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| <b>Meeting</b>                   | <b>SPA Complaints and Conduct Committee</b>  |
| <b>Date</b>                      | <b>25 November 2021</b>  |
| <b>Location</b>                  | <b>MS Teams</b>  |
| <b>Title of Paper</b>            | <b>Police Scotland Professional Standards Department Quarterly Performance Report (Q2)</b> |
| <b>Presented By</b>              | <b>ACC Speirs/ CS Andy McDowall</b>  |
| <b>Recommendation to Members</b> | <b>For Discussion</b>  |
| <b>Appendix Attached</b>         | <b>Appendix A – Performance Report Q2</b>  |

**PURPOSE**

To report to Members of the Complaints and Conduct Committee, for the purposes of noting, the statistical information relating to the investigation of complaints and conduct matters about members of Police Scotland for period (1 April 2021 – 30 September 2021).

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 2 (1 April 2021 – 30 September 2021).

Data contained in this report is management information and is correct as at 22/10/2021.

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 personnel 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 of the Scottish Police Authority are invited to discuss the content of this report.



# Professional Standards SPA Performance Report Quarter 2 of 2021/22

Meeting Date: 25/11/2021

Reporting Period: April – September 2021

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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 2021 to 30 September 2021.

PSD have significant involvement in the policing response to the Conference of the Parties 26 (COP26) event. Dedicated PSD teams have been deployed for the duration of the event to capture complaints and evidence relating to them. Analysis of the volume and nature of complaints related to COP26 will be provided in subsequent performance reporting.

### Quarter 2 (Q2) 2021/22 Performance Overview

- A total of **1,631** complaints were received during Q2 of 2021/22, a decrease of **10.0%** on Q2 of 2020/21.
- **41.0%** of complaints were Frontline Resolved (FLR) during Q2 of 2021/22, compared with **50.6%** in Q2 of 2020/21. This includes early resolution and subsequent resolution by PSD/Specialist officers.
- **5.1%** of allegations closed during Q2 of 2021/22 were upheld, a decrease of **1.9** percentage points on Q2 of 2020/21.
- **69** Police Investigations & Review Commissioner (PIRC) referrals were submitted during Q2 of 2021/22, a decrease of **10.4%** from the same period in 2020/21.
- Moreover, **48** of the **69** referrals received during Q2 (**69.6%**) were marked as no investigations by PIRC.
- **49** PIRC Complaint Handling Reviews (CHR) were issued during Q2 of 2021/22 (**-18.3%** against the same period in 2020/21).
- **67.3%** of CHR allegations reviewed during Q2 of 2021/22 were deemed by PIRC to have been handled to a reasonable standard (**+2.2%** against same period in 2020/21).
- Based on the statistics of CHR during Q2 of 2021/22, notionally, the proportion of complaints subject to a CHR by PIRC is **3.0%**. It should be noted that some of the complaints subject to CHR may predate the Q2 period.

PSD have significant involvement in the policing response to COP26. At the time of writing, prior to the conclusion of the conference, dedicated PSD teams have been deployed for the duration of the event to capture complaints and evidence relating to them, with consideration that complainants may have travelled from overseas.

Whilst the extent of any upsurge in complaints cannot be accurately gauged at this stage, further update will be provided in subsequent quarterly reports which will detail both the volume and the nature of complaints received at a strategic level. COP26 related complaints have been categorised accordingly to ensure an accurate reflection of demand and police performance is captured for these reports.

All concerns raised will be reviewed to ensure any lessons or learning points are recorded and actioned throughout the duration of COP26 and beyond.

In particular, the triage of complaints and correspondence around areas of dissatisfaction will be key in ensuring that the highest standard of complaint handling is maintained.

Furthermore, complaints received in respect of officers from forces other than Police Scotland will be forwarded to officers' home force as per the Agreement under Section 98 of the Police Act 1996 (Cross Border Aid). Police Scotland will ensure ongoing coordination of these complaints until all such matters are finalised.

## Independent Audit of Assault and Excessive Force Allegations

An independent audit of Assault and Excessive Force allegations was recently conducted during August 2021 by the Criminal Allegations Against the Police Division (CAAPD) of the Crown Office Procurator Fiscal Service. This commenced in relation to Recommendation 2 of the Independent Review of Complaints Handling, Investigations and Misconduct Issues by Dame Elish Angiolini:

- **Recommendation 2** - The Criminal Allegations Against Police Division (CAAPD) should repeat on a regular basis the review that they carried out of all the "assault" and "excessive force" categorised complaints that had been received by Police Scotland in the month of March 2020.

The focus of the audit was to assess to assess: (a) whether the PSD categorisation of the complaint as either assault or excessive force was the correct categorisation and, (b) whether the proposal for the subsequent investigation of the complaint was the most appropriate investigative option.

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PSD were found to have categorised correctly all of the excessive force cases reviewed during the course of the exercise.

These findings provide positive assurance that the assessment and categorisation of relevant allegations by PSD is of a very high standard.

## Enhanced Digital Accessibility – Making a Complaint Against the Police



**POLICE  
SCOTLAND**  
POILEAS ALBA



Scan QR code  
to make a  
complaint via  
our website



The Police Scotland Complaints Quick Response (QR) code has now been created and designed to enhance the digital provision to the public, as well as maintaining the organisation's conventional approach towards public access to making a complaint about the police.

The Police Scotland Complaints QR Code is 'live' with effect from Monday 11th October 2021.

## Complaints and Allegations

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## Complaint Cases Received

### What is a 'Complaint'?

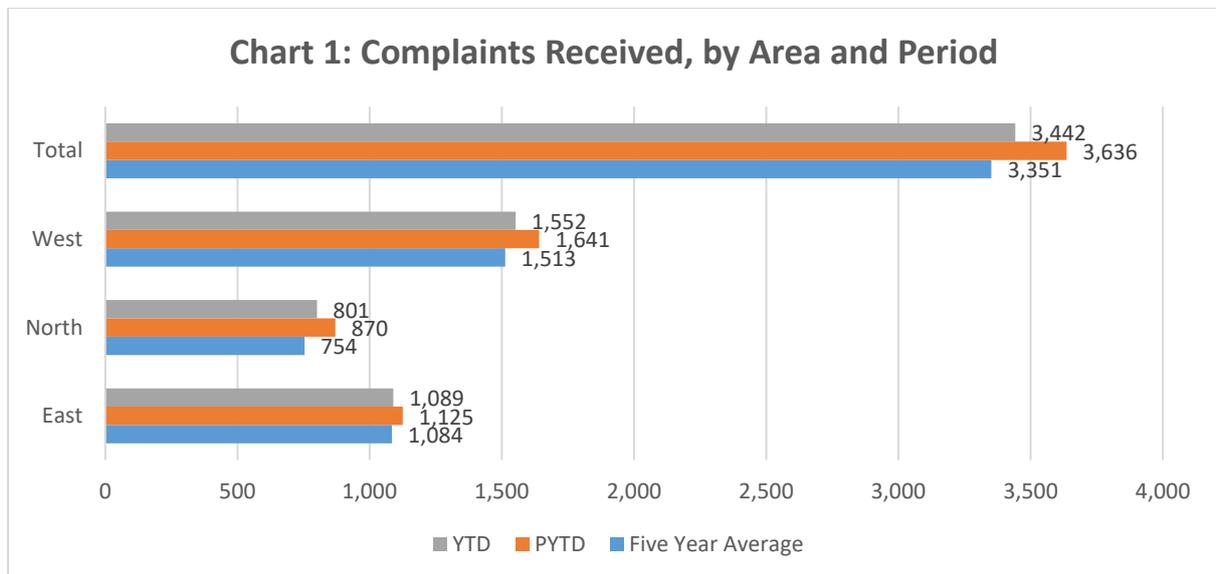
A complaint about the Police is defined in the Police, Public Order and Criminal Justice (Scotland) Act 2006 Section 34(2) as:

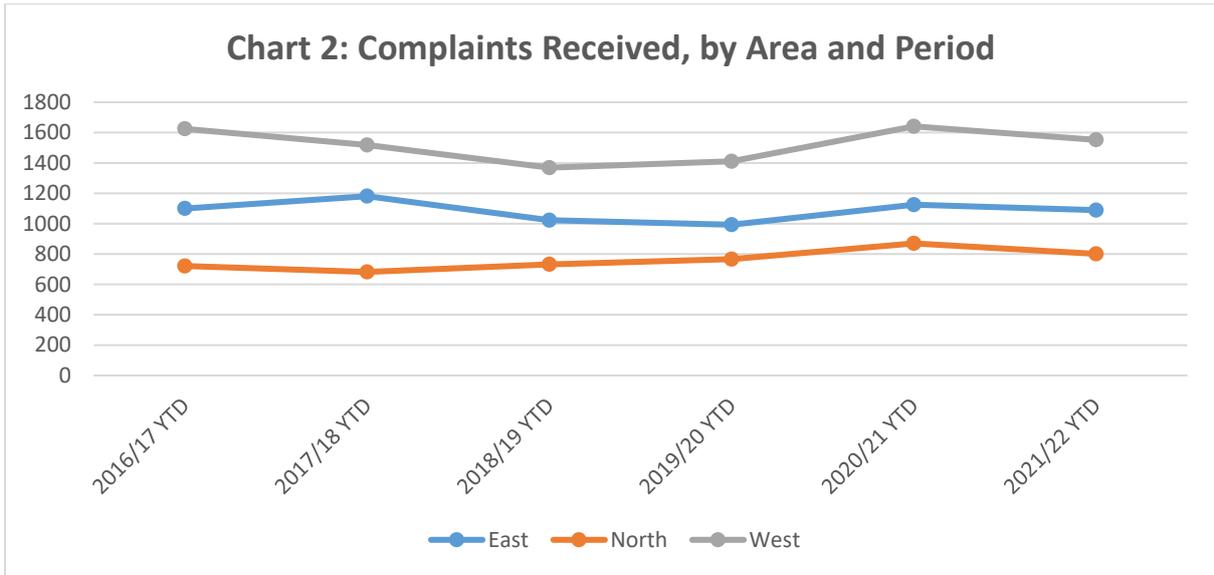
*“A statement (whether oral, written or electronic) expressing dissatisfaction about an act or omission by the Authority, by the Police Service or by a person who at the time of the act or omission was a person serving with the Police”.*

From the overall number of cases received during the YTD, a total of **3,442** cases were assessed as complaints from members of the public, which represents a **5.3%** decrease from the same period in 2020/21. This total represents a **2.7%** increase from the five year average. Based on this wider context, complaints during the YTD are at an increased level.

Comparison against the PYTD in isolation is potentially misleading, given the impact of COVID-19 related complaints. These complaints are assessed to be the key driver in the decrease against the PYTD total of complaints. A total of **97** COVID-19 related complaints were received during the YTD, an **82.5%** decrease compared to the PYTD and which represents a reduction of **458** such complaints.

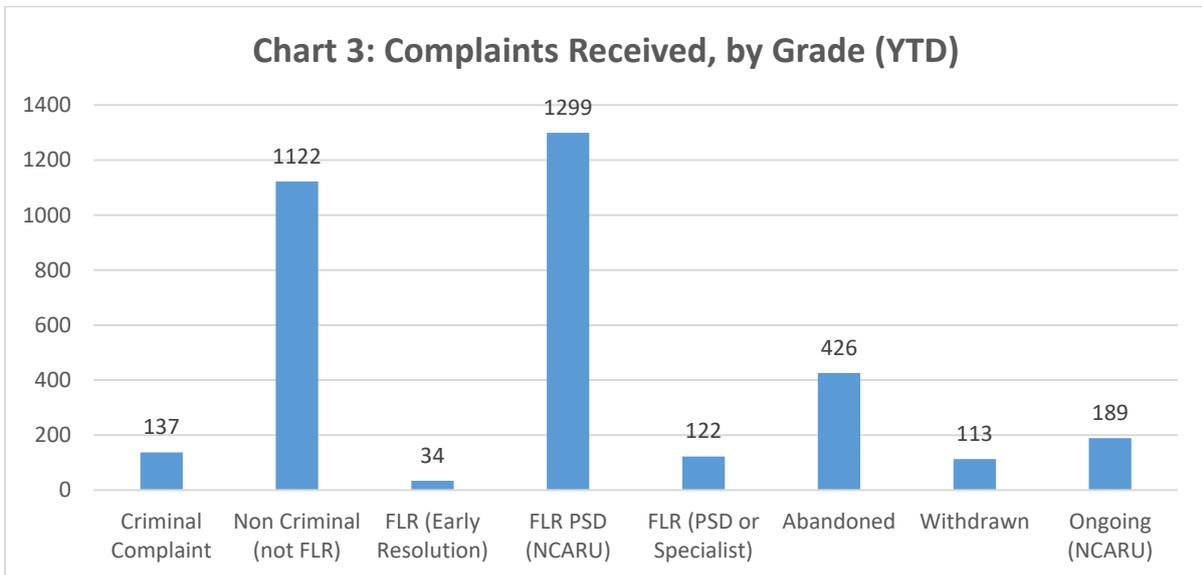
Within Q2 of 2021/22 alone, a total of **1,631** complaints were received. This represents a **10.0%** decrease on Q2 of 2020/21. Furthermore, this was the second lowest Q2 total within the latest six years and also represents a **4.1%** decrease on the five year average of Quarter 2 periods.





Increases were identified YTD across all three Command Areas, when compared against the five year average. Primarily those were in the North (+6.2%) and the West (+2.6%), with a lower rate of increase noted in the East (+0.4%).

Conversely, each region displayed a decrease YTD compared to the PYTD. However, as noted above, comparison against the PYTD in isolation may be misleading given the impact of COVID-19 related complaints during the latter period.



The highest volume complaint category during the YTD was Frontline Resolved (FLR) by PSD NCARU, which applied to **1,299** complaints received. In addition, **34** complaints were subject to Early Resolution and **122** were subsequently FLR by PSD/Specialist. Overall, **42.3%** of all complaints received during this quarter were resolved by FLR.

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A further **1,122** complaints were graded 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 **137** complaints graded as Criminal, representing a relatively low proportion compared to those which are Non-Criminal in nature.

The remainder of complaints received were either Abandoned (**426**), Withdrawn (**113**) or are Ongoing with the PSD NCARU (**189**).

Specifically in relation to Q2 of 2021/22 alone, **41.0%** of complaints were Frontline Resolved (FLR), compared with **50.6%** in Q2 of 2020/21.

### North Command

In the North, a total of **801** complaints were received during the YTD. This represents a **7.9%** decrease on the PYTD and, conversely, a **6.2%** increase against the five year average.

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

- Tayside, **298** complaints (**+4.9%** from the PYTD, **+18.8%** against the five year average).
- North East, **297** complaints (**-6.0%** from the PYTD, **+8.2%** against the five year average).
- Highland and Islands, **164** complaints (**-0.6%** from PYTD, **+27.7%** against the five year average).

The most notable increase within the North was identified in Tayside, with the total of **298** complaints representing an additional **14** complaints compared to the PYTD (**+4.9%**). This total also represents an **18.8%** increase on the five year average (**251**), accounting for an additional **47** complaints.

**Analytical Action** - Further analysis will be undertaken in relation to complaints within Tayside Division during this period and the findings shared as appropriate, with a view to addressing any factors which are assessed to contribute to this increase. Although this will be prioritised having been assessed as the most notable increase within the region, complaints within North East Division and Highlands and Island Division will continue to be monitored.

### East Command

In the East, a total of **1,089** complaints were received during the YTD. This represents a **3.2%** decrease on the PYTD; however, this total also represents a **0.4%** increase against the five year average.

Increases of note were identified within the following areas:

- Lothian and Scottish Borders, **292** complaints (no change from PYTD, **+8.6%** against the five year average).
- Fife, **233** complaints (**+14.2%** from PYTD, **+5.0%** against the five year average).

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- Contact, Command and Control, **65** complaints (+10.2% from PYTD, +17.3% against the five year average).

Each of these divisions are key drivers in the increase in the East, based on the wider context provided by the five year average. Lothian & Borders is the highest volume contributor to this, with the **8.6%** increase accounting for an additional **23** complaints.

The shorter-term picture in the East is notable for the **14.2%** increase within Fife during the YTD. As Fife Division experienced relatively low volumes of COVID-19 related complaints (21 YTD and 7 YTD), this factor is less pertinent when comparing these periods. However, the broader picture of the five year average (+5.0%) suggests the volume of complaints PYTD within Fife was relatively low volume year, but also indicating that the YTD volume is at a higher than average level.

***Analytical Action*** - Further analysis will be undertaken in relation to complaints within Lothian and Borders Division during this period and the findings shared as appropriate, with a view to addressing any factors which are assessed to contribute to this increase. Given the explanation provided above and lower volumes involved, complaints within Fife Division will continue to be monitored at this time.

### West Command

In the West, a total of **1,552** complaints were received during the YTD. This represents a **5.4%** decrease from the PYTD and, conversely, a **2.6%** increase against the five year average. The latter comparison accounts for an additional **39** complaints.

The key divisions influencing the increase against the five year average are:

- Lanarkshire, **354** complaints (no change compared to the PYTD, +9.5% against the five year average).
- Renfrewshire and Inverclyde, **143** complaints (+14.4% compared to the PYTD, +16.3% against the five year average).
- Contact, Command and Control, **84** complaints (-14.3% compared to the PYTD, +28.4% against the five year average).
- Ayrshire, **180** complaints (-5.3% compared to the PYTD, +8.3% against the five year average).
- Dumfries and Galloway, **106** complaints (+9.3% compared to the PYTD, +15.0% against the five year average).

Taken together, these five divisions account for an additional **97** complaints compared to the five year average. As the West registered an additional **39** complaints within this same period, these divisions account for more than double the overall volume increase within the Command Area.

The highest volume contributor to the West's increase was Lanarkshire, with the **354** complaints received YTD, accounting for an additional **31** cases compared to the five year average (**323**).

***Analytical Action*** - Further analysis will be undertaken in relation to complaints within Lanarkshire Division during this period and the findings shared as appropriate, with a view to addressing any factors which are assessed to contribute to this increase.

## Allegations Received

### What is an 'Allegation'?

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

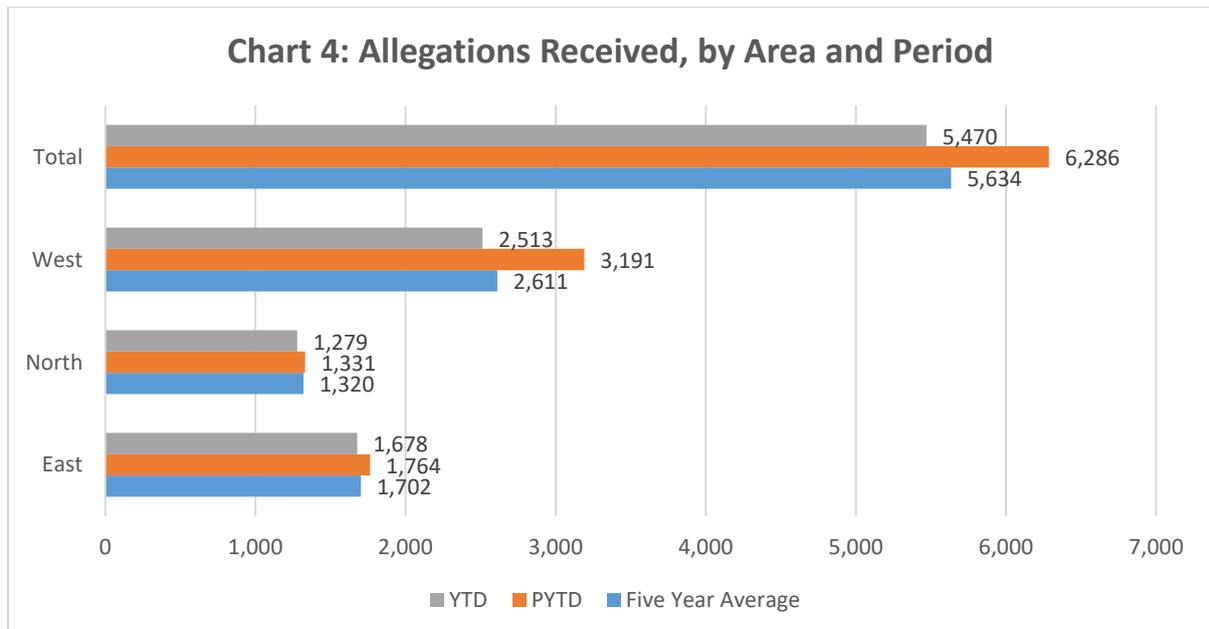
- *Categorise specifically what has happened*
- *Can be seen as an agreement between the complainer and the Enquiry Officer and sets out what exactly is to be investigated*
- *Are capable of being independently Upheld or Not Upheld*
- *Each complaint case may include multiple allegations.*

During the YTD, a total of **5,470** allegations were received. This represents a **13.0%** decrease compared to the PYTD and a **2.9%** decrease against the five year average.

During Q2 of 2021/22 alone, **2,577** allegations were received. This represents a **21.5%** decrease on Q2 of 2020/21, where **3,281** allegations were received.

Decreases were identified YTD within each Command Area, compared to the PYTD and the five year average. As detailed below:

- North, **1,279** allegations (**-3.9%** compared to the PYTD, **-3.1%** against the five year average).
- East, **1,678** allegations (**-4.9%** compared to the PYTD, **-1.4%** against the five year average).
- West, **2,513** allegations (**-21.2%** compared to the PYTD, **-3.8%** against the five year average).



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

| <b>Allegation Category</b>            | <b>YTD 2021/22</b> | <b>PYTD 2020/21</b> | <b>Trend</b> |
|---------------------------------------|--------------------|---------------------|--------------|
| Excessive Force                       | 342                | 302                 | +13.2%       |
| Neglect of Duty                       | 46                 | 33                  | +39.4%       |
| Quality of Service – Policy/Procedure | 309                | 229                 | +34.9%       |
| Quality of Service – Service Delivery | 564                | 468                 | +20.5%       |

Low volume increases in Excessive Force were identified across various divisions during the YTD. However, the national increase is primarily driven by Renfrewshire and Inverclyde (**+136.4%**), Lothian and Borders (**+57.1%**), Fife (**+83.3%**) and Edinburgh (**+42.9%**). When combined, these four divisions account for an additional **46** allegations YTD, therefore just over the national volume increase (**+40**).

The increase in Neglect of Duty allegations represents a relatively low volume increase. Increases in Lanarkshire (**+233.3%**), North East (**+900.0%**), plus Highland and Islands (**+250.0%**) are the key drivers. These divisions combined account for an additional **21** allegations compared to the PYTD and therefore outweigh the national increase (**+13**). Within the three divisions, the key theme identified is a perceived lack of police action in relation to reported offences.

The increase regarding Quality of Service - Policy/Procedure is primarily driven by Greater Glasgow (**+212.5%**), Lanarkshire (**+216.7%**) and Tayside (**+300.0%**). Combined, these three divisions account for an additional **75** such allegations, which accounts for the vast majority of the national increase (**+80**). Relevant allegations within these particular divisions primarily relate to the Policing Procedure sub-category and the most common theme identified was regarding information/updates.

Furthermore, the increase in Quality of Service – Service Delivery allegations is primarily driven by Tayside (**+157.1%**, **72** allegations in total) and C3 Division (**+77.8%**, **64** allegations in total). Combined, these divisions account for an additional **72** allegations, which accounts for much of the national increase within this category (**+96**). The key theme identified in both divisions relates to dissatisfaction from members of the public over waiting times when contacting 101.

Further detail on the definitions of the allegation categories noted above can be found in Appendix B of this report.

### **Allegation Results**

During the YTD period, a total of 4,942 allegations were closed. Of those, **5.7%** were upheld. This represents a decrease from the PYTD rate of **6.7%**, and also the five year average of 9.6%.

During Q2 of 2021/22 alone, 2,140 allegations were closed. Of those, **5.1%** were upheld. This represents a decrease of 1.9 percentage points from Q2 in 2020/21 (**7.0%**).

### **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. In comparison, there are currently **218** live complaints outstanding at these divisions, all of which all (**100.0%**) are outwith the 56 day timescale guidance. 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 the o/s 218 CAPs via the PSD monthly meetings.

During the YTD period, **783** cases graded as non-criminal were closed, with **309 (39.5%)** closed within the 56 day timescale. The average closure time was **111** days.

These timescales for non-criminal cases represent an improvement on the PYTD, where **36.5%** were closed within 56 days and the average closure time was **123** days.

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

Amongst the **783** non-criminal cases closed during this period, **163** were received since the new model implementation on 03/05/2021 and therefore handled by PSD. Of those, **112 (68.7%)** were closed within 56 days and the average closure time was **47** days.

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

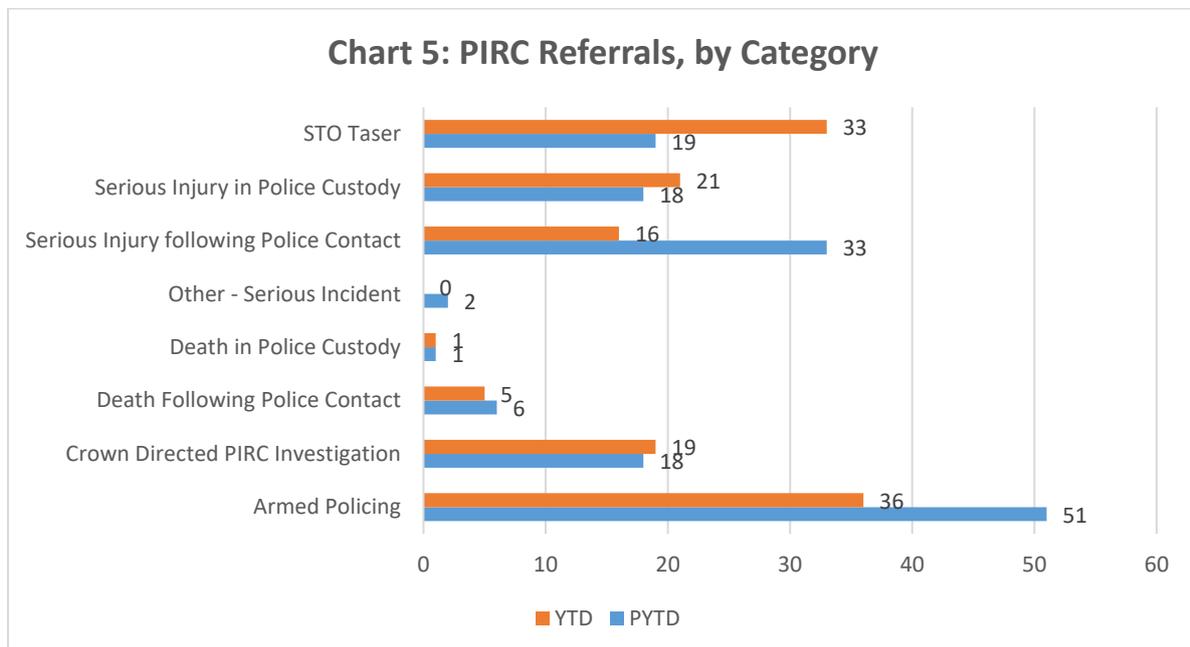
## PIRC Referrals

### 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.

These 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 **131** referrals were made to PIRC during the YTD, an **11.5%** decrease on the PYTD.



During Q2 of 2021/22 alone, **69** referrals were made to PIRC. This represents a **10.4%** decrease on the **77** referrals made during Q2 of 2020/21.

The key drivers in the YTD decrease in PIRC referrals overall are Armed Policing (-**29.4%**) and Serious Injury Following Police Contact (-**51.5%**). The Armed Policing category includes the presentation and/or discharge of firearm or Taser by Armed

Policing officers or in a policing operation with firearms officers. STO Taser refers only to Taser discharge by Specially Trained Officers.

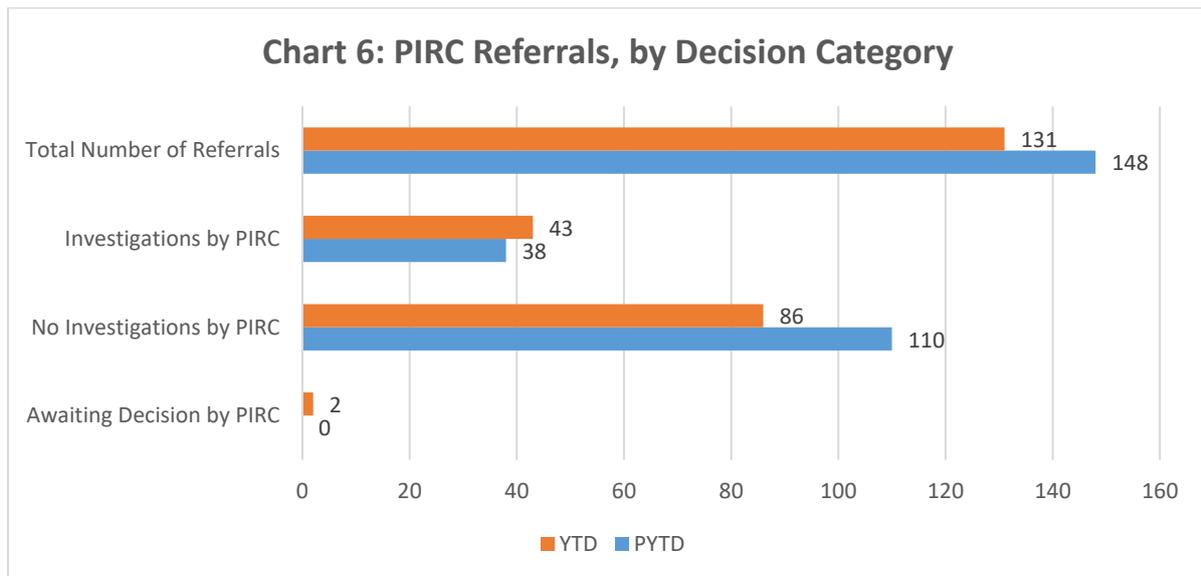
Despite this decrease, STO Taser referrals increased by **73.7%** during this period, with **33** relevant referrals during the YTD. However, **16** referrals during April and May 2021 primarily influence the YTD volume. It is assessed that the increased volume of STO Taser referrals is related to improved deployment capability of STO's across Scotland.

Police deployment of Taser on a member of the public automatically results in the matter being subject to a PIRC referral under statute.

Recent PIRC investigations into Police use of Taser have confirmed the lawful, proportionate and necessary use of Taser. These reports provide positive and independent assurance, in light of the recent increase in relevant referrals.

### PIRC Investigations

The majority of overall referrals (**65.6%**) within the YTD were marked as no investigations by PIRC, accounting for **86** of the **131** referrals.



During Q2 of 2021/22 alone, **48** of the **69** referrals (**69.6%**) were marked as no investigations by PIRC. However, **27.5%** were subject to PIRC investigation (**+1.8%** from Q2 of 2020/21).

It is notable that the percentage of **131** referrals YTD which led to a PIRC investigation increased (**+7.1%**) compared to the PYTD, with **32.8%** of referrals subject to PIRC investigations. This is primarily influenced by low volume increase in investigations into STO Taser referrals (**+3**), with a total of five such investigations YTD.

The additional investigations regarding STO Taser discharges is reflective of the increased volume of relevant referrals, as noted above. This category continues to be monitored and will be subjected to further scrutiny in the coming months.

**Table 2: Ongoing PIRC Investigations, by Command Area**

| <b>Command Area</b> | <b>Number Ongoing</b> |
|---------------------|-----------------------|
| East                | 24                    |
| North               | 16                    |
| West                | 51                    |
| <b>Grand Total</b>  | <b>91</b>             |

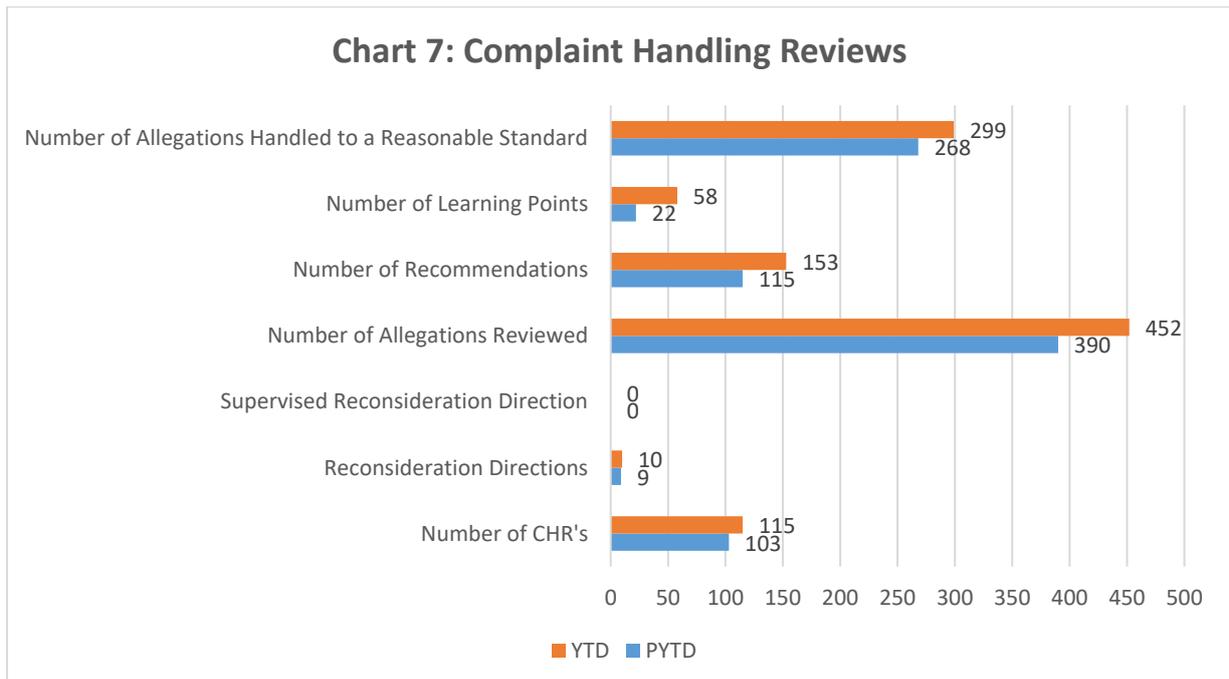
Overall, **91** PIRC investigations remain “live” as at 27 October 2021. This total also involves matters referred outwith the YTD period, as detailed in Table 2. It should be noted that the actual PIRC Investigation may have concluded and a report submitted to COPFS (SFIU/CAAPPD); however, due to judicial proceedings, such as criminal trials and FAI, matters remain outstanding.

**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. Further details can be accessed via the following link:

<https://pirc.scot/complaint-handling-reviews/read-complaint-handling-review-faqs/>

A total of **115** Complaint Handling Reviews (CHR) were received during the YTD, an **11.7%** increase on the PYTD, equating to an increase of **12** CHR.



Within Q2 of 2021/22 alone, **49** CHR's were received. This represents an **18.3%** decrease on the **60** CHR's received during Q2 of 2020/21.

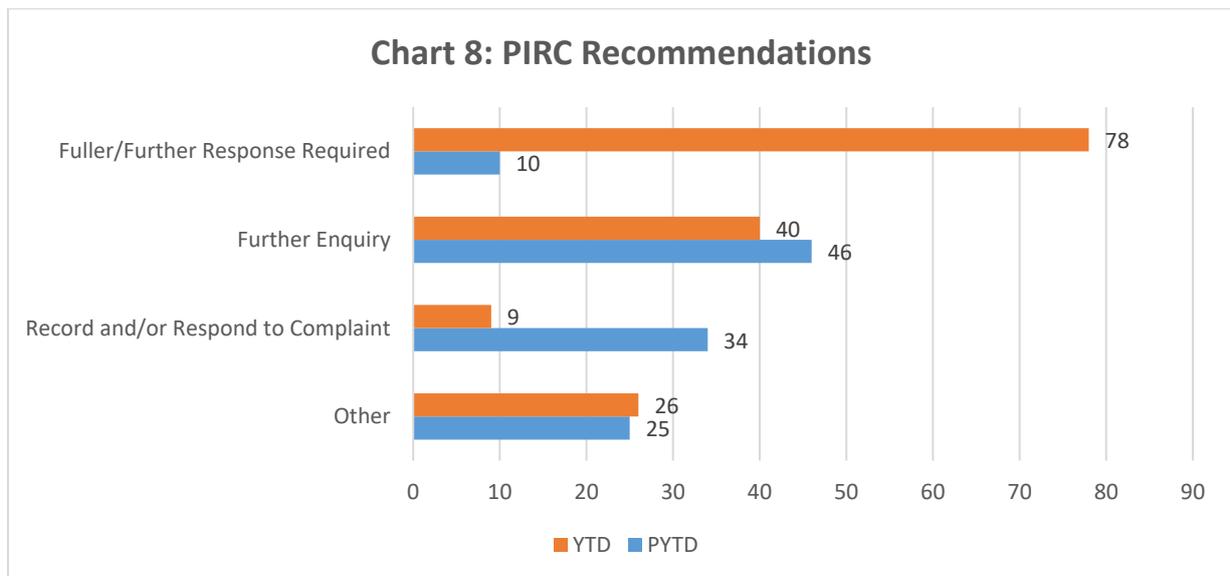
The volume of CHR had decreased during early quarters of 2020/21, partly influenced by PIRC taking cognisance of the operational pressures on Police Scotland owing to the COVID-19 pandemic and temporarily minimised the impact of new workload where possible. This has influenced the extent of the increase when compared to the PYTD.

Of the 115 CHR received, **452** allegations were reviewed and **66.2%** were handled to a reasonable standard during the YTD; however, the percentage handled to a reasonable standard has decreased by **2.6%** compared to the PYTD.

This decrease comes on the back of notable increases in this rate during 2020/21 and which reflected continued improvement in complaint handling by Police Scotland. CHR continue to be monitored and all relevant learning disseminated to ensure continued improvement.

Within Q2 of 2021/22 alone, **196** allegations were reviewed and **67.3%** were handled to a reasonable standard. This represents a **2.2%** increase on Q2 of 2020/21.

Based on the statistics of CHR received during the YTD, notionally, the proportion of complaints subject to a CHR by PIRC is **3.3%**; however, some of the complaints subject to CHR may predate the YTD period.



The vast majority of the **153** PIRC CHR recommendations received during the YTD were in the 'further enquiry' or the 'fuller/further response required' category (**77.1%**) when combined.

Notably, the fuller/further response required' category increased by **680%** during this period and now represents the highest volume recommendation category, with **78** received during the YTD. This has been a significant increase and as a result subject to close monitoring by PSD Senior Management Team (SMT). Regular meetings are ongoing with PIRC to establish individual or organisational matters leading to this increase.

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

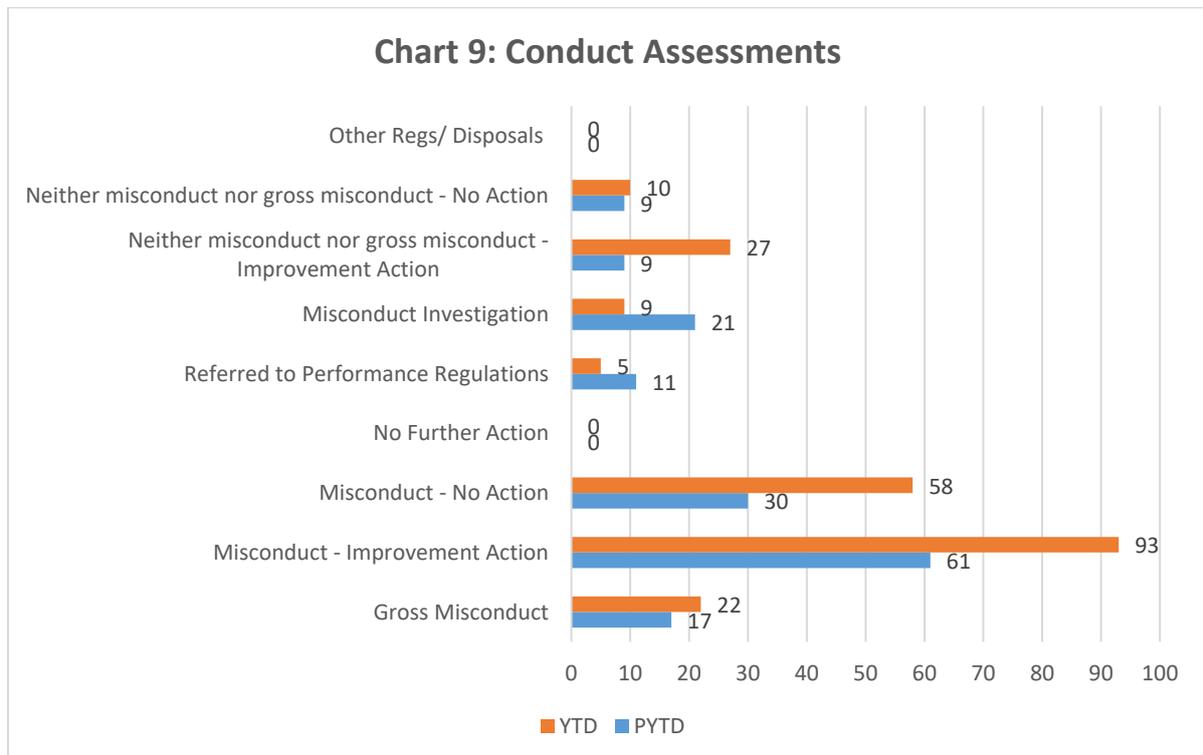
## Conduct Unit

### 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 **224** preliminary conduct assessments were undertaken by the Professional Standards Department during the YTD, a **41.8%** increase on the **158** assessments undertaken PYTD.

During this period, the majority of assessments (**67.4%**) were resulted as ‘Misconduct – Improvement Action’ or ‘Misconduct – No Action’.

Within Q2 of 2021/22 alone, **122** preliminary conduct assessments were undertaken, which represents a **54.4%** increase on Q2 of 2020/21. It should be noted that in previous Q2 there were still restrictions in place due to COVID 19. This included travel restrictions leading to a decrease in speeding and minor road traffic offences committed by officers.

During the YTD, **14** misconduct meetings and **3** misconduct hearings occurred.

As a result of the misconduct meetings two improvement actions, one verbal warning, four written warnings and ten final written warnings were issued. Six concluded with a ‘no misconduct’ outcome.

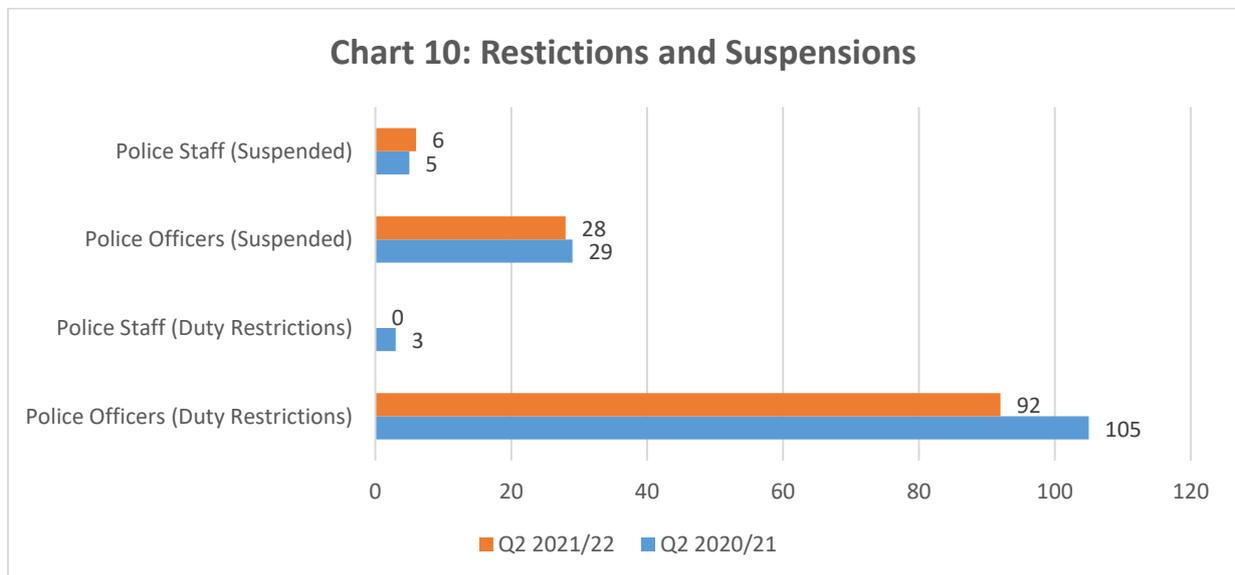
As a result of the misconduct hearings, one written warning was issued. An additional three allegations were concluded as not proven.

Moreover, **4** officers resigned prior to misconduct proceedings.

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

### **Restrictions and Suspensions**

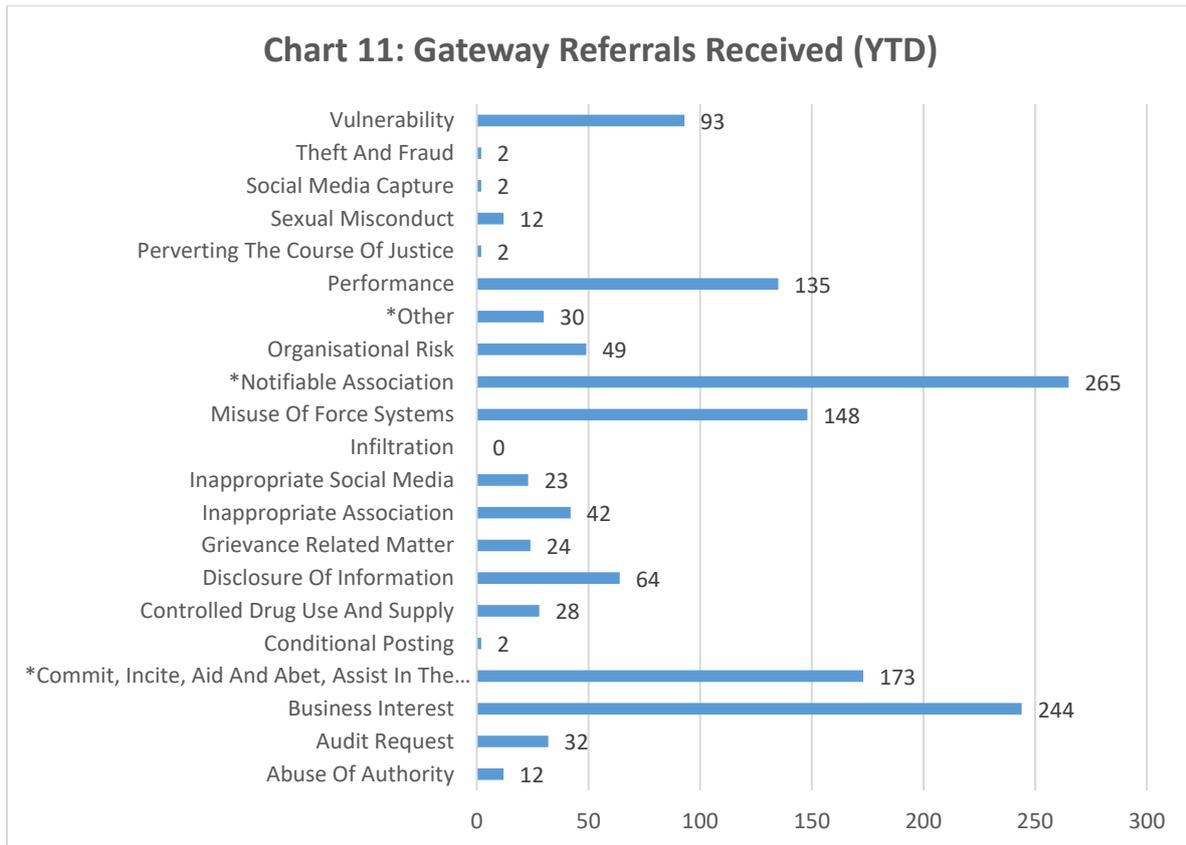
Chart 10 details the actual number of officers and staff suspended and restricted at the end of Q2 2021/22 compared with Q2 in 2020/21. Furthermore, **4** suspended officers and **5** restricted officers resigned/retired during the YTD.



# National Gateway Assessment Unit

## National Gateway Assessment Unit

The Gateway Assessment Unit (GWU) has assessed **1,382** referrals during the YTD, which represents a **1.4%** decrease against the PYTD total of **1,402** referrals.



\*Other (Audit Requests, NCA Finance Referrals etc.)

\*Commit, Incite, Aid and Abet, assist an offender in commission of crime

\*Notifiable Association Sec 4 complete & returned to Division

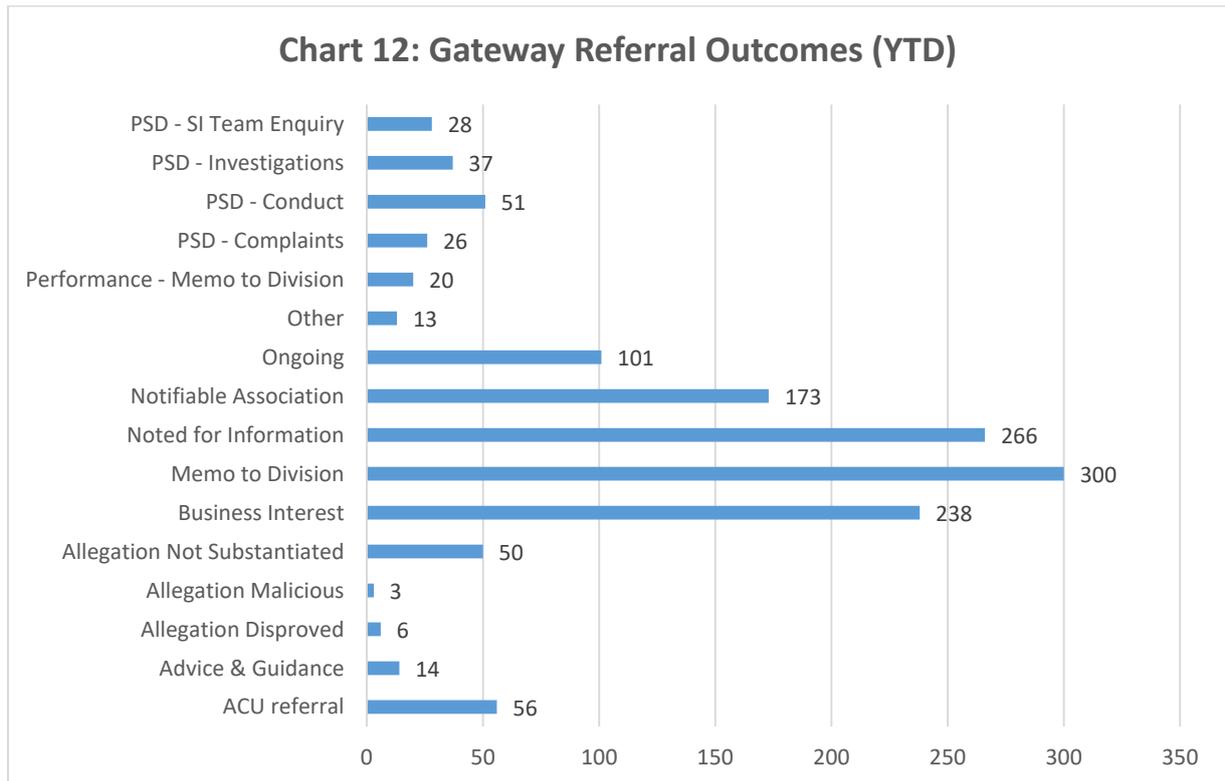
The main drivers influencing in Gateway referrals during the YTD are:

- Commit, Incite, Aid and Abet, Assist in the Commission of Crime (up **28.1%** to **173** referrals).
- Performance (up **40.6%** to **135** referrals).
- Inappropriate Association (up **133.3%** to **42** referrals).
- Vulnerability (up **20.8%** to **93** referrals).

The overall increase in GWU referrals is most notably influenced by the volume within the category of Commit, Incite, Aid and Abet, Assist in the Commission of Crime. It is assessed that the increase within this category primarily relates to Op Talla related referrals.

Business Interest and Notifiable Association are the highest volume referral categories, accounting for **36.8%** of all referrals received YTD.

It should be noted that audit checks are now included within the YTD referral figures (**32** in total). These checks have been carried out by the unit previously and are now being captured for reporting purposes.



Of the **1,382** referrals received during the YTD, only **14.3%** 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, one individual has been formally recognised as a Whistleblower and given employment protection under legislation, in relation to their disclosure. One additional report relates to Whistleblowing from an anonymous source. Should the individual be identified during the enquiry, the protected disclosure will be formally recognised. Three further individuals are currently being assessed in relation to Whistleblowing, which may result in formal recognition once the relevant processes are concluded.

## Anti-Corruption Unit (ACU)

### Anti-Corruption Unit

The Anti-Corruption Unit (ACU) has instigated **56** enquiries between 1 April 2021 and 30 September 2021, compared to **73** over the same period last year. The figures show a decrease of **23%** and factors contributing to the decrease include a reduction in referrals ascertained from Officers Reports, Integrity Matters and Intelligence logs. The COVID-19 pandemic must also be factored into this.

During Q2 of 2021/22, a total of **27** enquiries were instigated by the ACU, compared to 44 during Q2 of 2020/21 (**-38%**).

The predominant allegations reported to the ACU during the YTD period relate to Disclosure of Information, and Inappropriate Association.

YTD comparison does not show any great increase in any of the 12 nationally agreed National Policing Counter-Corruption Advisory Group (NPCCAG) Corruption Categories. There does not appear to be any significant decrease in any of the NPCCAG Corruption Categories, other than a decrease of **50%** in relation to Controlled Drugs use and supply, when compared to the PYTD period.

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.

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 abuse of position by Police Officers or Members of Police Staff in order to conduct predatory sexual behaviour, remains a concern within Police Scotland and across the UK. 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 investigating.

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 Q2 of 2021/22 are presented below:

Findings from a recent PIRC investigation identified updates that were made on a custody record after the individual was found deceased. A divisional memo, e-brief and a Force Form have been circulated for PCSO's information to ensure that their updates on the National Custody System are as accurate as possible. An audit will be conducted in the coming months to assess the accuracy of entries on this system.

It is acknowledged that there will be occasions where members of the public will highlight issues to officers that can be dealt with by means of explanation or clarification. Good practice dictates that such dissatisfaction can and should be dealt with at the earliest opportunity by the officer engaging with the individual or by their Supervisor, should circumstances allow.

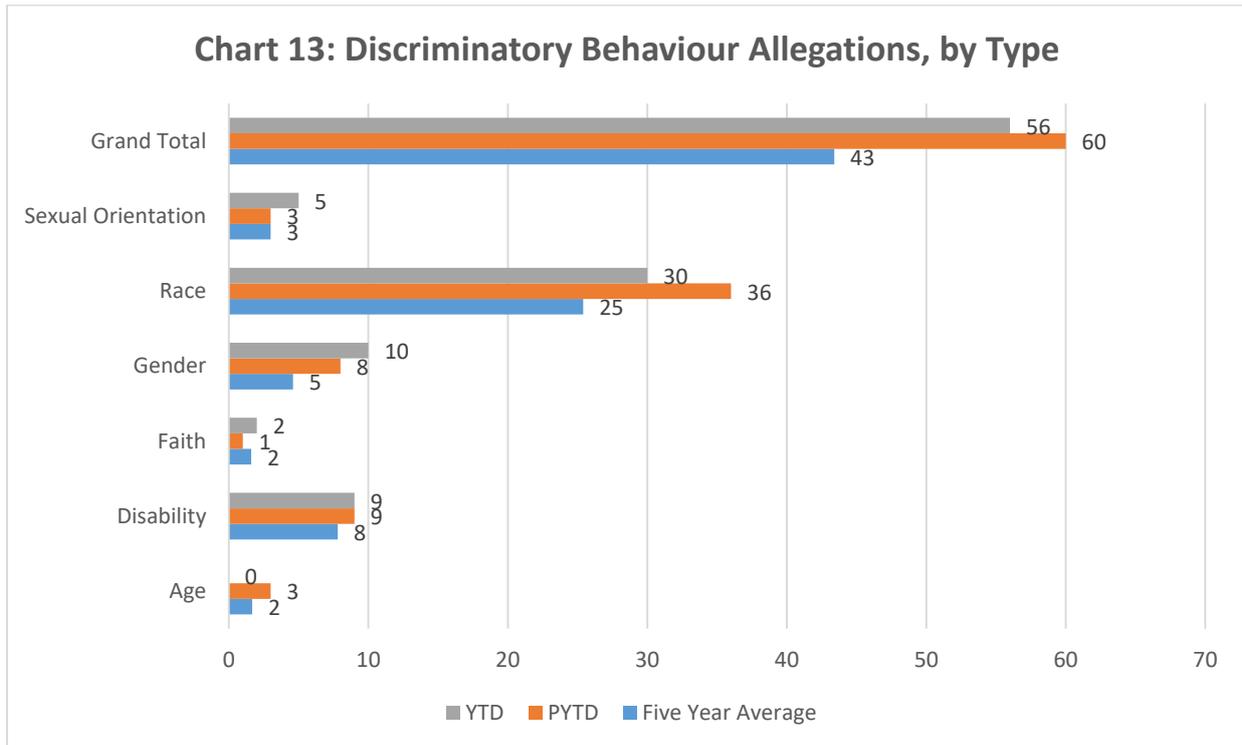
Where verbal accounts are obtained from officers during a complaint enquiry, an auditable record of those accounts should be collated.

Where mobile footage is available this should be used as best evidence in determining complaints. Additionally, such evidence should be retained in a proper manner to ensure it is also available to inform any subsequent PIRC review.

Complaint handlers are reminded of the importance of identifying all opportunities for learning and service improvement, in accordance with the relevant complaint handling procedures. Findings from a recent CHR highlighted that any learning identified from complaints should be appropriately and consistently communicated to the complainant. This approach will serve to improve public confidence in the effectiveness of the complaints process.

## Appendix A – Allegations of Discriminatory Behaviour

### Appendix 'A'



A total of **56** allegations of Discriminatory Behaviour were received during the YTD. This represents a **6.7%** decrease on the PYTD, however this provides a **29.0%** increase on the five year average.

During Q2 of 2021/22 alone, **29** allegations of Discriminatory Behaviour were received, which represented no change (**0.0%**) from Q2 in 2020/21.

Despite overall decrease against the PYTD, low volume increases were identified within Gender (**+2**), Sexual Orientation (**+2**) and Faith (**+1**) sub-types.

When compared to the five year average Gender (**+5**) and Race (**+5**) are the most notable increases. However, these represent relatively low volume increases of five allegations respectively when compared to the five year average.

***Analytical Action*** - Further analysis regarding this allegation category will be undertaken and the findings 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

### Excessive Force

- An allegation that a member of the police force has used excessive force in circumstances where they are exercising police powers to control a prisoner, or to control persons in a crowd, or the use of defensive tactics to prevent a person from interfering with officers in the execution of their duty. In general, this classification should be used where officer safety techniques have been utilised and the complainer perceives them to have been excessive for the circumstances. One of the deciding factors in distinguishing this allegation type from assault is “intent”. Where a complainer infers, or the circumstances appear to infer that there was “criminal intent” to injure then the allegation would be recorded as an assault. In cases where a person complains that they have been “assaulted” purely because they claim they have been wrongly arrested the allegation should be recorded as Unlawful/Unnecessary arrest.

### Neglect of Duty

- An allegation of Neglect of Duty is one where it is alleged a member of the police service has failed to perform a duty set out by law or force procedures. Where a complaint amounts to an officer having not done something which the complainer expects of the police, in general, should do and there is no defined policy covering the issue an allegation should be recorded under Quality of Service and may provide a learning outcome for the Force to amend force procedures. The distinction between neglect of duty and irregularity in procedure is that with neglect of duty the member of staff has failed to do something which was required, or reasonably expected by law or procedures.

### 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:
  - 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

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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.

### **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.