



Agenda Item 3

<b>Meeting</b>	<b>Complaints and Conduct Committee</b>
<b>Date</b>	<b>14 November 2024</b>
<b>Location</b>	<b>Online</b>
<b>Title of Paper</b>	<b>Police Scotland Professional Standards Quarterly Performance Report (Q2 – 24/25)</b>
<b>Presented By</b>	<b>Assistant Chief Constable Stuart Houston and Chief Superintendent Helen Harrison, Professional Standards Department.</b>
<b>Recommendation to Members</b>	<b>For Discussion</b>
<b>Appendix Attached</b>	<b>Appendix A – Performance Report (Q2 – 24/25). Appendix B – Misconduct Outcomes. Appendix C – Analytical Report on Discriminatory Behaviour 2023/24.</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 2024 – 30 September 2024).

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 2024 – 30 September 2024).

Data contained in this report is management information and is correct as at 09/10/2024, unless elsewhere specified.

## **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 in this report.

## **4. PERSONNEL IMPLICATIONS**

4.1 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 both 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 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 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 seeks to mitigate the negative impact of those cases reported.

**8. COMMUNITY IMPACT**

8.1 As per 7.1 above.

**9. EQUALITIES IMPLICATIONS**

9.1 As per 7.1 above.

**10. ENVIRONMENT IMPLICATIONS**

10.1 There are no environmental implications in this report.

**RECOMMENDATIONS**

Members are invited to discuss the content of this report.



# Professional Standards (PSD) SPA Performance Report - Quarter 2 of 2024/25

Meeting Date: 14 November 2024

## PSD - Summary of Preventions Activity

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### **PREVENTIONS AND PROFESSIONALISM PROGRAMME**

The Preventions and Professionalism Tactical and Operational Groups continue to meet on a bi-monthly basis to drive prevention activities aligned to the themes and trends identified through complaint and conduct investigations.

The initial bi-monthly prevention online engagement sessions with first- and second-line managers took place on 25th September 2024 with around 100 participants. Feedback has been positive and will inform the next sessions scheduled during November. The force wide survey which included questions relating to organisational culture and values took place over the summer months. Results are awaited which precedes a more focussed evaluation of the Values Campaign and its impact upon reporting of sexual and domestic incidents.

A number of ethical dilemmas are being presented at Ethics Advisory Panels including the Youth Advisory Panel which is made up of elected members to the Scottish Youth Parliament and an Independent Advisory Panel. Discussions and feedback from these panels will be used to inform policy and decision making going forward. Police Scotland have been invited to join the committee for a UK wide Public Sector Ethics Network which will bring together a range of public sector organisations and academics to share learning, expertise, emerging trends and preventions work.

### **THE STANDARD NEWSLETTER AND PUBLICATION OF MISCONDUCT OUTCOMES**

The seventh edition of The Standard newsletter is due for publication w/c 25th November 2024 and will be shared with members at the February 2025 committee meeting. The seventh edition will address complaints about the police with a focus on prevention, roles and responsibilities. Learning and best practice will be reinforced during engagement sessions through case studies.

The seventh Misconduct Outcomes edition was published in November 2024 and is attached at Appendix B of this report. Engagement with Line Managers and Senior Management Teams by PSD form part of business as usual and encourages the use of these products to generate discussion at team briefings to further reinforce preventions messaging and learning.

### **PIRC/PSD TRAINING EVENT**

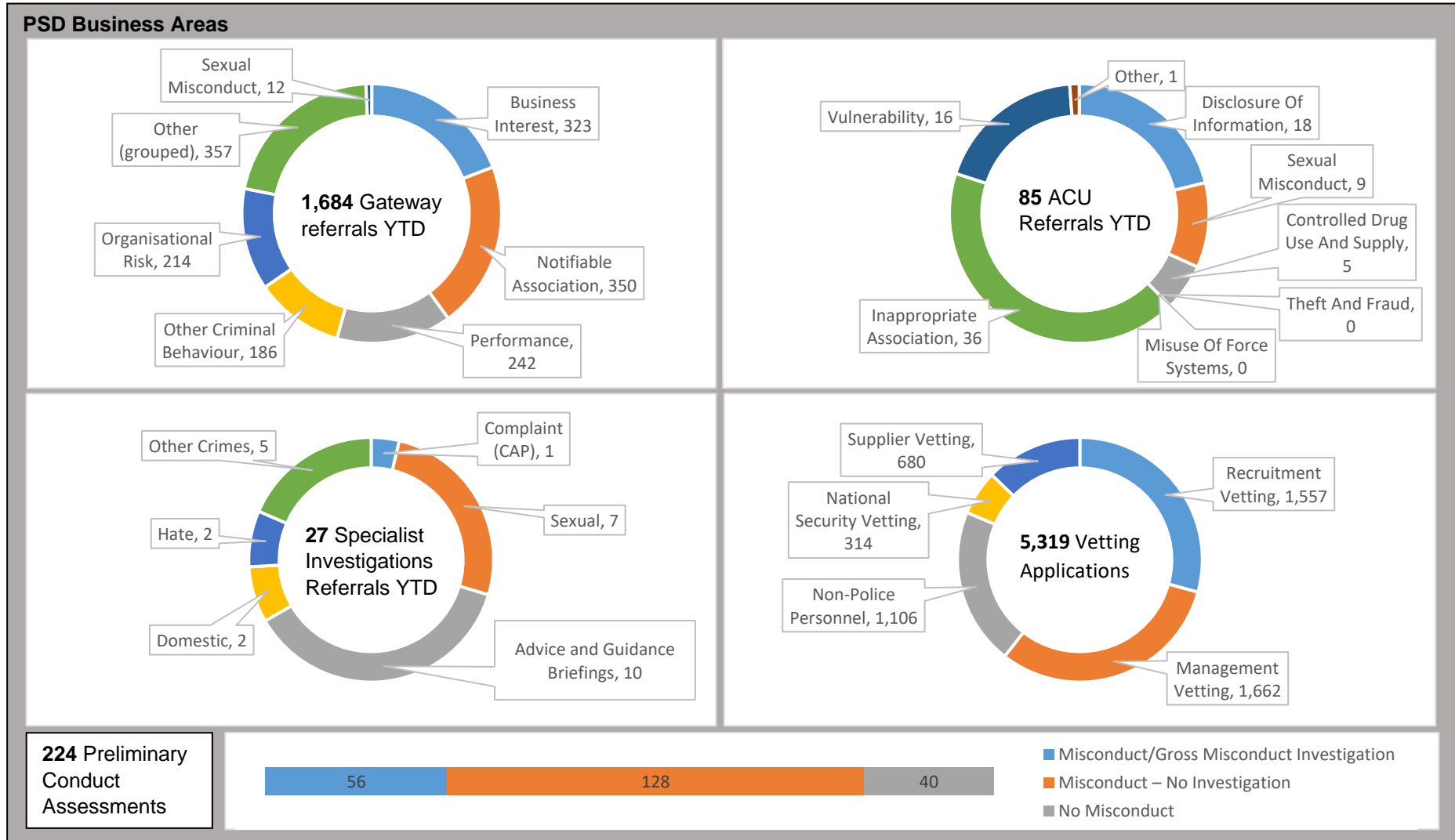
A joint PIRC and PSD training event is scheduled to take place on 13th December 2024 at Police Scotland Tulliallan Headquarters creating an opportunity for in person discussion and learning on a range of topics including the impact of the PECSS Bill, Information sharing and post incident procedures.

PSD Learning and Development are working closely with probationer training to further improve understanding of the Standards of Professional Behaviour and embed learning in everyday practice. Additional material is being developed to create a “Gold Standard” input which is fully accessible.

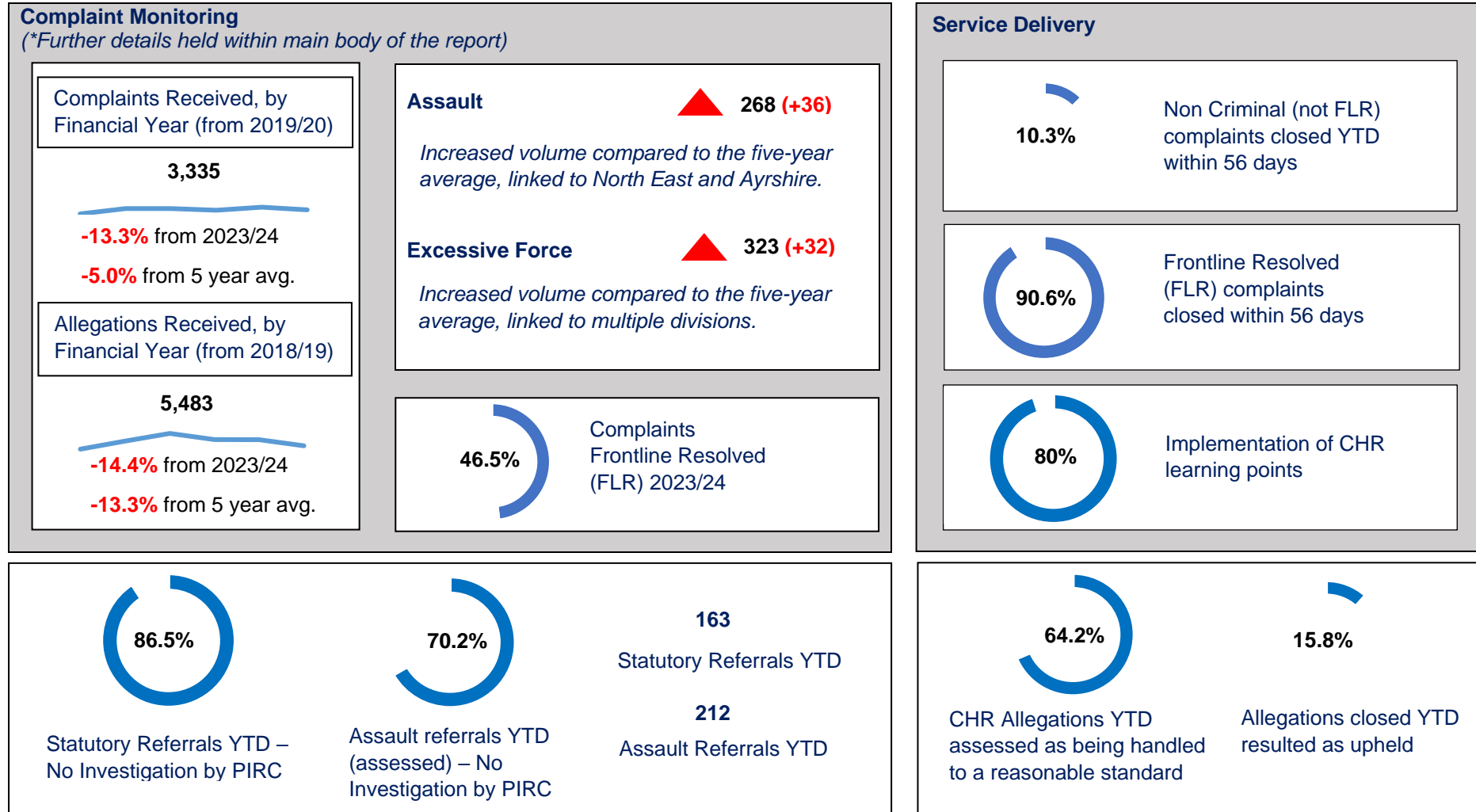
### **POLICE (ETHICS, CONDUCT AND SCRUTINY) (SCOTLAND) BILL**

Police Scotland continues to work closely with stakeholders to contribute to the progress of the Bill which has now entered stage 2 of the parliamentary process. The stage 1 report has now been published and is available on the Scottish Government website. A project team is currently working on training material to ensure changes relative to the Bill are fully understood and are implemented in compliance with incoming legislation.

# PSD Service Delivery Dashboards



## PSD Service Delivery Dashboards



## PSD Service Delivery Dashboards – Executive Summary

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- A total of **3,335** complaints were received during 2024/25 YTD (-**13.3%** decrease from the PYTD and -**5.0%** decrease against the five-year average).
- **46.5%** were Frontline Resolved (FLR), a decrease from the PYTD rate of **52.1%**.
- **62** CHRs were received YTD, with **64.2%** of allegations reviewed found to be handled to a reasonable standard (**+2.2%** from PYTD).
- Approximately **1.9%** of complaints reported are subject of CHR.
- **163** statutory referrals were made to PIRC, a **0.6%** increase from the PYTD. Of these, **86.5%** resulted in no investigation by PIRC.
- A total of **76** Police officers were suspended and a further **117** subject to duty restrictions at the conclusion of Q2 YTD, with **16** members of Police staff also suspended at this time.
- **17** misconduct hearings in respect of Gross Misconduct were scheduled YTD with **6** dismissals and **3** formal warnings issued. A further **7** allegations were concluded with resignation prior to a hearing. The remaining **1** hearing was concluded as no misconduct.



## Complaints Received

3,335 complaints were received YTD, -13.3% from the PYTD and -5.0% decrease from the five-year average. Complaints YTD are at a reduced level, affirmed by this volume sitting within the upper and lower confidence limits (i.e. 95 times out of 100 the number of complaints YTD will range between 3,288 and 3,675), based on the current YTD and the prior five year-to-date periods.

- 1,551 complaints (46.5%) were Frontline Resolved (FLR), compared with 52.1% PYTD.
- 30.2% were Non-Criminal (1,007), 9.7% Abandoned (323), 4.6% Withdrawn (153), 1.6% Ongoing (54), 0.1% not relevant complaint (2) plus 7.3% Criminal (245).

### North Command

- 791 complaints received YTD, -11.3% from PYTD and -4.1% against the five-year average.
- Decreases are noted across all territorial divisions in the North, compared to the PYTD and the five-year average (except a low volume increase of 2 in North East against the five-year average). This volume sits within confidence limits. Assault (+12), Excessive Force (+12) and Policy/Procedure (+10) allegations influence the increase against the five-year average.

### East Command

- 1,032 complaints received YTD, -12.8% on the PYTD and -5.4% against the five-year average.
- Decreases are noted across all territorial divisions in the East, compared to the PYTD and the five-year average (except a low volume increase of 2 in Edinburgh against the five-year average). This volume sits within confidence limits. Other – Criminal (+5) and Policy/Procedure (+4) allegations influence the Edinburgh increase against the five-year average. Of note also regarding Edinburgh is an increase Irregularity in Procedure allegations (+24 from PYTD), however the divisional YTD total of 161 allegations remains below the five-year average (-9).

Chart 1: Complaints Received, by YTD Period

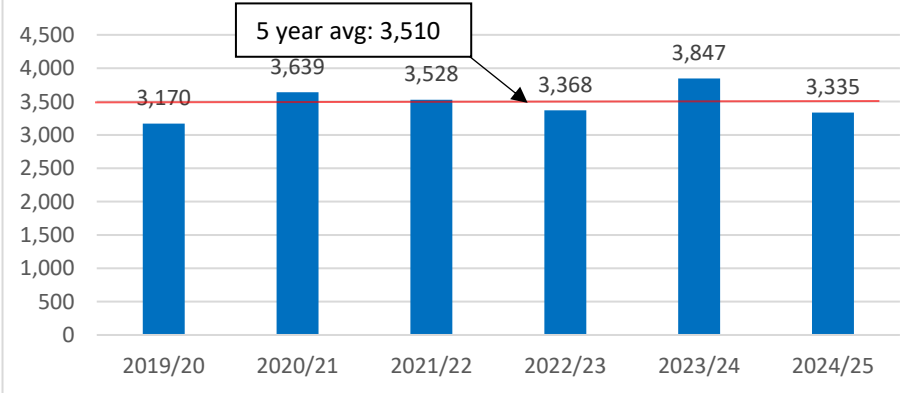
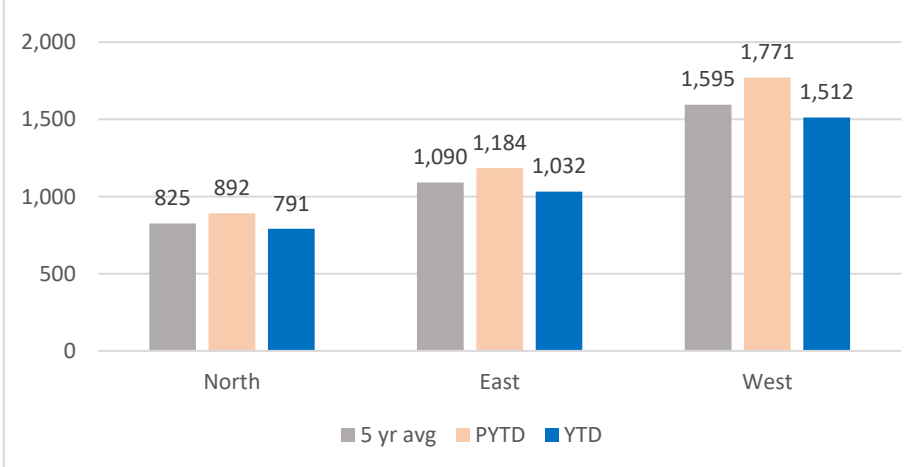


Chart 2: Complaints Received, by Command Area and Period



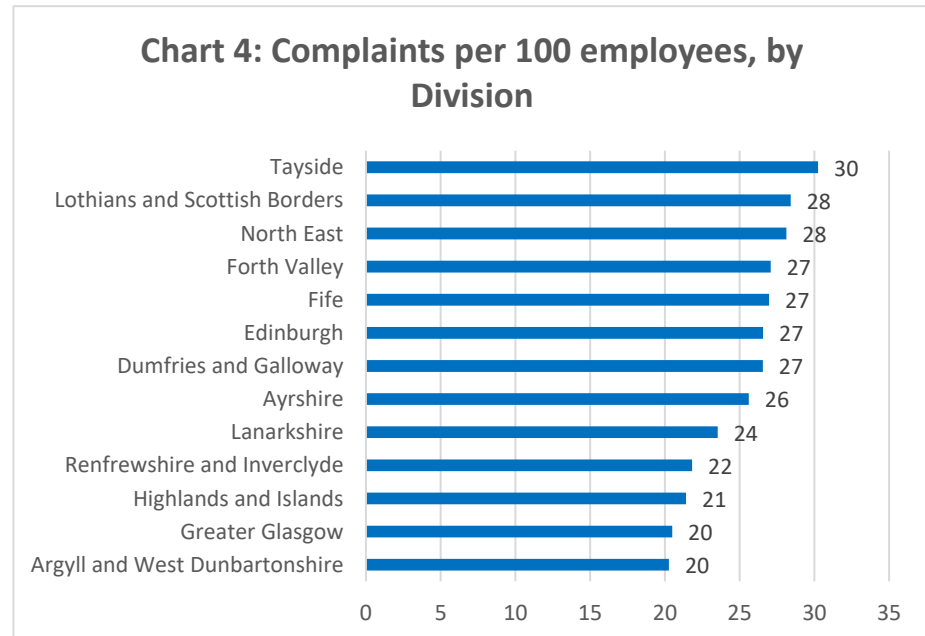
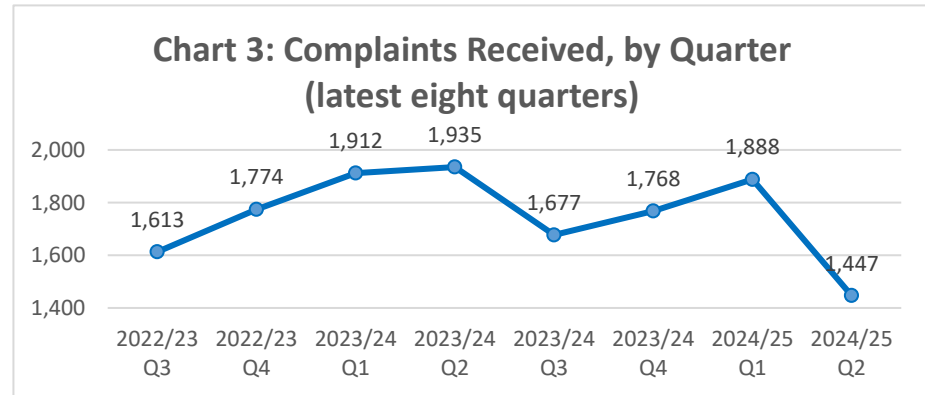
## Complaints Received (continued)

### West Command

- 1,512 complaints received YTD, -14.6% from PYTD and -5.2% against the five-year average. Each territorial division has experienced decrease from PYTD, however Ayrshire (+12) and Greater Glasgow (+2) registered increases against the five-year average. Both of those however sit within the confidence limits. The increase in Ayrshire is influenced by allegations of Assault (+11 from PYTD, +12 from the five-year average) and Excessive Force (+13 from PYTD, +11 from the five-year average). In Greater Glasgow, Assault (-9 from PYTD, +8 from five-year average), Discriminatory Behaviour (+2 from PYTD, +7 from five-year average) and Excessive Force (+12 from PYTD, +4 from five-year average) allegations influence the divisional increase.

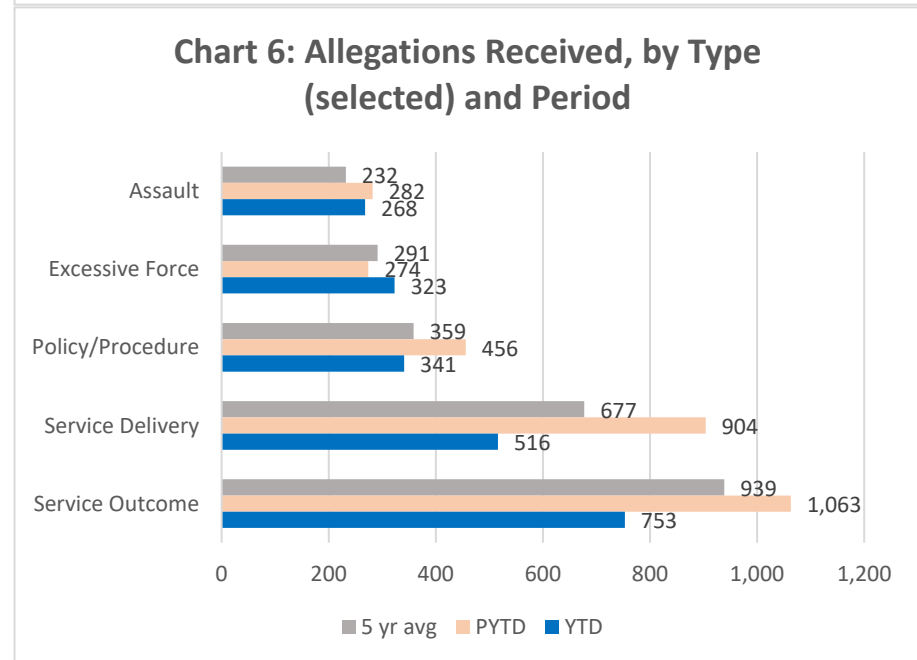
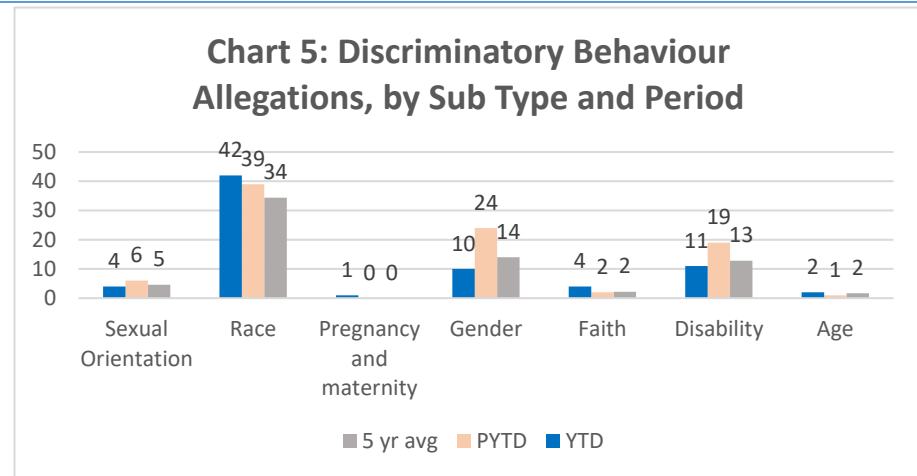
As seen in Chart 3, complaint volumes remain below the spike in complaints received during the first two quarters of 2023/24. However, the volume in Quarter 1 YTD was relatively close to those, in contrast to the reduced volumes in the other quarters displayed here.

- Further analysis comparing YTD rates of complaint per employee headcount identified variance across territorial divisions, ranging from 20 to 30 complaints per 100 employees.
  - Due to the low volume of complaints received against specialist divisions, the rates for those divisions are particularly low by comparison (ranging from 1 per 100 employees in PPCW, Corporate Services and SCD, to 7 per 100 employees in C3).
  - Each complaint may involve multiple subject officers and, where the complaint involves only Quality of Service allegations, there may be no subject officers attached.



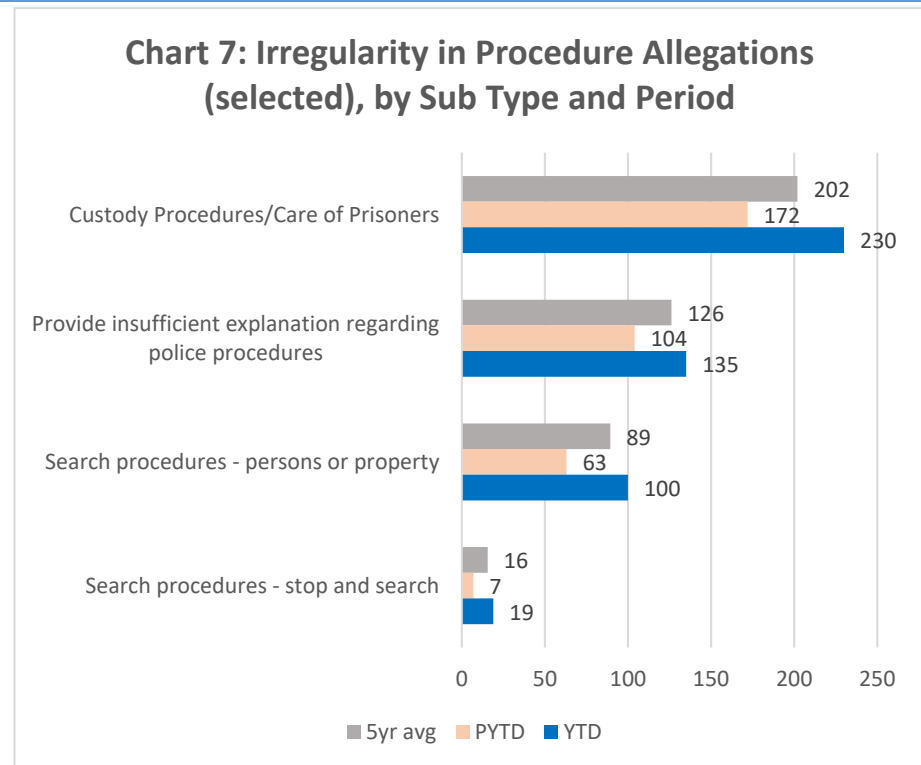
## Emerging Trends

- Discriminatory Behaviour allegations have decreased from the PYTD (-17 allegations) but remain above the five-year average (+5 allegations), with 74 received YTD. The decrease from the PYTD is primarily linked to the Gender sub type (-14 from PYTD, -4 from the five-year average). However, allegations with a Race sub type have increased at relatively low volume (+3 from PYTD, +8 from the five-year average), impacting on the five-year average comparison. Greater Glasgow influences this specific increase most (+4 from PYTD, +5 from the five-year average).
- Notable decreases have also been identified within Quality of Service allegations, having remained at an elevated level during 2023/24. Service Delivery (-388 from PYTD, -161 from five-year average) and Service Outcome (-310 from PYTD, -186 from five-year average) are the categories most impacted in this regard. Policy/Procedure allegations have also decreased (-115 from PYTD, -18 from the five-year average).
- Excessive Force allegations have increased from the PYTD (+49) and the five-year average (+32), with 323 received YTD. This is influenced by increases in North East (+10 from PYTD, +12 from five-year average), Ayrshire (+13 from PYTD, +11 from five-year average), Lothians and Borders (+15 from PYTD, +7 from five-year average), plus Greater Glasgow (+12 from PYTD, +4 from five-year average).
- Although Assault allegations have decreased from the PYTD (-14), these remain at an elevated level compared to the five-year average (+36). A total of 268 allegations were received YTD. North East (+14 from PYTD, +12 from five-year average) and Ayrshire (+11 from PYTD, +12 from five-year average) are the highest volume contributors to this increase. Eight other divisions also registered increases at lower volume against the five-year average – most notably Greater Glasgow (+8) plus Renfrewshire and Inverclyde (+5).



## Emerging Trends (continued)

- Irregularity in Procedure - Custody Procedures/Care of Prisoners allegations have increased from the PYTD (+58) and the five-year average (+28), with 230 received YTD. This is primarily linked to North East (+15 from PYTD and +11 from five-year average), Ayrshire (+10 from PYTD, +8 from five-year average) and CJSD (+4 from PYTD, +28 from five-year average).
- Irregularity in Procedure – Search procedures – persons or property allegations have also increased from the PYTD (+37) and the five-year average (+11), with 100 received YTD. Corporate Services most impact this increase (+12 from PYTD, +12 from the five-year average), however these allegations are almost exclusively linked to a single complaint. The increase against the five-year average is also linked to North East (+7) and Greater Glasgow (+5), which are both also influence the increase from PYTD (by +11 and +8 respectively).
- Irregularity in Procedure - Provide insufficient explanation regarding police procedures allegations up from the PYTD (+31) and the five-year average (+9), with 135 received YTD. Linked to Lothians and Borders (+9 from PYTD, +6 from the five-year average), Lanarkshire (+9 from PYTD, +5 from the five-year average).
- Irregularity in Procedure - Search procedures - stop and search allegations have increased from the PYTD (+12) and the five-year average (+3). Linked to North East (+5 from PYTD, +2 from the five-year average), OSD (+3 from PYTD, +2 from the five-year average) and Greater Glasgow (+2 from PYTD, +2 from the five-year average).
- A total of 62 allegations attached to 45 separate complaints related to the use of Stop and Search by Police Scotland officers were received during the YTD. These represent a low volume in the context of the overall number of Stop and Search incidents recorded (33,020 noted at year-end 2023/24, therefore averaging around 8,255 per quarter). Relevant statistics are routinely included the Quarterly Policing Performance Report. These are also reported monthly to the Violence, Disorder & Anti-Social Behaviour Strategic Meeting and bi-annually to the Stop Search Mainstreaming and Assurance Group.



## Emerging Trends (continued)

A breakdown of the 5,483 allegations received YTD, by type, are summarised here in Chart 8.

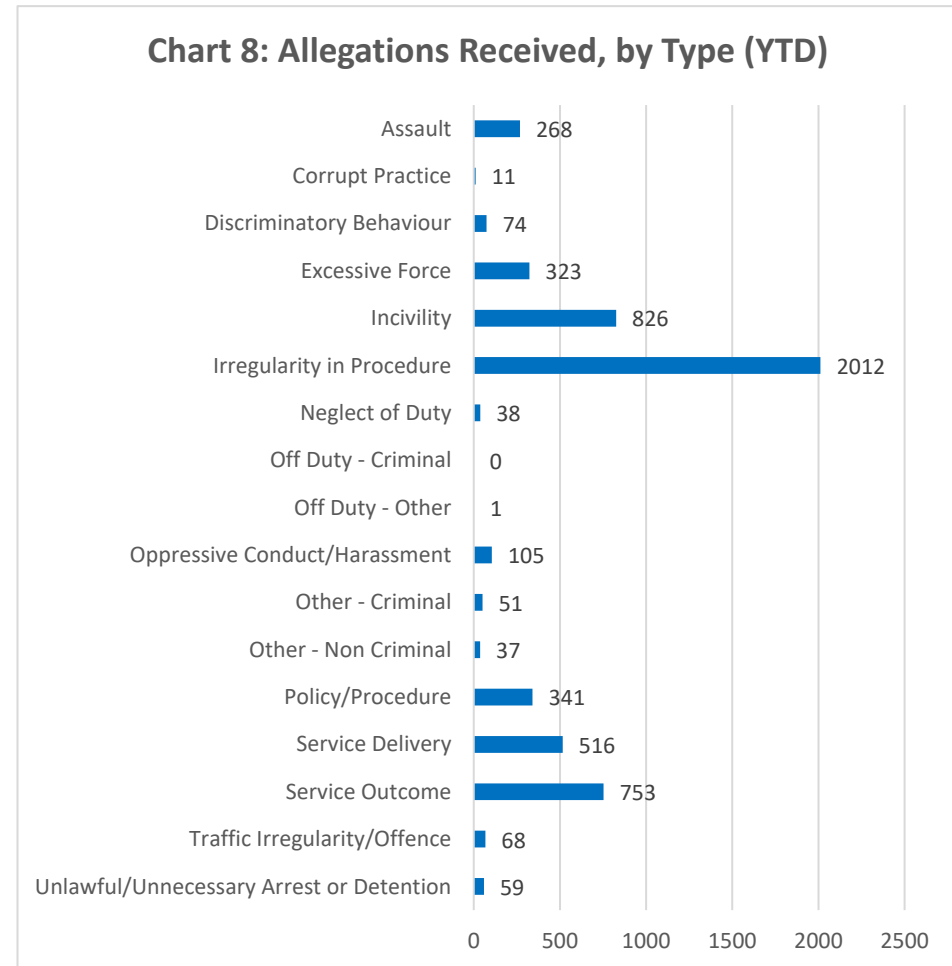
Moreover, the allegation type of Irregularity in Procedure involves a further nineteen sub types. The highest volume of those are detailed below:

- Insufficient Enquiry carried out (423).
- Other (398).
- Custody Procedures/Care of Prisoners (230).
- Provide insufficient updates to the complainer (225).

Quality of Service allegations also involve several sub types, with the highest volume of those listed below:

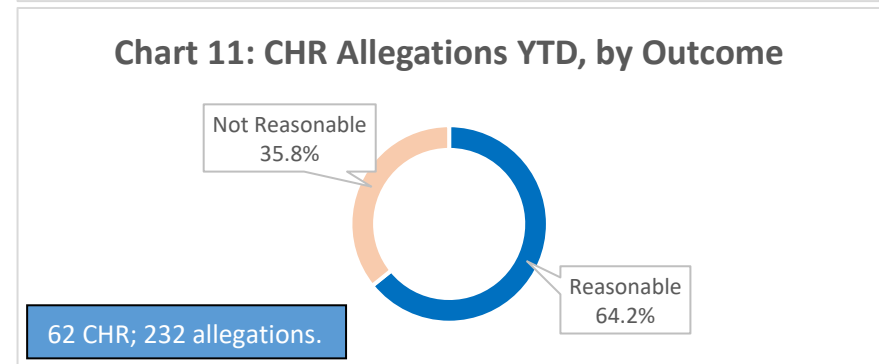
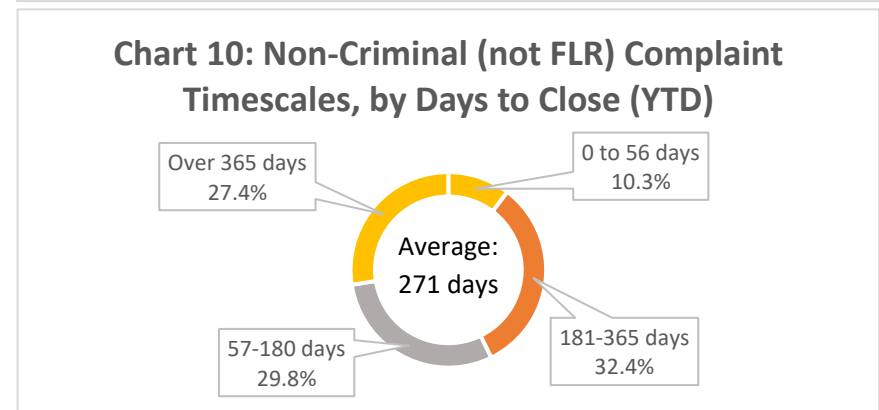
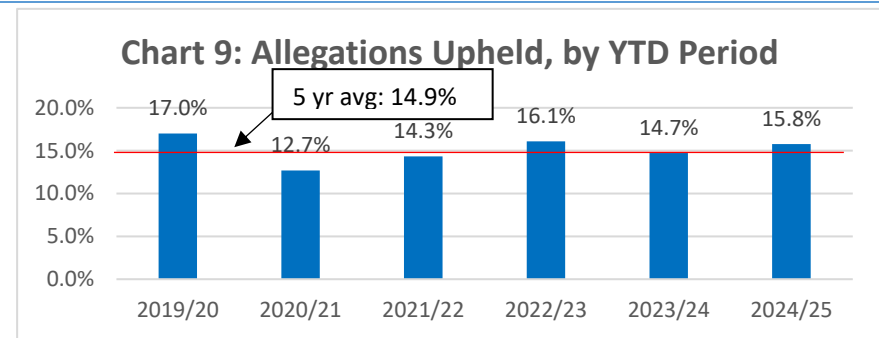
- Service Outcome – Lack of satisfaction with action taken (511).
- Policy/Procedure – Policing Procedure (263).
- Service Delivery – Type of Response (277).

Chart 8: Allegations Received, by Type (YTD)



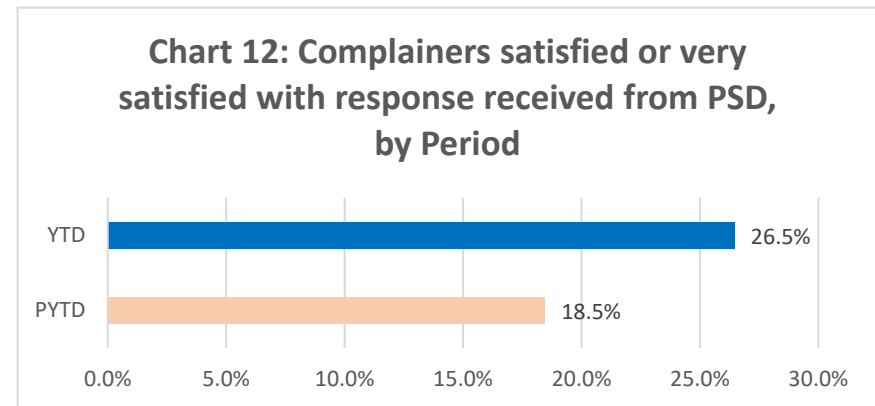
## Service Delivery

- 1,890 allegations attached to completed complaint investigations (criminal and non-criminal) concluded YTD, with 15.8% upheld representing an increase from PYTD (14.7%) and the five-year average (14.9%).
  - The largest volume of the 298 allegations upheld YTD were Irregularity in Procedure (122), Service Delivery (81) and Service Outcome (40).
  - Highest volume sub types involved were: Insufficient Enquiry carried out (41) and Time of Response (58). For Service Outcome, both Lack of satisfaction with action taken (20) and Police failure to take action (20) were joint-highest.
- 10.3% of the 339 non-criminal (not FLR) complaints concluded YTD were closed within 56 days, a decrease on the PYTD rate of 11.8% (-1.5%) and against the five-year average rate of 30.8% (-20.4%). The average closure time YTD was 271 days, an increase from the PYTD average of 218 days and the five-year average of 156 days.
- Non-criminal complaints which took over 365 days to close are affected by various factors impacting on the time taken to conclude investigations. Those include: the number of allegations involved, the complexity of the complaint, the number and availability of subject and witness officers involved, willingness/ability of complainer to engage and volume of correspondence submitted by complainers, challenge in meeting complainer expectations and those which relate to complaints about investigations which are more specialist in nature.
- 62 Complaint Handling Reviews (CHRs) were received YTD, down - 22.5% from PYTD, with 64.2% of allegations reviewed found to have been handled to a reasonable standard (+2.2% from PYTD).
- This rate of allegations handled to a reasonable standard sits at a high level compared to 2023/24 (which ranged between 50.0% during quarter 3 and 63.8% during quarter 1).
- Discretionary decisions from PIRC also impact on the rate handled to a reasonable standard, as those are considered to have been handled to a standard whereby a full review is not required.



## Service Delivery (continued)

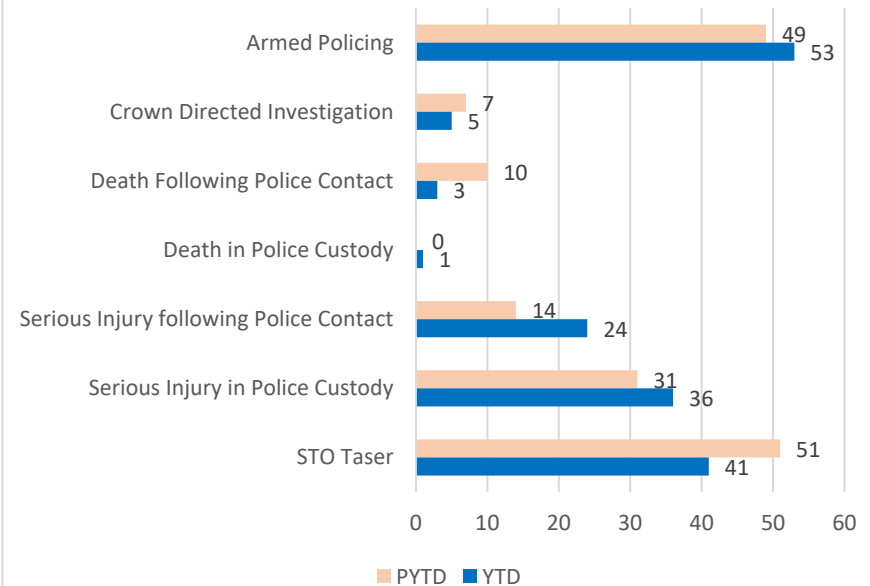
- 71 recommendations and 31 learning points were received YTD. The majority of recommendations received were categorised as requiring 'further enquiry' or 'fuller/further response' (53.5% and 36.6% respectively). A further 1.4% were categorised as 'record/respond' and the remaining 8.5% as 'Other'.
- A total of 476 user experience survey responses were received YTD from 2,298 complainers contacted (20.7%). Of those, 26.5% responded that they were satisfied or very satisfied with the response received from the Professional Standards Department regarding their complaint (+8.0% points from PYTD).



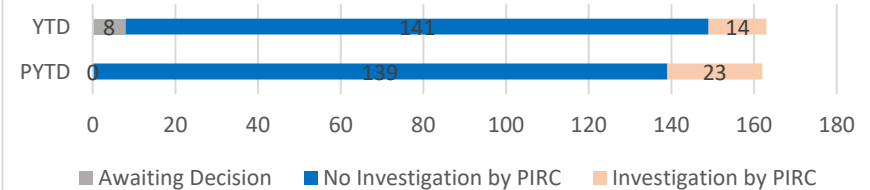
## PIRC Referrals

- 163 statutory referrals were made to PIRC during the YTD, a 0.6% increase on the PYTD.
  - Serious Injury following Police Contact (+10), Serious Injury in Police Custody (+5) and Armed Policing (+4) have increased YTD.
  - Those increases are mitigated by reductions in referrals for STO Taser discharges (-10) and Death Following Police Contact (-7).
  - Armed Policing and STO Taser referrals remain the highest volume categories.
- Of the 163 statutory referrals YTD, 14 are subject to PIRC investigation (8.6%). This is a reduction from the 14.2% of referrals PYTD which were subject to PIRC investigation.
- All allegations of On Duty Assault and any associated criminal allegations are also referred to PIRC for assessment and potential investigation. 212 such referrals were made to PIRC YTD, +21.1% on the 175 made during the PYTD. Of those assessed, 45 are subject to PIRC investigation (29.8%), an increase from the 40 such referrals subject to PIRC investigation PYTD.

**Chart 13: Statutory Referrals to PIRC, by Category and Period**



**Chart 14: Statutory Referrals to PIRC, by Decision Type and Period**





## Conduct Unit

At the conclusion of Q2 YTD, 76 Police officers were suspended and 117 subject to duty restrictions. A further 16 members of Police Staff were suspended at this time.

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 underpinned by Scottish Government guidance and supported by Staff Associations, Scottish Government and Police Scotland.

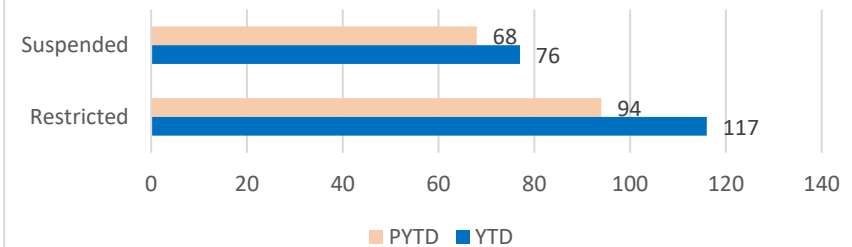
The misconduct procedures aim to provide a fair, open and proportionate method of dealing with alleged misconduct while recognising that police officers have a special status as holders of the Office of Constable.

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.

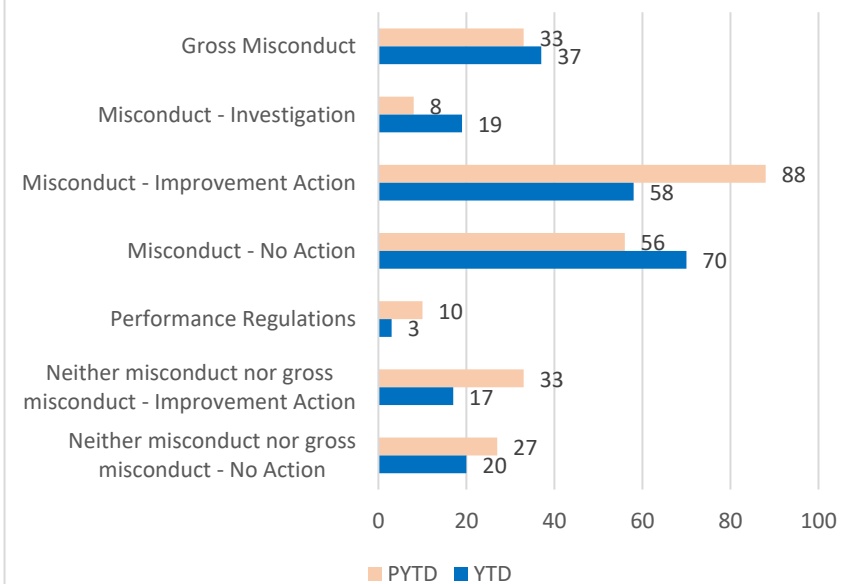
### Conduct Assessments

- 224 preliminary conduct assessments were undertaken YTD, -12.2% from the PYTD total of 255.
- Despite the YTD decrease, increases are identified in assessments categorised as 'Misconduct – No Action' (+14) and 'Misconduct – Investigation' (+11). Assessments of 'Gross Misconduct' have also increased (+4).
- The volume of preliminary assessments have increased in Fife (+10), Greater Glasgow (+9), and to a lesser degree OSD (+6) and Forth Valley (+6). These are however mitigated by decreases across 11 divisions. Most notably, those are Edinburgh (-13), North East (-12), plus Lothians and Borders (-11).

**Chart 15: Police Officers Restricted and Suspended, by period (as at 01 October)**



**Chart 16: Conduct Assessments YTD**



## Conduct Unit (continued)

### Misconduct Hearing and Meetings

- Please note that each meeting or hearing may involve multiple subject officers and multiple allegations, with a disposal attached to each allegation.

Time period for when the Regulation 10 (assessment) was completed for live investigations and proceedings.

Average time duration for gross misconduct/misconduct investigations and proceedings that have concluded in 2024/25 (till Q2 end).

Date Reg 10 completed	Number of cases
Prior to 2023/24	2
Quarter 1 of 2023/24	2
Quarter 2 of 2023/24	1
Quarter 3 of 2023/24	2
Quarter 4 of 2023/24	10
Quarter 1 of 2024/25	26
Quarter 2 of 2024/25	20

	Days
Average time under investigation	239
Average time for investigation and proceedings	276

Chart 17: Misconduct Hearing Disposals YTD

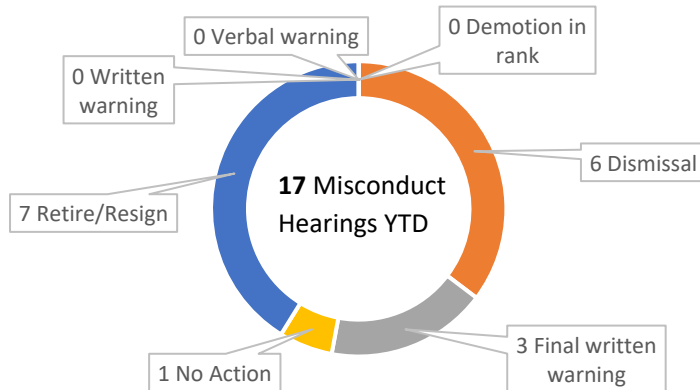
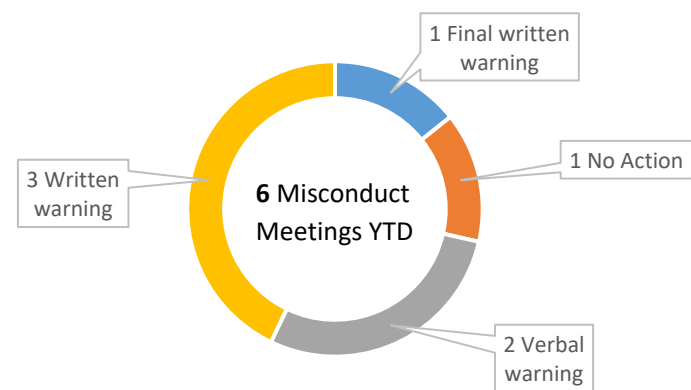


Chart 18: Misconduct Meeting Disposals YTD



## Organisational Learning

Learning from PIRC investigations, CHRs, PSD investigations and other sources are disseminated through bulletins, individual feedback and used to inform training packages. In the last quarter, PSD has disseminated learning from a variety of incidents. The following learning outcomes are of particular note:

<p><b>Learning identified via PIRC Investigation report recommendations during Q2:</b></p> <p>Dog Handlers on mobile patrol, carry and have immediate access to specialist equipment within their vehicles to immediately deploy in such circumstances, to avoid any unnecessary delays in such high-risk incidents. Police Scotland consider drafting a protocol that establishes procedures for contacting a veterinary surgeon or other appropriate authority to attend such incidents and provide viable options for the safe management of dangerous animals.</p> <ul style="list-style-type: none"><li>• Work is ongoing with Operational Support Division who have been leading on the work in relation to XL Bully dogs. A Force memo and a Dangerous Dog Protocol was circulated in May 2024 following the incident that lead to the PIRC investigation. Police Scotland are liaising with PIRC in respect of the recommendations.</li></ul> <p>In the absence of guidance within national Covert Policing manuals in relation to the identification of plain clothes officers when deployed during armed operations, Police Scotland should consider drafting specific guidance that stipulates the requirement to carry out dynamic risk assessments in such circumstances and mirrors guidelines set out within both the Armed Policing Operations Standard Operating Procedures and National Police Firearms Training Curriculum (NPFTC), specifically:</p> <p>'Officers deployed in plain clothes at a firearms incident need to be clearly identifiable as police officers' 'Plain clothed officers who are unarmed will be issued with a high visibility (bright yellow) baseball cap with police markings' 'If plain clothed officers are deployed to provide observations or visual containment this information, their deployment positions and any subsequent changes must be clearly and unambiguously relayed to firearms officers and the TFC. This is especially important on any occasion where plain clothes officers do not have possession of the approved high visibility</p>	<p><b>Learning identified via PIRC CHRs and Discretionary Decisions:</b></p> <p>16 Learning Points have been received from CHRs during the period under review. The implementation rate for the 24/25 year currently stands at 80%.</p> <p>Examples of Learning Points:</p> <ul style="list-style-type: none"><li>• The PIRC statutory guidance requires the complaint enquiry officer to carry out an objective analysis of the evidence obtained, and to consider whether or not the facts established support or contradict the complainer's position. In this case, the complaint handler kept a detailed record of the enquiries carried out into the complaint, both with other members of police staff and the applicant, noting these clearly within the complaint handling form. Maintaining a thorough record of the complaint enquiry and documenting the rationale for any decisions made is an example of good complaint handling practice. All complaint enquiry officers are reminded to clearly document the scope and outcome of their enquiries. This approach ensures that the information is readily available should it be required by supervisory officers or in the event of external audit or review.</li><li>• All complaint handlers should familiarise themselves with the PIRC's statutory Guidance, specifically paragraphs 34 – 40 relating to the application of FLR and non-investigations provisions. Officers should also familiarise themselves with the 'Definitions of Categories of Complaint' in Appendix C of Police Scotland's Complaints about the Police Standard Operating Procedure ('the Complaints SOP'). This should ensure that when assessing complaints in the future the approach taken is consistent with PIRC's guidance and the Complaints SOP.</li></ul>
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## Organisational Learning (continued)

'Police' baseball caps' Any decision to deviate from this should be recorded and a rationale provided.

- Recommendation is being progressed by OCCTU through the Scottish Covert Users Group. Guidance and learning is being drafted to meet the recommendation.

## Appendix B – Misconduct Outcomes – October 2024



The 10 Standards of Professional Behaviour set out the legislative standards expected of police officers whilst on and off duty as outlined in the Police Service of Scotland (Conduct) Regulations 2014. These regulations govern all police conduct matters. Officers who breach these standards risk finding themselves subject to misconduct proceedings, which may result in dismissal or demotion.

Officers and staff will be aware that police misconduct is subject to greater public and professional scrutiny than ever. The Standards of Professional Behaviour are designed to reflect the values and ethics of Police Scotland, of integrity, fairness and respect, and a commitment to upholding human rights. They also ensure we maintain public confidence in policing and are part of a Service in which we can be truly proud.

This is the seventh publication of gross misconduct outcomes. It is important to understand that there are a range of disposal options available upon a finding of Gross Misconduct and dismissal is not always considered necessary, however, this publication focusses on conduct cases where officers were either dismissed or resigned prior to a hearing.

In the second quarter of 2024 (April to June), 11 officers were scheduled to attend gross misconduct hearings before an independent chairperson of Chief Superintendent rank.

Five officers were dismissed and four officers resigned in advance of attending their hearings.

Below are summaries of the circumstances which led to gross misconduct proceedings being instigated and for which all appeal matters have also concluded:

1. An officer was dismissed in relation to sending unsolicited messages of a sexual nature to a colleague, while off duty, and to instigating unwanted sexualised conversations while in the workplace.

Police Scotland is committed to tackling misogyny and creating a work environment which is free from sexism and is inclusive for all. Such conduct will always be dealt with robustly and officers and staff should be confident in challenging and/or reporting any behaviour of this kind.

Standard of Professional Behaviour - **Authority, Respect and Courtesy**

## Appendix B – Misconduct Outcomes – October 2024

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2. An officer was dismissed in relation to being found guilty of assault at trial. This related to the officer using excessive force on a member of the public by stamping on their leg while effecting their arrest.

Police officers are given extraordinary powers which should not be abused. When using any kind of force police officers must always act in accordance with their training and be able to fully account for and justify their actions.

Standard of Professional Behaviour - **Use of Force**

Standard of Professional Behaviour - **Discreditable Conduct**

3. An officer resigned prior to attending their gross misconduct hearing, which related to them having been found guilty of criminal offences under the Sexual Offences (Scotland) Act 2009, and having been placed on the Sex Offender's Register.

The public must have the utmost confidence and trust in police officers. Such behaviour seriously betrays that trust. It is courageous of victims to come forward and report such crimes and Police Scotland will not tolerate sexual offending of any nature.

Standard of Professional Behaviour - **Discreditable Conduct** (hyperlink)

4. An officer was dismissed in relation to being found guilty of a criminal offence of Neglect of Duty under the Police & Fire Reform (Scotland) Act 2012. This related to the officer failing to conduct appropriate enquiry into a report of assault by failing to note relevant statements, raise a Crime Report or seize CCTV covering the incident.

The public have an unreserved right to have their complaints taken seriously and dealt with effectively and professionally. Officers must ensure they are fit to undertake the necessary functions of a police officer before reporting for duty. Police Scotland harnesses a culture of learning and poor performance will be managed appropriately and necessary supports put in place. Gross negligence, however, will not be tolerated.

Standard of Professional Behaviour - **Duties and Responsibilities** (hyperlink)

Standard of Professional Behaviour - **Discreditable Conduct** (hyperlink)

5. An officer was dismissed in relation to pleading guilty at court to two criminal charges of theft.

The integrity of officers is critical to public confidence and trust and such dishonest behaviour goes against every one of our values.

Any officers affected by financial worries are strongly encouraged to discuss this with their line manager or contact our Employee Assistance Programme (EAP) for support.

## Appendix B – Misconduct Outcomes – October 2024

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Standard of Professional Behaviour - **Honesty & Integrity**

Standard of Professional Behaviour - **Discreditable Conduct**

6. An officer resigned prior to attending their scheduled gross misconduct hearing, which related to them having persistently contacted an ex-partner through various electronic means and attending at their home address without invitation. They had also subsequently pled guilty, at court, to a stalking offence.

Tackling domestic abuse, in all its forms, continues to be a priority for Police Scotland and there is no excuse for ever partaking in any such behaviour. Any reports of domestic offending will be thoroughly investigated and there is no place in Police Scotland for persons found to have committed such offences.

Standard of Professional Behaviour - **Authority, Respect and Courtesy**

Standard of Professional Behaviour - **Discreditable Conduct**

7. An officer resigned prior to attending their gross misconduct hearing, which related to them repeatedly contacting their ex-partner. These instances occurred while the officer had special bail conditions which required them not to make such contact. The officer was subsequently convicted of domestic abuse and bail offences.

Bail conditions are imposed to safeguard witnesses and victims and police officers are better versed than most in the need for adherence to these. Blatant disregard of such a lawful order goes completely against our values.

Standard of Professional Behaviour - **Authority, Respect and Courtesy**

Standard of Professional Behaviour - **Discreditable Conduct**

8. An officer resigned prior to attending their gross misconduct hearing which related to being them being convicted of driving a motor vehicle, while off-duty, when the proportion of alcohol in their body was above the prescribed limit.

Police Scotland regularly conducts campaigns in respect of driver behaviour in an effort to make our roads safer, to reduce deaths/serious injury and to reduce instances of drink and drug driving. An officer driving whilst under the influence of alcohol is clearly at odds with those efforts, our organisational values and is a clear breach of public trust and, as such, discredits the organisation.

Police officers who present themselves to the Service with a drink or drugs misuse problem will be supported if they demonstrate an intention to address the problem and take steps to overcome it. Any officer experiencing such issues is strongly encouraged to seek assistance from their line management to enable support to be put in place.

Standard of Professional Behaviour - **Discreditable Conduct**

## Appendix C – Analytical Report on Discriminatory Behaviour 2023/24

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### 1. Background

- 1.1. A total of 159 allegations of Discriminatory Behaviour allegations were received during the 2023/24 financial year. This represents an increase against the comparable period in 2022/23 (+27.2%, an additional 34 allegations), and also against the five-year average (+44.5%, an additional 49 allegations).
- 1.2. Analysis was tasked following the SPA Complaints and Conduct Committee report in Quarter 4 of 2023/24, which highlighted this particular increase. The aim of this is to identify relevant factors (including divisions) which may have influenced the increase and underpin those allegations received during 2023/24.

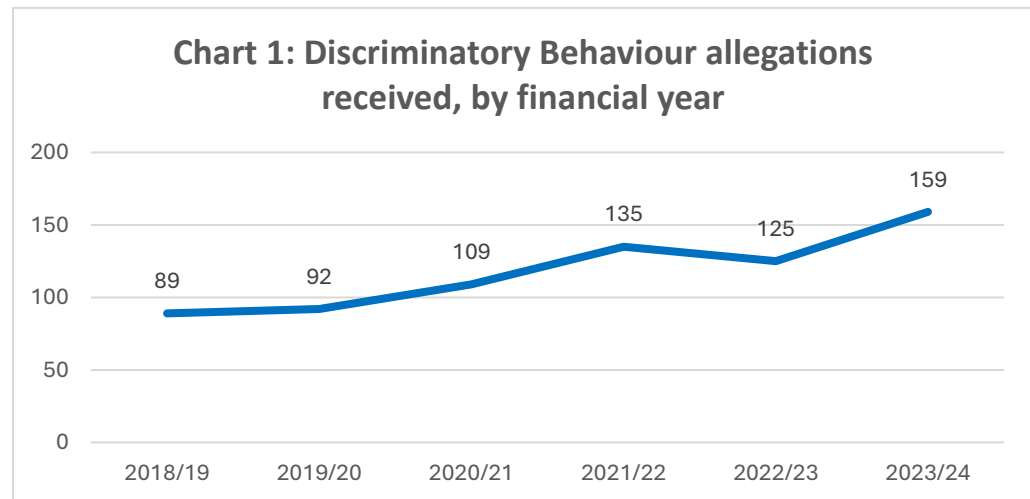


## Appendix C – Analytical Report on Discriminatory Behaviour 2023/24

### 2. Allegations

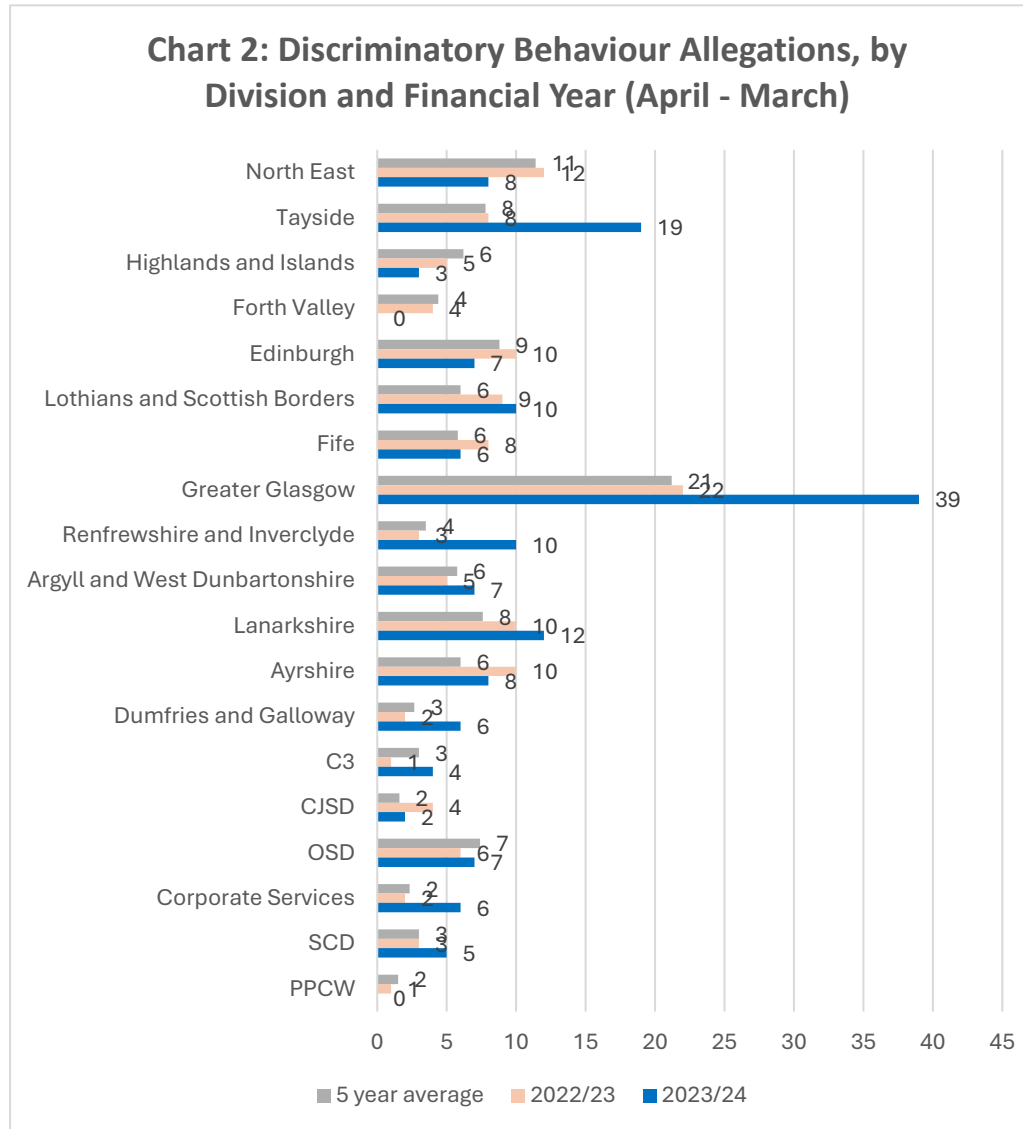
2.1. As noted above, a total of 159 allegations of Discriminatory Behaviour were received during 2023/24. This represents an increase on 2022/23 and against the five-year average. A timeline summarising this trend across all of the financial years within this period has been provided within Chart 1 below.

2.2. As this chart illustrates, allegations of Discriminatory Behaviour have largely been subject to sustained increase across this time series with year-on-year increases, with 2023/24 representing the highest volume in the six years presented here. This category of allegation remains relatively low volume in the broader context of the 10,820 allegations received overall during 2023/24. The increase may also be reflective of an increased public confidence in reporting these allegations for further enquiry.



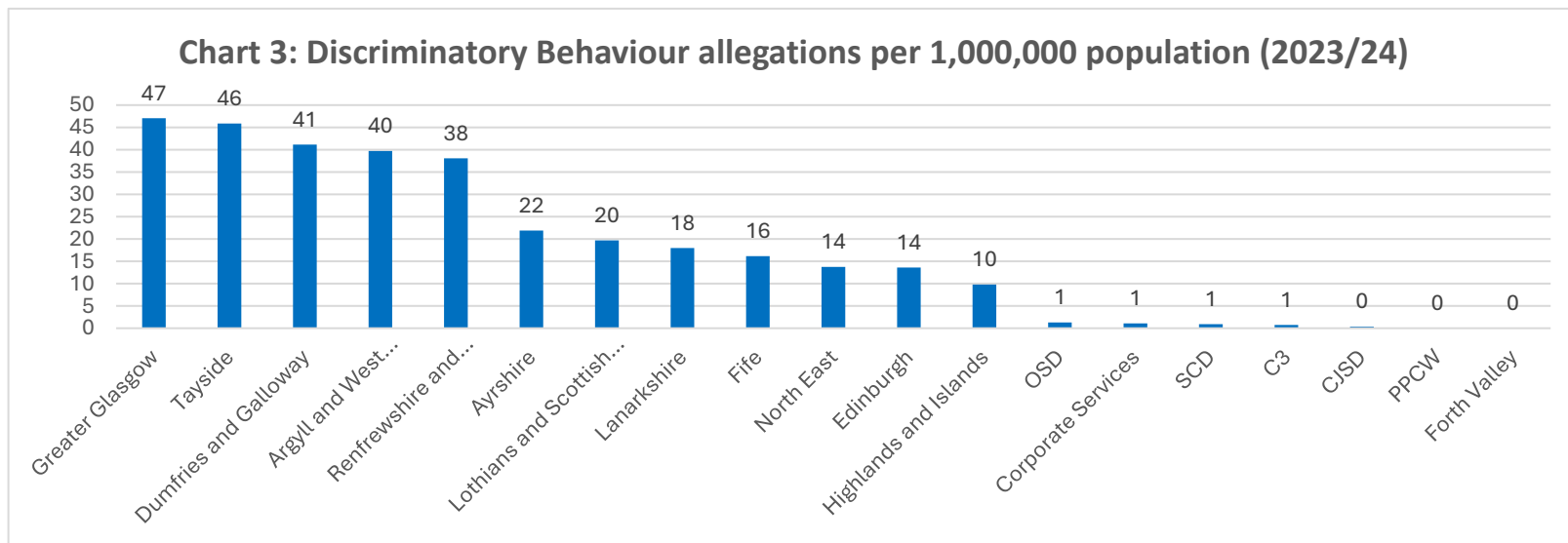
2.3. A divisional breakdown of these allegations by financial year has been provided within Chart 2 below. The highest volume area during 2023/24 was Greater Glasgow (39), followed by Tayside (19) and Lanarkshire (12).

## Appendix C – Analytical Report on Discriminatory Behaviour 2023/24



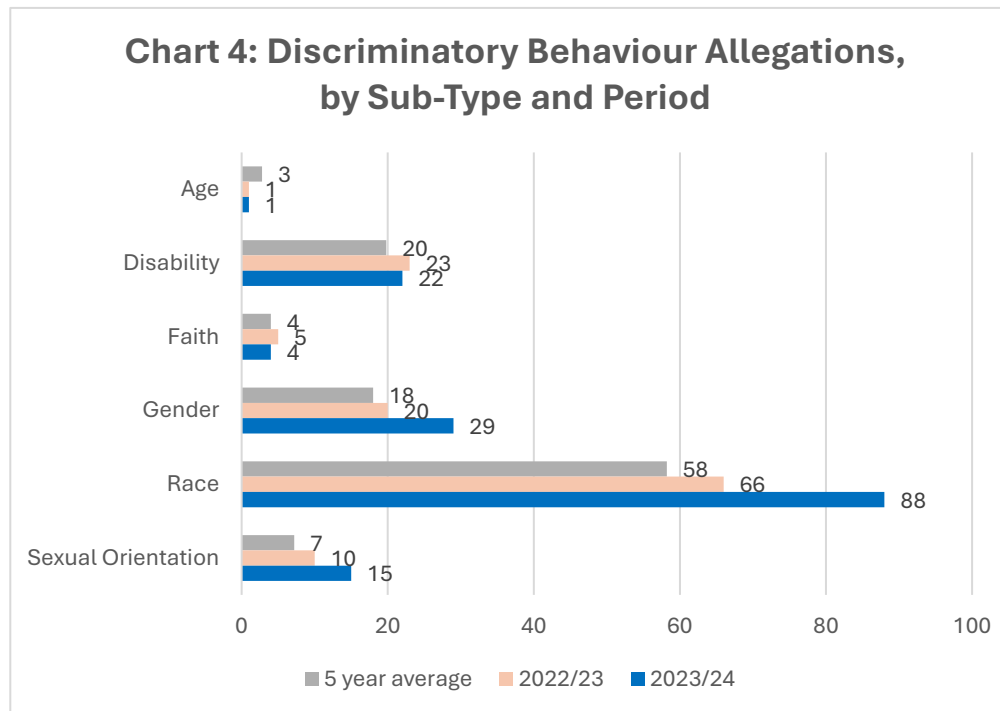
## Appendix C – Analytical Report on Discriminatory Behaviour 2023/24

- 2.4. Greater Glasgow (+17 from PYTD, +18 from five year average) was identified as the highest volume YTD increase nationally for Discriminatory Behaviour allegations, with 39 received during 2023/24.
- 2.5. Moreover, when population is taken into account, the highest rate remains in Greater Glasgow with 47 allegations per 1,000,000 of the population. This is however followed closely by Tayside (46). Other prominent divisions in this regard are Dumfries and Galloway (41), Argyll and West Dunbartonshire (40), plus Renfrewshire and Inverclyde (38). 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.



## Appendix C – Analytical Report on Discriminatory Behaviour 2023/24

2.6. Each Discriminatory Behaviour allegation also includes a sub-type, which refers to one of six protected characteristics. Increases during 2023/24 were driven by the Race sub-type with 88 such allegations received YTD (+22 from 2022/23; +30 from five year average). Race remained the highest volume sub-type during this period. Data detailing all allegation sub-types are summarised in Chart 4 below.



### 3. Allegations with a Race sub-type

3.1. Of the 88 relevant allegations with a Race sub-type, the majority involved male complainers (73.9%) rather than female (20.5%). A further two allegations were linked to both male and female complainers, as each allegation can relate to multiple complainers. The remaining 3 allegations involved complainers of unknown sex.

## Appendix C – Analytical Report on Discriminatory Behaviour 2023/24

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3.2. Ethnicity data are not systematically recorded on the Professional Standards database. Cases were manually reviewed to identify any ethnicity related information pertinent to the alleged discrimination as detailed by the complainant or the enquiry/investigating officer during the course of the complaint. As a consequence, this is not structured in line with a consistent and corporate approach. These are listed in Table 1 below.

3.3. *Table 1: Discriminatory behaviour allegations with a Race sub-type received during 2023/24, by specified racial group category*

<b>Specified racial group</b>	<b>Number of allegations</b>	<b>% of total</b>
Black	29	33.0%
Nationality	21	23.9%
Unspecified	25	28.4%
Other	13	14.8%
<b>Total</b>	<b>88</b>	<b>100.0%</b>

3.4. The grouping of Black ethnicity above (29) refers to allegations where the complainant has specified this to be the perceived source of the alleged discrimination.

3.5. The grouping of Nationality (21) above is where the complainant has referred to their nationality as the perceived source of the alleged discrimination. The most commonly cited was English. The remainder are widely dispersed across different nationalities where specified e.g. Irish, Welsh, Polish, Colombian, Portuguese, Greek, Romanian, Pakistani, Iraqi.

3.6. The grouping of 'Other' above (13) covers a wide array of racial descriptions provided by complainants which do not fall under a specific ethnic grouping and relate to a particularly low volume of allegations respectively e.g. African, Asian, Gypsy Traveller, Jewish, Middle Eastern (NFD), Sikh, Hispanic.

## Appendix C – Analytical Report on Discriminatory Behaviour 2023/24

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3.7. *Table 2: Category of Complainers linked to Discriminatory Behaviour allegations with a Race sub-type (2023/24)*

<b>Category of complainer</b>	<b>Number</b>
Public (general interaction)	5
Subject to Police action	65
Victim/Reporter	13
Unspecified	5
<b>Grand Total</b>	<b>88</b>

- 3.8. The dominant theme across allegations with a race sub-type is that the complainer was subject to Police action (65 of the 88 allegations in total, 73.9%). Road traffic matters (including vehicle stops), plus stop and search were the most common factors involved, alongside a disparate array of criminal offences. As detailed in Table 3 below.
- 3.9. Within those particular allegations where the complainer was subject to Police action, the predominant themes are perceived targeting/harassment by Police (28) – which commonly includes reference to the term ‘racial profiling’ by complainers - along with comments allegedly made by subject officers whilst the complainer has been subject to Police action (20). As detailed in Table 4 below.
- 3.10. To a lesser degree, the complainer has cited a perceived lack of Police action (13 allegations, 14.8% of the total) with regards to various types of offences/incidents reported to Police due to their racial background. No particular type of reported incident was an identifiable theme. As detailed in Table 5 below.
- 3.11. The remaining allegations are linked to general interaction with the public (5 allegations) or lack sufficient detail to determine the precise nature of the complaint (5 allegations).

## Appendix C – Analytical Report on Discriminatory Behaviour 2023/24

3.12. *Table 3: Matters subject to Police action and linked to Discriminatory Behaviour allegations with a Race sub-type, by reason for Police action (2023/24)*

<b>Reason for Police action</b>	<b>Number</b>
Arrest warrant	1
Assault	6
Breach of peace	5
Child concern	1
Custody incident	1
Domestic/sexual	5
Failed to obey lawful instruction from constable	1
Failure to quit	2
Harassment	1
Ill treatment of a mental health patient	1
Noise complaint	1
Prisoner transport	1
Racially Aggravated Conduct	1
Road traffic matter (incl vehicle stops)	16
Seizure of drugs	1
Shoplifting	1
Stop and search	12
Stopped by Police and personal details taken	2
Tenancy matter	1
Theft	1
Unspecified	3
Vandalism	1
<b>Grand Total</b>	<b>65</b>

## Appendix C – Analytical Report on Discriminatory Behaviour 2023/24

3.13. *Table 4: Matters subject to Police action and linked to Discriminatory Behaviour allegations with a Race sub-type, by reason for dissatisfaction (2023/24)*

<b>Reason for dissatisfaction</b>	<b>Number</b>
Body language	1
Comments	20
Dismissive actions	2
General attitude	2
Other	1
Perceived targeting/harassment	28
Treated differently (outcome related)	11
<b>Grand Total</b>	<b>65</b>

3.14. *Table 5: Complainers categorised as victim/reporter and linked to Discriminatory Behaviour allegations with a Race sub-type, by type of incident (2023/24)*

<b>Type of incident</b>	<b>Number</b>
Breach of peace	2
Fire-raising	1
Housebreaking	1
Neighbour related	2
Noise complaint	1
Racially Aggravated Conduct	2
Road traffic matter	2
Theft	1
Vandalism	1
<b>Grand Total</b>	<b>13</b>



## Appendix C – Analytical Report on Discriminatory Behaviour 2023/24

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### 4. Allegation results

- 4.1. In terms of allegation outcomes for Discriminatory Behaviour, 2.5% of allegations closed during 2023/24 were upheld – 3 in total. This represents a 0.3 percentage point decrease from the 2.8% upheld during 2022/23, it also represents a 2.3 percentage point decrease against the five-year average which is 4.8%.
- 4.2. These results indicate that the vast majority of concluded allegations within this period are unsubstantiated. Please note that allegations concluded in 2023/24 may have been received in a period prior to 2023/24.
- 4.3. The key details of the Discriminatory Behaviour allegations upheld during 2023/24 are as follows:
- A member of Police Scotland staff made an offensive and inappropriate comment in relation to gender and the appearance of complainer. Following investigation, the allegation was upheld and the complainer was issued an apology on behalf of Police Scotland. Senior management within the relevant division were notified and requested that the subject officer be provided with corrective advice alongside additional diversity awareness training.
  - A police officer was alleged to have made an offensive and inappropriate comment of a disablist nature to the complainer. Following investigation, the allegation was upheld and the complainer was issued an apology on behalf of Police Scotland. The subject officer was referred to the PSD National Misconduct Unit for preliminary assessment in respect of The Police Service of Scotland (Conduct) Regulations 2014.
  - A complainer alleged that their report of domestic abuse was not treated seriously and offered the same level of service that was afforded to their ex-wife when she reported that the complainer had committed domestic abuse against her. Following investigation, the allegation was upheld and the complainer was issued an apology on behalf of Police Scotland. The matter was referred to the subject officers' line management to address.

## Appendix C – Analytical Report on Discriminatory Behaviour 2023/24

### 5. Subject Officers

- 5.1. Further analysis has been conducted on subject officers linked to Discriminatory Behaviour allegations received during the 2023/24 financial year.
- 5.2. It is assessed that no concentration of subject officers at specific stations or shifts are implicated in this increase, as no concentration has been identified. Relevant allegations are widely dispersed at this granular level of data. Where multiple officers from the same shift have been linked to discriminatory behaviour allegations during this period, the tendency was that multiple officers were linked to the same complaint allegation.
- 5.3. Data is presented in Table 6 below which provides a breakdown of subject officers linked to these allegations, by service bracket and gender. Please note that each allegation may be linked to multiple subject officers, therefore the number of subject officers may vary from the number of allegations.

5.4. *Table 6: Subject Officers linked to Discriminatory Behaviour Allegations (2023/24), by Service Bracket and Gender <sup>1</sup>*

<b>Service Bracket</b>	<b>Female</b>	<b>Male</b>	<b>Total</b>
Under 2 years	7	7	14
2-5 years	10	17	27
6-10 years	4	22	26
11-15 years	8	13	21
16-20 years	3	8	11
Over 20 years	2	8	10
<b>Grand Total</b>	<b>34</b>	<b>75</b>	<b>109</b>

<sup>1</sup> Where known

- 5.5. The gender breakdown of known subject officers linked to discriminatory behaviour allegations during 2023/24 is skewed towards males (68.8%, 75 in total). The remainder were female (31.2%, 34 in total).

## Appendix C – Analytical Report on Discriminatory Behaviour 2023/24

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- 5.6. Although 2-5 years is the highest volume bracket, marginally ahead of the 6-10 years bracket, the peak volumes vary based on the sex of the subject officer. For males, this is at the higher experience level of those brackets, with 22 subject officers in the 6-10 years bracket. For females, this is at the lower end, with 10 subject officers in the 2-5 years range.
- 5.7. It is also linked to the service length profile of officers within public-facing roles across the organisation, especially in response policing i.e. more officers with less years of experience in service.
- 5.8. Please note that without both an identified officer and an incident date, personnel data from SCoPE cannot be accurately attributed to an officer. This caveat applies to all data presented within this section on the topic of subject officers.

### **6. Conclusion**

- 6.1. Discriminatory Behaviour allegations have increased during 2023/24, with a total of 159 allegations received (+27.2% from 2022/23; +44.5% from the five-year average).
- 6.2. It is assessed that Greater Glasgow is the geographical area which has most influenced this increase, having accounted for an additional 17 allegations from 2022/23 and an additional 18 compared to the five-year average.
- 6.3. Those allegations with a Race sub-type are assessed to be the primary driver of the overall national increase, having increased by 22 from 2022/23 and 30 from the five-year average, with 88 such allegations received during 2023/24.
- 6.4. Further analysis identified that the largest volumes of complainers described their ethnic background – and the perceived reason for discrimination – as ‘black’, which was closely followed by nationality in general.

## Appendix C – Analytical Report on Discriminatory Behaviour 2023/24

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- 6.5. The dominant theme amongst race related complaint allegations was that the complainer was subject to Police action, within which a perception of being targeted/harassed by Police or allegedly being on the receiving end of inappropriate comments were prevalent themes too. Road traffic matters, along with stop and search incidents are the most common such instances of Police action, although by no means the only ones.
- 6.6. Further analysis of known subject officers linked to those allegations received during 2023/24 identified that the majority of subject officers were male (68.8%). Although the 2-5 years' service brackets account for the highest volume of linked subject officers (overall, and specifically for females), the 6-10 years' service bracket was most prevalent for male subject officers. No concentration of subject officers at station or shift level were identified.
- 6.7. It should be recognised that the vast majority of discriminatory allegations concluded during 2023/24 were not substantiated, with 2.5% of allegations upheld (3 in total). Note that this may include allegations received prior to 2023/24 and will not include those still subject to live enquiry at the conclusion of 2023/24.
- 6.8. Details of the 3 upheld allegations during 2023/24 have been included the main body of the report above, including the actions taken by Police Scotland to address those matters.