



<b>Meeting</b>	<b>SPA Complaints and Conduct Committee</b>
<b>Date</b>	<b>15 November 2022</b>
<b>Location</b>	<b>Virtual – MS Teams</b>
<b>Title of Paper</b>	<b>Key Themes of Complaints</b>
<b>Presented By</b>	<b>Chief Superintendent Catriona Henderson</b>
<b>Recommendation to Members</b>	<b>For Discussion</b>
<b>Appendix Attached</b>	<b>No</b>

## PURPOSE

To provide a PSD departmental analysis to the Members of the Complaints and Conduct Committee in respect of Actions 4 and 5 of the Public Action Log.

20223105-CCC-0004 - Produce a bespoke report for the next committee around Discriminatory Behaviour and Quality of Service, looking at the data from 2121/22, allowing for a deeper dive into a full five years' data.

20223105-CCC-005 - Provide the committee with further detail around which policies are the drivers for Irregularity in Procedures based on a 5 year average.

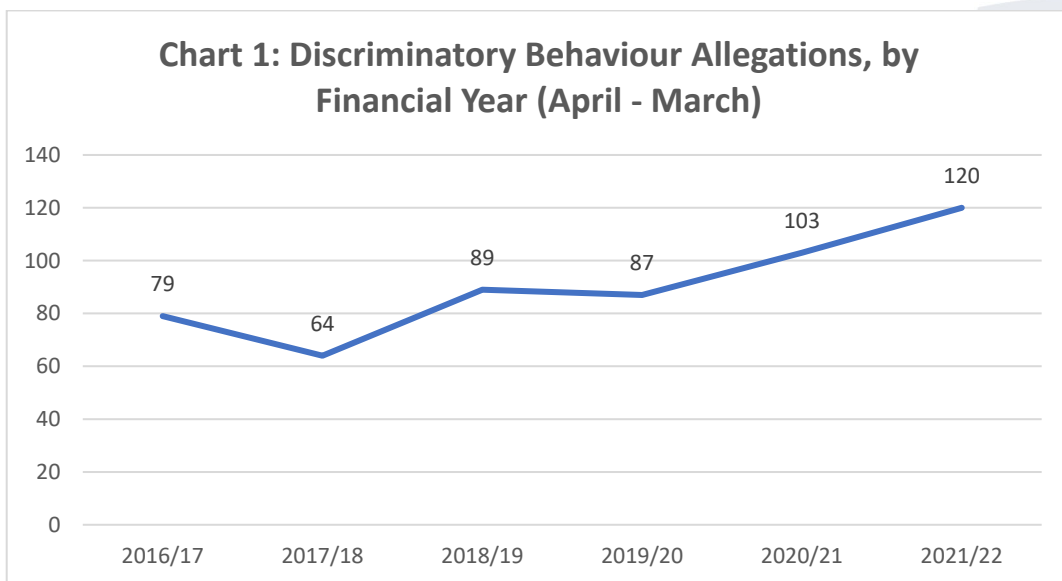
Members are invited to note the contents of the paper.

## 1. BACKGROUND

### 1.1 DISCRIMINATORY BEHAVIOUR

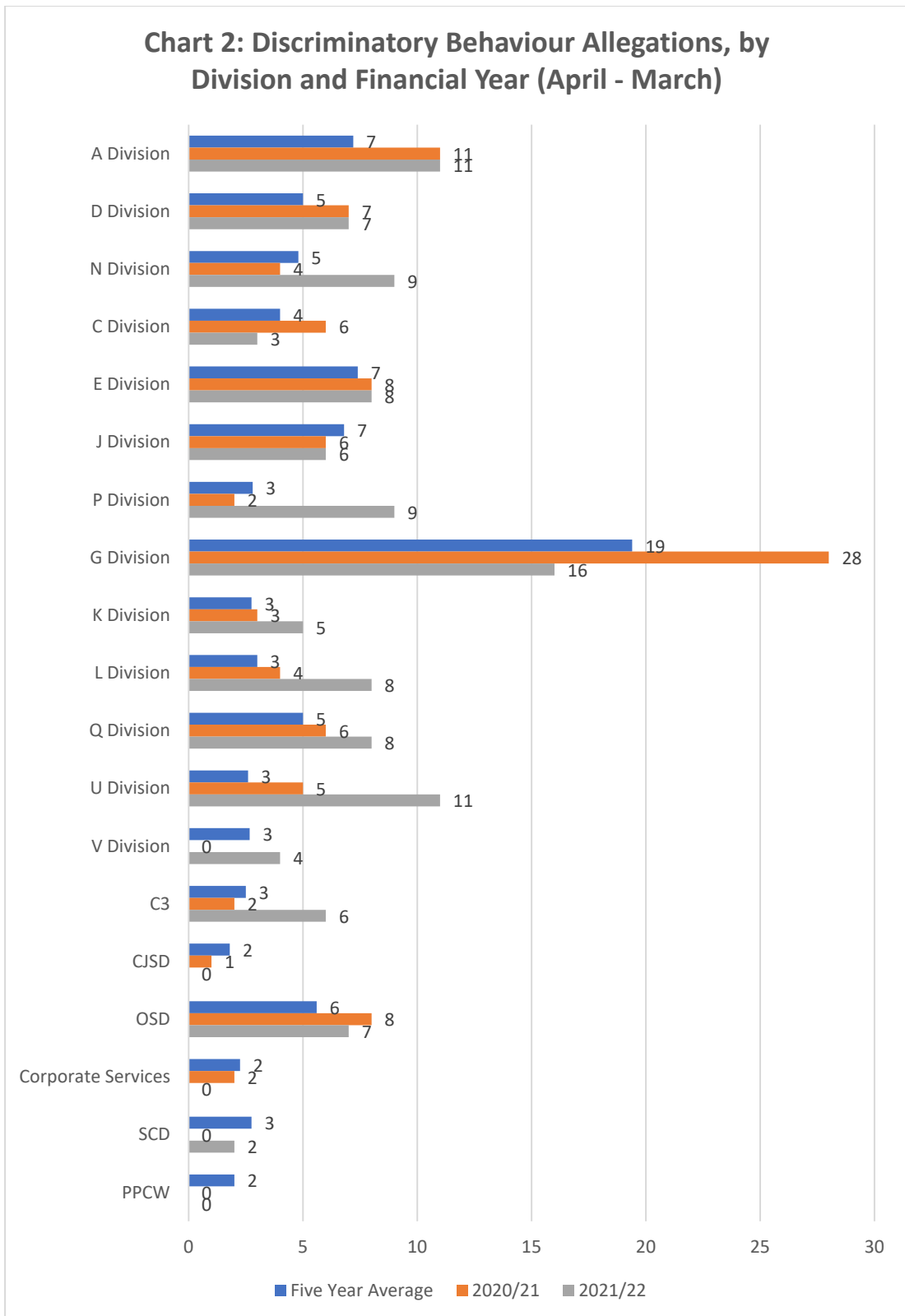
#### 1.1.1 Allegations Overview

1.1.2 A total of 120 allegations of Discriminatory Behaviour were received during 2021/22. This represents an increase on 2020/21 (+16.5%, an additional 17 allegations) and against the five year average (+42.2%, an additional 36 allegations). A timeline summarising this trend across all of the financial years within this period has been provided within Chart 1 below.



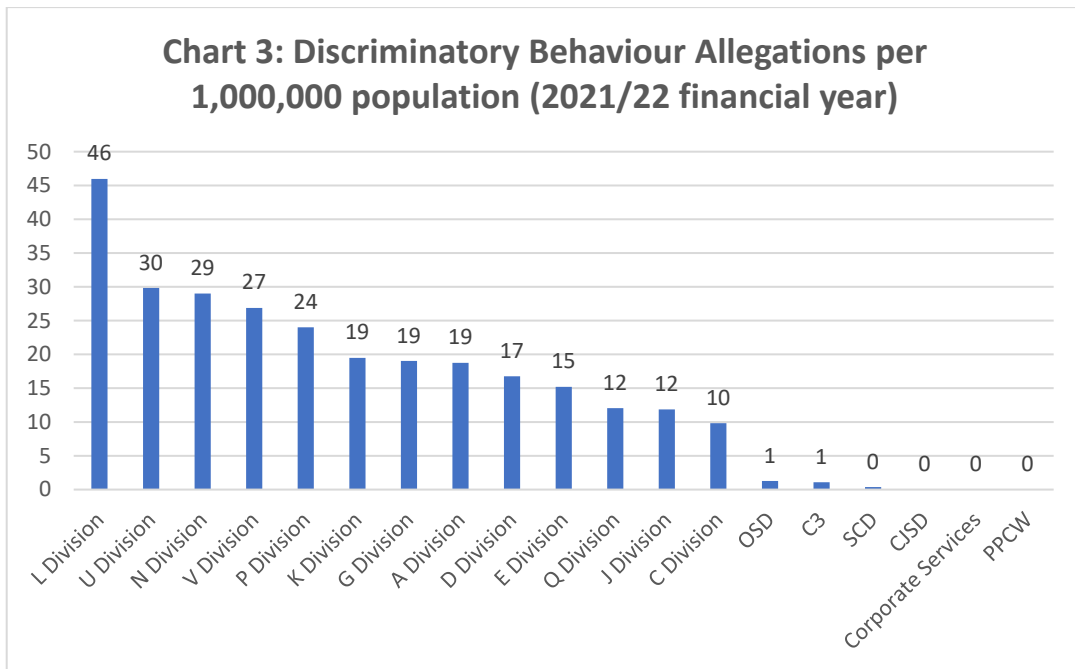
1.1.3 As the above chart illustrates, allegations of Discriminatory Behaviour have broadly shown sustained increase across this time series with year-on-year increases during the latest two financial years, resulting in the highest volumes in the six years presented here. The increase may be reflective of an increased public confidence in reporting these allegations.

1.1.4 Half of the 120 allegations received (60) are attributed to the West Command area, with 26.7% (32) in the East and 23.3% (28) in the North. A divisional breakdown of these allegations by financial year has been provided within Chart 2 below. The highest volume areas during 2021/22 are found within G Division (16), A Division (11) and U Division (11).

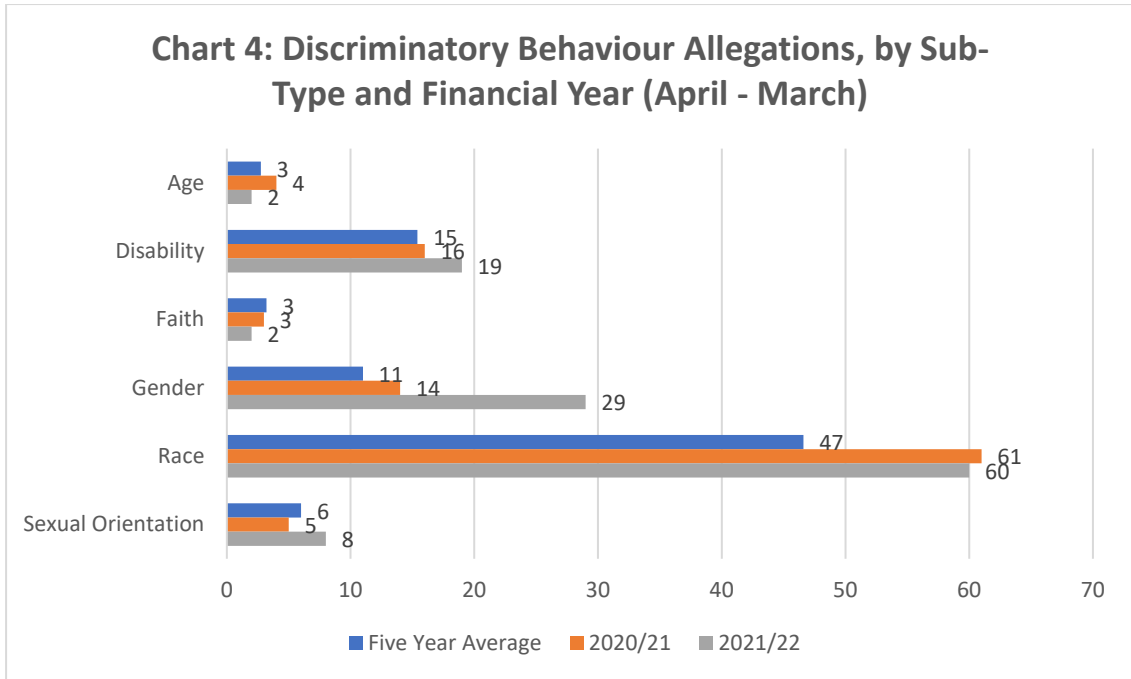


1.1.5 No division was identified in particular as influencing this increase, with rises noted against 2020/21 and the five year average in the following divisions: L, N, P, Q, U, V and C3.

1.1.6 When population is taken into account, the highest rate is found in L Division, with 46 allegations per 1,000,000 of the population. This is followed by U Division (30), N Division (29) and V Division (27). These rates are summarised in Chart 3 below. It should be emphasised that low volumes of allegations involved here have an impact on comparability across divisions, especially where comparatively low population divisions are involved.



1.1.7 Each Discriminatory Behaviour allegation also includes a sub-type, which refers to one of six protected characteristics. Increases from 2020/21 were driven by the Gender sub-type (29 allegations received, an additional 15 from 2020/21). Increases against the five year average were driven by both Gender (an additional 18 allegations) and Race (an additional 13 allegations). A total of 60 allegations involved a race sub-type during 2021/22, which was by far the highest volume sub-type during this period. These allegations are summarised in Chart 4 below.



## 1.2 Allegations with a Race sub-type

1.2.1 Of the 60 relevant allegations with a Race sub-type, the majority involved male complainers (73.3%) rather than female (23.3%). A further two allegations were linked to both male and female complainers, as each allegation can relate to multiple complainers.

1.2.2 Ethnicity data are not systematically recorded on the Professional Standards database. Cases were manually reviewed to identify any ethnic information pertinent to the alleged discrimination, as detailed by the complainer or the enquiry/investigating officer during the course of the complaint. These are listed in Table 1 below.

*Table 1: Ethnic background of complainers linked to Discriminatory Behaviour allegations with a Race sub-type (2021/22 financial year)*

<b>Ethnic Background</b>	<b>Number</b>
African	2
Asian	11
Black (NFD)	12
Eastern European (Polish)	2
English (NFD)	3
Gypsy/Traveller	6
Irish	2

Jewish	1
Non-white (NFD)	7
Unspecified	12
White	2
<b>Grand Total</b>	<b>60</b>

1.2.3 Excluding those where unspecified, the majority of relevant allegations here relate to perceived discrimination of individuals from a non-white European background e.g. African, Black (NFD), Asian, Non-white (NFD). Those account for 32 of the 48 allegations involving a specified ethnic background.

1.2.4 Of the 60 allegations with a Race sub-type, the majority involve complainers subject to police action (71.7%, 43 in total). A further 26.7% involve complainers reporting an incident to Police (16 in total); summarised in Table 2 below.

*Table 2: Category of Complainers linked to Discriminatory Behaviour allegations with a Race sub-type (2021/22 financial year)*

<b>Category of Complainer</b>	<b>Number</b>
Other	1
Victim/Reporter	16
Subject to Police Action	43
<b>Grand Total</b>	<b>60</b>

1.2.5 Of the 43 allegations referenced above, which relate to complainers being subject to police action, the most common are road traffic matters (11), where, almost exclusively, the complainer has been charged with a road traffic offence. Vehicle stops – unrelated to suspected road traffic offences – were also prominent amongst these allegations involving police action (5). Neighbour related issues (4), breach of the peace (4), domestic (3), border stops (2) and arrests in error (2) featured on multiple occasions. As summarised in Table 3 below.

*Table 3: Complainers subject to Police action and linked to Discriminatory Behaviour allegations with a Race sub-type, by type of incident (2021/22 financial year)*

<b>Type of Incident</b>	<b>Number</b>
Road Traffic matter	11
Vehicle stop	5
Neighbour related	4
Breach of the peace	4
Domestic	3
Unspecified	3
Border stop	2
Arrest (in error)	2
Disturbance	1
Social service matter	1
COVID breach	1
Mental health	1
Stop and search	1
Communications	1
Noise complaint	1
Drugs	1
Drunken male	1
<b>Grand Total</b>	<b>43</b>

1.2.6 Of the 16 allegations referenced above which relate to complainers categorised as 'victim/reporter', these primarily relate to neighbour related issues (5), hate crime (4) and domestic incidents (3). A further 3 relate to other reported criminality (2 assault and 1 theft). As summarised within Table 4 below.

*Table 4: Complainers categorised as victim/reporter and linked to Discriminatory Behaviour allegations with a Race sub-type, by type of incident (2021/22 financial year)*

<b>Type of Incident</b>	<b>Number</b>
Neighbour related	5
Hate Crime	4
Domestic	3
Assault	2

Theft	1
Unspecified	1
<b>Grand Total</b>	<b>16</b>

1.2.7 The one additional allegation which involved a complainer categorised as 'Other' refers to alleged discrimination on the basis of race when the complainer sought to have documentation signed by a police officer.

### 1.3 Allegations with a Gender sub-type

1.3.1 Of the 29 relevant allegations with a Gender sub-type, 16 (55.2%) relate to a male complainer. A further 11 (37.9%) relate to a female complainer, with the remaining 2 (6.9%) relating to a transgender complainer.

1.3.2 In half of those allegations involving a male complainer (8), perceived discrimination by police following their involvement in domestic incidents. No common theme was evident amongst the remainder linked to male complainers, outwith a broad perception of their gender resulting in being treated differently by police (e.g. communication, attitude, consistency of enforcement).

1.3.3 In each of the 11 allegations involving a female complainer, the attitude of subject officers was referenced when communicating with them and their actions were broadly perceived to have been discriminatory on the basis of their gender as females. The vast majority of these (8) relate to a perceived lack of police action in relation to various incident types e.g. missing persons, domestic, harassment and assault. A further two allegations resulted from traffic stops and subject officers' general attitude when dealing with the complainers who were both stopped due to the manner of driving. It should be noted that five of those 11 allegations involving a female complainer came from a single complaint.

### 1.4 Allegation Results

1.4.1 In terms of allegation outcomes for Discriminatory Behaviour, 2.7% of allegations closed during 2021/22 were upheld – 3 in total.



Although this represents an increase from the 2.0% upheld during 2020/21, it also represents a 3.1% decrease against the five year average, which is 5.8%. Within that broader context, the rate of Discriminatory Behaviour allegations upheld has decreased during 2021/22.

1.4.2 This indicates that the vast majority of concluded allegations within this period have been unsubstantiated. Please note that allegations concluded in 2021/22 may have been received in a period prior to 2021/22.

1.4.3 The key details of the Discriminatory Behaviour allegations upheld during 2021/22 are as follows:

- Failure of service advisor to provide reasonable assistance or adjustments for a caller who declared that they were autistic.
- Subject officer referred to a complainer who self-identifies as female as 'Sir' when leaving a voicemail message.
- Complainer was asked to leave a public building when not wearing a face mask during the COVID-19 pandemic, with the complainer citing autism as a reasonable exemption in line with the then-current guidance

1.4.4 These examples highlight shortcomings by individual subject officers, but also the organisational learning, which is cascaded to ensure that equalities related matters are addressed and imbued into practice more widely across the organisation.

1.4.5 Allegations which have not been upheld are generally not subject to this wider, formal, learning process. It should again be stressed that the vast majority of relevant allegations – based on those concluded within 2021/22 and also the years prior – have not been substantiated. Nonetheless, each of these does provide an opportunity for learning and can inform practice in terms of how officers/staff interact with members of the public (and colleagues) cognisant of prevalent themes in perceived discrimination by the police.

1.5 Subject Officers

1.5.1 Further analysis has been conducted on subject officers linked to Discriminatory Behaviour allegations received during the 2021/22 financial year.

1.5.2 It is assessed that no concentration of subject officers at specific stations or shifts are implicated in this increase. Relevant allegations are widely dispersed at this granular level of data.

1.5.3 Data is presented in Table 5 below which provides a breakdown of subject officers linked to these allegations, by service bracket and gender.

*Table 5: Subject Officers linked to Discriminatory Behaviour Allegations (01/04/2021 – 31/03/2022), by Service Bracket and Gender <sup>1</sup>*

<b>Service Bracket</b>	<b>Female</b>	<b>Male</b>	<b>Total</b>
Under 2 years	10	10	<b>20</b>
2-5 years	11	31	<b>42</b>
6-10 years	6	18	<b>24</b>
11-15 years	7	17	<b>24</b>
16-20 years	3	17	<b>20</b>
Over 20 years	0	7	<b>7</b>
<b>Grand Total</b>	<b>37</b>	<b>100</b>	<b>137</b>

<sup>1</sup> Where known

1.5.4 The majority of subject officers linked to discriminatory behaviour allegations during 2021/22 are males (73.0%, 100 in total).

1.5.5 It is notable that the 2-5 years' service brackets account for the highest volumes of linked subject officers (30.7%).

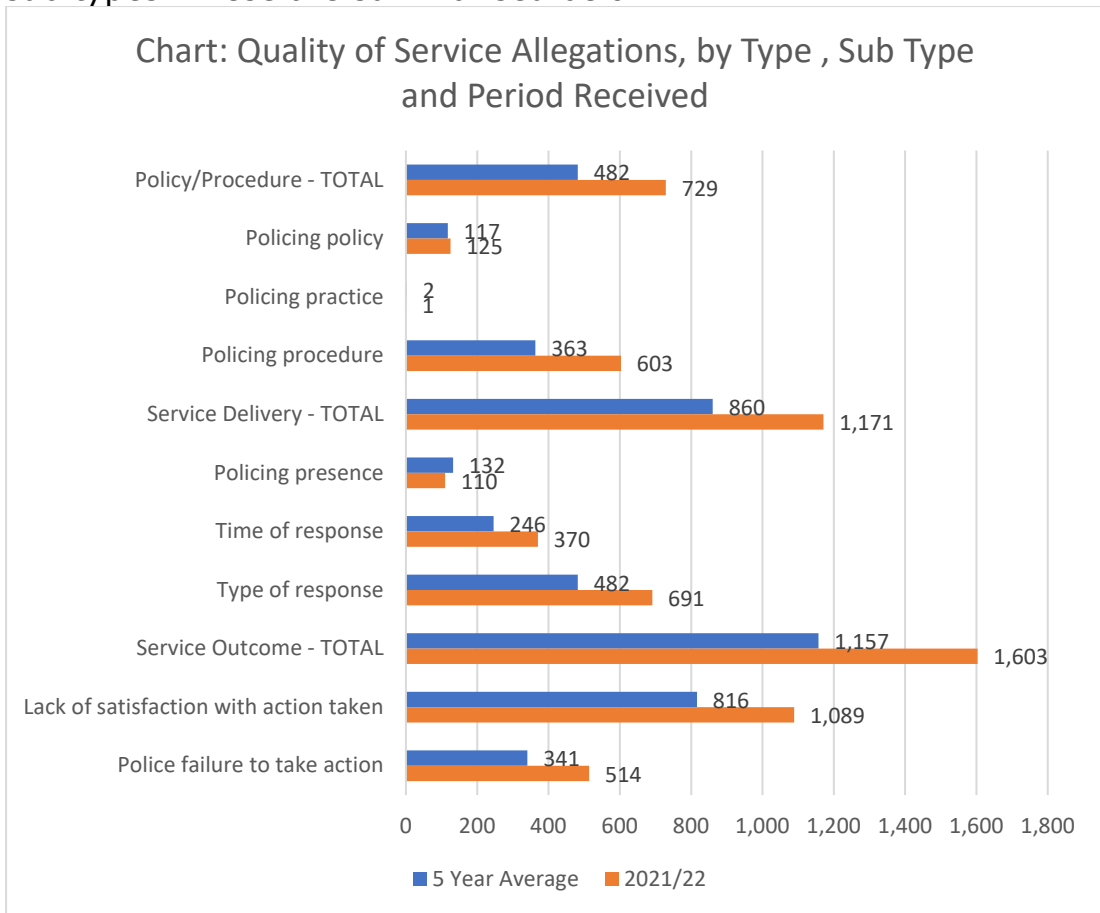
1.5.6 It should also be recognised that the volumes of subject officers are closely matched among the remaining service brackets outwith those over 20 years. The Preventions and Professionalism Programme will use this information to target existing training or guidance delivered across the service.

## 1.6 QUALITY OF SERVICE

### 1.6.1 Allegations Overview

1.6.2 Allegations which relate to Quality of Service are recorded under three main allegation types: Policy/Procedure, Service Delivery and Service Outcome.

1.6.3 Each of these allegation types also include a number of allegation sub types. These are summarised below:



1.6.4 Given the substantial volumes involved, a number of allegations within each of the highest volume sub categories were dip sampled to identify further relevant details on their content.

1.6.5 Please note that these may not necessarily reflect all complaints within these specific categories, but have been identified through the dip sample as forming the main themes.

### 1.7 Policing Procedure:

## OFFICIAL

- Productions – dissatisfaction over the grounds for seizure, retention by PSOS, failure to return these in a timely manner (including lack of updates on the process), not issuing receipts, plus the destruction or disrepair of property seized.
- Police attendance at properties – dissatisfaction over attendance in relation to reported incidents, forced entry (including property damage), searches conducted without lawful authority, inaccurate information (e.g. former residents being sought) and attendance at unsociable hours.
- Given the diverse nature of incidents occurring nationwide and the range of policing policy/procedures implemented, this particular sub category involves a significant breadth of complaints in relation to Police activity or lack thereof.

### 1.8 Type of Response:

- Lack of updates – dissatisfaction expressed regarding inadequate communication and/or lack of contact from police. These vary from following incidents reported, death messages, active investigations and outcomes of enquires.
- Lack of Police action – dissatisfaction with regards to matters reported to Police which have resulted in no action taken. Perceived insufficient enquiry and the manner of how those reports were progressed were prevalent factors here. Neighbour related issues were also a common theme amongst those allegations.
- Manner of attending officers – lack of empathy and dismissive as regards complainers concerns.
- Non-attendance – failure of police officers to attend incidents reported. Road traffic matters, vandalism, noise complaints, threatening and abusive behaviour featured amongst the types of incidents subject to complaint.

### 1.9 Lack of Satisfaction with Action Taken:

- Lack of Police action – dissatisfaction from members of the public reporting offences and perceiving a lack of enforcement as a result. Primarily these revolve around officers not establishing criminality and suspects not being arrested/charged. Neighbour related concerns were identified to be a common feature amongst those (e.g. vandalism, anti-social behaviour, noise, alleged assaults, breach of the peace).

## 2. FURTHER DETAIL ON THE REPORT TOPIC

### IRREGULARITY IN PROCEDURE – OTHER

#### 2.1 Allegations Category

2.1.1 This sub category of Irregularity in Procedure involves any such allegation which does not fall under any of the defined sub categories of Irregularity in Procedure, as per the Complaints About the Police SOP.

2.1.2 Given the volume involved, a number of the 760 allegations within this sub category were dip sampled to identify further relevant details on their content. From this two key commonalities were identified:

- COVID 19 - officers not wearing face coverings/PPE. This was identified in 63 separate allegations.
- Honesty and accuracy of police accounts (e.g. allegedly providing false or misleading statements to complainers, or about complainers). This was identified in 25 separate allegations.

The broader findings from the dip sampling are the content of allegations within the sub category of 'Other' are widely dispersed. Some examples of this are provided below:

- Information – dissatisfaction with advice given by officers, failure to raise incidents, threat to life notice not issued, inaccurate information recorded on Police systems, disclosure of personal information and vulnerability information not shared with partner agencies.
- Manner – lack of empathy and sympathy shown by officers during the course of enquiries.
- Property/Search procedures – damage to property, officers entering property uninvited, search of vehicle without legitimate cause and failure to ensure wellbeing of vulnerable male following property search.
- Police Action – complainer dissatisfied having been charged with offence (e.g. where complainer has themselves reported a matter to

Police, incorrectly charged), seizure of property without legitimate grounds, vehicle stops.

- Lack of Police Action – failure to raise incidents reported, lack of enquiry following reports.
- Miscellaneous – speaking to complainer when driving, uniform standards (e.g. no police issue caps worn).

### **3. FINANCIAL IMPLICATIONS**

3.1 There are no financial implications in this report.

### **4. PERSONNEL IMPLICATIONS**

4.1 The analysis and breakdown of information within this report may lead 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 in this report.

### **6. REPUTATIONAL IMPLICATIONS**

6.1 As per Item 5.1, each case is assessed for individual and organisational reputational risks and implications, as well as 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 associated 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 There are no community implications in this report.

**9. EQUALITIES IMPLICATIONS**

9.1 There are no equality implications in this report.

**10. ENVIRONMENT IMPLICATIONS**

10.1 There are no environmental implications in this report.

**RECOMMENDATIONS**

Members are invited to discuss the content of this report.