

Meeting	SPA Complaints and Conduct Committee
Date	05 May 2020
Location	Tele-conference
Title of Paper	Police Scotland Professional Standards Department Quarterly Performance Report (Q4)
Presented By	CS Andy McDowall
Recommendation to Members	For Discussion
Appendix Attached	Appendix A – Performance Report Q4

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 about members of Police Scotland for period (1 April 2019 – 31 March 2020).

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 4 (1 April 2019 – 31 March 2020).
- 1.2 Note: Appendix 'A' contains "Allegations received by Division YTD v PYTD for East, North and West. These inform members on the complaint about the police allegation classifications per Division. Appendix 'B' provides detail of allegations of Irregularity in Procedure and Appendix 'C' provides details of allegations of Discriminatory Behaviour – sub categories.

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 There are no personnel implications associated with this paper.

5. LEGAL IMPLICATIONS

5.1 There are no legal implications associated with this paper.

6. REPUTATIONAL IMPLICATIONS

6.1 There are no reputational implications associated with this paper.

7. SOCIAL IMPLICATIONS

7.1 There are no social implications associated with this paper.

8. COMMUNITY IMPACT

8.1 There are no community implications associated with this paper.

9. EQUALITIES IMPLICATIONS

9.1 There are no environmental implications associated with this paper

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.

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PROFESSIONAL STANDARDS

SPA – Performance Report

Reporting Period: 1 April 2019 to 31 March 2020

Meeting Date: 5 May 2020

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EXECUTIVE SUMMARY

This Performance Report is provided by Police Scotland for the information of the Scottish Police Authority (SPA) and details Professional Standards activity from 1 April 2019 to 31 March 2020. The report provides a summary of complaint allegations and conduct matters for the East, North and West areas. Information is provided regarding the activity of the Conduct Unit, the National Gateway Assessment Unit, Anti-Corruption Unit, information regarding Police Investigations & Review Commissioner (PIRC) Complaint Handling Reviews (CHR), Investigations and finally aspects of organisational learning.

Complaints about the Police

- Overall, there has been a 4.6% increase in complaints from members of the public (6,001 PYTD to 6,278 YTD). These consisted of increases of 10.7% in the North, 3.6% in the West and 1.6% in the East. However, allegations decreased by 3.7% (10,039 PYTD to 9,668 YTD). This decrease in allegations, in comparison to the increase in complaints, is due to their being less allegations recorded per complaint (1.5 YTD in comparison to 1.7 PYTD).
- 'On Duty' allegations have decreased by 5.4% (7,843 PYTD to 7,416 YTD).
- Quality of Service allegations have increased by 3% (2,164 PYTD to 2,230 YTD).
- Within Irregularity in Procedure, the most common sub categories remain Insufficient Enquiry, 'Other' and Insufficient Updates (See Appendix B).
- The East and North areas have both recorded reductions (11.4% and 7.6% respectively) in the number of allegations received. However, the West recorded a 4% increase.
- 111 Early Interventions have been conducted YTD with officers who have been the subject of 4 or more complaints.

EXECUTIVE SUMMARY (continued)

PIRC Complaint Handling Review

- YTD PIRC have conducted 218 Complaint Handling Reviews, considering 830 separate allegations. Of these, PIRC found 523 (63%) to have been handled to a reasonable standard. This is a marked improvement on the PYTD ratio of 47.2%. During Q4, PIRC found that 75.8% of allegations were handled to a reasonable standard.
- Represented as a proportion of complaints received during this period, this provides that only 3.5% of all complaints resulted in PIRC conducting a Complaint Handling Review.
- PIRC have issued 290 recommendations and 67 learning points.

PIRC Referral

- There has been a 5% increase in the number of referrals to PIRC (238 PYTD to 250 YTD).

National Gateway Assessment Unit

- The GWU has assessed 2,419 referrals YTD. Business Interest and Notifiable Association continues to account for a considerable amount of work undertaken by the NGWU, accounting for 48.6% of all referrals.
- Only a small proportion of referrals (14.1%) result in a referral to PSD or ACU, a complaint or a conduct assessment.

Conduct Unit

- The Conduct Department has undertaken 313 preliminary assessments since 01 April 2019. These resulted in 58 (18.5%) being assessed as either Gross Misconduct or meriting a misconduct investigation.
- To date 11 misconduct hearings (gross misconduct) and 8 misconduct meetings (misconduct) have taken place.
- In quarter 4 of 2019/20, four suspended officers resigned and one retired prior to a conduct hearing being undertaken. One restricted officer also retired and one resigned prior to a conduct hearing.

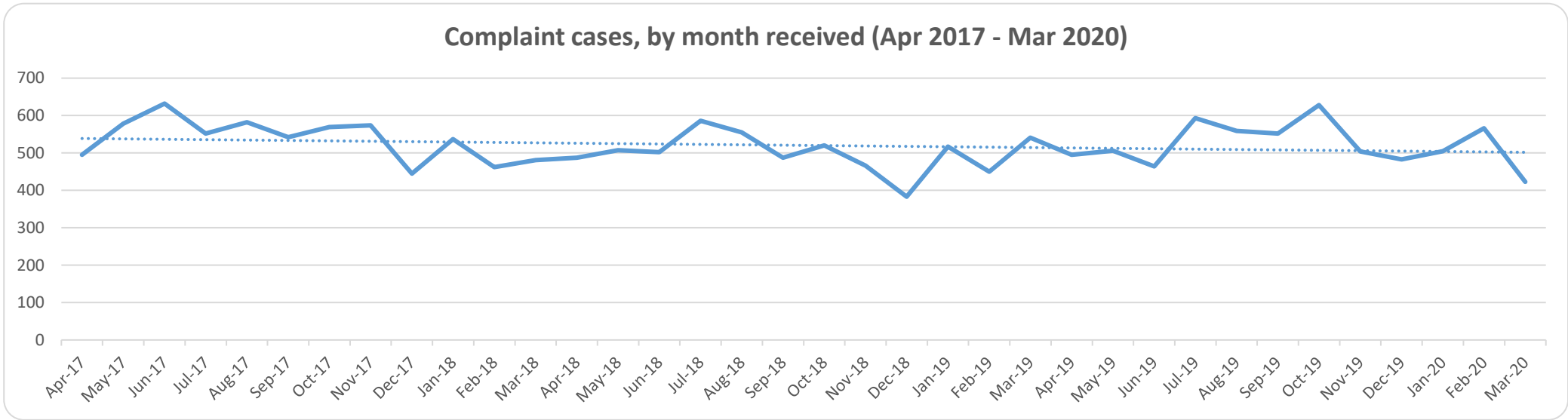
EXECUTIVE SUMMARY (continued)

Anti-Corruption Unit

- The Anti-Corruption Unit (ACU) has received 177 referrals YTD compared to 235 the PYTD, a 24.7% decrease. Contributory factors include a reduction in referrals ascertained from Officers Reports, Integrity Matters and Intelligence logs.
- The predominant allegations reported to the ACU YTD relate to Disclosure of Information; Inappropriate Association; Controlled Drugs Use and Supply. Despite the overall decrease in referrals, disclosure of information and inappropriate association referrals have increased YTD (up 32.7% and 163.3% respectively).

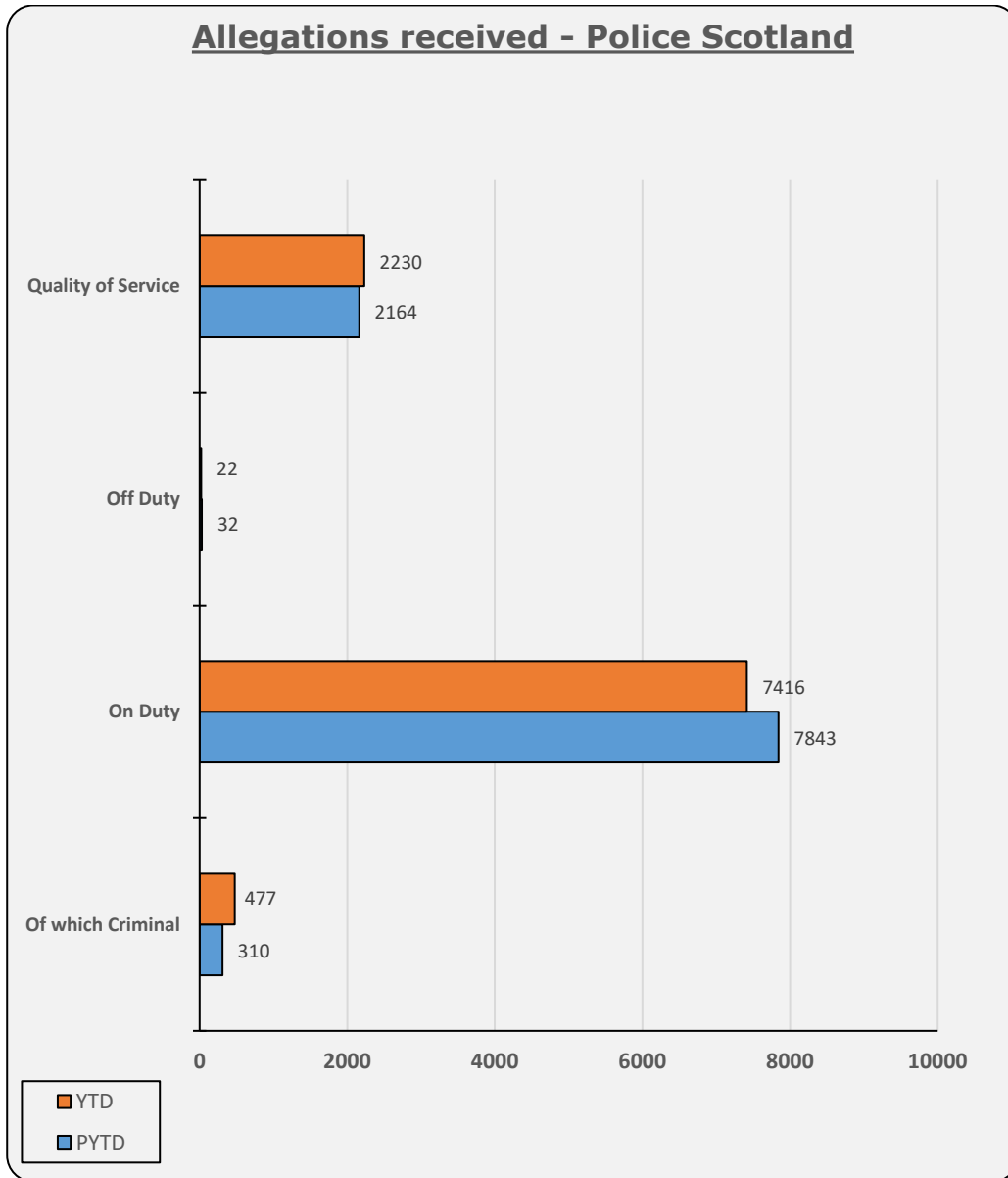
COVID-19 (Refer separate report)

- PSD have a key role during Operation Talla, to ensure efficient oversight and management of all complaint and any allegations of misconduct by members of the Force, in line with existing legislative requirements and statutory responsibilities.
- The provision of an operational complaint handling service has been prioritised over other ongoing business. PSD are endeavouring to retain as much work as possible, to ease the burden of complaint handling at divisional level.
- PSD are identifying the themes emanating from complaints and share these with the Operation Talla Communications team, to inform the continual reinforcement of positive guidance and messaging to assist operational officers in the discharge of their duties during the current restrictions.
- It is anticipated that there may be increasing numbers of complaints relating to COVID-19. However, the wider impact of the pandemic on the overall volume of complaints remains unclear, given the unprecedented nature of the situation.



A total of 6,278 complaint cases were received from the public YTD, a 4.6% increase against the 6,001 received PYTD. This increase is in comparison to a low number of complaints in 2018/19, where complaints had decreased by 8.2%. Moreover, when reviewed in the longer term, the number of complaints has remained relatively unchanged (see chart above). This is represented by the trendline (a 'line of best fit') in the chart above, which displays the volume of cases across the time series presented here.

Despite this, a spike in complaints can be seen within the YTD, particularly in July and October. Further analysis indicates the July spike was largely driven by increases in the North and West (across the North, but primarily Glasgow City in the West). Moreover, the October spike was linked to an increase in the East (notably in Fife, Edinburgh and West Lothian).



Complaints were assessed by the National Complaint Assessment and Resolution Units (NCARU), resulting in 41.7% of the complaints being Frontline Resolved (FLR) by PSD through explanation, assurance or apology.

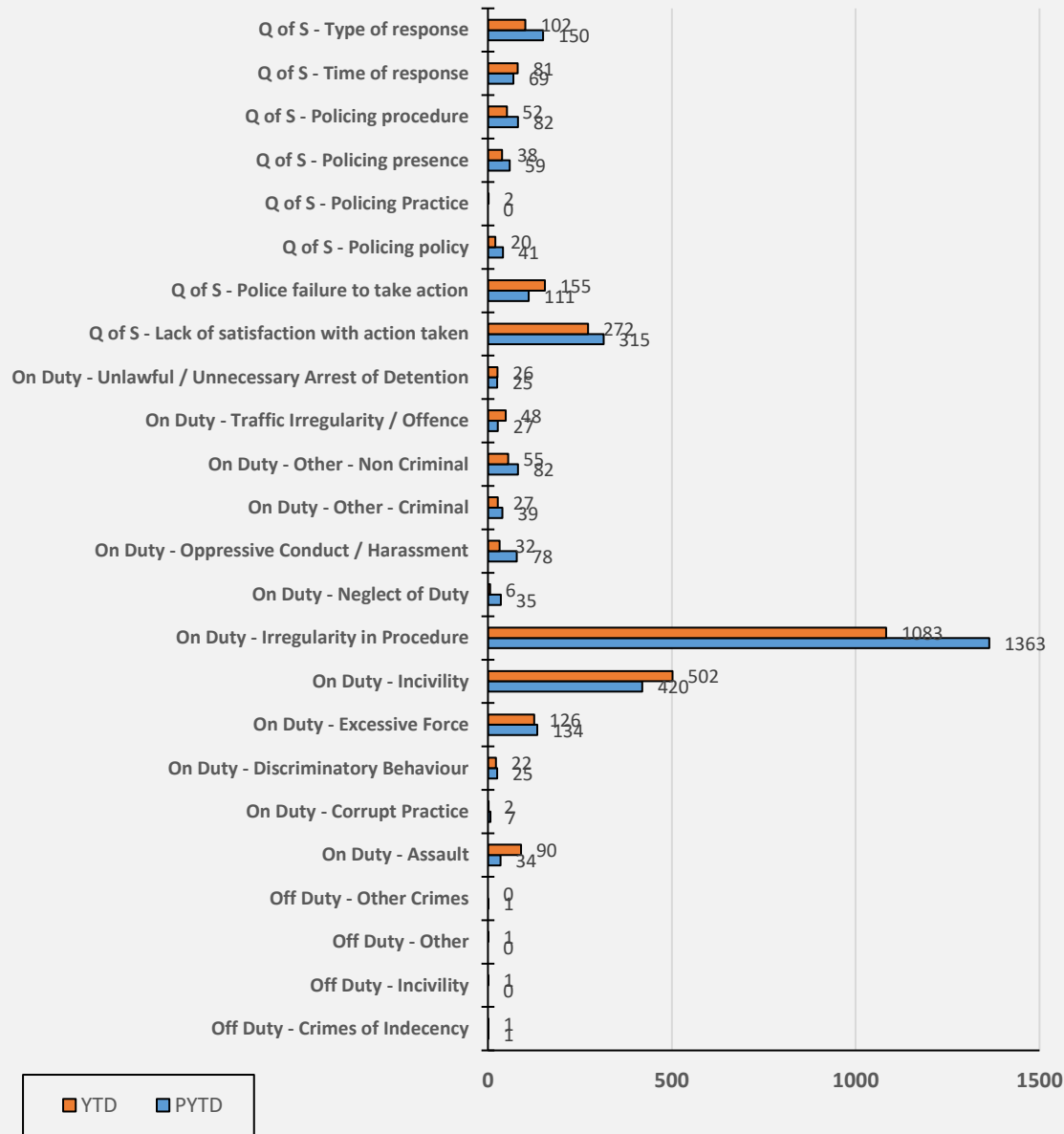
Overall allegations have reduced by 3.7% from 10,039 PYTD to 9,668 YTD.

- Quality of Service (QofS) allegations have increased by 3%.
- Allegations which occurred 'On Duty' decreased by 5.4%.
- Criminal allegations have increased by 53.9%.

The increase in On Duty Criminal allegations results from the scrutiny of the recording of Assault allegations, which increased by 87.1% from 186 LYTD to 348 YTD. Assault accounts for the majority (74.2%) of On Duty criminal allegations.

The most common On Duty allegation categories remain Irregularity in Procedure (4,060), Incivility (1,664) and Excessive Force (435).

Allegations received - East



Overall allegations in the East have reduced by 11.4% from 3,098 PYTD to 2,744 YTD.

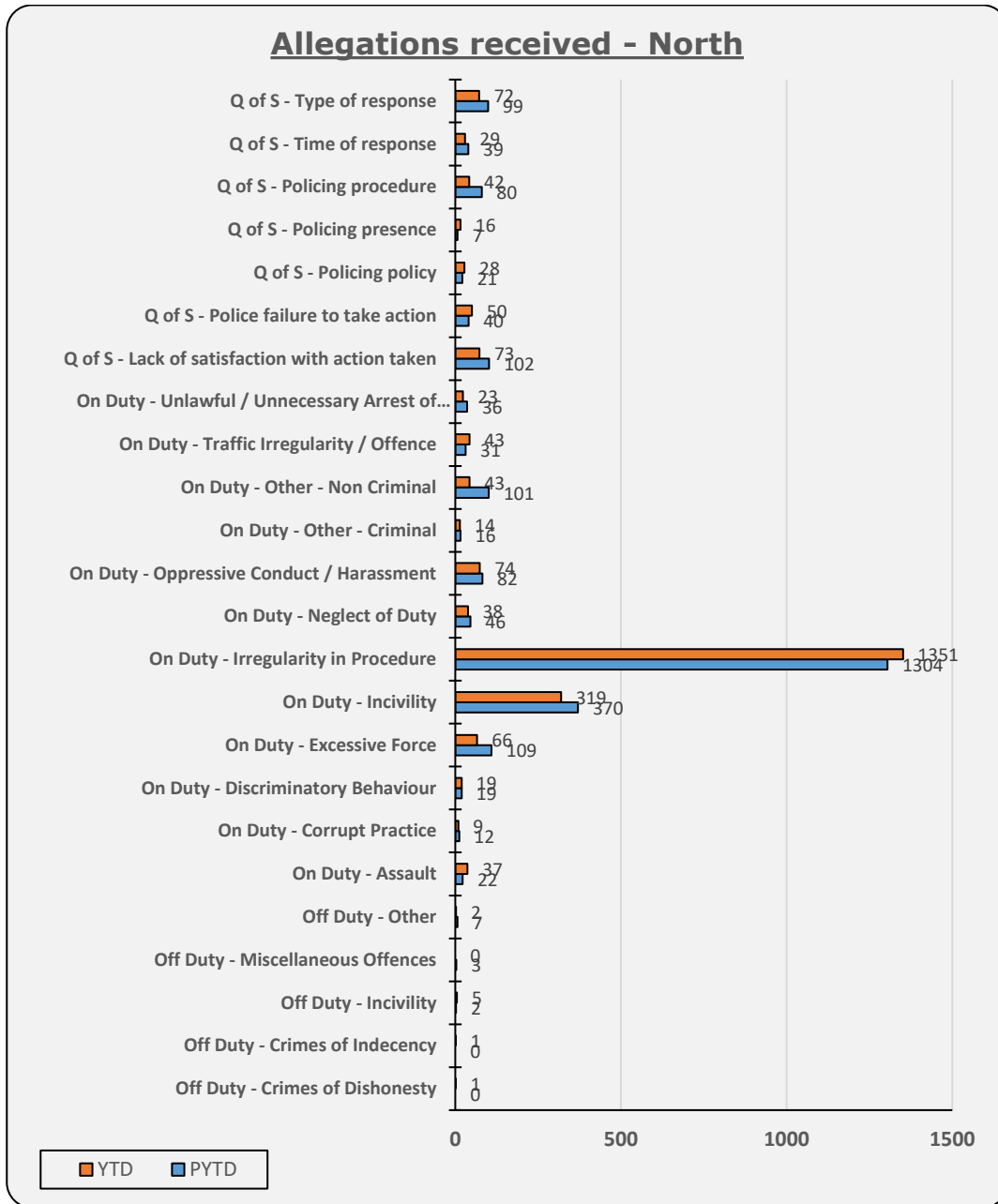
- Quality of Service (Q of S) allegations have decreased by 12.7% from 827 PYTD to 722 YTD.
- Allegations which occurred 'On Duty' decreased by 11% from 2,269 PYTD to 2,019 YTD.

On Duty - Assault allegations have increased by 56 allegations (up 164.7%). As previously described, this arises from the revised recording practice around assault and excessive force.

Q of S - Police failure to take action has increased by 39.6%. The increase is assessed as due to recording practices and continues to be monitored.

On Duty Incivility (up 19.5% to 502) and On Duty Traffic Irregularity/Offence allegations (up 77.8% to 48) also increased.

Irregularity in Procedure has however decreased, by 20.5% (-280 allegations). This encompasses most subcategories, most notably Insufficient Enquiry (-112 allegations) which accounts for 40% of the overall IIP reduction in the East.



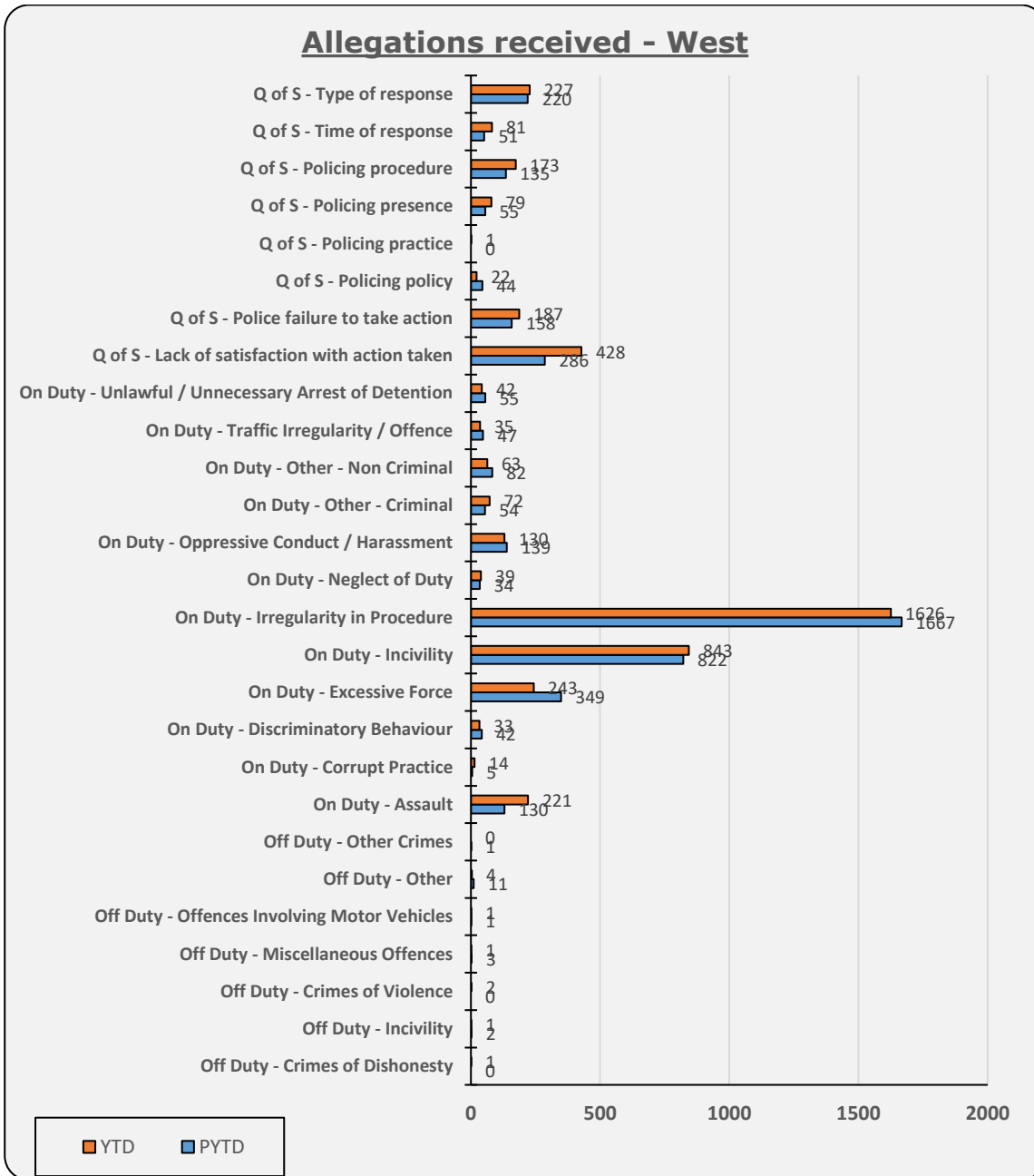
Overall allegations in the North have reduced by 7.6%, 2,548 PYTD to 2,355 YTD.

- Quality of Service allegations have decreased by 20.1% from 388 to 310.
- Allegations which occurred 'On Duty' decreased by 5.2% from 2,148 PYTD to 2,036 YTD.

On Duty – Assault increased by 68.2%. This is in keeping with the national increase, given current recording practices as described.

On Duty – Irregularity in Procedure has increased by 3.6%. This is the most common allegation received, accounting for 57.4% of the YTD total.

Other notable increases include: allegations of On Duty - Traffic Irregularity/Offence (up 38.7% to 43) and QoS – Police Failure to Take Action (up 25% to 50).



Overall allegations in the West have increased by 4% from 4,393 PYTD to 4,569 YTD. This stands in contrast to the national decrease, which is driven by reductions in the East and North.

- Quality of Service allegations have increased by 26.2% from 949 PYTD to 1,198 YTD. These are the key drivers of the West's increase.
- 'On Duty' allegations decreased by 1.9% from 3,426 PYTD to 3,361 YTD.

The most notable increase within Quality of service was Lack of Satisfaction with Action Taken, up 49.7% to 428 allegations. The additional 142 allegations account for most of the West's overall increase of 176 allegations, compared to the PYTD.

All subcategories within Quality of Service registered an increase (except Policing Policy). Further analysis is being undertaken to identify the reasons for this. This matter will be subject to continued monitoring.

As in other areas allegations of assault have increased (70%), due to current recording practices as described.

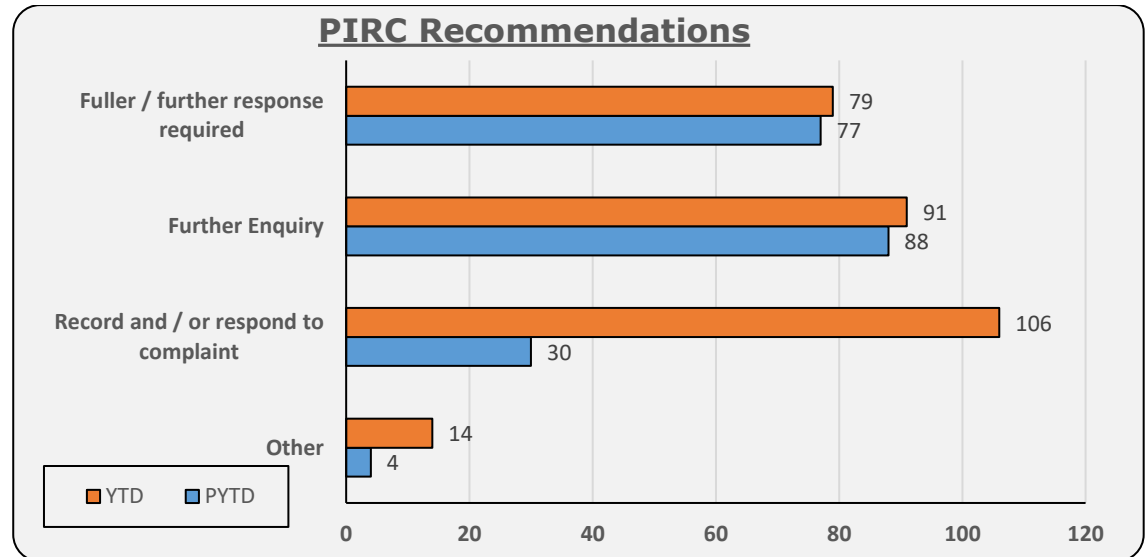
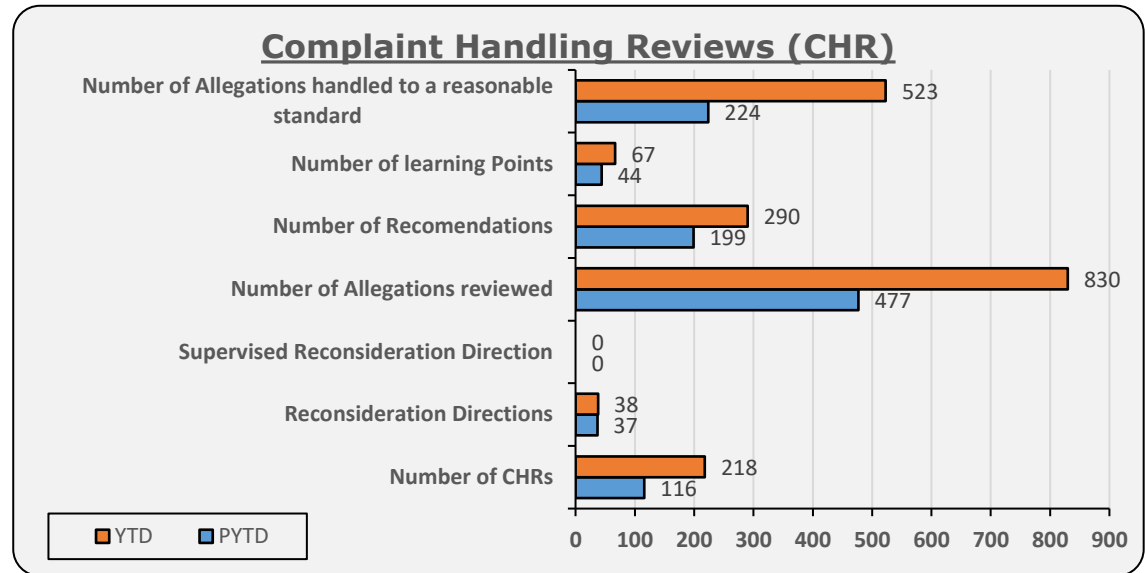
YTD PIRC have conducted 218 Complaint Handling Reviews, considering 830 separate allegations. Of these, PIRC found 523 (63%) to have been handled to a reasonable standard. Represented as a proportion of complaints received during this period, this provides that only 3.5% of all complaints resulted in PIRC conducting a Complaint Handling Review.

PIRC have issued 290 recommendations and 67 learning points.

Where PIRC have conducted a CHR, they can make recommendations to the Police which are broadly categorised in the adjacent table.

YTD 23 CHR's were issued which included a total 38 Reconsideration Directions being issued. This is an increase of nine CHR's (+64.3%) and one reconsideration direction (+2.7%) from PYTD. None YTD were subject to the Commissioners supervision.

The increased numbers of CHR's is attributed to PIRC working through an extensive backlog.



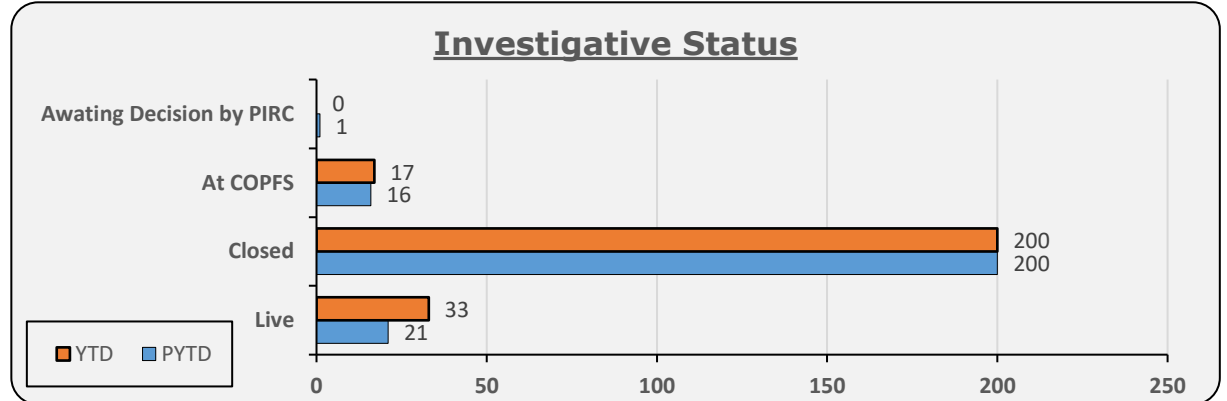
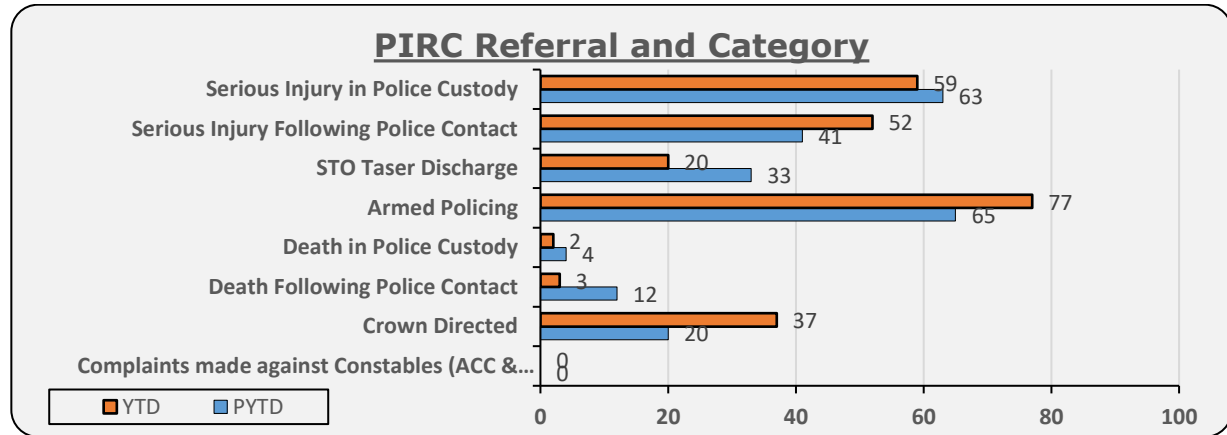
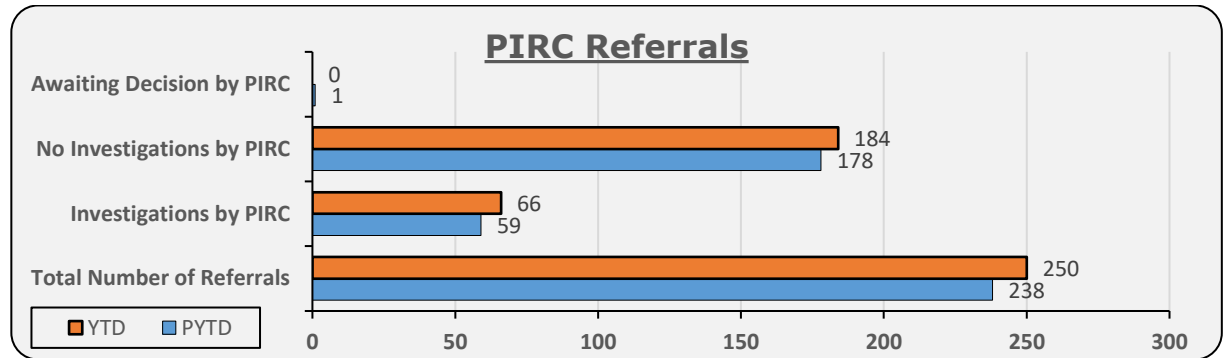
New referral categories relating to Armed Policing (AP) and Specially Trained Officer (STO) Taser discharges have been included to more accurately capture the activity of both Armed Policing tactics are utilised and when STO's have discharged Taser.

The Armed Policing referrals include four incidents where AP discharged Taser.

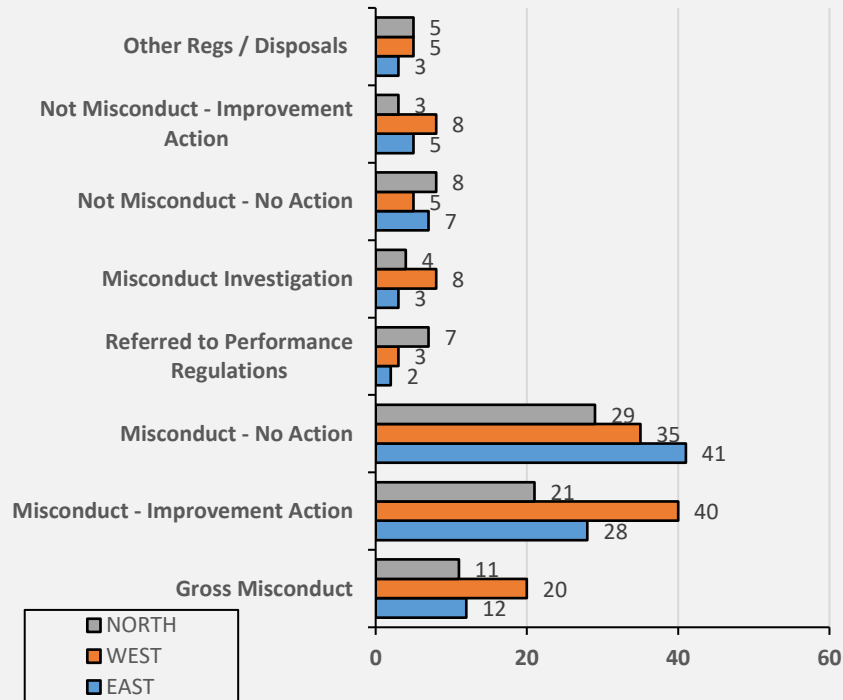
Of note is that among the Armed Policing referrals PIRC are only investigating a single incident.

There has been a 5% increase in the number of referrals to PIRC (238 PYTD to 250 YTD).

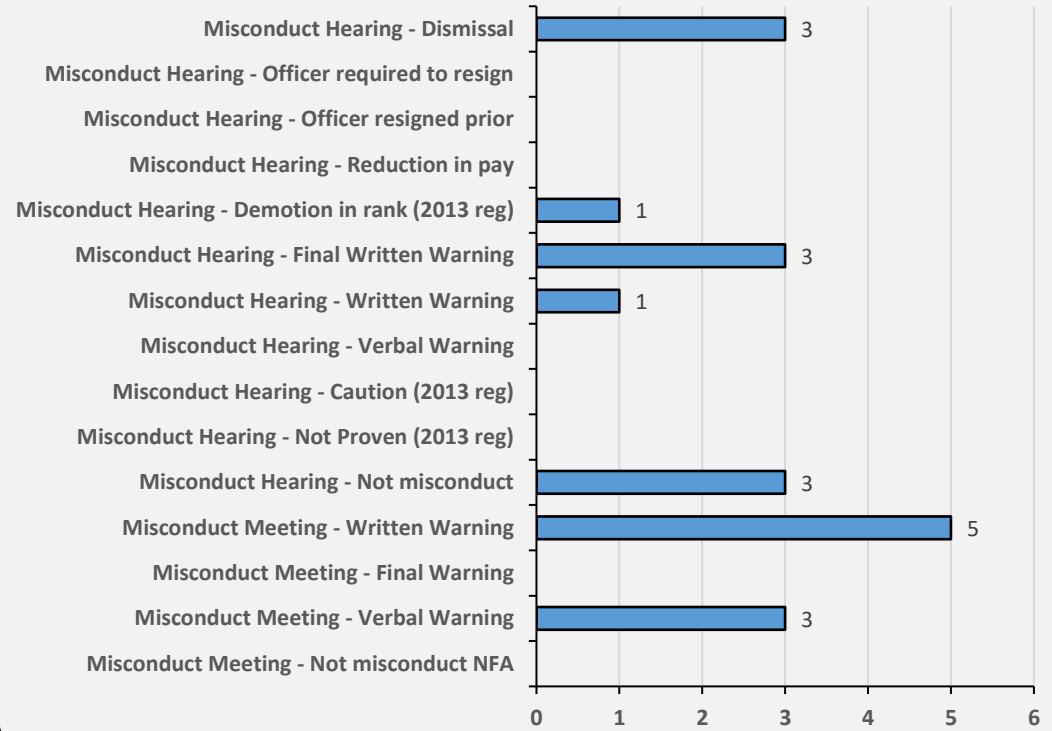
The key categories driving this increase are: Armed Policing (up 18.5% to 77), Crown Directed Criminality (up 85% to 37) and Serious Injury Following Police Contact (up 26.8% to 52).



Misconduct Assessment YTD



Misconduct Outcomes YTD



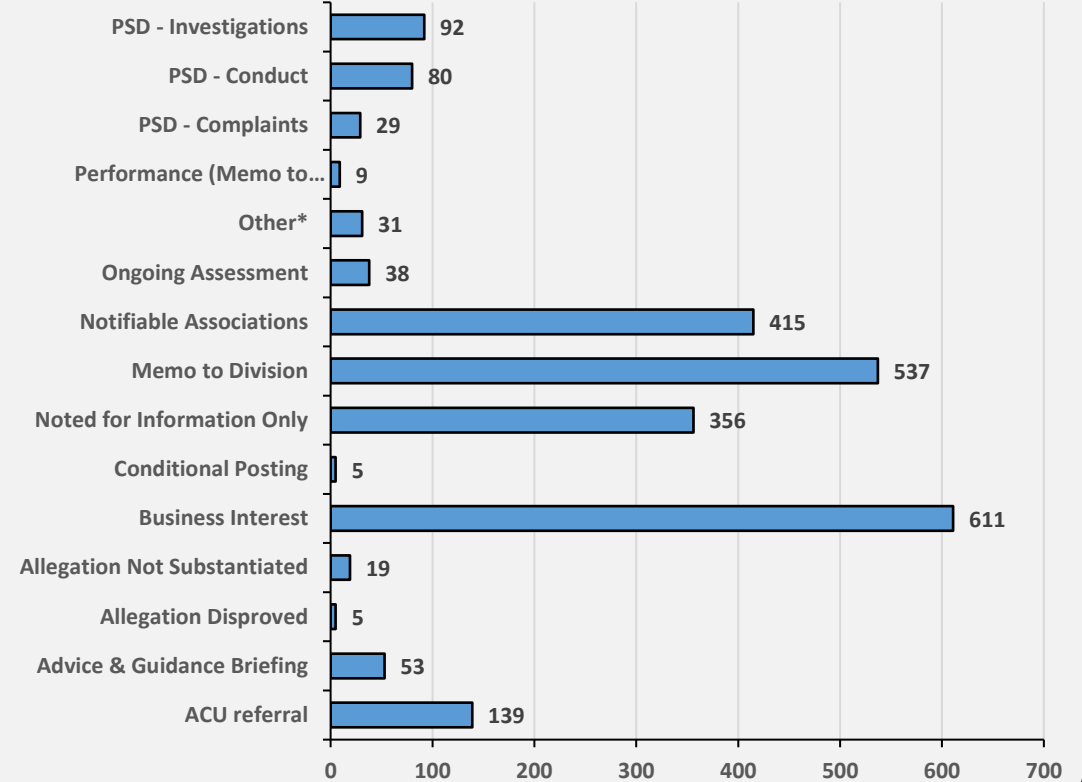
The Professional Standards Conduct Department has undertaken 313 preliminary assessments since 01 April 2019. These have resulted in 58 (18.5%) being assessed as either Gross Misconduct or meriting a misconduct investigation. To date, 11 misconduct hearings and 8 misconduct meetings have taken place.

There are currently 86 Police officers and 3 members of Police staff subject to Duty restrictions. 20 Police officers and 3 members of Police Staff are currently suspended from duty. In quarter 4 of 2019/20, four suspended officers resigned and one retired prior to a conduct hearing being undertaken. One restricted officer also retired prior to a conduct hearing. The Police conduct regulations only apply to certain officers and on resignations or retiral conduct proceedings immediately cease.

Referrals Considered by National Gateway Assessment Unit



National Gateway Assessment Unit - Outcomes



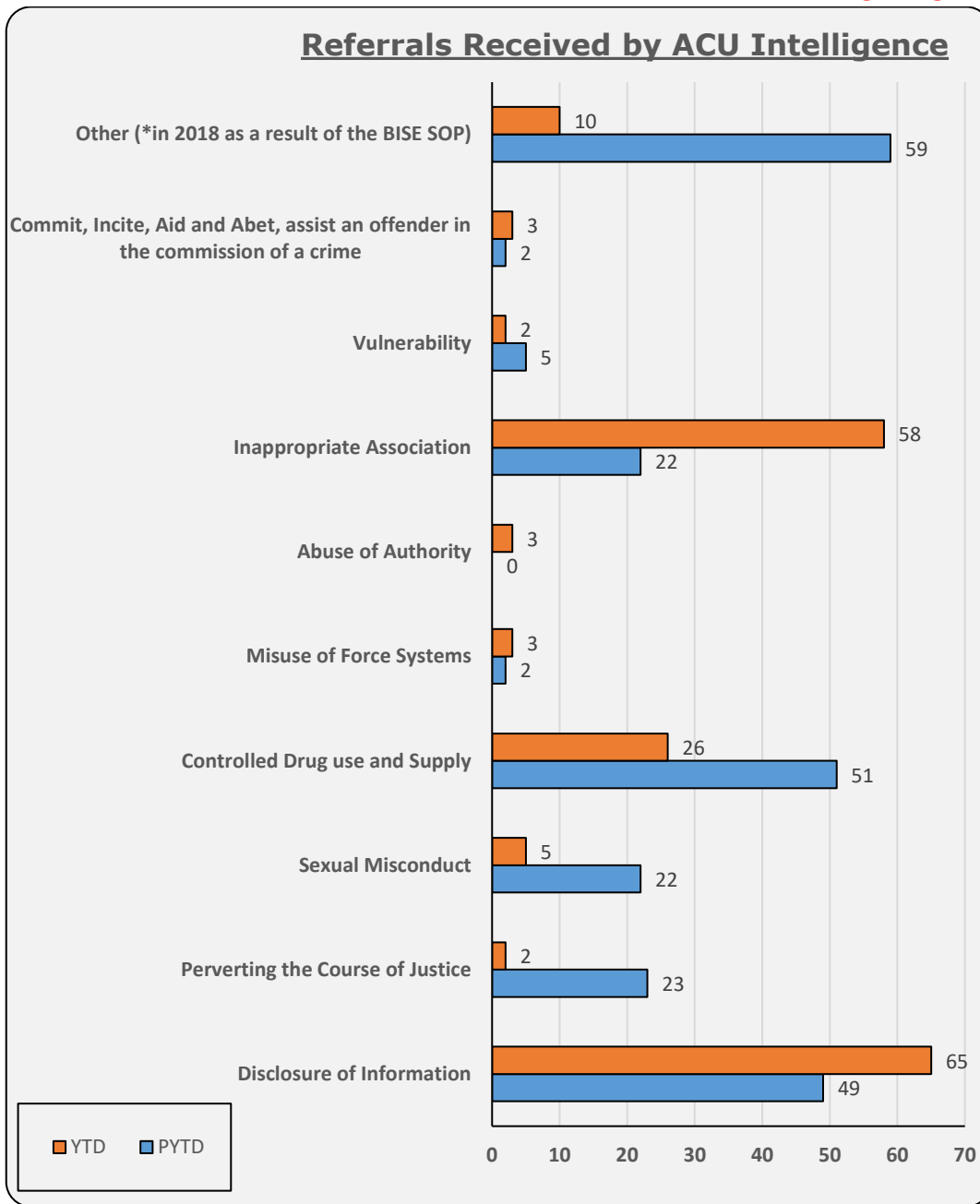
*Other (Audit Requests, NCA Finance Referrals etc.)

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

*Notifiable Association Sec 4 complete & returned to Division

The GWU has assessed 2,419 referrals YTD. Business Interest and Notifiable Association continues to account for a considerable amount of work undertaken by the NGWU, accounting for 48.6% of all referrals.

Only a small proportion of referrals (14.1%) result in a referral to PSD or ACU, a complaint or a conduct assessment.



The Anti-Corruption Unit (ACU) has instigated 177 enquiries between 1 April 2019 and 31 March 2020, compared to 235 over the same period last year. The figures show a decrease of 24.7% and factors contributing to the decrease include a reduction in referrals ascertained from Officers Reports, Integrity Matters and Intelligence logs. The predominant allegations reported to the ACU YTD relate to Disclosure of Information; Inappropriate Association and Controlled Drugs Use and Supply.

YTD comparison shows an increase in allegations of Disclosure of Information and Inappropriate Associations and a decrease in the category 'Other'. This is due to a more robust assessment of the referrals received, categorising them according to initial assessment.

The category 'Other' is defined as one of the 12 nationally agreed NPCCAG Corruption Categories. This is a broad category included to capture intelligence that does not fit into the existing collection categories. A review of the content of this category enables emerging issues to be identified at a local or national level and is used when a referral does not fall under one of the alternative headings.

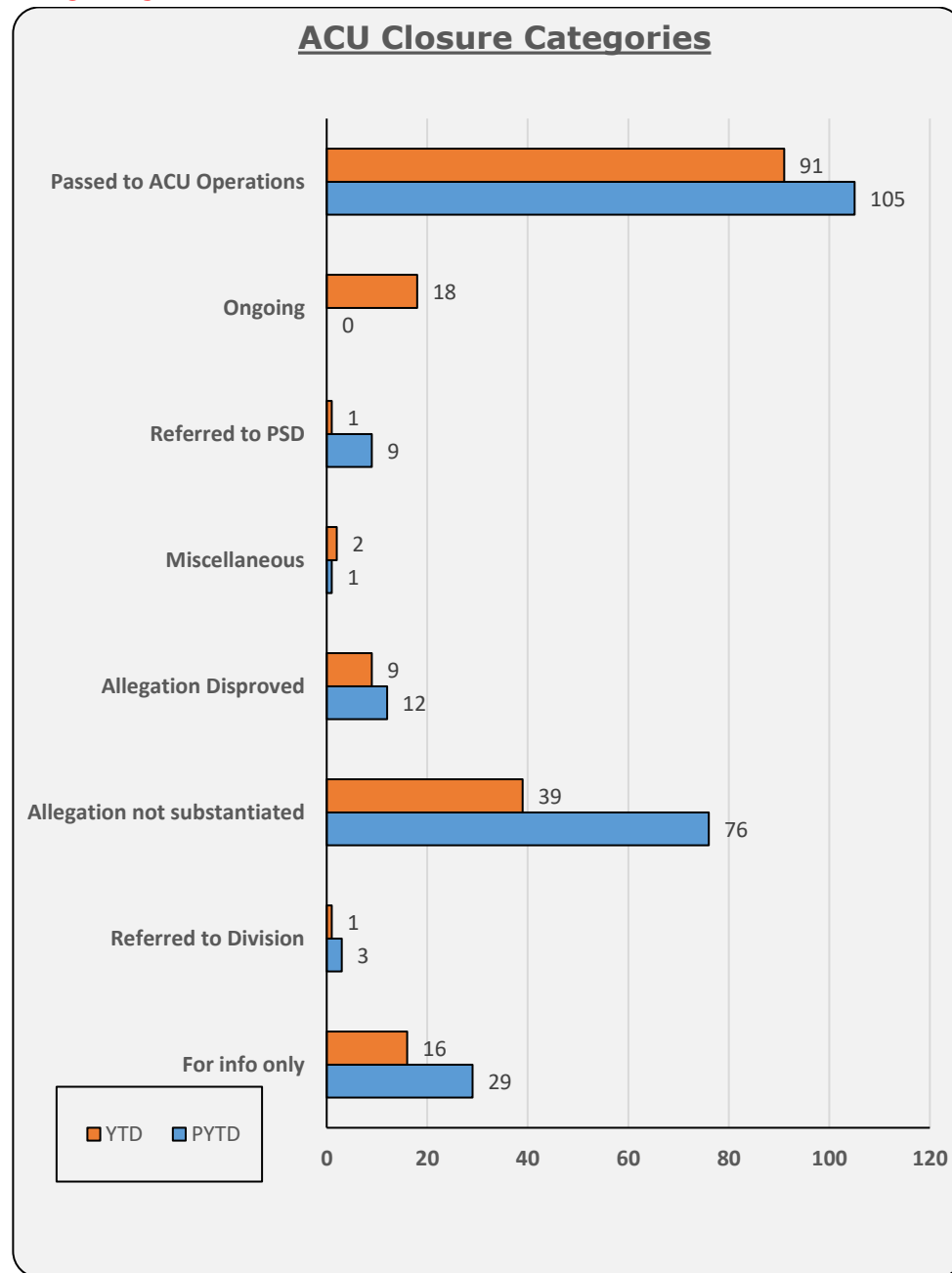
Despite referrals decreasing, the rate passed to ACU Ops has increased (from 44.7% to 51.4%). This suggests the quality of referrals YTD are relatively high compared to PYTD.

The unauthorised disclosure of sensitive information remains a significant concern to Police Scotland both in terms of scale and risk. It 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 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 resources and skill set to investigate.

The use of corruption by Serious Organised Crime Groups (SOCGs) remains a key strategic priority for Police Scotland. ACU currently monitor 12 SOCGs which hold markers for corruption. This is reviewed frequently by ACU who engage closely with Police Scotland divisions in the North, East and West.

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ORGANISATIONAL LEARNING

Nature of learning

Serious Injury following Police Contact. Custody who secreted razor blade in mouth subsequently used to self-harm.

Action

PSD have worked closely with Criminal Justice Services Division (CJSD), resulting in learning being circulated throughout CJSD emphasising the importance of conducting professional and thorough searches. This is to ensure the safety of persons in custody. Moreover, that measures to mitigate the associated risks associated must be taken. These include consideration of a relevant examination by a physician, search warrant application and maintaining a constant observation scheme.

Nature of learning

Serious Injury in Police Custody – An intoxicated custody being supervised by officers fell over, resulting in a head injury.

Action

Specific guidance provided to the supervising officers and organisational learning circulated throughout the relevant Division. In addition the key themes of custody supervision and search have been shared nationally, and are contained within the next PSD Organisational learning bulletin.

Nature of learning

Where aspects of a complaint could be independently Upheld/Not Upheld, they should be recorded as separate allegations.

Action

Learning reinforced with the relevant officers regarding the appropriate use of frontline resolution (FLR). Ongoing improvements to the complaint handling and FLR process through joint PSD/SPA/PIRC working groups will also continue to address this. Improvements include a more objective and auditable description of when FLR is appropriate.

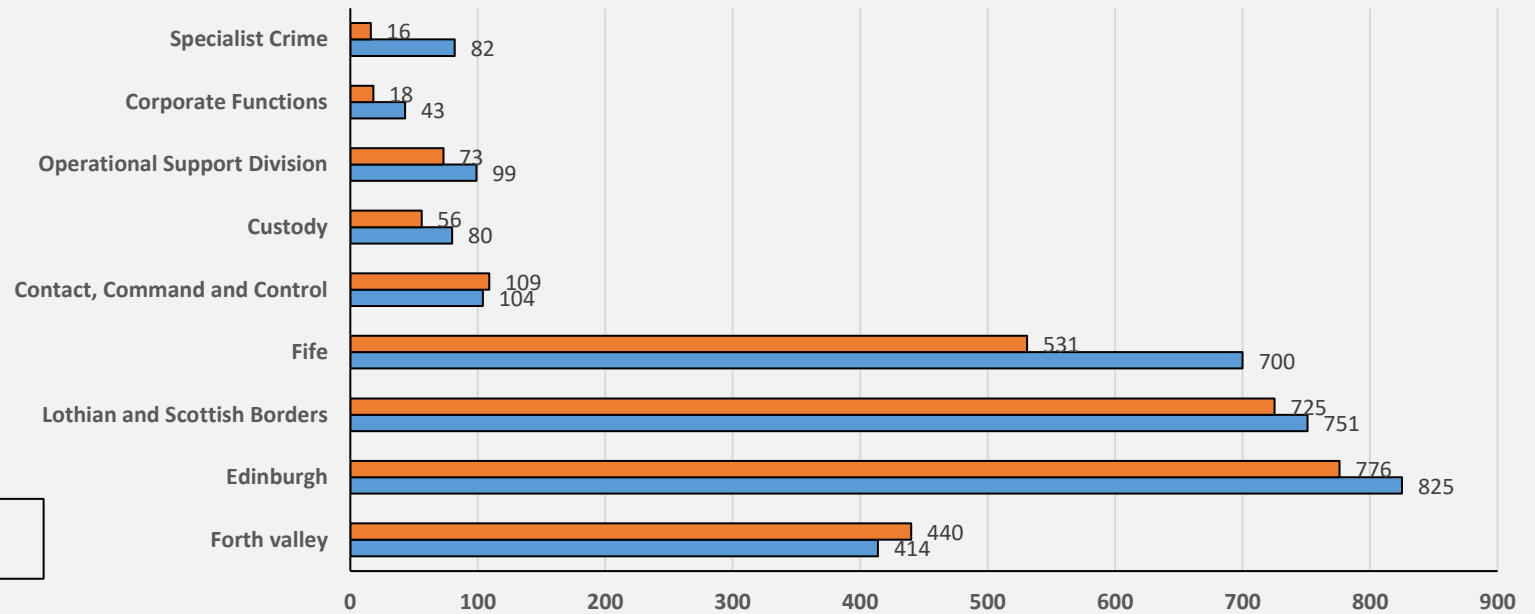
PSD CPD event

In February 2020, PSD hosted the first CPD event at the Scottish Police College, titled 'Complaints – The Journey'. Speakers from PSD and PIRC provided valuable presentations. The event provided an increased awareness of the 6 stage complaint handling process, benefitting supervisors with responsibility for complaint handling. The event reinforced the need for a learning culture, where concerns are addressed pro-actively through organisational learning, training and promoting personal responsibility.

Feedback from attendees was very positive and complimentary. Such was the positive feedback, PSD have since received numerous requests for additional training at both a national and local level. The key training themes being requested relate to general complaint handling and case studies. It is the intention for PSD to organise further CPD events going forward and cover a variety of business areas. These requests will be reviewed, prioritised and progressed to ensure successful delivery.

APPENDIX A – ALLEGATIONS RECEIVED BY DIVISION

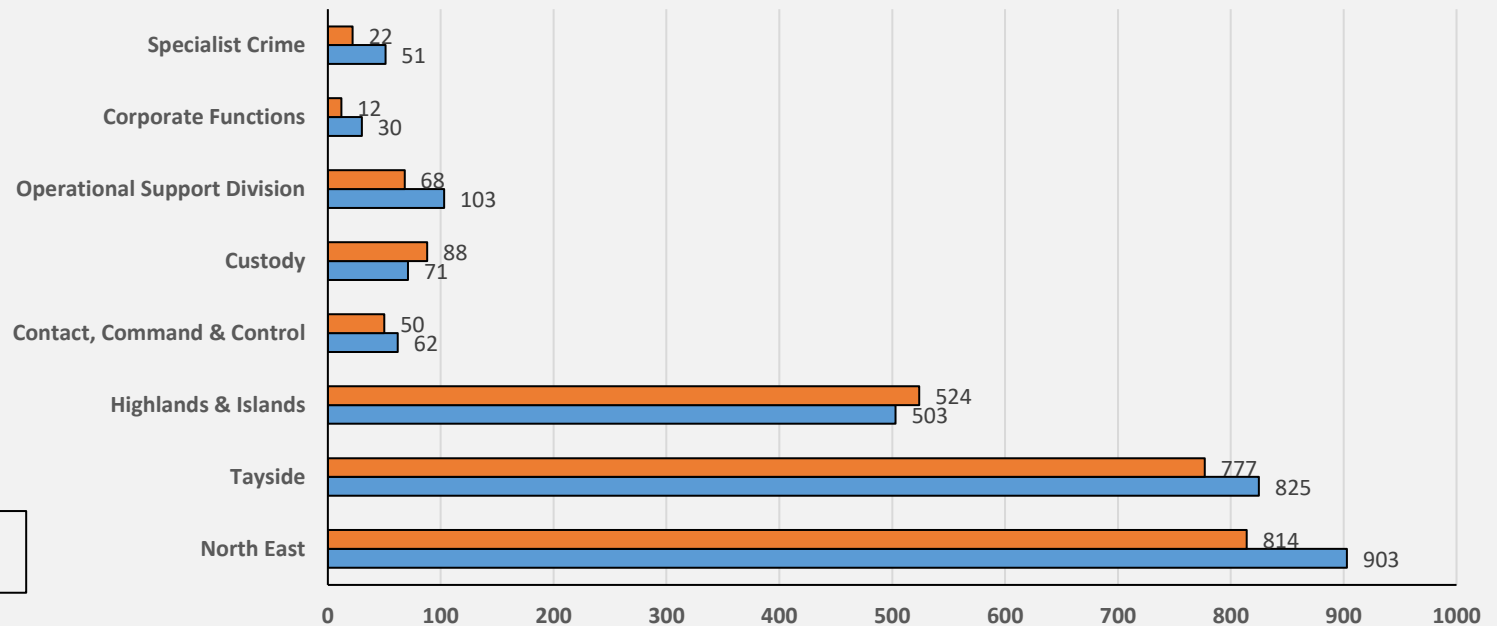
EAST - Allegations Received by Division



As previously detailed, the total number of allegations within the East has reduced by 11.4%, in comparison to PYTD. However, Forth Valley Division did post a slight increase of 6.3%. Fife, in particular, and Edinburgh were the key drivers in the overall decrease in the East (decreasing by 24.1% and 5.9% respectively).

Contact, Command and Control has recorded a 4.8% increase in allegations. This is based on a relatively small set of data and represents continued improvement on the increases noted in Q2 and Q3 YTD. However, this will continue to be monitored and PSD continue to work closely with the division to address the situation.

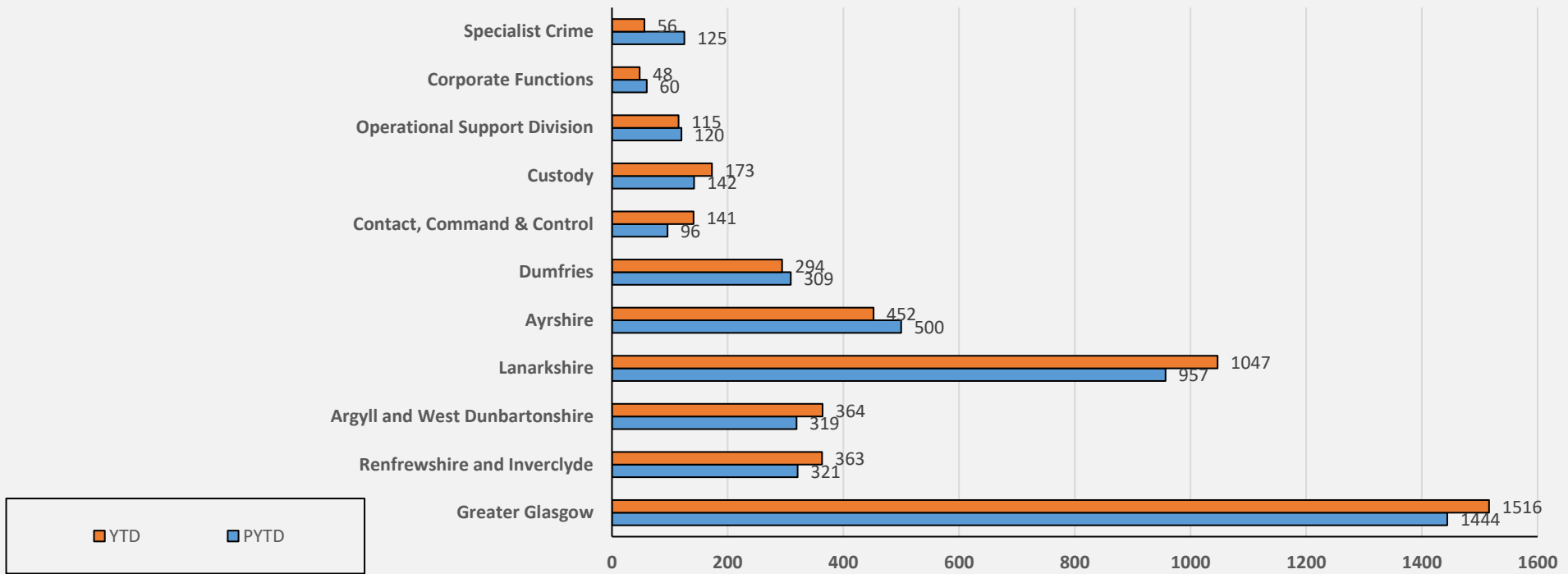
NORTH - Allegations Received by Division



As previously detailed, there has been an overall reduction in the number of allegations within the North, in comparison to PYTD.

Only Highlands and Islands and Custody Divisions saw an increase in allegations YTD (up 4.2% and 23.9% respectively). Custody Division is however based on a relatively low volume of allegations. Every other Division has recorded a reduction in the number of allegations. The most significant reductions, accounting for the volume of allegations, were in North East and Tayside Divisions who recorded reductions of 9.9% and 5.8% respectively.

WEST - Allegations Received by Division



As previously detailed, there has been an increase of 4% in the total number of allegations within the West, in comparison to PYTD. This stands in contrast to the decreases in the East and North, which have influenced the national decrease.

The most significant increases occurred in Greater Glasgow (up 5% to 1,516) and Lanarkshire (up 9.4% to 1,047). Renfrewshire & Inverclyde and Argyll & West Dunbartonshire Divisions also posted increases (13.1% and 14.1% respectively), although relatively low in volume compared to Greater Glasgow and Lanarkshire.

This picture contrasts notably against the Q3 position, where decreases in allegations were evident across almost all West Divisions. Quality of Service allegations are a key driver in this increase, as previously noted.

APPENDIX B – ALLEGATIONS OF IRREGULARITY IN PROCEDURE - SUB CATEGORIES

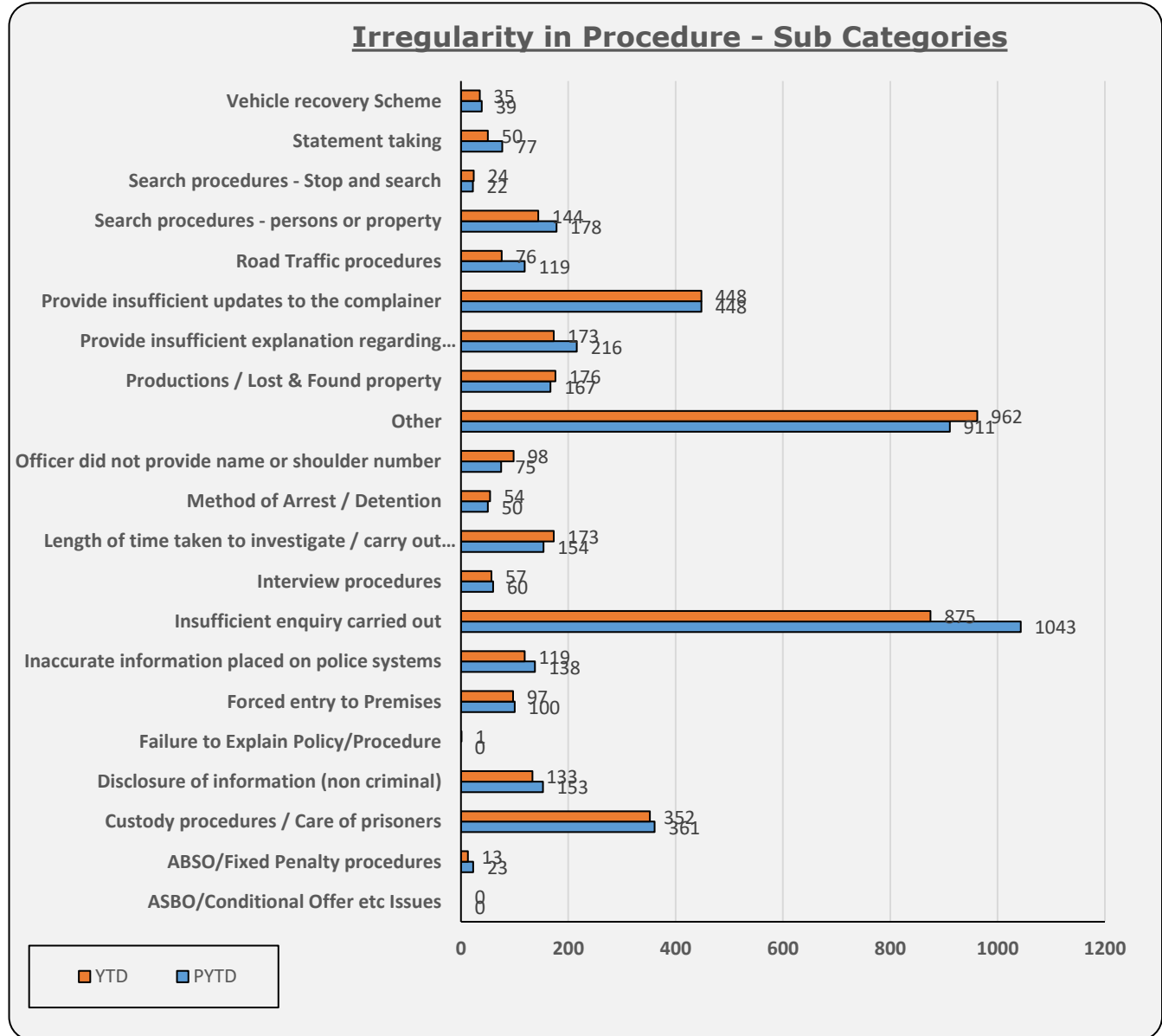
An overall decrease of 6.3% (4,334 PYTD to 4,060 YTD).

The East Command was a key factor in this reduction, with a 20.5% decrease in allegations. A slight rise in the North was offset by a similar level of decrease in the West.

The most common sub-categories within Irregularity in Procedure remain Insufficient Enquiry, Insufficient Updates, 'Other' and the Custody and Care of Prisoners.

A key driver in this decrease is Insufficient Enquiry, which decreased by 16.1% to 875 allegations YTD.

Allegations will be recorded as 'Other' where the circumstances do not directly fit within the defined sub categories. This classification can be subjective and work is ongoing to utilise defined categories where relevant.



APPENDIX C – APPENDIX C – ALLEGATIONS OF DISCRIMINATORY BEHAVIOUR SUB CATEGORIES

Allegations relating to Discriminatory Behaviour have decreased by 14% (86 PYTD to 74 YTD).

This was most influenced by a reduction in allegations of discrimination on the grounds of race (-15.6%).

Allegations of Discrimination on the grounds of disability have risen by 7.7%, however this represents an increase of one cases compared to the PYTD.

