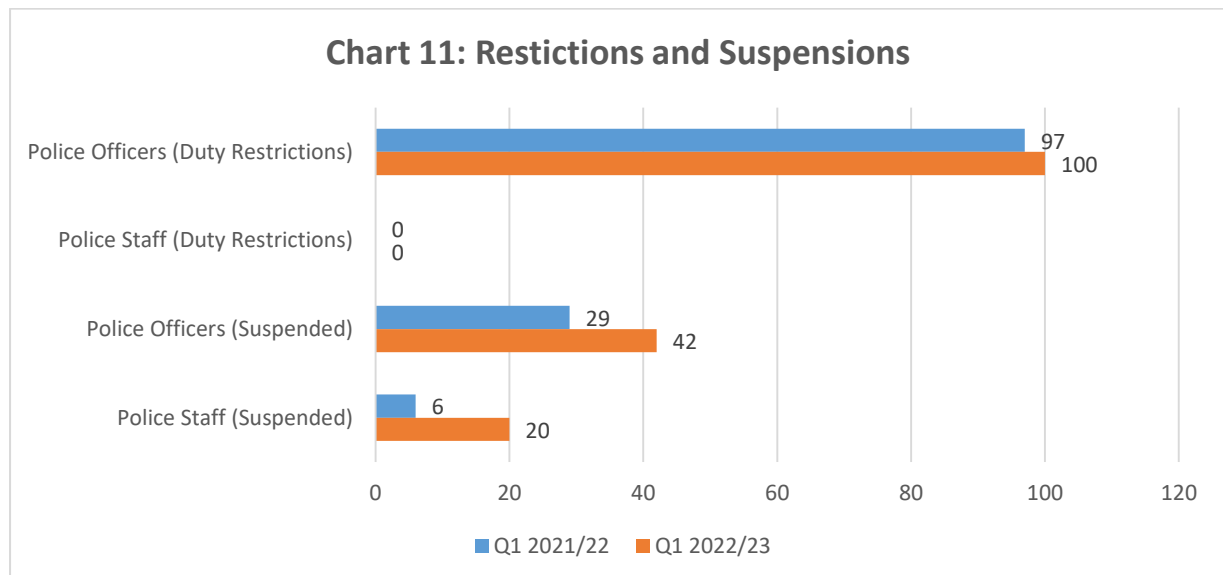
During the YTD, **no** misconduct meetings and **8** misconduct hearings were scheduled.

As a result of the misconduct hearings, three dismissals and four final written warnings were issued. A further six allegations were concluded with resignation prior to a hearing.

It should be noted that each meeting or hearing may have multiple allegations, with a disposal attached to each allegation.

### **Restrictions and Suspensions**

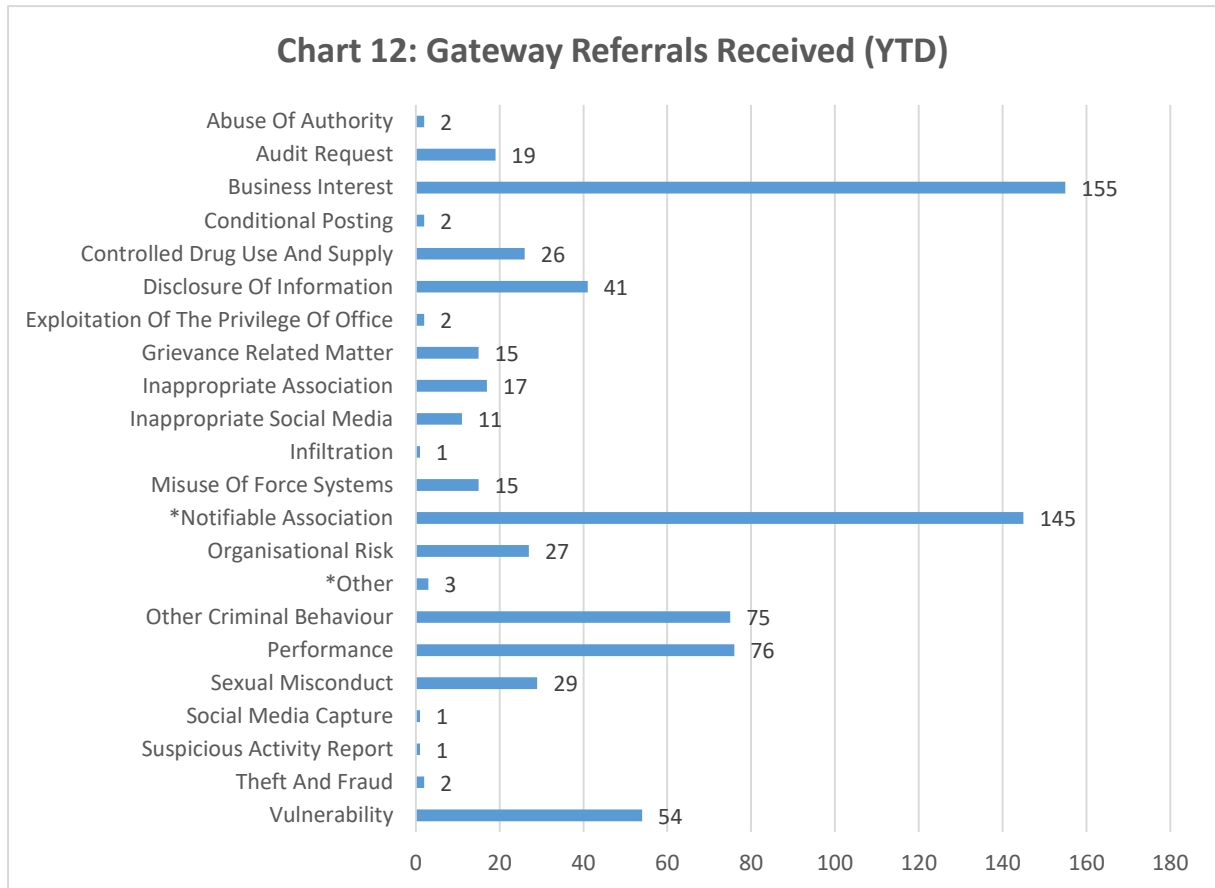
Chart 11 details the actual number of officers and staff suspended and restricted at the end of Q1 2022/23 compared with Q1 in 2021/22. Furthermore, **4** suspended officers and **5** restricted officers resigned/retired during the YTD.



# National Gateway Assessment Unit

## National Gateway Assessment Unit

The Gateway Assessment Unit (GWU) has assessed **719** referrals during the YTD, which represents a **14.2%** decrease against the PYTD total of **838** referrals.



\*Other (Audit Requests etc.)

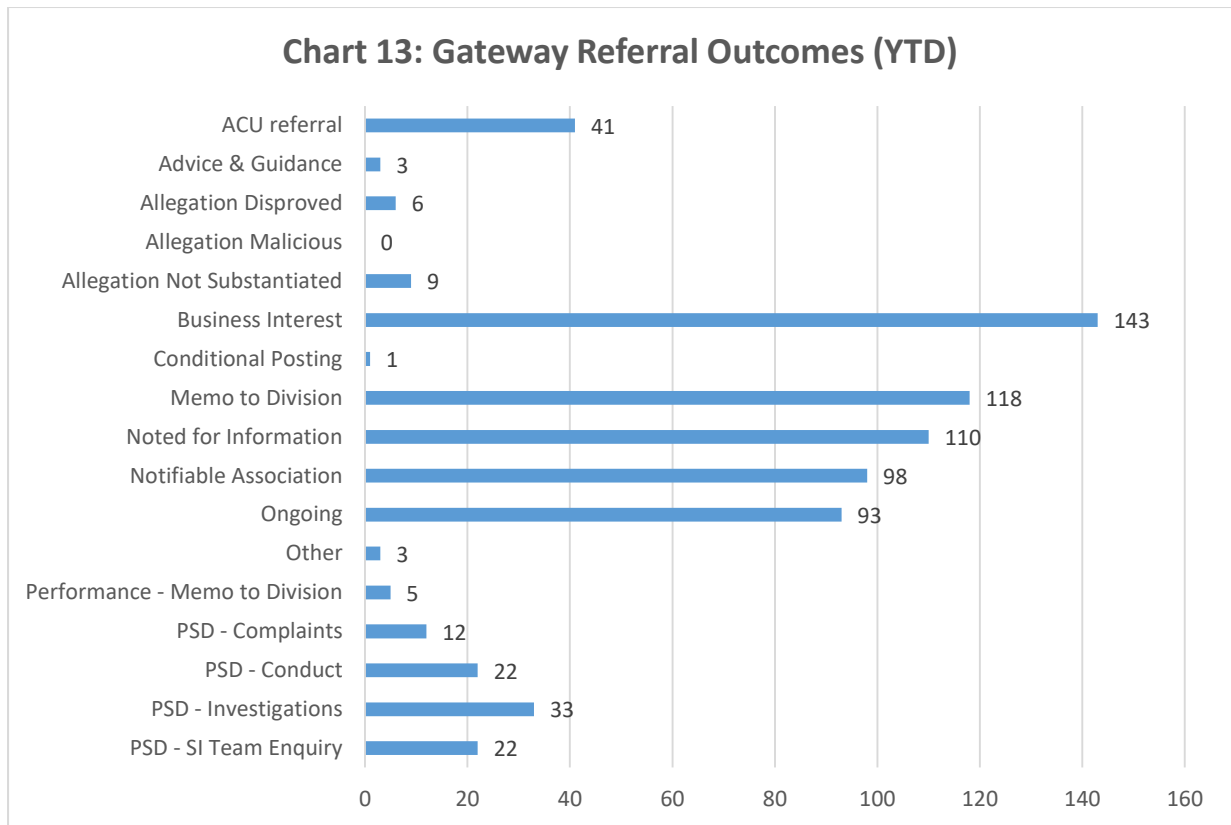
\*Notifiable Association Sec 4 complete & returned to Division

Despite the overall decrease, increases of note were identified in the following categories:

- Sexual Misconduct (**29** referrals YTD, an increase of **25** referrals).
- Controlled Drug Use and Supply (**26** referrals YTD, an increase of **17** referrals).
- Performance (**76** referrals YTD, an increase of **14** referrals).

Although no clear contributory factor was identified in relation to Performance or Controlled Drug Use and Supply, the increase in Sexual Misconduct referrals continues a trend identified within Q3 and Q4 of the PYTD following increased media reporting in this area.

Business Interest and Notifiable Association continue to be the highest volume referral categories, accounting for **41.7%** of all referrals received YTD.



Of the **719** referrals received during the YTD, **18.1%** resulted in a referral to PSD or ACU.

The majority of the remaining referrals are disseminated to the relevant Divisions for further proportionate enquiries to be undertaken. Once concluded, Divisional updates are reviewed by the GWU to ensure these are sufficient to close the referral and to ensure consistent approach across the organisation.

Where enquiries indicate that the matter may reach a criminal/conduct threshold, they are re-submitted for further review and assessment by the GWU.

During the YTD period, two individuals have been recognised as Whistleblowers.



## Anti-Corruption Unit (ACU)

### Anti-Corruption Unit

The Anti-Corruption Unit (ACU) has instigated **32** enquiries between 1 April 2022 and 30 June 2022, compared to **29** over the same period last year. The figures show an increase of **10.3%**.

The predominant allegations reported to the ACU during the YTD period relate to Inappropriate Association, accounting for almost half (**46.9%**) of enquiries instigated.

YTD comparison does not show any great increase in any of the 12 nationally agreed National Policing Counter-Corruption Advisory Group (NPCCAG) Corruption Categories, other than Sexual Misconduct which is assessed to have increased following media reporting in this area.

Work is currently ongoing, both within Police Scotland and across the UK, regarding abuse of position by Police Officers or Members of Police Staff in order to conduct predatory sexual behaviour. The significant harm with which a single instance of sexual misconduct or abuse of police powers can have on the public's trust and confidence in the Police Service requires this to remain a priority for Police Scotland, with appropriate skilled resources conducting the investigations.

One further low volume increase was identified within the Vulnerability category, which indicates that enquiries are being directed to intervene where potential Vulnerability has been identified in order to mitigate risk.

The most common outcome during the YTD period was the referral being passed to ACU Operations. This indicates that the quality of referrals remain high, as the vast majority of referrals assessed and closed have been pursued.

Furthermore, the unauthorised disclosure of sensitive information remains a significant concern to Police Scotland both in terms of scale and risk. Unauthorised disclosure can compromise ongoing enquiries and investigations, resulting in a loss of confidence in the wider criminal justice system.

The use of corruption by Serious Organised Crime Groups (SOCG) remains a key strategic priority for Police Scotland and is monitored by the ACU who engage closely with Police Scotland divisions in the North, East and West.

## Organisational Learning

### Organisational Learning

The Professional Standards Department is committed to promoting a culture of organisational learning. Learning opportunities are identified through a variety of sources, including PIRC Complaint Handling Reviews (CHR), PIRC Investigations, reports shared by COPFS and from internal feedback identified as part of the complaint handling process.

Examples identified during Q1 of 2022/23 are presented below:

In line with PIRC statutory guidance, officers should be named in any response letters or their badge numbers referred to unless there is a specific officer safety reason for not doing so.

The welfare of pets/animals in the care of a person in custody falls to the arresting officers and not to CJSD

Officers must ensure compliance with the SCRS guidelines and the Disclosure of Evidence Manual in respect of the submission of exculpatory evidence to COPFS.

Where the complaint investigation took longer than the 56-day timescale to investigate and respond to complaints as per the provisions of the Complaints about the Police Standard Operating Procedure and PIRC Statutory Guidance, the final response letter should acknowledge the delay and provide the applicant with an apology.

The PIRC statutory guidance in relation to utilising the FLR provision has been highlighted to officers and staff who deal with complaints about the police. This will help to ensure that the provision is applied appropriately, thereby increasing public confidence in the complaint handling process.

Emphasis has been placed on keeping an accurate record of all contact with a complainer in order to assist in ensuring that a complete audit trail of any decisions made during the complaint enquiry is maintained. This will reduce the time spent by police personnel and the complainer in trying to understand or explain the complaints. This will also ensure that all necessary information is available should the applicant wish to seek a complaint handling review, thereby increasing public confidence in the complaint handling process.

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In response to a PSD analytical report briefed into C3 Division as regards an increase in complaints during 2021/22, divisional management have implemented various actions to address matters raised.

- Quality of Service - Key themes have been analysed from a Resolution Team (RT) and Area Control Room (ACR) perspective, in relation to the most common allegation types. Where a lack of understanding of process or procedure has been identified, resolution through one to one, group refresher briefings, Moodle training and reference to guidance within the C3 Procedures guidance is reinforced.
- Subject Officers - Actions have been progressed to raise awareness in relation to incivility and the development of staff, including completion of empower hours, access to CPD resources and staff association seminars. Supervisor briefings are held in relation to staff wellbeing, work life balance and dealing with challenging resourcing issues, ensuring appropriate rest breaks are facilitate. Where individual learning has been identified, this is fed back directly. Primary focus has centred on the teams and areas identified in this report.
- Incivility Allegations - The current training programme for new staff to C3 includes a three hour input on customer care. These in-puts support service advisors in with dealing with distressed, emotional and abusive callers. Should any further training needs be identified the C3 training team work with the department heads to support continuous professional development plans.

It should be recognised that of the 423 allegations about C3 Division closed within 2021/22, 29 of those were upheld (6.9%). Moreover, this represents a decrease from 14.9% for the same period in 2020/21, and an upheld rate of 21.6% based on the five year average. Therefore, the vast majority of allegations closed were not substantiated. Note that this may include allegations received in a prior period and allegations received YTD may remain subject to live enquiry.

In response to a PSD analytical report briefed into Fife Division as regards an increase in complaints during 2021/22, divisional management have implemented various actions to address matters raised.

- Excessive Force and Assault - Fife Division have engaged with Officer Safety Training to highlight this as an area for development. With this training now resuming following a pause due to the COVID-19 pandemic, further improvements in this area are expected. It is however highlighted that the total volume of these allegations (45) remain at a relatively low volume overall.
- Quality of Service, Service Delivery – key themes highlighted in relation to these allegations (primarily linked to various forms delays in Police response) has been recognised by the division as an issue and supervisors have been reminding officers of the need to update complainers. Absence rates and staff shortages during the pandemic have impacted in this area, resulting in challenges for service delivery and associated high levels of demand. The

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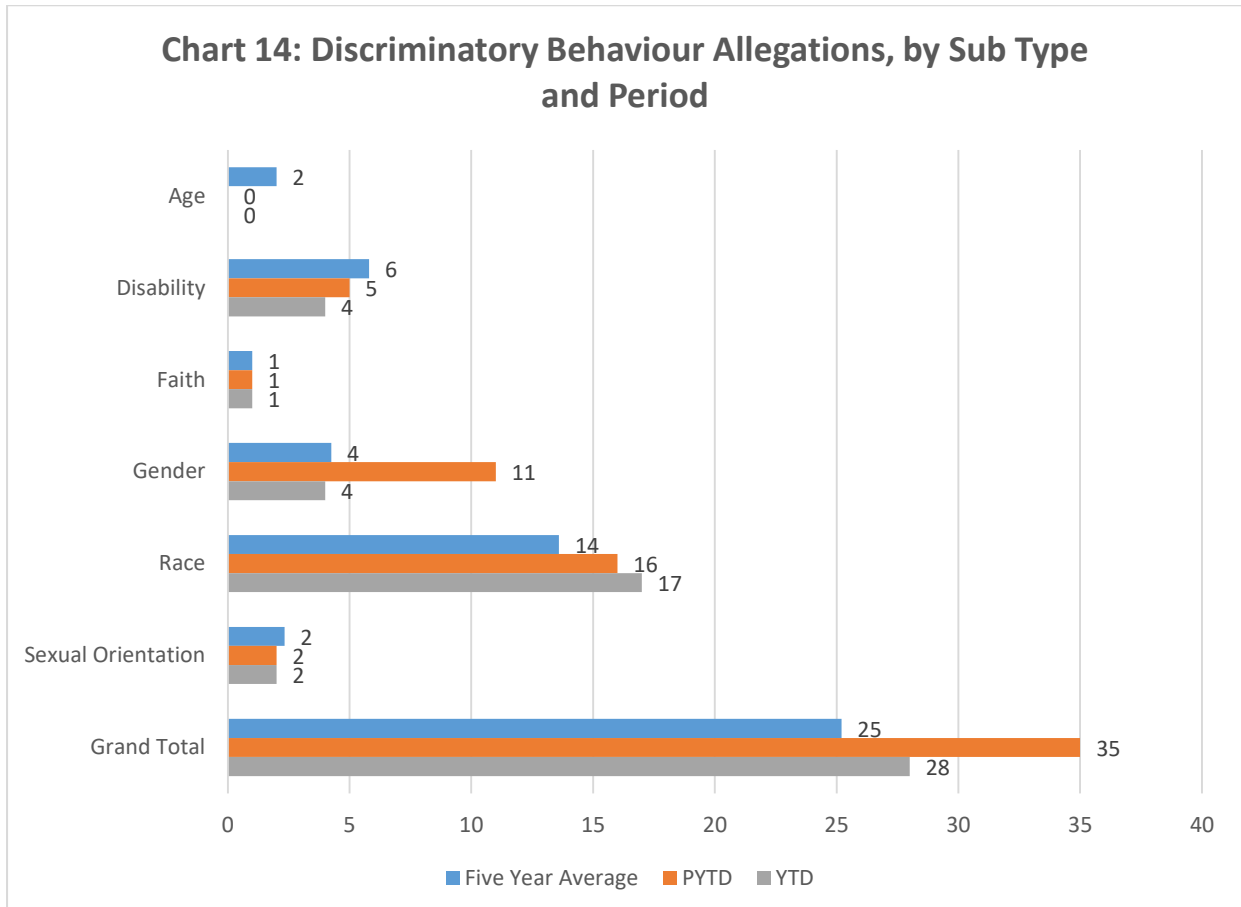
division will also continue to support and brief officers, particularly First Line Managers (FLM's), in order to address challenges in this particular area.

- Quality of Service, Service Outcome - key themes highlighted in relation to these allegations (primarily linked to a perceived lack of Police action) have led to supervisors being instructed to be more intrusive with action taken by officers when dealing with an incident. All crimes that are recorded and investigated are subject to scrutiny by both FLM's and Divisional Crime Management Unit (DCMU). Many of the complaints are made in relation to offenders not being charged, however when looked into there is insufficient evidence. Unfortunately despite explanation many people cannot accept this conclusion.

It should be recognised that of the 642 allegations about Fife Division closed within 2021/22, 56 of those were upheld (8.7%). Although representing an increase from the 6.8% upheld during 2020/21, this is closely aligned with the five year average of 8.8%. Therefore, the vast majority of allegations closed were not substantiated. Note that this may include allegations received in a prior period and allegations received YTD may remain subject to live enquiry.

## Appendix A – Allegations of Discriminatory Behaviour

### Appendix 'A'



A total of **28** allegations of Discriminatory Behaviour were received during the YTD. This represents a **20.0%** decrease on the PYTD and an **11.1%** increase against the five year average.

The key driver of this increase is the Race sub-type, with **17** allegations received YTD. This represents an increase of **1** allegation against the PYTD and an increase of **3** allegations against the five year average, therefore are increases which are relatively low in volume.

The remaining categories appear relatively stable when compared to the PYTD and the five year average, with most notably the decrease of **7** allegations in the Gender sub type accounting for the full volume decrease in Discriminatory Behaviour allegations when compared to the PYTD.

**Analytical Action** - Further analysis regarding this allegation category has been tasked and will be progressed. Once complete, findings will be shared as appropriate, with a view to addressing any factors which are assessed to contribute to this increase.

## Appendix B – Definitions of Selected Allegation Categories

### Assault

- An allegation that a member of the police service was responsible for a criminal attack on another person as defined by the common law crime of assault:  
“Every attack directed to take effect physically on the person of another is assault, whether or not actual injury is inflicted. There must be criminal intent: an accidental injury, even although caused by a mischievous act, does not amount to assault.”

In order for a complaint about the police to be recorded as an allegation of assault the same standard of evidence in the complainer’s version of events which is required under Scottish Criminal Recording Standards (SCRS) is required i.e. the allegation being made by complainer should be such that it would justify recording and investigating the event as the crime of assault in circumstances where the perpetrator is not in the police service. Even though a complainer may use the word “assault” in their allegation, careful consideration should be given to the context in which they are claiming assault. Where there is no inference from the complainer or from the circumstances described that there has been criminal intent the category of “excessive force” is more appropriate.

### Discriminatory Behaviour

- An allegation that a police officer or member of staff either engaged in a course of action or behaved in a manner which was discriminatory towards an individual or group on the basis of their race, sexual orientation, faith, age, gender or disability.

### Other – Criminal

- Any allegation that an on duty police officer or member of police staff has committed a crime under common law or statute which is not contained in any of the other headings. There are a number of sub-headings for recording criminal allegations.

### Quality of Service

- Quality of Service complaints are complaints which relate to the service delivered by the police rather than the specific actions of any member of staff. Quality of Service complaints are broken down into three categories, which are further broken down into sub-categories:

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- Policy/Procedure: This type of complaint relates to a complaint about policing policy, practice or procedure rather than how a member of staff delivered the particular service. Often Quality of Service Policy/Procedure complaints are resolved by explanation to the complainer, however some of these complaints will result in changes to policy or procedure and these changes would be recordable for the Force as a Learning Outcome.
- Service Delivery: This type of complaint relates to an expression of dissatisfaction about policing in general, or in a specific geographic area or in relation to a specific incident or event. It may also be about policing capacity, or ability to provide some form of specific service to the public.
- Service Outcome: Service outcome complaints relate to the outcome of policing action and include instances where a complainer was expecting a particular outcome and the outcome was different or where a policing response has not effectively dealt with a situation.

### **Traffic Irregularity/Offence**

- Complaints involving the conduct of officers while driving fall into this category. Common complaints such as allegations of speeding, parking on double yellow lines, dangerous driving, use of mobile phone when driving should be included under this heading.

**END OF REPORT**