

Meeting	SPA Complaints and Conduct Committee
Date	12 May 2021
Location	Video Conference
Title of Paper	Police Scotland Professional Standards Quarterly Performance Report (Q4)
Presented By	Assistant Chief Constable Alan Speirs/Chief Superintendent 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 2020 – 31 March 2021).

Members are invited to discuss the content of this report.

1. BACKGROUND

- 1.1. The attached performance report provides data relating to the period ending Quarter 4 (1 April 2020 – 31 March 2021).

Note: Appendix 'A' within the report contains "Complaints received by Division current quarter v previous 5 quarter 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 of are invited to discuss the content of this report.



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Professional Standards SPA Performance Report Quarter 4 of 2020/21

Meeting Date: 12/05/2021

Reporting Period: April – March 2021

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Executive Summary

This is the fourth 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 31 March 2021.

We have reached the reporting year-end of what has been a challenging and unprecedented time for Police Scotland in terms of demand and our policing response.

Throughout the reporting year, the noted increase in complaints about the police can be largely apportioned to Operation Talla and COVID-19 related complaints which were mostly resolved through Front Line Resolution (FLR).

A total of **1,676** complaints against the police were received in Q4 representing a **0.9%** decrease on the quarterly average. Year to date **6,958** complaints about the police were received from members of the public during the year-to-date (YTD) period, which represents an increase of **613** complaints (**+9.7%**) on the previous year-to-date (PYTD).

During Quarter 4 **193 Covid-19** related complaints were received a reduction of **56.8%** compared to Quarter 1 of this year. In total 868 of all complaints were COVID-19 related and seen as a key driver in the overall increase in complaints received YTD. **54.7%** of all COVID complaints being Front Line Resolved (FLR).

The causal factors relating to Covid-19 complaints were in main failure to maintain physical distance and the wearing of appropriate PPE.

The National FLR rate for all complaints received was **45.2%**, an increase of **3.4%** compared to 2019/20.

226 Complaint Handling Reviews have been received YTD via PIRC, which represents 3.2% of all complaints made.

70.4% of those complaint allegations reviewed by PIRC were handled to a reasonable standard, an increase of **7.8%** from the PYTD and is reflective of continued improvements in complaint handling by Police Scotland. **1%** of all complaints made resulted in CHR recommendations from PIRC

279 referrals were made to PIRC YTD, which represents a **12%** increase on PYTD, mainly result from the use of Taser and presentation of Firearms by officers across Scotland.

72.4% (202) of all referrals to PIRC were marked as no investigation.

376 conduct related matters undergone a preliminary assessment this included **32** COVID related assessments as a consequence of officers breaching Covid related regulations.

58% of those assessments resulted in low level conduct outcomes.







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During the course of the year **24** Conduct Meetings & **12** Gross Misconduct Hearings have taken place. A further 15 officers resigned/retired prior to the conclusion of misconduct proceedings.

The National Gateway Assessment Unit received & processed 2743 referrals representing an YTD increase of 13.4%. Over 1000 of those referrals related to either Notifiable Associations or Business Interests.

In 20/21 the Anti-Corruption Unit has instigated **145** enquiries a reduction of **18%**.

Table 1: Summary of Professional Standards Department Performance Statistics

Category	Number	% Change	Trend	Period
Complaints Received	6,958	9.7%		YTD 2020/21
% of Complaints Frontline Resolved (FLR)	45.2%	3.4%		YTD 2020/21
Complaints Received (Q4 only)	1,676	-0.9%		Q4 2020/21
Complaint Handling Reviews	226	1.3%		YTD 2020/21
% of Allegations Handled to a Reasonable Standard	70.4%	7.8%		YTD 2020/21
PIRC Referrals	279	12.0%		YTD 2020/21

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COVID-19

Executive Summary

The volume of COVID-19 related complaints has stabilised in recent quarters, having peaked in Quarter 1 of 2020/21 at the outset of the pandemic.

During Quarter 4 of 2020/21, **193** COVID-19 related complaints were received. This represents a **56.8%** decrease from Quarter 1, accounting for **254** less complaints.

As a proportion of the **19,531** resourced incidents related to Operation Talla during Quarter 4, only **1%** resulted in a COVID-19 related complaint.

Policing in Scotland draws its legitimacy from the consent of the public. From these figures, it is clear that the policing approach has been effective in this regard. Officers and staff will continue to apply common sense, empathy and discretion to work with our fellow citizens to help keep everyone safe.

During Quarter 4, the PSD National Complaint Assessment & Resolution Unit (NCARU) resolved **39.9%** of these complaints by Frontline Resolution (FLR) through simple explanation, assurance or apology. During the full 2020/21 financial year, **54.7%** of COVID-19 related complaints were resolved by FLR.

Table 2: COVID-19 related Complaints Received, by Quarter

Period	Number of COVID-19 Related Complaints
Quarter 1 2020/21 (Apr - Jun)	447
Quarter 2 2020/21 (Jul - Sep)	109
Quarter 3 2020/21 (Oct - Dec)	119
Quarter 4 2020/21 (Jan – Mar)	193
Year-to-date	868

PSD continue to identify the key themes emanating from these complaints. 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. Key themes identified during Quarter 4 were:

- Officers not wearing appropriate PPE and/or failing to social distance, from other officers or from members of the public. These issues were cited in **36.3%** of the COVID-19 related complaints received during this period.

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- Failing to enforce reported breaches of Coronavirus regulations by members of the public. This was cited in **20.7%** of the COVID-19 related complaints received. The most common theme amongst these reports related to gatherings in domestic dwellings. However, an emerging theme during March 2021 was identified regarding public gatherings. This was largely attributable to football fans gathering in large numbers on the weekend of 06th-07th March 2021, primarily in Glasgow City.
- Police action to ensure public compliance with the Coronavirus regulations was cited in **29.5%** of COVID-19 related complaints received. These refer to complainers' subject to the 4 E's approach by Police Officers (engage, explain, encourage and enforce). These complaints broadly express dissatisfaction with the approach taken, most commonly relating to reported gatherings within domestic dwellings.

With national 'lockdown' restrictions scheduled to be eased during April 2021, all COVID-19 related complaints will continue to be monitored, managed and recorded.

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.

During the full financial year of 2020/21, a total of **6,958** complaints from members of the public were received, which represents a **9.7%** increase from 2019/20. Increases were identified across all three Command Areas, as summarised in Table 3 below. The largest percentage increase was registered in the West (**+11.5%**).

This overall increase in complaints is driven by the 868 COVID-19 related complaints received in the YTD period, as detailed in the previous section.

Table 3: Complaint Cases Received, by Command Area and Financial Year

Command Area	2019/20	2020/21	% Change from 2019/20
East	1,990	2,165	8.8%
North	1,561	1,678	7.5%
West	2,794	3,115	11.5%
Total	6,345	6,958	9.7%

Within the full 2020/21 financial year, **2,100** complaints were graded non-criminal, a **3.8%** decrease on the previous financial year. These account for **30.2%** of all complaints received within 2020/21.

The decrease in non-criminal complaints is assessed to be related to the volume of Frontline Resolved (FLR) complaints, which increased by **18.5%** YTD. The total volume of complaints YTD which were FLR was **3,148**, and accounts for an additional **492** cases. Moreover, much of this increase is attributable to COVID-19 complaints, of which **475** were resolved by FLR.

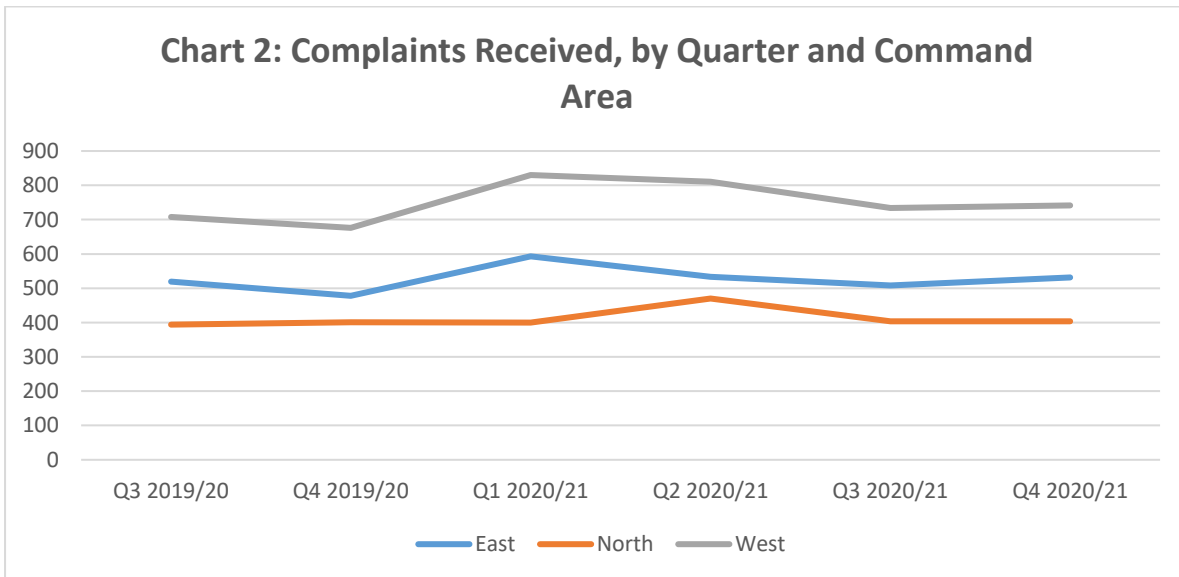
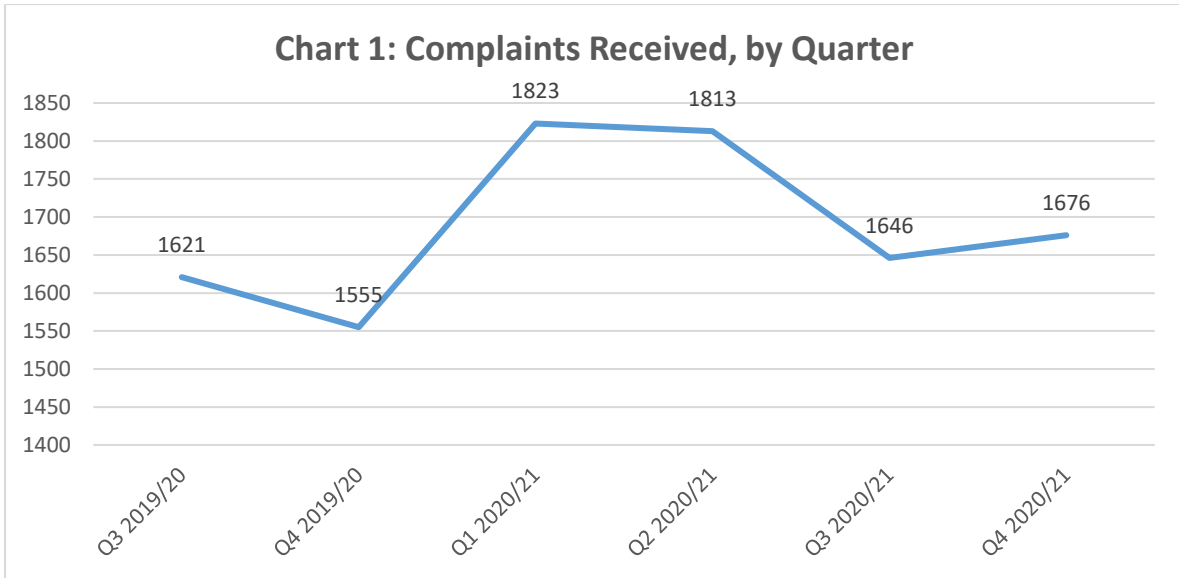
The national FLR rate overall for the 2020/21 financial year was **45.2%**, an increase of **3.4%** compared to 2019/20.

Given the effect of COVID-19 complaints on FLR and related effect of decreased non-criminal complaints, as the country now eases out of significant restrictions it is assessed that this will impact on the volume and grade of complaints in the coming months.

As of 03 May 2021, a new complaint handling operating model will go live, whereby all Complaints about the Police will be retained by the Professional Standards Department. All non-criminal complaints – previously handled by Divisions - will therefore now be recorded, assessed and managed by the department.

The remainder of this section focuses on Quarter 4 of 2020/21, contrasted against the previous five quarters to provide additional context.

A total of **1,676** complaints were received from members of the public during Quarter 4 of 2020/21 representing a **0.9%** decrease in comparison to the average of the previous five quarters.



The national rate of decrease in Quarter 4 broadly reflects the trends at Command Area level, with low volume variance in each area, when compared to the five quarter average.

West Command

In the West, a total of **741** complaints were received during Quarter 4 of 2020/21. This represents a decrease **(-1.4%)** on the five quarter average. Moreover, this is closely matched with the Quarter 3 total (734) and follows a spike in complaints during Quarter 1 and Quarter 2, which were the highest quarterly totals in the past 18 months.

Despite the overall decrease during Quarter 4, notable increases were identified within **Renfrewshire and Inverclyde (+25.4%)** and **Lanarkshire (+23.9%)**.

East Command

The East observed an increase (**-0.9%**) during Quarter 4 compared to the five quarter average. In total, **531** complaints were received during this period.

Increases were identified in all but one of the East's territorial Divisions - in **Forth Valley (+11%)**, **Edinburgh City (+6.2%)** and **Fife (+9.3%)**. Together, these low volume increases were largely offset by a notable decrease within **Lothian and Borders (-14.4%)**.

North Command

Complaints in the North have decreased (**-2.4%**) compared to the five quarter average, with **404** received during Quarter 4 of 2020/21.

Low volume increases in the **North East (+2.1%)** and **Highlands and Islands (+6.5%)** were identified in Quarter 4. However, these were offset by low volume decreases within **Tayside (-4.5%)** and across all specialist Divisions, with the exception of Contact, Command and Control.

Further Comments

A key commonality across the three Command areas is that the volume of complaints remains relatively steady during Quarter 4 of 2020/21, compared to the five quarter average. Furthermore, this broadly reflects the national picture.

However, this should be seen within the context of a spike in complaints during Quarter 1 and Quarter 2 (as seen in Chart 1). Given that, it is likely that the five quarter averages will be heightened as a result.

Compared to Quarter 4 of 2019/20, complaints increased by **7.8%** in Quarter 4 of 2020/21. However, direct comparisons between those two periods requires further context as the latter part of Quarter 4 in 2019/20 involved the outset of the COVID-19 pandemic and the first national 'lockdown'. COVID-19 related complaints were extremely low in volume at this stage (**37** in total), whereas Quarter 4 of 2020/21 involved **193** of these complaints. These have had a significant effect on the increase in complaints, along with the residual effects of the pandemic – including the impact on recorded crime and incidents more generally.

When population of each area is taken into account, there is almost no regional variance in terms of complaints. During Quarter 4 of 2020/21, the **East** and **North** received **31** complaints per 100,000 population. The comparable rate in the **West** was **30**.

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.*

During the full financial year of 2020/21, a total of **11,369** allegations were received, which represents a **6.2%** increase from 2019/20.

During the full 2020/21 financial year, Irregularity in Procedure, Quality of Service and Incivility account for **72.2%** of all allegations received. This proportion remains steady compared to 2019/20, as these categories accounted for **72.7%** of all allegations received during the PYTD.

The most common allegation received continues to be Irregularity in Procedure, with **4,381** allegations received YTD (**-4.9%** from PYTD).

The remainder of this section focuses on Quarter 4 of 2020/21, contrasted against the previous five quarters to provide additional context.

The following allegation types have recorded increases at a national level during Quarter 4:

On Duty - Neglect of Duty (42 allegations, a 114.3% increase)

The national increase is attributable to four divisions within the West, which all registered increases against the five quarter average.

- Greater Glasgow (11 allegations within Quarter 4, a 161.9% increase).
- Ayrshire (8 allegations, a 700% increase).
- Lanarkshire (6 allegations, a 242.9% increase)
- Renfrewshire and Inverclyde (5 allegations, a 150% increase).

Together, these four divisions account for the majority (71.4%) of all Neglect of Duty allegations received nationally during Quarter 4.

Further analysis was undertaken as regards these Divisions. The commonality amongst these allegations was a perceived lack of Police action. Primarily these relate to crime reports not being raised and a failure to investigate reports from members of the public. Analytical findings are being collated and will be shared with the relevant divisions.

The national increase in Neglect of Duty allegations follows an increase highlighted during Quarter 3 of 2020/21, which related to North East Division. Analytical findings were shared with the Division to ensure suitable measures could be implemented to

mitigate this. With only one relevant allegation received during Quarter 4, the prior increase within the North East Division has levelled.

On Duty - Oppressive Conduct/Harassment (96 allegations, a 31.9% increase)

Low volume increases were identified across almost all territorial Divisions, with exception of North East, Fife and Greater Glasgow.

The most notable increase was identified in Highlands and Islands Division, with the 12 allegations received accounting for a 185.7% increase against the five quarter average. This was also the highest number of relevant allegations at Divisional level nationally during Quarter 4 of 2020/21.

A key theme amongst these allegations in Highlands and Islands was the perceived manner of officers. Further detailed analysis will be undertaken and shared with the Division, to ensure suitable measures are implemented to mitigate this increase.

On Duty - Excessive Force (143 allegations, a 15.7% increase)

Low volume increases were identified across almost all territorial Divisions, with exception of Edinburgh, Ayrshire and Argyll and West Dunbartonshire.

The most notable increases were identified in the following Divisions:

- Lanarkshire (27 allegations, a 50% increase).
- Lothians and Borders (15 allegations, a 66.7% increase).

Despite the widespread low volume increases across Divisions, these two Divisional increases account for the vast majority of the national increase during Quarter 4 of 2020/21.

Further detailed analysis will be undertaken and shared with the relevant Divisions, to ensure suitable measures are implemented to mitigate these increases.

Further Increases

Increases were also identified within the following allegation categories:

- Quality of Service – Policy/Procedure (117 allegations, a 1.6% increase).
- Unlawful/Unnecessary Arrest or Detention (25 allegations, a 25% increase).

Given the low volume of increase within these allegation categories of 2 and 5 allegations respectively, these are not assessed to be a key increase. However, these will remain under review and will be subjected to further scrutiny.

Common Allegation Types

The most common allegations received during Quarter 4 of 2020/21 related to Irregularity in procedure, with **1,006** such allegations in total. Other common allegations related to Quality of Service (**678**) and Incivility (**442**).

Combined, these three categories account for **81%** of all allegations received during Quarter 4.

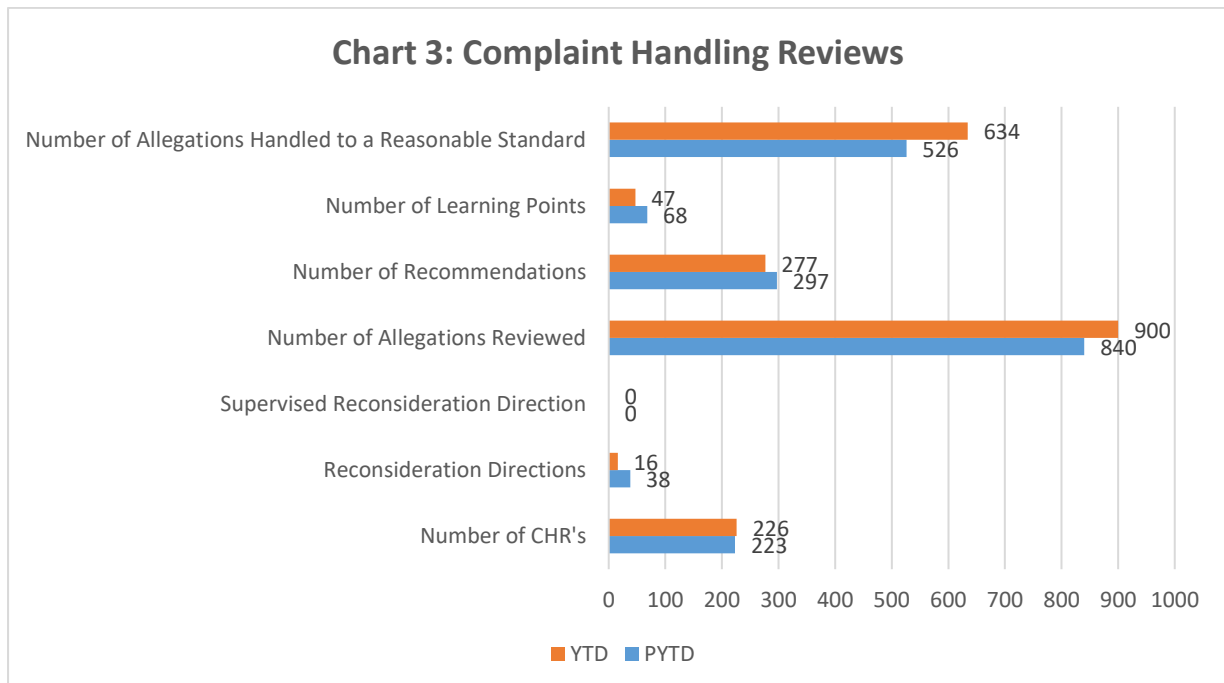
Substantial decreases in these allegation categories are key drivers in the overall decrease in allegations received within Quarter 4 (-6.4%), compared to the five quarter average:

- Irregularity in Procedure (-9.9%, accounting for 110 less allegations). Also decreased by 7.7% compared to Q4 of 2019/20.
- Quality of Service (-4.6%, accounting for 33 less allegations). However, has increased by 3.2% compared to Q4 of 2019/20.
- Incivility (-6.3%, accounting for 30 less allegations). However, has increased by 1.1% compared to Q4 of 2019/20.

PIRC Complaint Handling Reviews and Referrals

PIRC Complaint Handling Reviews and Referrals

A total of 226 Complaint Handling Reviews (CHR's) were received during the YTD, a 1.3% increase on the PYTD, equating to an increase of 3 CHR's.

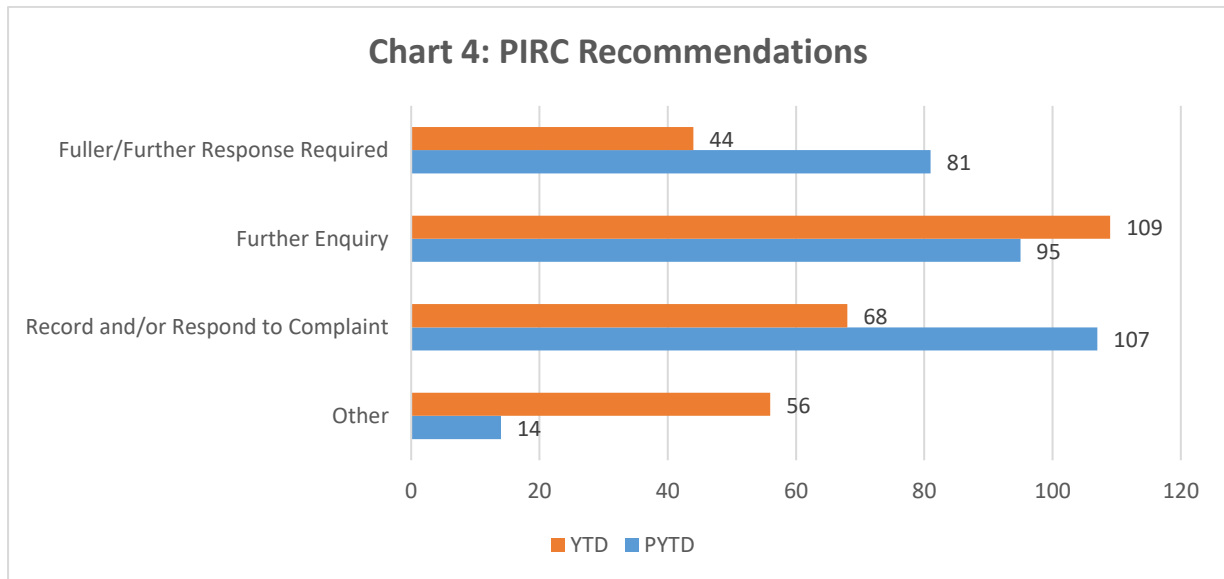


The volume of CHR's had decreased during early quarters of the YTD, partly influenced by PIRC taking cognisance of the operational pressures on Police Scotland owing to the COVID-19 pandemic, and temporarily minimised the impact of new

workload where possible. However, these have now returned to a level closely matched with the PYTD.

Of the 226 CHR's received, **900** allegations were reviewed and **70.4%** were handled to a reasonable standard during the YTD. Moreover, the percentage handled to a reasonable standard has increased by **7.8%** against the PYTD and reflects continued improvements in complaint handling by Police Scotland.

Represented as a proportion of all complaints received within the 2020/21 YTD, only **3.2%** of complaints resulted in the completion of a CHR by PIRC.



The vast majority of the **277** PIRC recommendations received during the YTD were in the 'further enquiry' or the 'record and/or respond to complaint' category (**63.9%**) when combined.

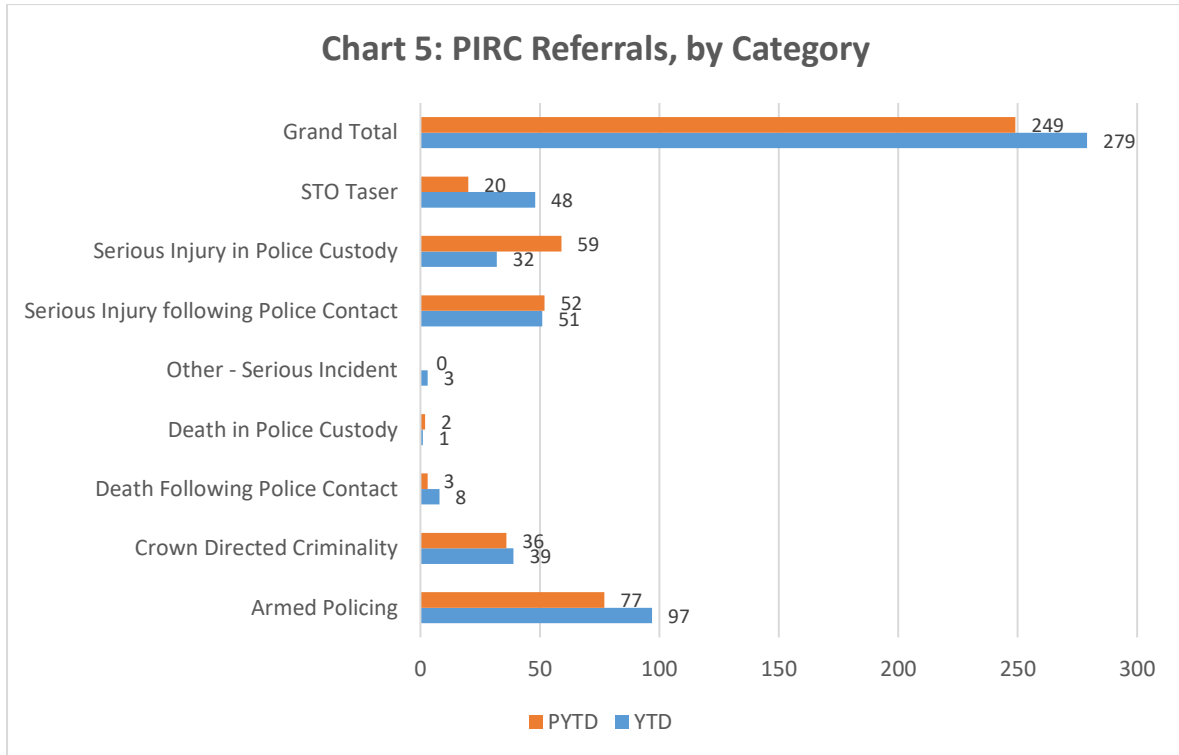
One notable increase was within the 'Other' category, which increased by **300%** compared to the PYTD. It is assessed that this increase relates primarily to administration processes. This issue will continue to be monitored and will be subjected to further detailed review.

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 **279** referrals to PIRC during the YTD, a **12%** increase on the PYTD.



This increase is primarily driven by STO Taser referrals (+140%), accounting for an additional 28 referrals.

Another notable increase, but to a lesser degree, was the 26% increase in Armed Policing referrals. These account for an additional 20 referrals during the YTD.

PIRC Investigations into Taser Referrals

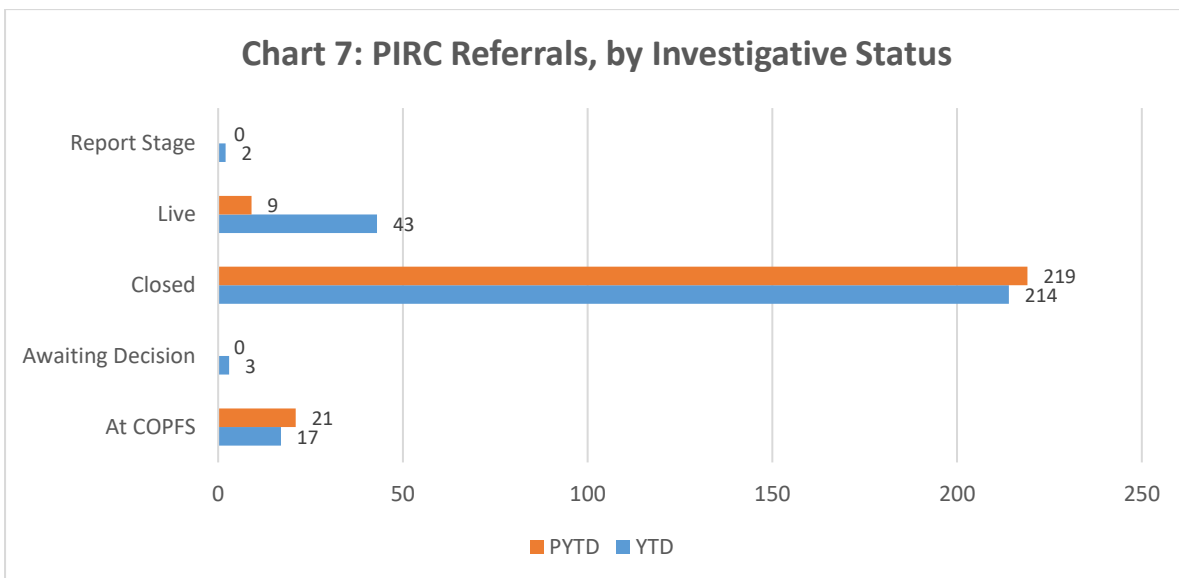
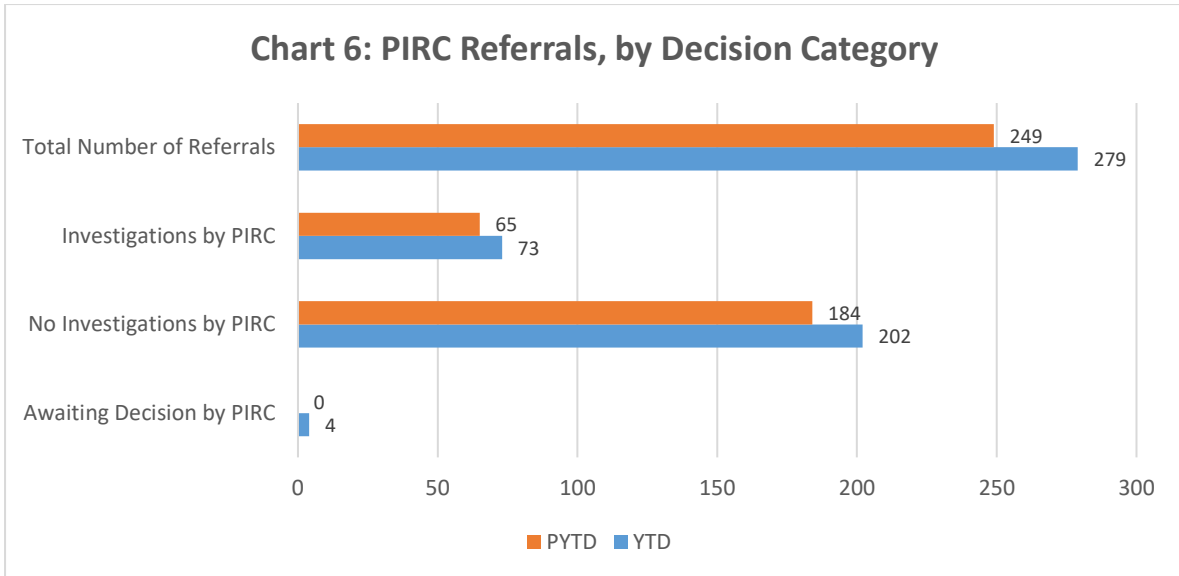
Police deployment of Taser on a member of the public automatically results in the matter being subject to a PIRC referral under statute.

Recent PIRC investigations into Police use of Taser have confirmed the lawful, proportionate and necessary use of Taser. These reports recognised that our officers acted professionally in dealing with incredibly challenging incidents. This provides positive and independent assurance, in light of the recent increase in relevant referrals.

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

- A total of 72.4%, accounting for 202 of the 279 referrals.

However, the percentage of referrals during the YTD which led to a PIRC investigation remained stable (+0.1%) compared to the PYTD. There have been low volume increases in investigations into Crown Directed Criminality (+3), Other – Serious Incident (+3) and STO Taser referrals (+2).



Strengthened links between Police Scotland and COPFS/SFIU have enhanced the processes relating to Crown Directed Criminality referrals and the speed which these are progressed.

Moreover, the additional investigations regarding STO Taser discharges is reflective of the increased volume of relevant referrals YTD, as noted above.

These categories continue to be monitored and will be subjected to further scrutiny in the coming months.

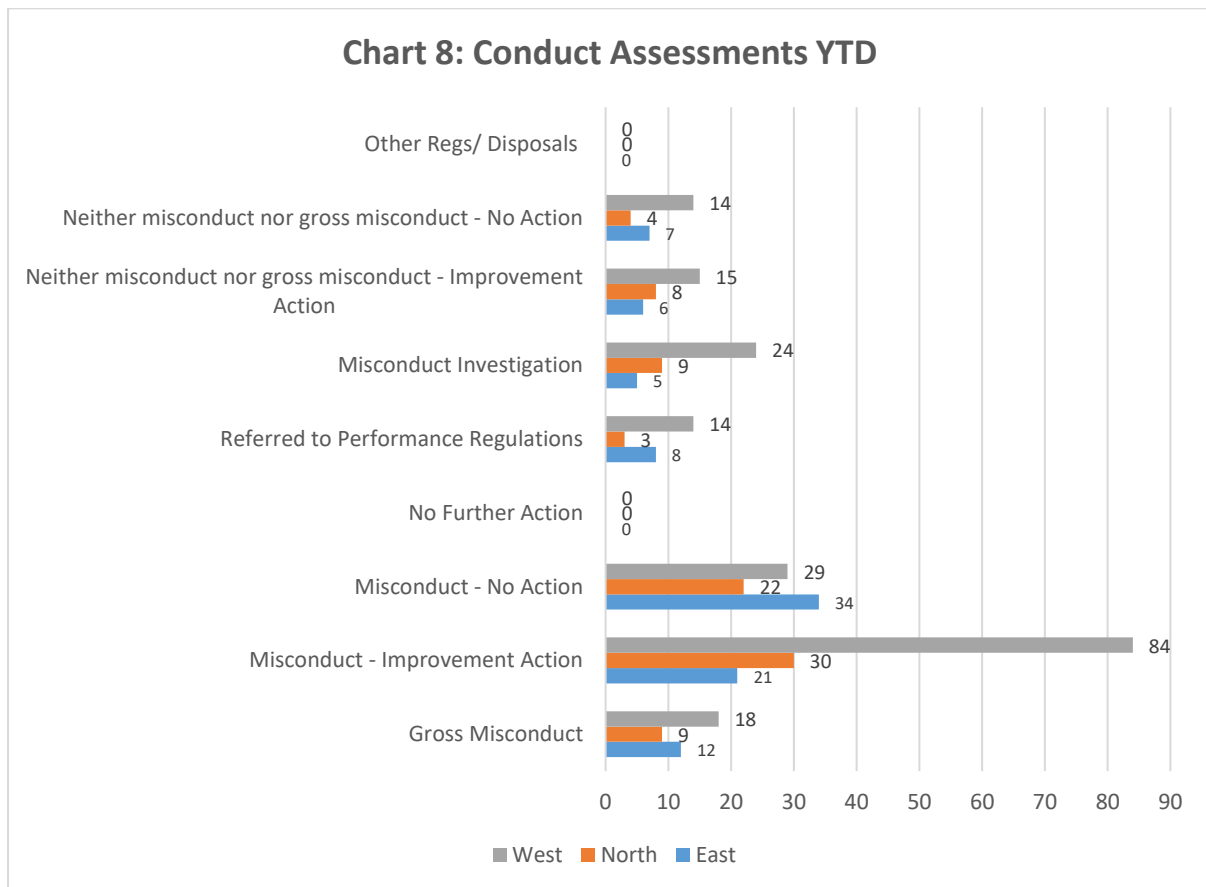
Conduct Unit

Conduct

The Police Service of Scotland (Conduct) Regulations 2014 is the primary vehicle through which allegations of misconduct by serving police officers up to the rank of Chief Superintendent are considered. These regulations are supported by published guidance supported by staff associations, Scottish Government and Police Scotland.

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

The procedures are intended to encourage a culture of learning and development for individuals and the organisation. Disciplinary action has a part, when circumstances require this, but improvement will always be an integral dimension of any outcome.



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A total of **376** preliminary conduct assessments were undertaken by the Professional Standards Department during the YTD. Most assessments were attributed to the West (**52.7%**), with **24.7%** in the East and **22.6%** in the North.

The volume increase YTD is influenced by **32** COVID-19 related assessments, in addition to **21** assessments linked to a single incident involving Confidentiality related allegations.

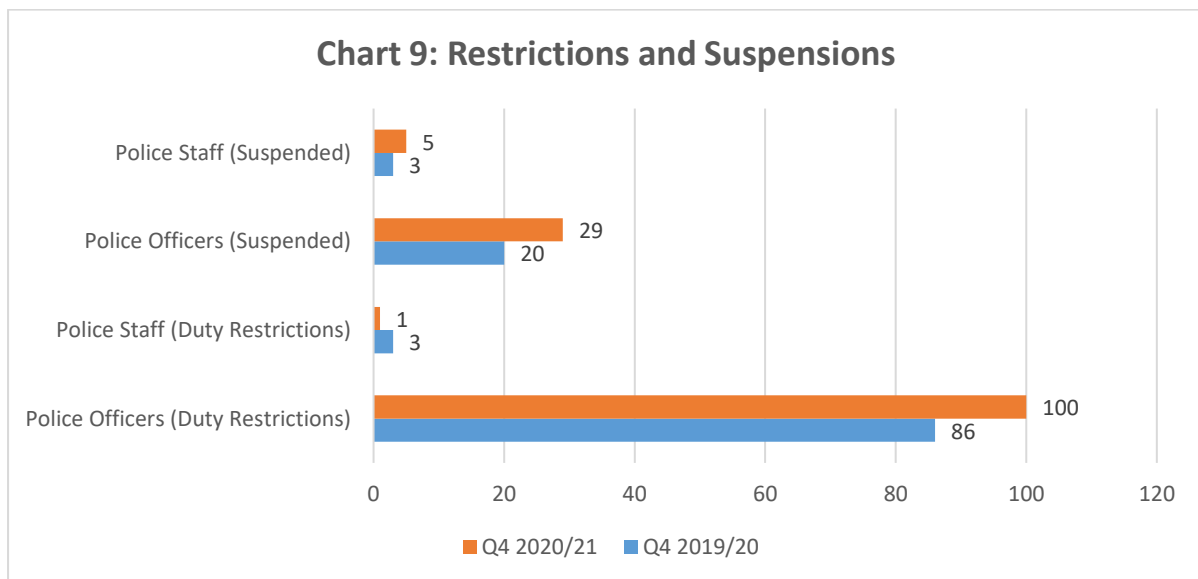
The majority of assessments during this period (**58.5%**) resulted in 'Misconduct - no action' or 'Misconduct - improvement action'.

During the YTD, **24** conduct meetings and **12** conduct hearings have taken place.

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

As a result of the conduct hearings one resulted in a 'no misconduct' finding, one written warning was issued and two subject officers were dismissed. Eight Officers resigned prior to hearings.

During the YTD period, **14** suspended officers resigned or retired prior to a conduct hearing being undertaken. A further **9** restricted officers resigned or retired prior to hearings. The Police conduct regulations only apply to serving officers, therefore on resignation or retiral conduct proceedings immediately cease.

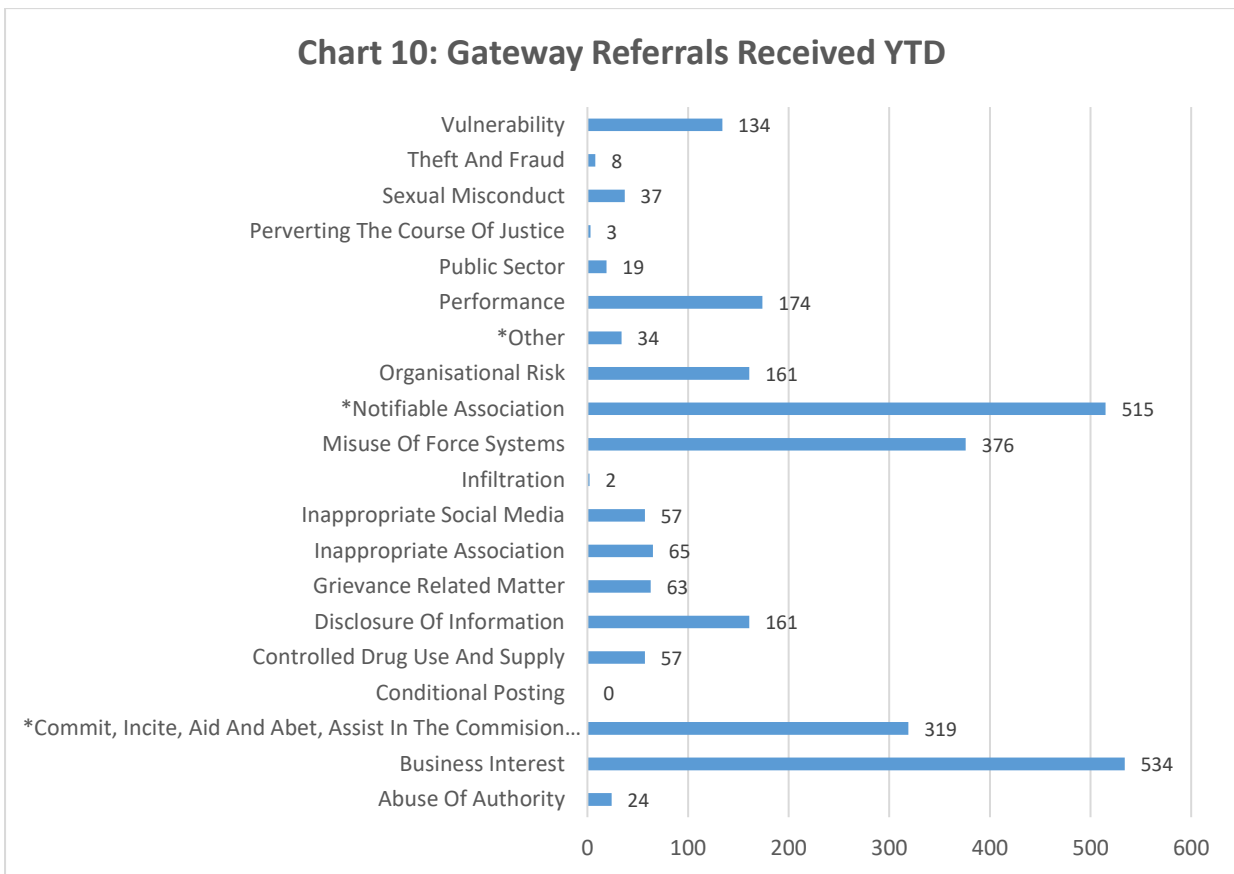


At the conclusion of Quarter 4 of 2020/21, there were **100** Police officers and **1** member of Police staff subject to duty restrictions. **29** Police officers and **5** members of Police staff are currently suspended from duty.

National Gateway Assessment Unit

National Gateway Assessment Unit

The Gateway Assessment Unit (GWU) has assessed **2,743** referrals during the YTD, which represents a **13.4%** increase against the PYTD.



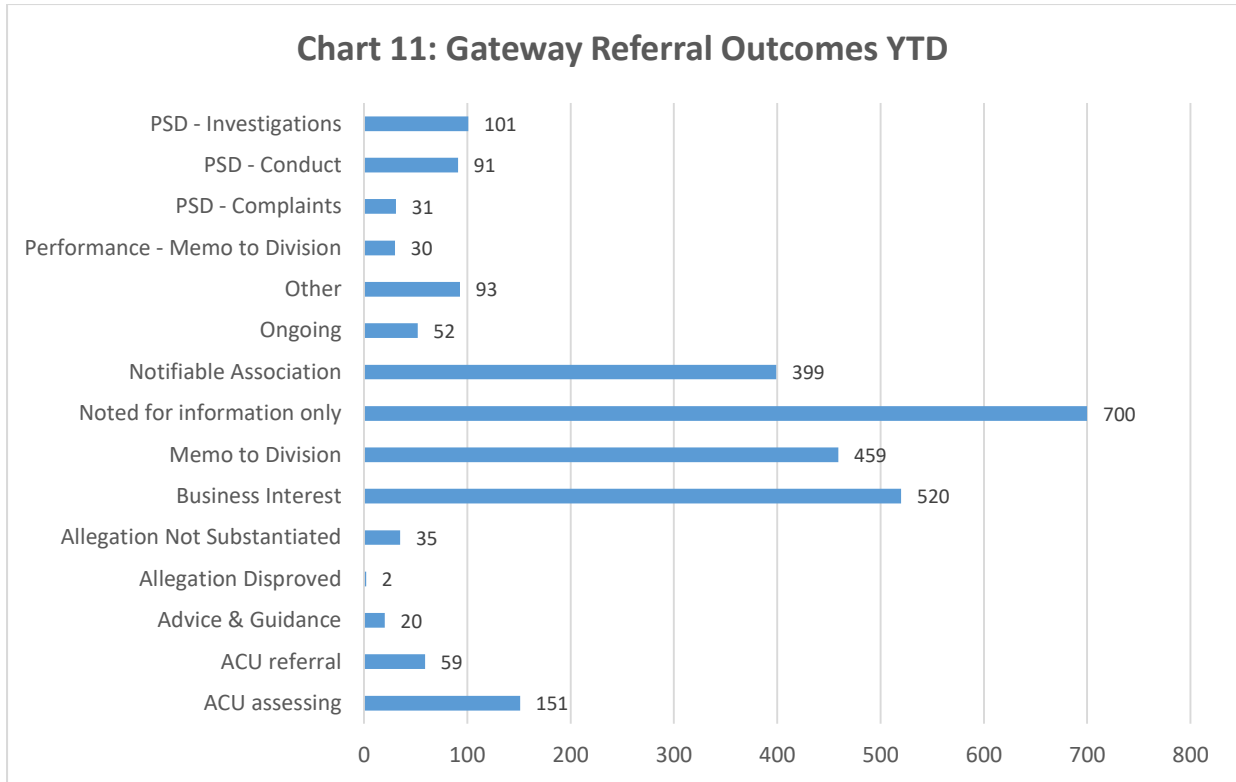
*Other (Audit Requests, NCA Finance Referrals etc.)

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

*Notifiable Association Sec 4 complete & returned to Division

A key driver here is Misuse of Force Systems referrals, of which there are **376** during the YTD, compared to **224** in the PYTD (a **67.9%** 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.

A significant proportion of referrals continue to relate to Notifiable Association and Business Interests. Combined, these account for **38.2%** of all referrals received YTD.



Of the **2,743** referrals received during the YTD, only **10.3%** resulted in a referral to PSD or ACU, a complaint or a conduct assessment.

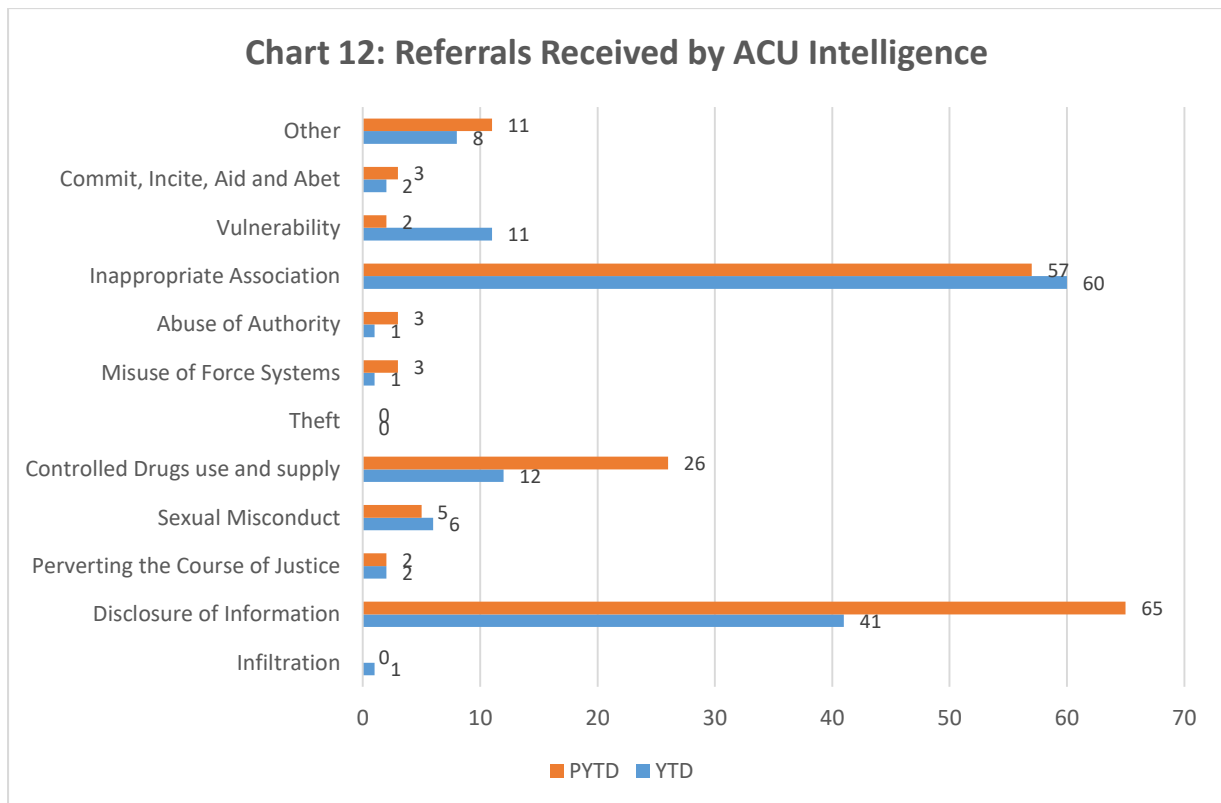
The majority of the remaining referrals are disseminated to the relevant Divisions for further proportionate enquiries to be undertaken. Once concluded, Divisional updates are reviewed by the GWU to ensure these are sufficient to close the referral and to ensure consistent approach across the organisation.

Where enquiries indicate that the matter may reach a criminal/conduct threshold, these are re-submitted for further review and assessment by the GWU.

Anti-Corruption Unit (ACU)

Anti-Corruption Unit

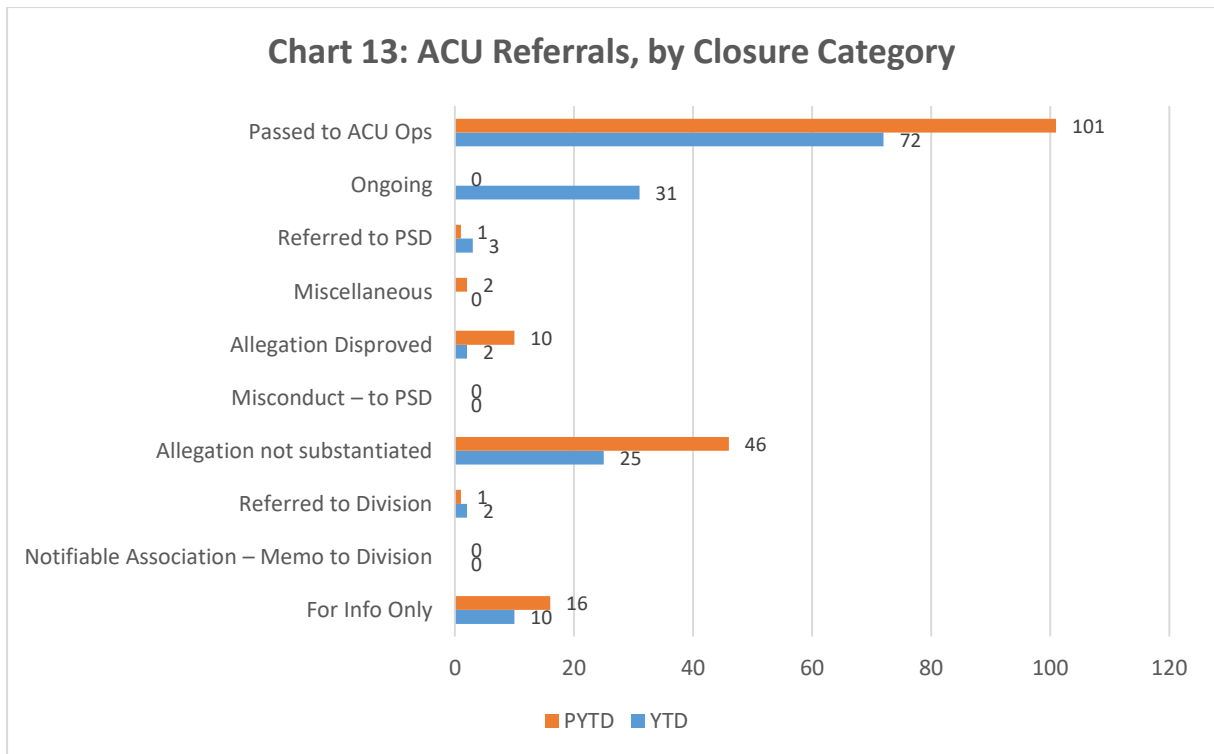
The Anti-Corruption Unit (ACU) has instigated **145** enquiries between 1 April 2020 and 31 March 2021, compared to 177 over the same period last year.



The figures show a decrease of **18.1%** and factors contributing to the decrease include a reduction in referrals ascertained from Officers Reports, Integrity Matters and Intelligence logs. The COVID-19 pandemic must also be factored into this.

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

YTD comparison does not show any great increase in any of the 12 agreed National Police Counter Corruption Advisory Group (NPCCAG) Corruption Categories. There is a **53.8%** decrease in the NPCCAG Corruption Category Controlled Drugs Use and Supply compared to the PYTD, along with a **36.9%** decrease in the Disclosure of Information category. Together, these account for the volume reduction in the total of referrals received YTD.



The most common outcome YTD was the referral being passed to ACU Ops (**49.7%**). This indicates that the quality of referrals during the YTD remain high, as the majority of referrals assessed and closed have 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 **10** SOCGs which hold markers for Law Enforcement Corruption. This is reviewed frequently by ACU who engage closely with Police Scotland divisions in the North, East and West.

Lawful Business Monitoring was introduced on 25 January 2021.

Organisational Learning

Organisational Learning

The Professional Standards Department is committed to promoting a culture of organisational learning. Learning opportunities are identified through a variety of sources, including PIRC Complaint Handling Reviews (CHR's), PIRC Investigations, reports shared by the COPFS and from internal feedback identified as part of the complaint handling process.

A new communications process has been implemented within the Professional Standards Department which will capture organisational learning across all business areas. This will facilitate enhanced sharing of relevant learning with Divisions.

Examples identified during Quarter 4 of 2020/21 are presented below:

While in the care of the police, an applicant was subjected to treatment properly characterised by Police Scotland as “degrading”. The subject officers referred to the applicant’s conduct as justification for the manner in which she was treated.

While the evidence available supports that the applicant was aggressive and shouted at officers, Police Scotland have reminded all custody staff and complaint handlers that an individual’s protection against degrading treatment under Article 3 applies unconditionally and wholly irrespective of the individual’s own conduct.

Enquiries are ongoing with Criminal Justice & Services Division with a view to strengthening the Custody SOP in relation to legal requirements.

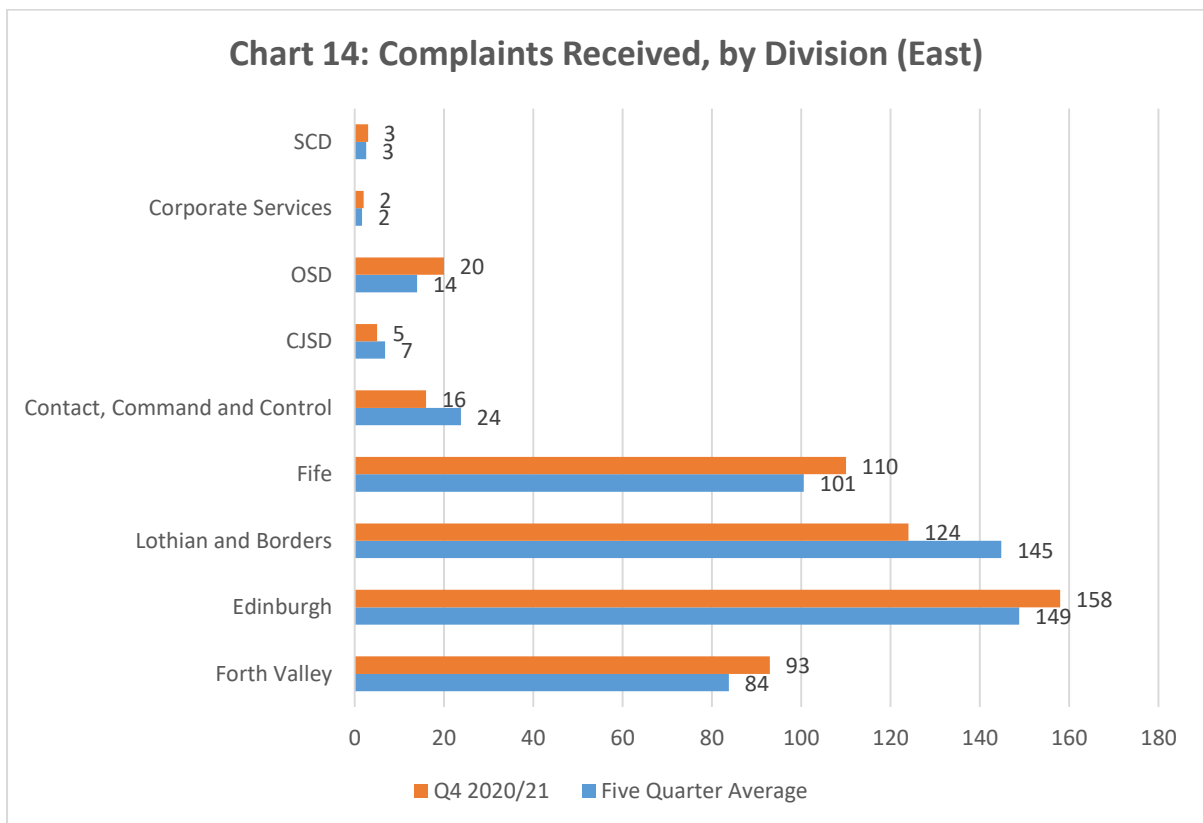
In a further incident, it has been highlighted that Police Scotland’s Forced Entry SOP does not refer to Article 8 of the ECHR, which establishes that any infringement of the right to privacy must be in accordance with law, in pursuit of a legitimate aim, and necessary and proportionate in the circumstances. This SOP also does not provide guidance to officers in this respect.

Enquiries are ongoing with Local Policing to consider strengthening the Forced Entry SOP by reflecting the legal requirements of Article 8 of the ECHR.

In addition to disseminating learning to Operation Talla from themes identified through complaints received (as per COVID-19 section above), PSD routinely issue corrective advice and guidance via Division to Officers subject to GWU referrals. This includes reminding Officers of their responsibilities and adherence to the Coronavirus regulations and legislation.

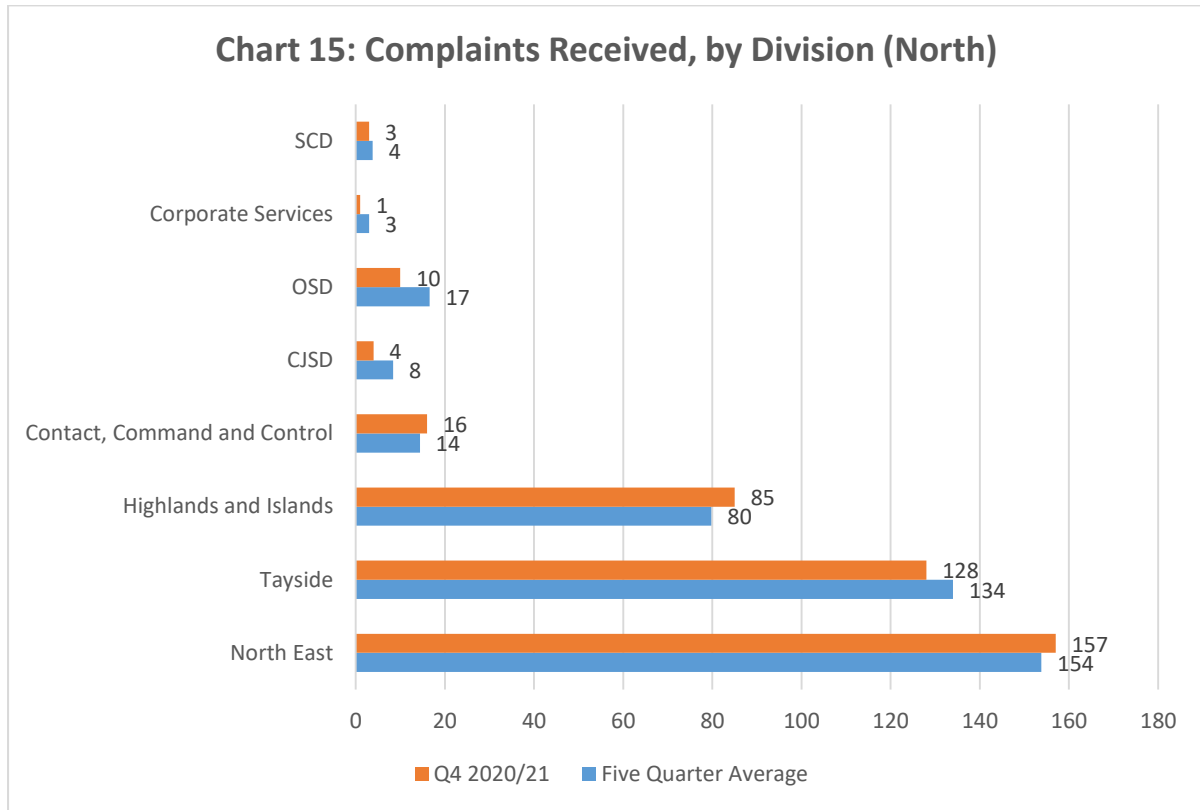
Appendix A – Complaints Received, by Division

Appendix 'A'



As previously detailed, the total number of complaints within the East has increased by **0.9%**. Increases were registered in Forth Valley (**+11%**), Edinburgh (**+6.2%**), Fife (**9.3%**) and Operational Support Division (**42.9%**).

These increases were however low in volume and were largely offset by a notable decrease within Lothian and Borders (-14.4%). Low volume decreases were also identified in Contact, Command and Control (-32.8%) and Criminal Justice Services Division (-26.5%).

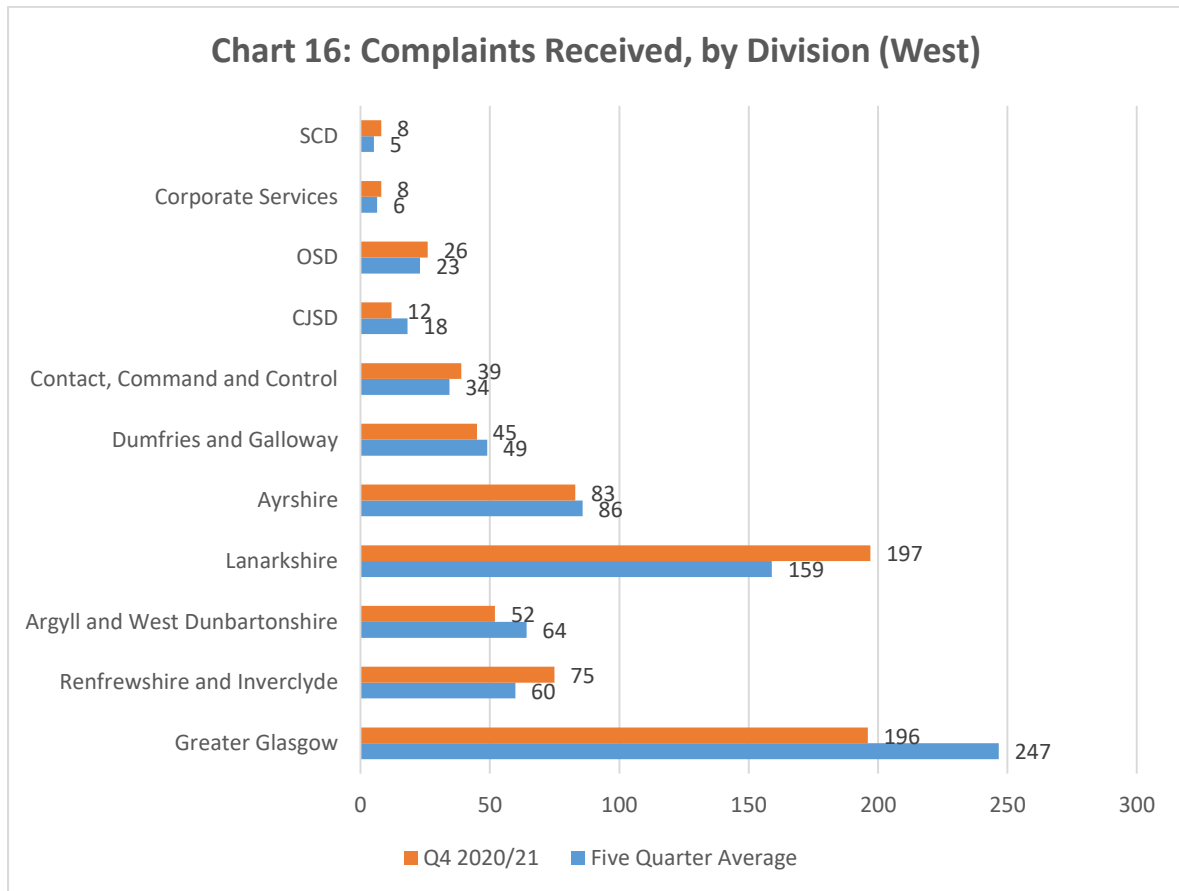


The North registered a **2.4%** decrease in complaints received during Quarter 4 of 2020/21, in comparison to the five quarter average.

Low volume increases in the North East (**+2.1%**), Highlands and Islands (**+6.5%**) and Contact, Command and Control (**+11.1%**) were registered during Quarter 4.

However, these were offset by low volume decreases within Tayside (**-4.5%**) and across all specialist Divisions (out with Contact, Command and Control).

Complaints decreased by **1.4%** in the West, compared to the five quarter average, with decreases visible across almost all Divisional areas.



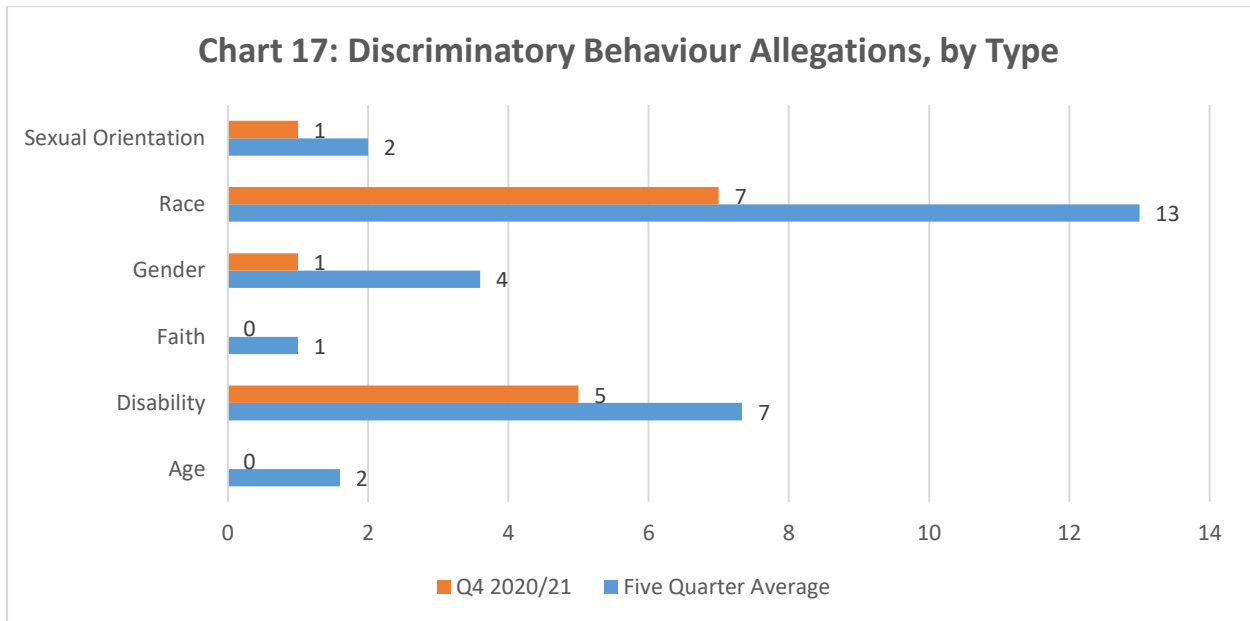
This decrease is largely attributable to Greater Glasgow **(-20.5%)**, accounting for 51 less complaints compared to the five quarter average.

However, two notable increases were identified in:

- Lanarkshire **(+23.9%)**, which accounts for an additional 38 complaints.
- Renfrewshire and Inverclyde **(+25.4%)**, accounting for 15 additional complaints.

Appendix B – Allegations of Discriminatory Behaviour

Appendix 'B'



A total of **14** allegations relating to Discriminatory Behaviour were received during Quarter 4 of 2020/21, a **42.1%** decrease compared to the five quarter average. Decreases were registered across all categories.