

Meeting	Complaints & Conduct Committee
Date	18 November 2020
Location	Video Conference
Title of Paper	Police Scotland Professional Standards Quarterly Performance Report Q2 2020/21
Presented By	ACC Alan Speirs, Professionalism and Assurance
Recommendation to Members	For Discussion
Appendix Attached	Yes Appendix A – Complaints Received by Division Appendix B – Allegations of Discriminatory Behaviour

PURPOSE

To report to Members of the Complaints and Conduct Committee the statistical information relating to the investigation of complaints about members of Police Scotland for period (1 April 2020 – 30 September 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 2 (1 April 2020 – 30 September 2020).
- 1.2 Note: Appendix 'A' contains "Complaints received by Division current quarter v previous 5 quarters average for East, North and West. These inform members on the complaint about the police allegation classifications per Division. Appendix 'B' provides detail 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 are invited to discuss the content of this report.



Professional Standards SPA Performance Report Quarter 2 of 2020/21

Meeting Date: 18/11/2020

Reporting Period: April – September 2020

Complaints and Conduct Committee
Professional Standard Department Quarterly Performance Report 2020/21
18 November 2020

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Executive Summary

This is the second Performance Report provided this reporting year by Police Scotland for the information of the Scottish Police Authority (SPA) and details Professional Standards activity from 1 April 2020 to 30 September 2020.

Since the last update provided in August 2020, PSD have been working to make improvements to the Complaints Handling process. This has included work to make the Complaints system more accessible, ensuring that as an organisation we learn from reviews and investigations conducted by the Police Investigations and Review Commissioner (PIRC) and work that is nearing fruition to improve processes around the early resolution of complaints.

PSD have been working closely with PIRC and SPA developing new statutory guidance on complaint handling, which will determine the future service standards relating to complaint handling and resolution.

Complaint Overview

In this quarter we have seen the number of complaints received stabilise, following increases in previous periods (as further detailed in Complaint section). **1646** complaints were received, which is an increase of **0.9%** in comparison to the average of the previous 5 quarters.

COVID-19

PSD continue to monitor complaints linked to the COVID-19 pandemic and we have seen a **79.6%** decrease in comparison to the previous quarter. PSD identify the themes emanating from these complaints which continue to relate to perceptions that officers are not social distancing and linked to not wearing PPE. PSD proactively monitor these complaints in areas affected by regional Coronavirus restrictions and will conduct further analysis following the introduction of the tiered system on 2nd November 2020.

Complaint Handling Review Performance

Police Scotland's Performance in complaint handling continues to improve, with PIRC finding that **69.6%** of complaints were handled to a reasonable standard. This is marked improvement on previous reporting periods and demonstrates that we have learned from previous recommendations and learning identified to us.

Excessive Force Complaints

This quarter shows an increase in complaints recorded as Excessive Force (145 allegations, a 29.9% increase). As detailed in the Allegations section, PSD have interrogated this further by conducting an in-depth analysis. This identified the specific locations responsible for the increase and illustrated the type of action that led to the allegations. This learning has been shared to ensure suitable measures are implemented to mitigate continued increase. In addition the findings of this analysis have been shared with the use of force working group which considers all Police Use of Force to further inform training, policy and procedure.

Table 1: Summary of Professional Standards Department Performance Statistics

Category	Number	% Change	Period	Trend
Complaints Received	1,646	0.9%	Q2 2020/21	Increase
Complaint Handling Reviews (CHR's)	101	-9.0%	YTD 2020/21	Decrease
% of Allegations Handled to a Reasonable Standard	69.6%	14.2%	YTD 2020/21	Increase
PIRC Referrals	148	-0.7%	YTD 2020/21	Decrease
Conduct Assessments	157	-6.5%	YTD 2020/21	Decrease
Gateway (GWU) Referrals	1,402	24.5%	YTD 2020/21	Increase
Anti-Corruption Unit (ACU) Referrals	44	-2.2%	Q2 2020/21	Decrease

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COVID-19

COVID-19 related complaints continue to decline in volume, illustrated by month-on-month decreases between April and September, with 91 complaints cases being received during Quarter 2 of 2020/21.

There has been a **79.6%** decrease between Quarter 1 and Quarter 2 of 2020/21, which accounts for **354** less complaints

During Quarter 2 of 2020/21, the PSD National Complaint Assessment & Resolution Unit (NCARU) resolved 49.5% of these complaints by Frontline Resolution (FLR) through simple explanation, assurance or apology.

Table 2: COVID-19 related Complaints Received (Q1 and Q2 2020/21)

Month Received	Number of COVID-19 related Complaints
B - April 2020	193
C - May 2020	176
D - June 2020	76
Q1 2020/21 - TOTAL	445
E - July 2020	40
F - August 2020	30
G - September 2020	21
Q2 2020/21 - TOTAL	91

PSD continue to identify the key themes emanating from these complaints which continue to relate to perceptions that officers are not social distancing and linked to

not wearing PPE. These are shared with Operation Talla, to inform the continual reinforcement of positive guidance and messaging, assisting operational officers in the discharge of their duties.

PSD proactively monitor relevant complaints in areas affected by regional Coronavirus restrictions and will conduct further analysis following the introduction of the five tier system on 2nd November 2020.

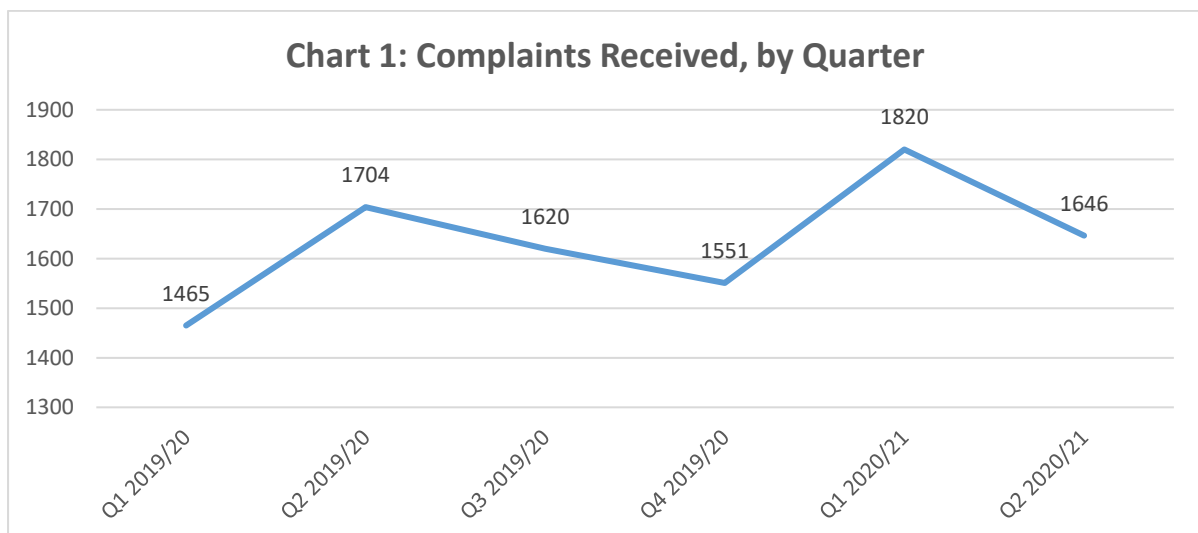
Complaints and Allegations

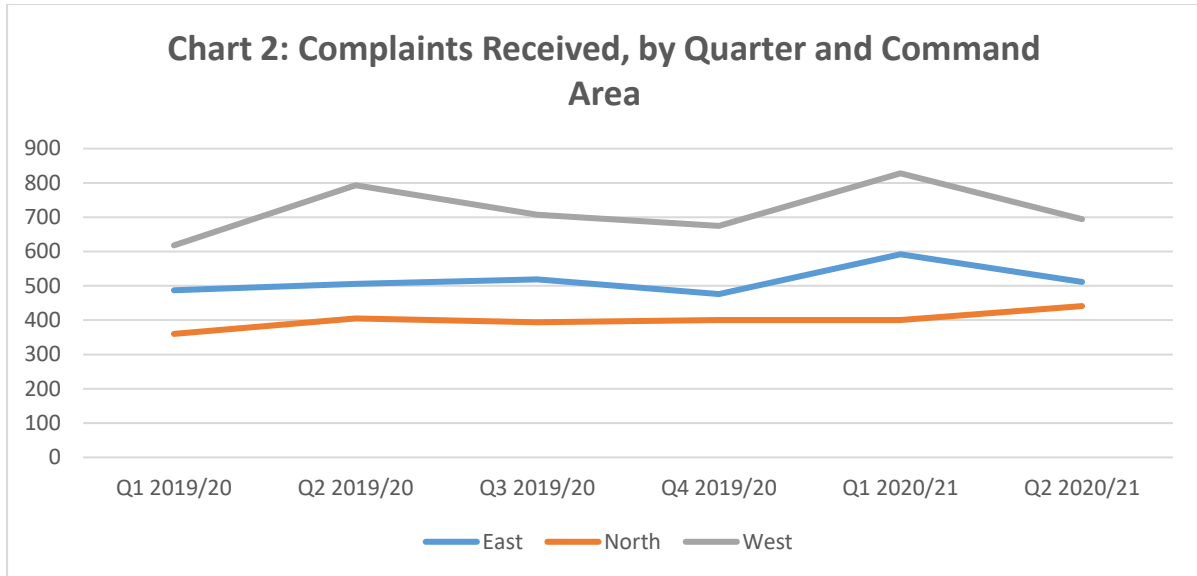
Complaint Cases Received

What is a 'Complaint'?

A 'Complaint' relates to the overall expression of dissatisfaction provided by the complainer about an act or omission by the Police or Quality of Service received.

A total of **1,646** complaints were received from members of the public during Quarter 2 of 2020/21 representing a **0.9%** increase in comparison to the average of the previous five quarters.





Notably, complaints in the North have increased by **12.6%** during Quarter 2 when compared to the five quarter average.

PSD conducted analysis, which identified the greatest increases during this period were within North East Division and, to a lesser degree, Tayside.

Analysis identified that Aberdeen City accounted for over two thirds of the increase (**68%**) within the North during Quarter 2. Detailed analysis of this increase was conducted which identified Insufficient enquiry and Incivility as the most common complaint types and specific locations and officers service brackets where the increase was most notable. PSD have shared this report and briefed the Divisional SMT to ensure we respond effectively to this increase.

The West observed a decrease (**-4.2%**) during Quarter 2 compared to the five quarter average.

A total of 694 complaints were received, following a spike during Quarter 1 (the West's highest quarterly total in the past 18 months). A **13.9%** decrease within Greater Glasgow is the key factor in the West's decrease within Quarter 2, accounting for a greater volume decrease than in the West overall.

In the East, complaints decreased by **1%** during Quarter 2, compared to the five quarter average. In total, **511** complaints were received during this period. Similar to the pattern seen in the West, this total follows a spike during Quarter 1 (the East's highest quarterly total in the past 18 months).

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When population of each area is taken into account, there is regional variance in term of complaints. During Quarter 2 of 2020/21, the **North** received **3.4** complaints per 10,000 population. The comparable rate in the **East** was **3.0**, and the **West** was **2.8**.

This arises from the increased volume of complaints in the North and decreases in the West. The rate in the East has remained relatively stable, also reflective of the volume received.

During Quarter 2 of 2020/21, **44.8%** of complaints received were Frontline Resolved (FLR) by PSD, representing a decrease of **0.5%** against the five quarter average.

These can be broadly categorised as a stabilisation of FLR rates, in keeping with much of those seen in the latest 18 months. This follows a heightened FLR rate during Quarter 1 of 2020/21, which was linked to COVID-19 related complaints. However, with such complaints now in sustained decline, the FLR rate has returned to comparable levels experienced prior to COVID-19.

Allegations Received

What is an 'Allegation'?

Allegations are the component parts of a Complaint, which

- *Categorise specifically what has happened*
- *Are capable of being independently Upheld or Not Upheld*
- *Each complaint case may include multiple allegations.*

The following allegation types have recorded increases at a national level during Quarter 2:

On Duty – Excessive Force (145 allegations, a 29.9% increase).

Having identified this increase, PSD have specifically conducted in-depth analysis, which identified the specific locations responsible for the increase and analysed the types of action that led to the allegations being made.

The key findings are the most significant increase was within Lanarkshire (Q) Division, which increased by **110.5%**, and had the highest volume of such allegations (**32**). The analysis identified the allegations related mostly to handcuffing and pushing or pulling with the arm most commonly being the body area affected.

A detailed briefing has been shared to ensure suitable measures are implemented to mitigate the increase. In addition the findings of this analysis have been shared with a working group which considers Police Use of Force and informs training, policy and procedure.

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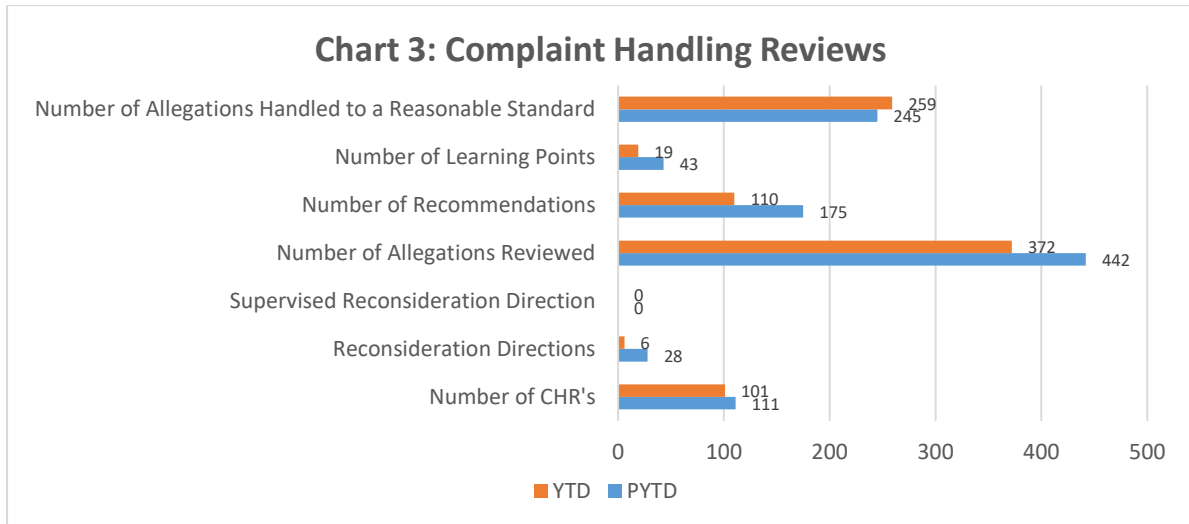
Quality of Service – Service Outcome (406 allegations, a 20.5% increase).

- Key factor: Increases across all Command areas, with the national increase primarily driven by a **26%** increase in the West.
- Lack of Satisfaction with Action Taken was the key allegation sub-type underpinning this increase and this has been highlighted to the respective Divisions.

The most common allegations received during Quarter 2 of 2020/21 related to Irregularity in procedure, with **933** such allegations in total. Other common allegations related to Quality of Service (**650**) and On Duty Incivility (**410**).

Combined, these three categories account for **81.5%** of all allegations received during Quarter 2.

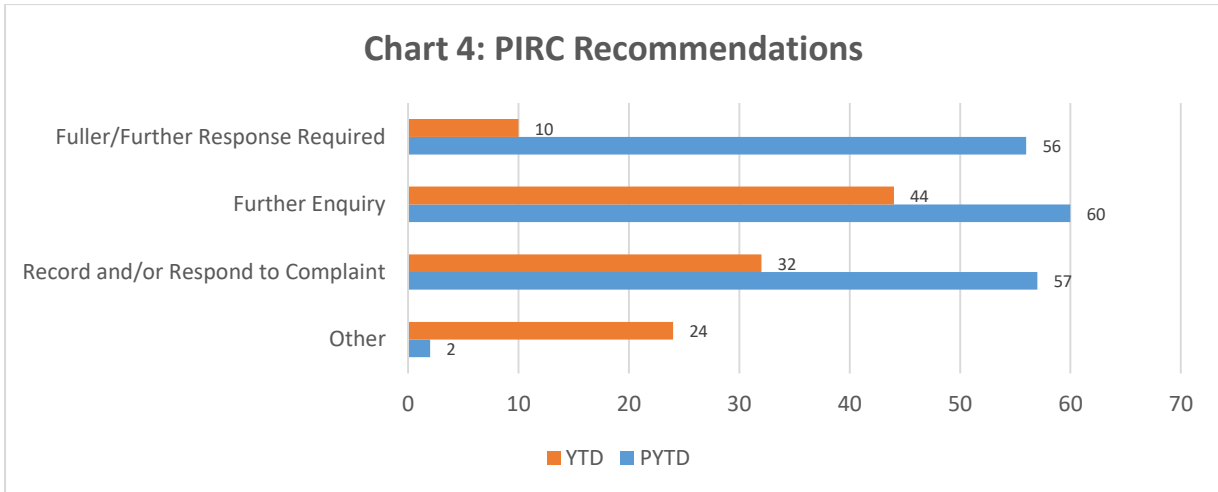
PIRC Complaint Handling Reviews and Referrals



A total of **101** Complaint Handling Reviews (CHR's) were received during the YTD, a **9%** decrease on the PYTD, equating to a decrease of **10** CHR's.

This decrease was 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.

Of the 101 CHR's received, **372** allegations were reviewed and **69.6%** were handled to a reasonable standard during the YTD. This percentage has increased by **14.2%** against the PYTD and reflects continued improvements in complaint handling by Police Scotland.

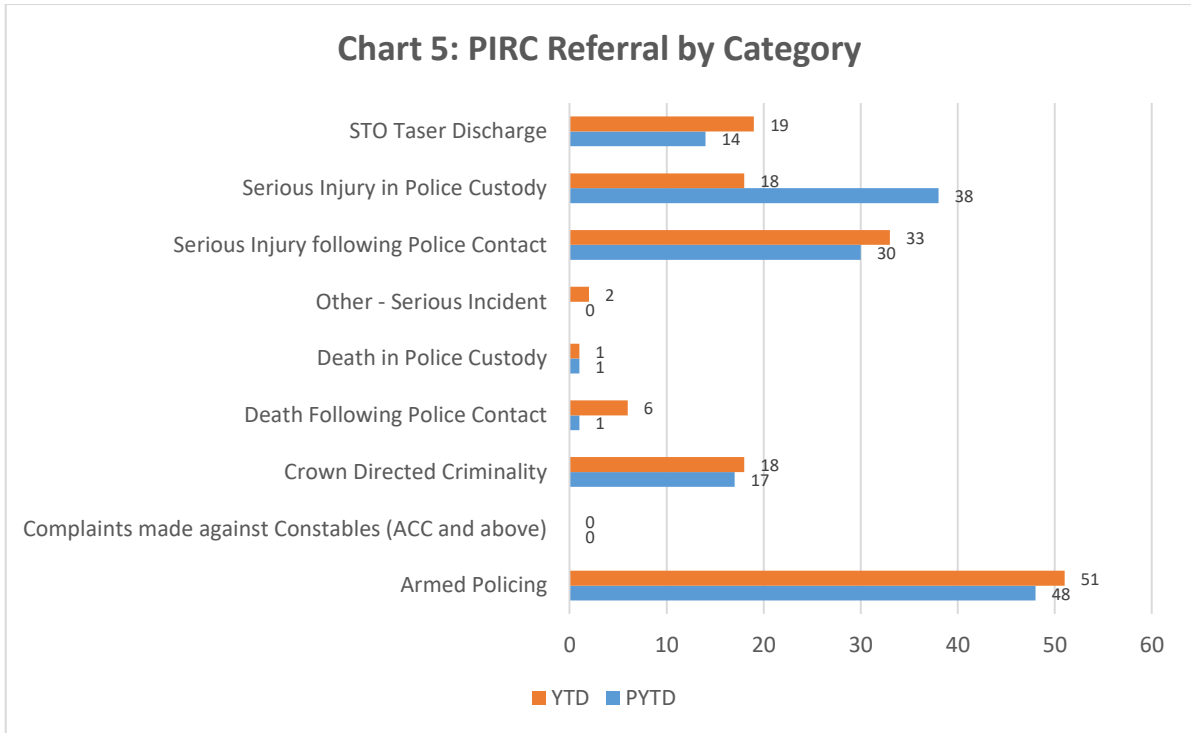


The vast majority of the **110** PIRC recommendations received during the YTD were in the ‘further enquiry’ or the ‘record and/or respond to complaint’ category (**69.1%**) when combined.

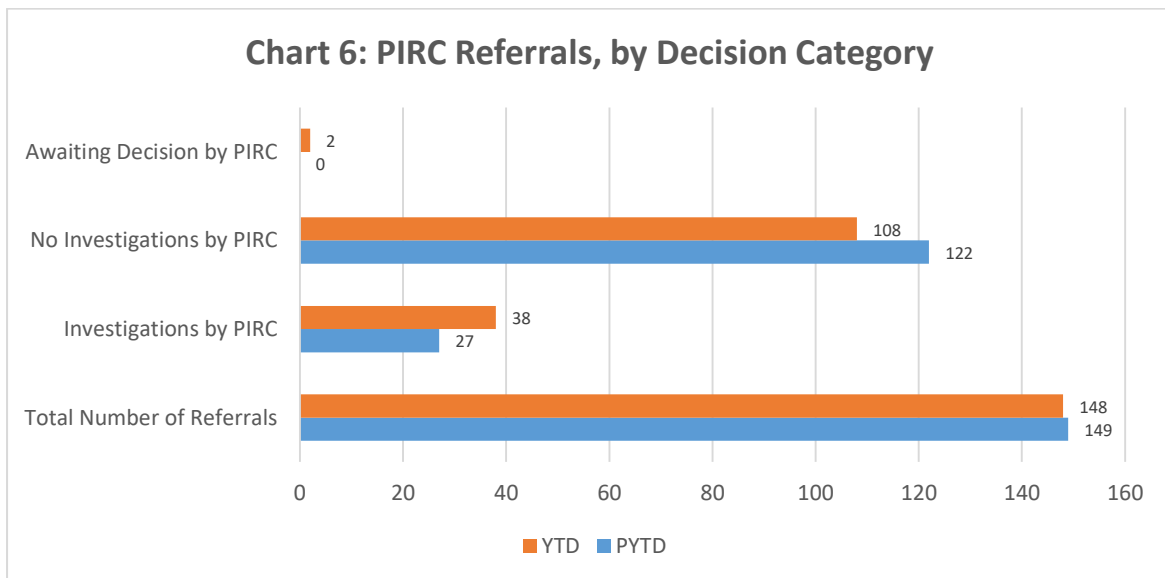
PIRC Referrals

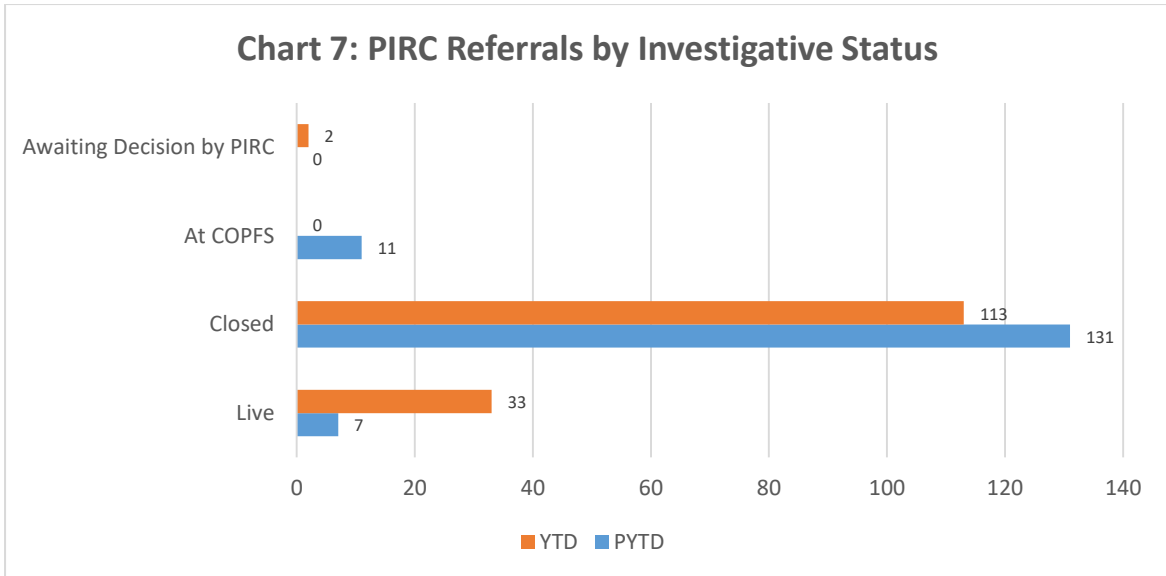
What is a PIRC referral?

A referral is made to PIRC when an incident has occurred which falls within the categories detailed in Chart 5 and it could be assessed that the action/ inaction of Police may have caused or contributed. This allows for an independent and transparent investigation to be undertaken.



There were **148** referrals to PIRC during the YTD, a **0.7%** decrease on the PYTD. The decrease results primarily from the **52.6%** reduction for Serious Injury in Police Custody, accounting for **20** less referrals compared to the PYTD. This reduction is assessed as indicative of the positive impact of learning shared following recommendations provided in previously received PIRC reports.



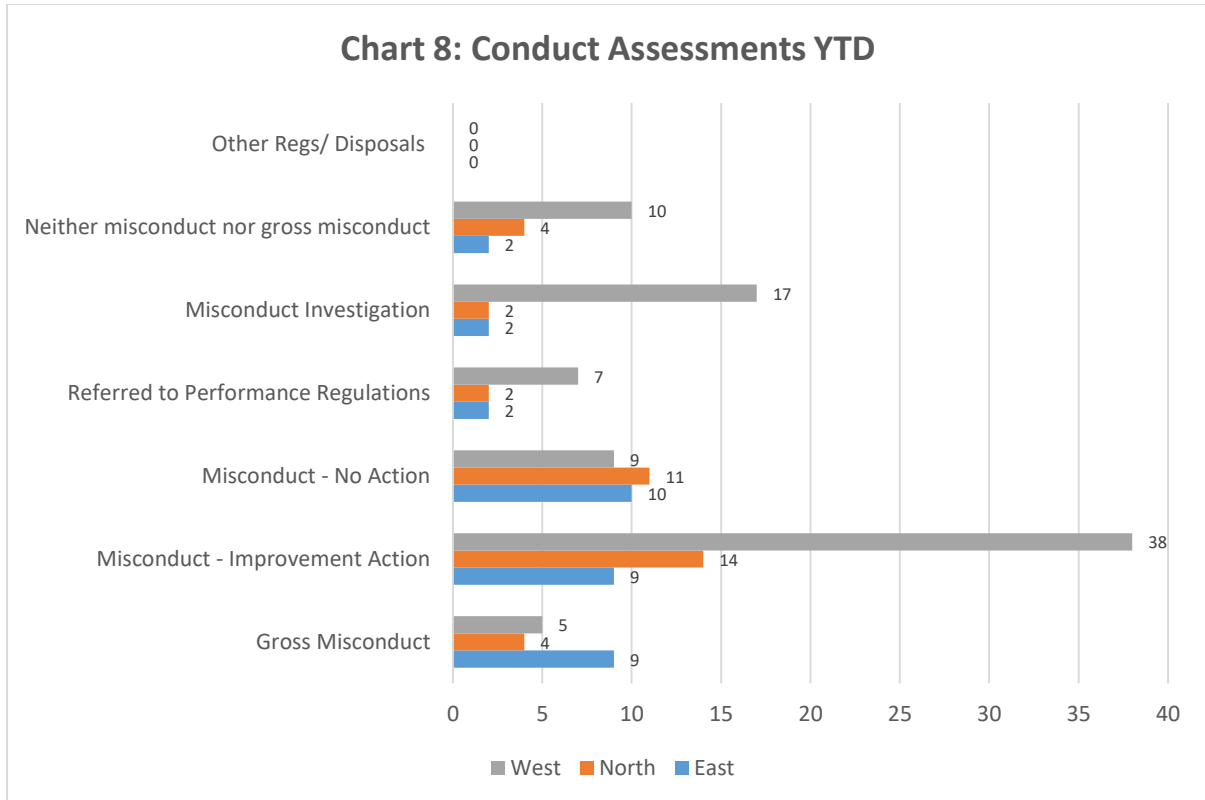


The vast majority of referrals within the YTD were marked as no investigations by PIRC:

- A total of **73%**, accounting for **108** of the **148** referrals.

However, the percentage of referrals during the YTD which led to a PIRC investigation have increased by **7.6%** from the PYTD. This is influenced by increased investigations into Serious Injury Following Police Contact (up **75%** to seven YTD).

Conduct Unit



A total of **157** preliminary conduct assessments were undertaken by the Professional Standards Department during the YTD.

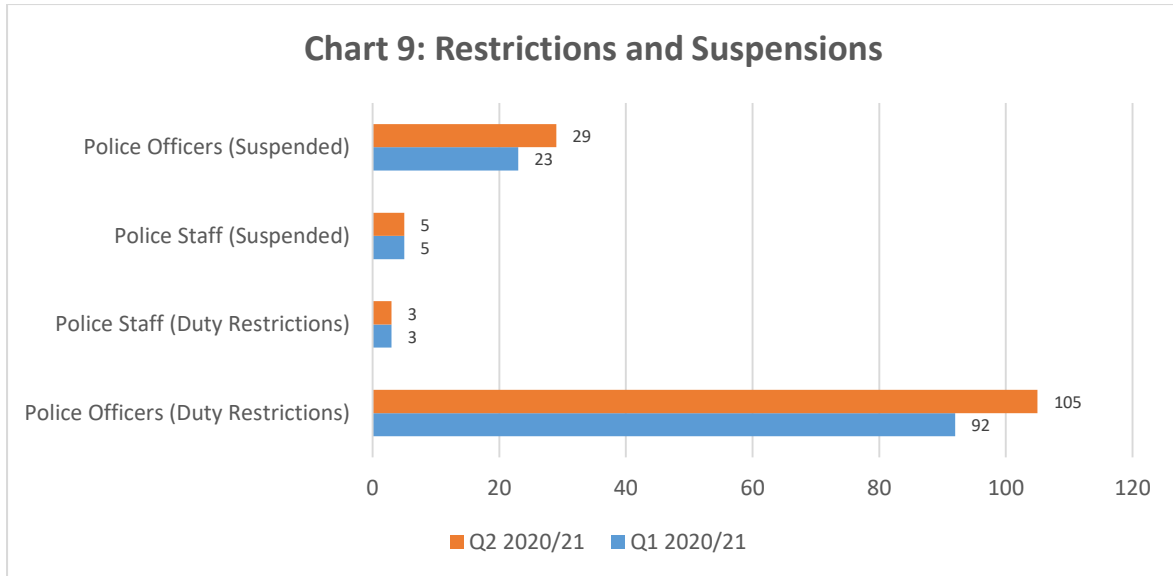
The majority of assessments during this period (**58%**) resulted in 'Misconduct - no action' or 'Misconduct - improvement action'.

During the YTD, **12** conduct meeting and **10** conduct hearings have taken place.

As a result of the conduct meetings five verbal warnings, four written warnings and one final written warning was issued. Two concluded with a 'no misconduct' outcome.

As a result of the conduct hearings one written warning was issued and one subject officer was dismissed. **8** Officers resigned prior to hearings.

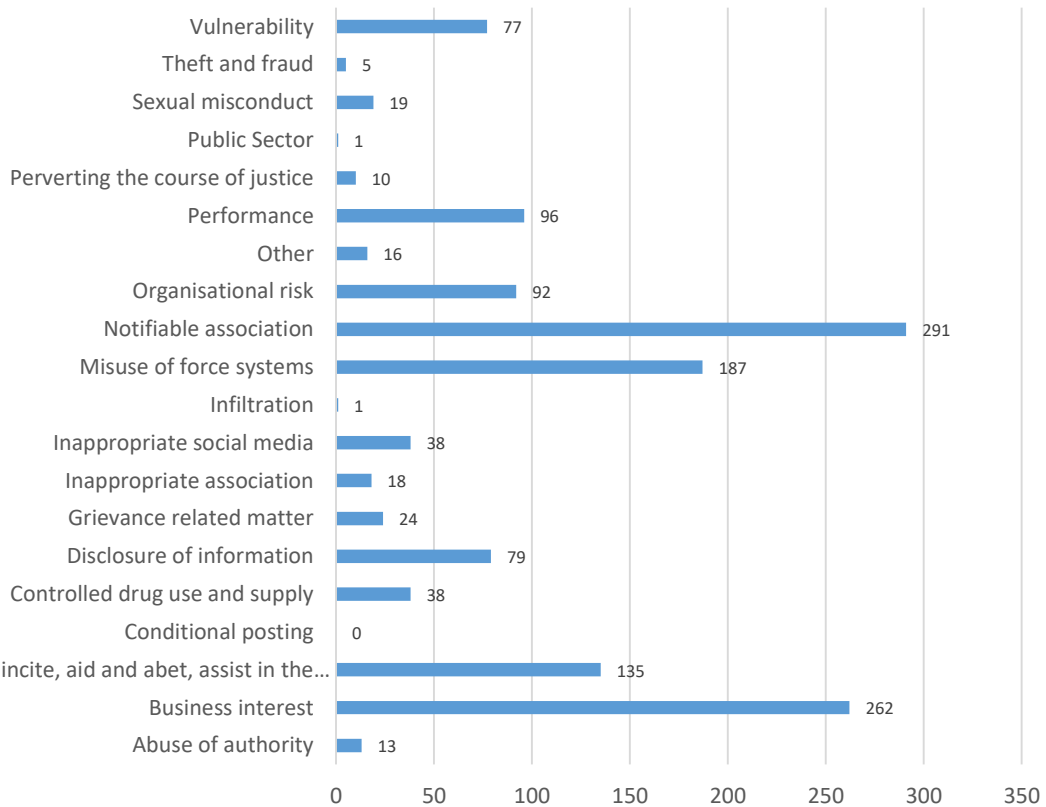
During the YTD period, **3** suspended officers resigned prior to a conduct hearing being undertaken. The Police conduct regulations only apply to serving officers, therefore on resignation or retiral conduct proceedings immediately cease.



At the conclusion of Quarter 2 of 2020/21, there were **105** Police officers and **3** members of Police staff subject to duty restrictions. **29** Police officers and **5** members of Police staff are currently suspended from duty.

National Gateway Assessment Unit

Chart 10: Gateway Referrals Received YTD

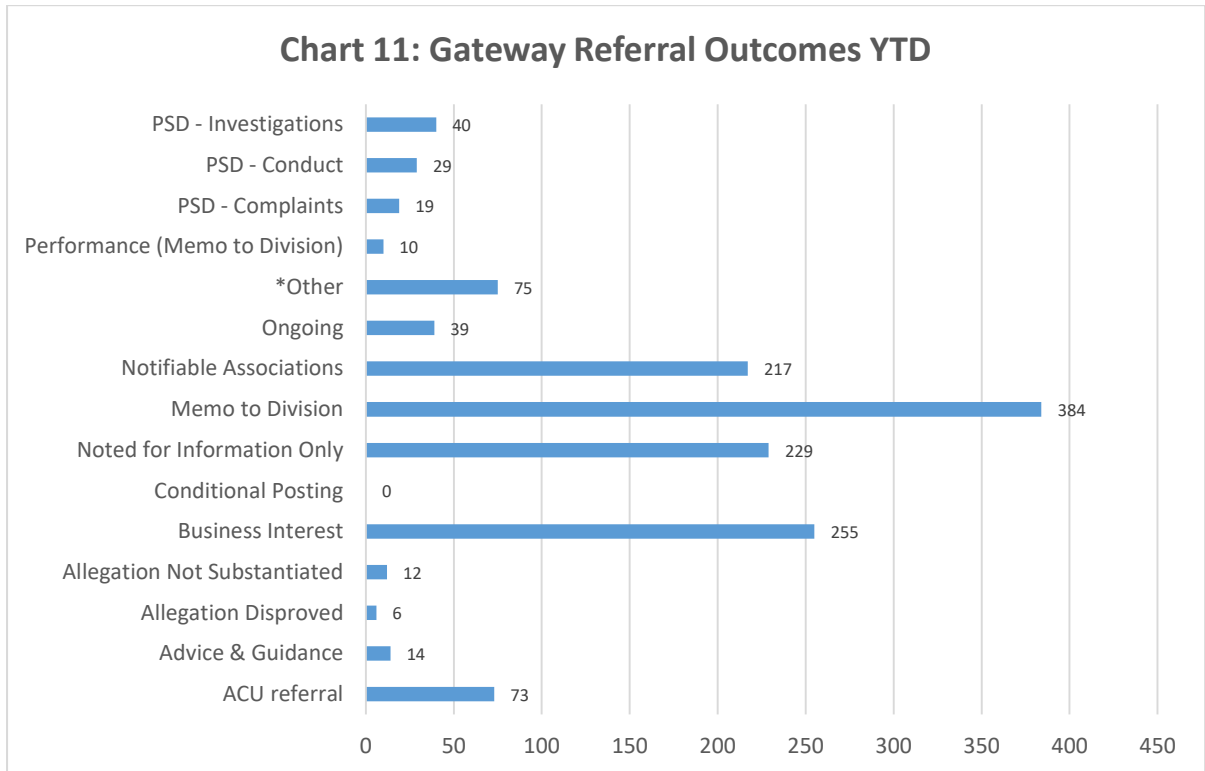


*Other (Audit Requests, NCA Finance Referrals etc.)

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

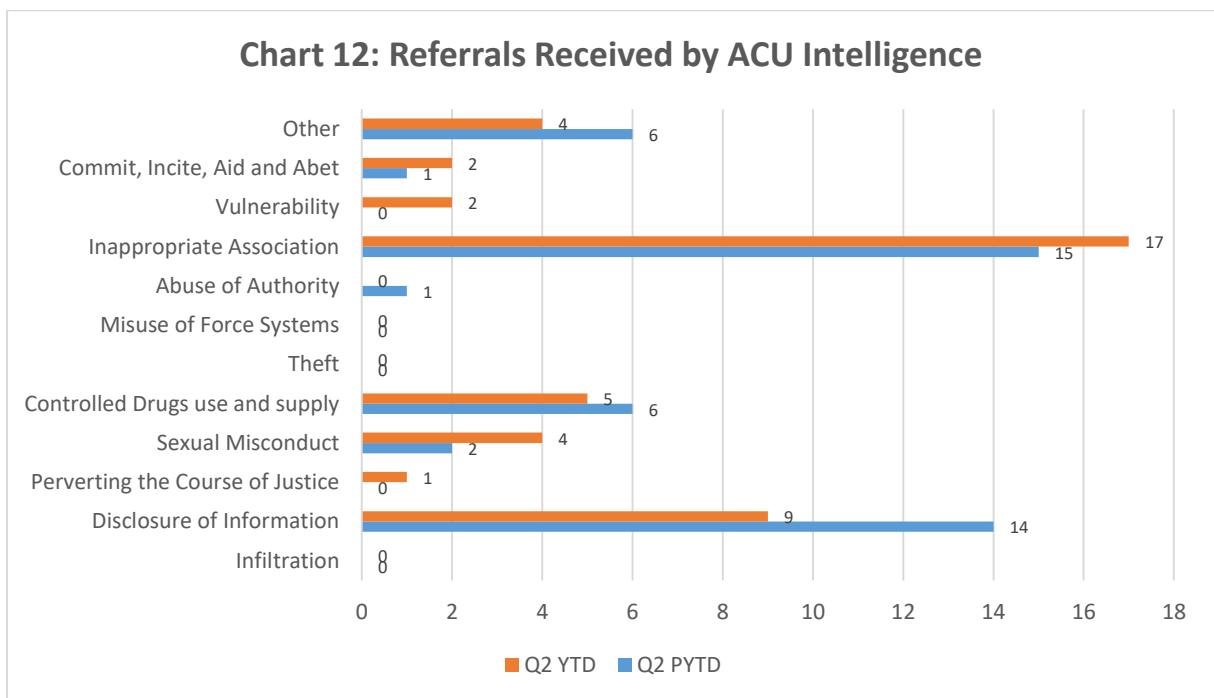
*Notifiable Association Sec 4 complete & returned to Division

The Gateway Assessment Unit (GWU) has assessed **1,402** referrals during the YTD, which represents a **24.5%** increase against the PYTD. It is assessed that this increase results from an increase in Misuse of Force Systems referrals, of which there are **187** during the YTD, compared to **49** in the PYTD (a **281.6%** increase). This results from improved recording process where concerns are identified proactively through monitoring of Police systems are recorded by the GWU and subject to assessment.

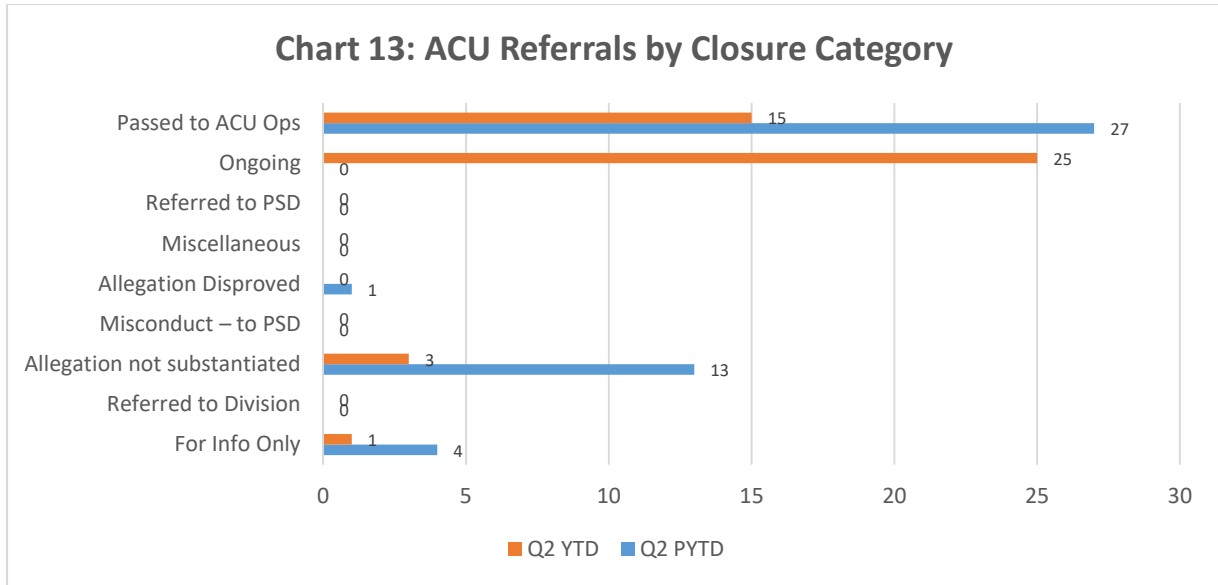


Of the **1,402** referrals received during the YTD, only **11.5%** resulted in a referral to PSD or ACU, a complaint or a conduct assessment.

Anti-Corruption Unit (ACU)



The Anti-Corruption Unit (ACU) has instigated **44** enquiries between 1 July 2020 and 30 September 2020, compared to **45** over the same period last year. The predominant allegations reported to the ACU during this period relate to Disclosure of Information and Inappropriate Association.



The majority of referrals received were classed as ‘ongoing’ (**56.8%**) at the conclusion of Q2 2020/21, with almost all of the remainder passed to ACU Ops (**34.1%**). This indicates that the quality of referrals during Q2 remain high, as what has been assessed and closed has largely been pursued through ACU Operations.

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

The use of corruption by Serious Organised Crime Groups (SOCGs) remains a key strategic priority for Police Scotland and at present the ACU currently monitor **9** 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.

ACU continues to progress Lawful Business Monitoring and are working alongside ICT in this regard.

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's), PIRC Investigations, reports shared by the COPFS and from internal feedback identified as part of the complaint handling process.

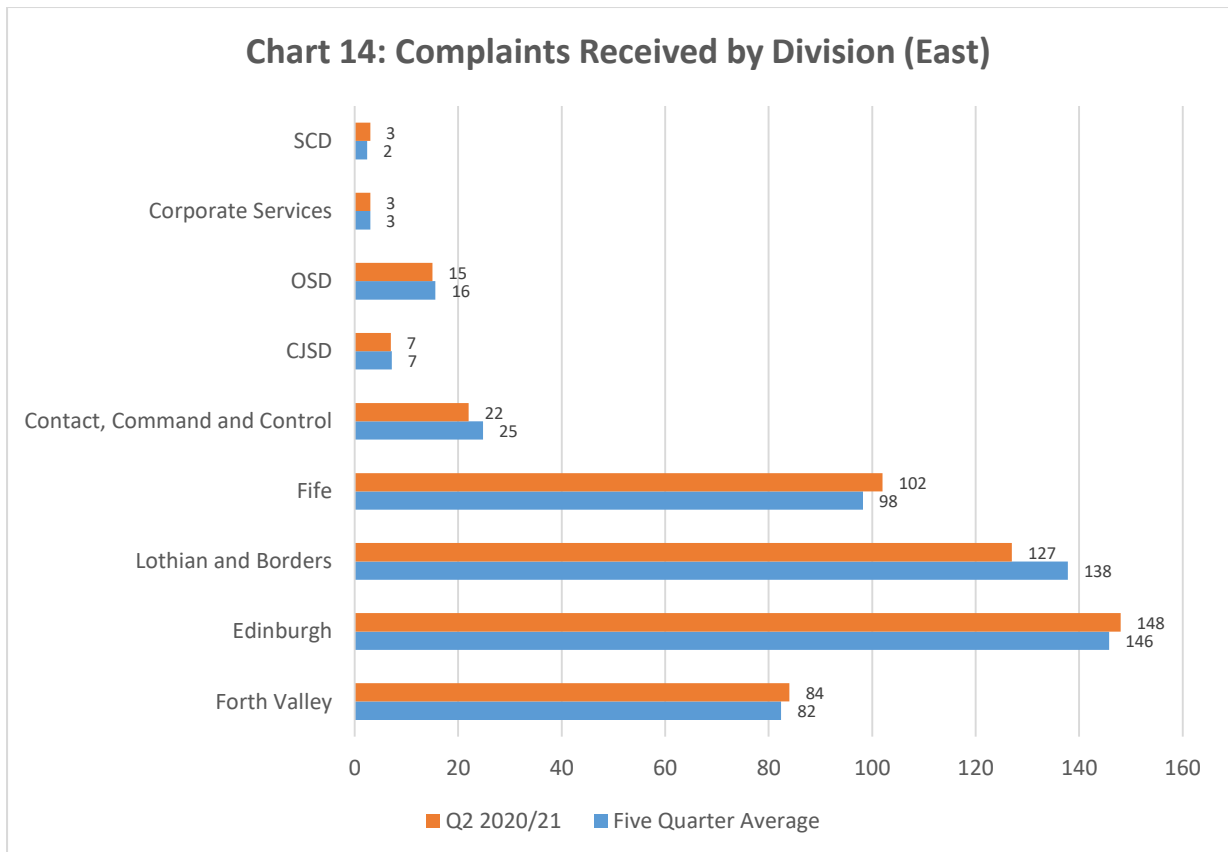
Examples identified during Quarter 2 of 2020/21 are presented below:

Recent learning resulted in guidance being circulated which highlighted the importance of officers, when conducting PNC checks on their PRONTO PDA devices, ensuring that they ensure to fully check any duplicate nominal records allowing for appropriate action to be taken.

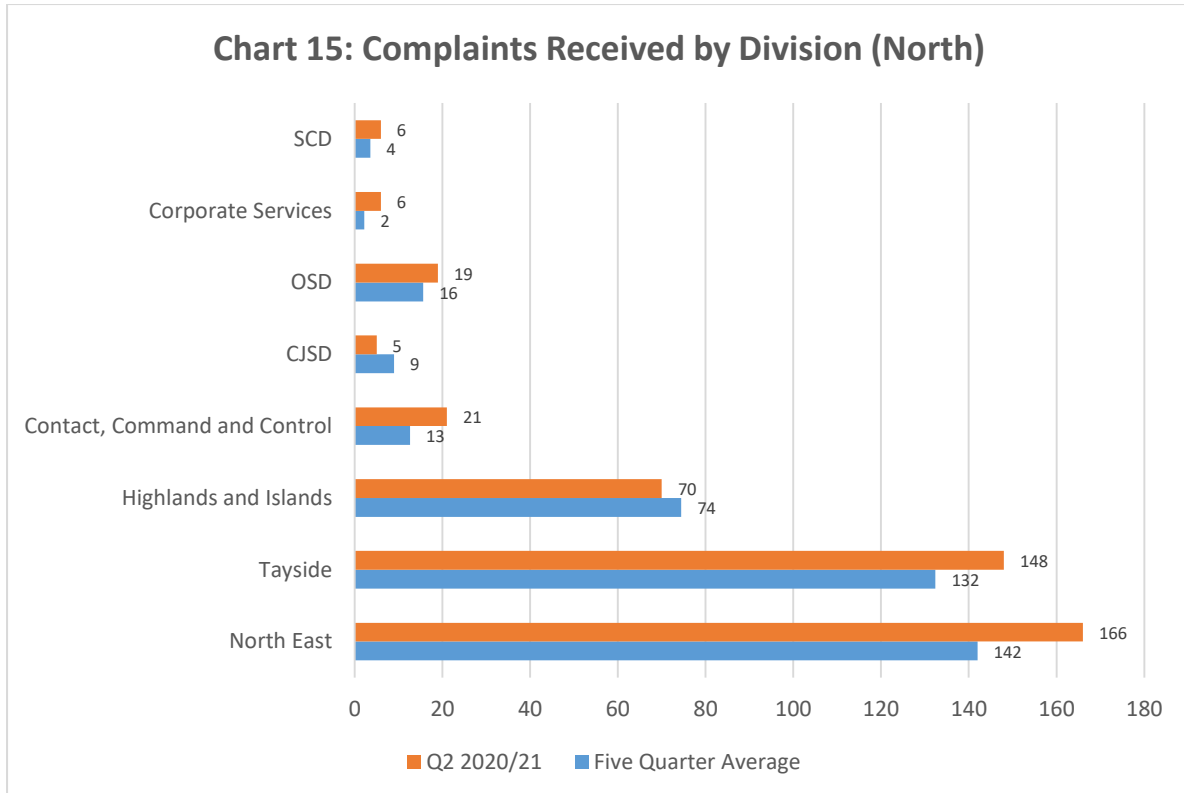
Learning has been circulated which emphasised the importance that the officer allocated a complaint enquiry should have no prior involvement in the matter complained about, either actual, potential or perceived. This ensures the complaints process remains fair, objective, independent and impartial.

Guidance has been circulated throughout Police Scotland, which highlights the importance of ensuring that where a person is taken into custody that they are professionally supervised to ensure their and the officers safety. In addition learning has been circulated around recording the rationale for any intimate search and following an incident where a custody secreted a razor blade in their mouth the processes to follow when a custody refuses to open their mouth during such a search.

Appendix A – Complaints Received, by Division



As previously detailed, the total number of complaints within the East has decreased by **1%**. There are minimal variations across Divisions, with Lothian and Borders having decreased most significantly (down by **7.8%** to **127** complaints).

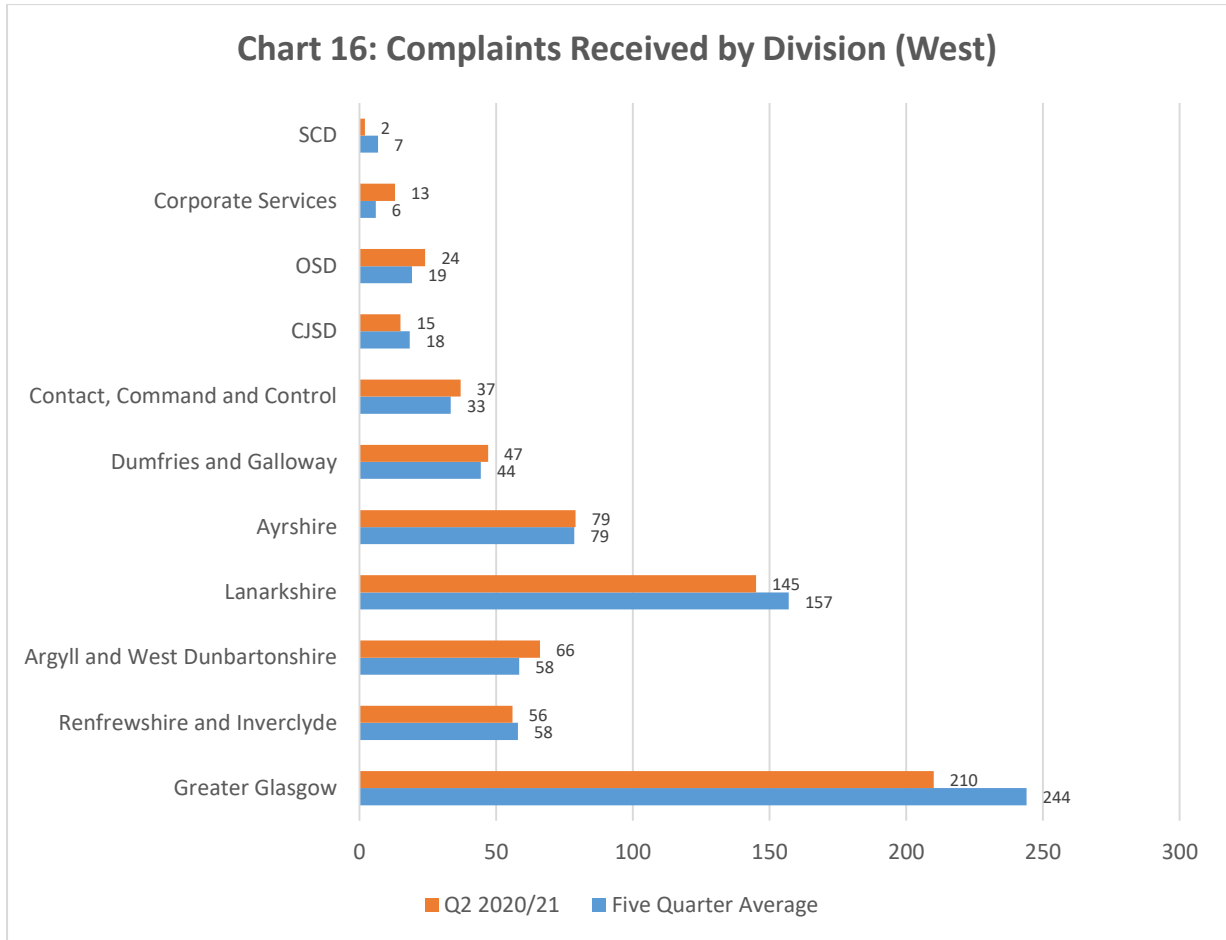


The North registered a **12.6%** increase in complaints received during Quarter 2 of 2020/21, in comparison to the five quarter average.

The most significant increases were identified as:

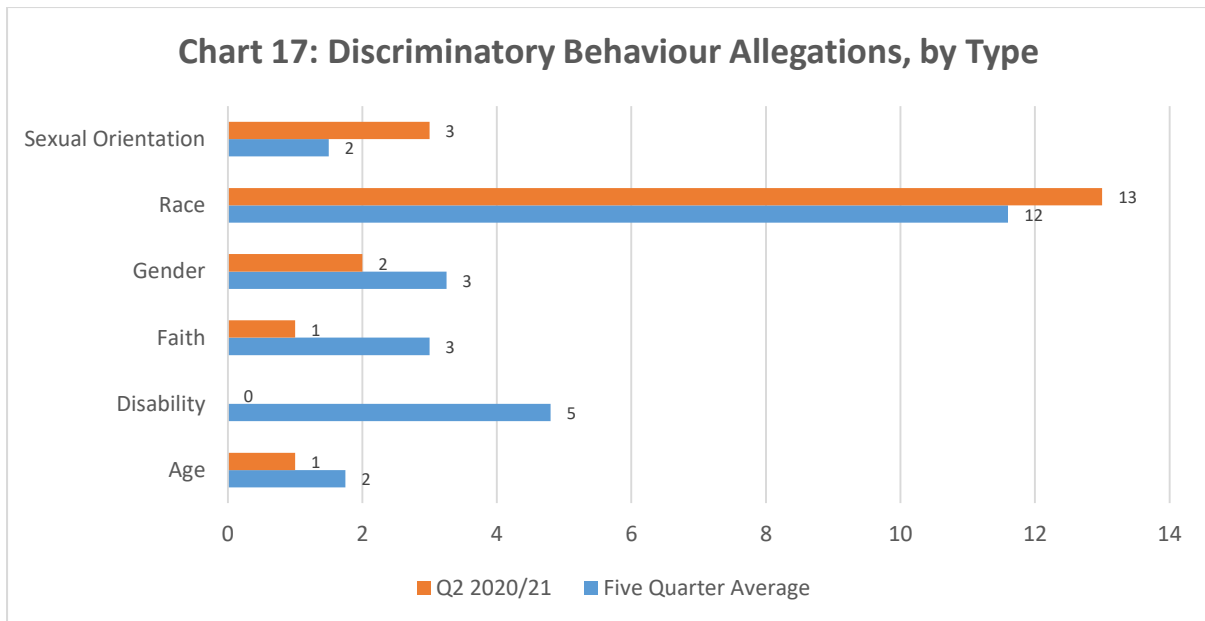
- North East (+**16.9%** to **166** complaints).
- Tayside (+**11.8%** to **148** complaints).
- Contact, Command and Control (+**66.7%** to **21** complaints).

Having spiked during the previous quarter, Highlands and Islands Division saw **70** complaints received during Quarter 2 of 2020/21. This total is **5.9%** below the five quarter average, therefore represents a levelling.



Complaints decreased by **4.2%** in the West, compared to the five quarter average. The largest decreases were within Greater Glasgow (**-13.9%**) and Lanarkshire (**-7.6%**).

Appendix B – Allegations of Discriminatory Behaviour



A total of **20** allegations relating to Discriminatory Behaviour were received during Quarter 2 of 2020/21, a **7.4%** decrease compared to the five quarter average.

The reduction is reflected across almost all categories – with Age, Faith, Gender and Disability all having decreased.