

Meeting	SPA Complaints and Conduct Committee
Date	19 August 2021
Location	MS Teams
Title of Paper	Police Scotland Professional Standards Department Quarterly Performance Report (Q1)
Presented By	Alan Speirs, ACC Professionalism & Assurance Chief Superintendent Andy McDowall
Recommendation to Members	For Discussion
Appendix Attached	Appendix A – Performance Report Q1

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 2021 – 30 June 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 1 (1 April 2021 – 30 June 2021).

Data contained in this report is management information and is correct as at 01/07/2021.

Note: Appendix 'A' contains "Complaints received by Division current year-to-date v previous five year average (based on the Quarter 1 period) for East, North and West. These inform members regarding the complaint about the police volumes per Division. Appendix 'B' provides detail 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 1 of 2021/22

Meeting Date: 19/08/2021

Reporting Period: April – June 2021

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Executive Summary

This Performance Report provides the Scottish Police Authority (SPA) Complaints and Conduct Committee details of Professional Standards Department (PSD) activity from 1 April 2021 to 30 June 2021.

This period incorporates the introduction of a revised Complaint Handling Model on 3 May 2021, the purpose of which is to ensure all complaints about the police are retained within PSD and handled by trained officers and staff. It should be noted that the new model incorporates additional complaint categories to enhance understanding and analysis of the overall complaint handling process. Where available, five year averages have been provided.

PSD have significant involvement in the planning of the policing response to the Conference of the Parties 26 (COP 26) event. Dedicated PSD teams will be deployed for the duration of the event to capture complaints and evidence relating to them.

Quarter 1 (Q1) 2021/22 Performance Overview

- **1,800** complaints received during Q1 2021/22, a decrease of **23 (-1.3%)** from Q1 2020/21 and an increase of **9.1%** on the Q1 five year average.
- **42.1%** of complaints were Frontline Resolved (FLR) compared with **60.2%** in Q1 2020/21. This includes early resolution and subsequent resolution by PSD/Specialist officers.
- **100** preliminary conduct assessments were undertaken during Q1 2021/22. **11** conduct meetings and **1** conduct hearing occurred.
- **95** officers and staff are currently subject to restricted duties and **28** are suspended from duty.
- **2** officers resigned prior to conduct proceedings.
- **62** Police Investigations & Review Commissioner (PIRC) referrals were submitted, a decrease of **12.7%** from Q1 2020/21. **38.7%** were subject to investigation by PIRC.
- **64** PIRC Complaint Handling Reviews (CHR) were conducted, an increase of **48.8%** from Q1 2020/21. **65.2%** were deemed by PIRC to have been handled to a reasonable standard.

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- Based on the statistics of CHR in Q1, notionally, the proportion of complaints subject to a CHR by PIRC is **3.6%**. It should be noted that some of the complaints subject to CHR may predate the Q1 period; however, Q4 reporting will provide a final assessment of the proportion of complaints subject to CHR.

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CONFERENCE OF THE PARTIES 26 (COP26)

PSD have significant involvement in the planning of the policing response to COP26. Dedicated PSD teams will be deployed for the duration of the event to capture complaints and evidence relating to them, with consideration that complainants may have travelled from overseas.

Whilst the extent of any upsurge in complaints cannot be accurately gauged at this stage, it is anticipated, with the significant influx of population expected into Scotland for the event, that an increase of around 40% could be realistic.

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

Complaints will generally only be considered as competent for those adversely affected by police conduct first hand and not through a third party or from a medium such as television or social media. Nevertheless, all concerns raised will be reviewed to ensure any lessons or learning points are recorded and actioned.

Complaints made on behalf of children or young persons will be assessed on a case by case basis. Literature is currently being drafted to assist children and young persons in being aware of their rights in respect of making a complaint about the police.

Complaints received in respect of officers from forces other than Police Scotland will be forwarded to officers' home force as per the Agreement under Section 98 of the Police Act 1996 (Cross Border Aid).

COP26 complaints will be categorised accordingly to ensure an accurate reflection of demand and police performance is captured for future reports.

Complaints and Allegations

Complaint Cases Received

What is a 'Complaint'?

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

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

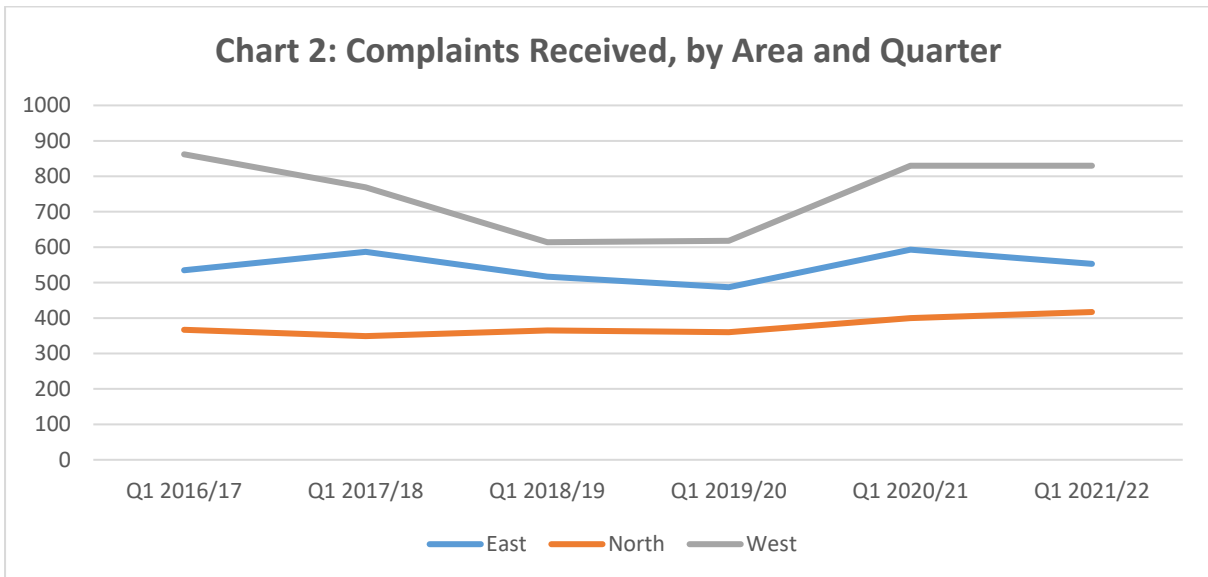
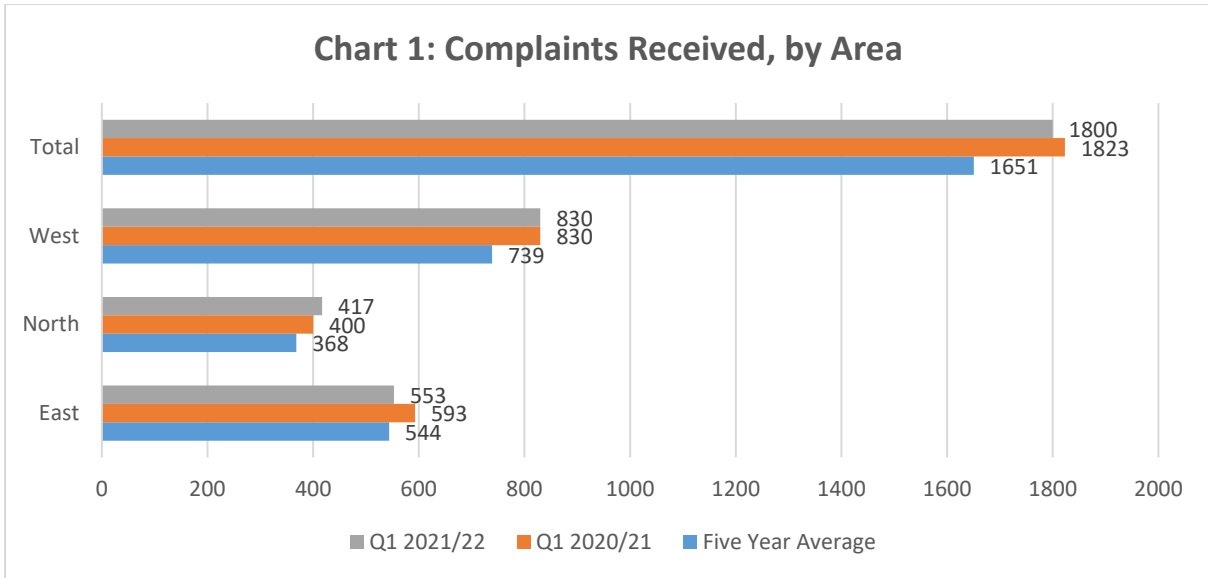
As well as complaints, as per the definition above, PSD capture, record and progress miscellaneous correspondence and reports including, but not restricted to, other matters raised by the public, PIRC referrals and correspondence, senior officer complaints, Integrity Matters Reports, Freedom of Information requests and Subject Access Requests.

From the overall number of cases received during Q1 of 2021/22, a total of **1,800** cases were assessed as complaints from members of the public, which represents a **1.3%** decrease from Q1 of 2020/21. This total represents a **9.1%** increase from the five year average.

Based on this wider context, complaints during Q1 of 2021/22 are at an increased level. Comparison against Q1 of 2020/21 in isolation is potentially misleading, given the impact of COVID-19 related complaints.

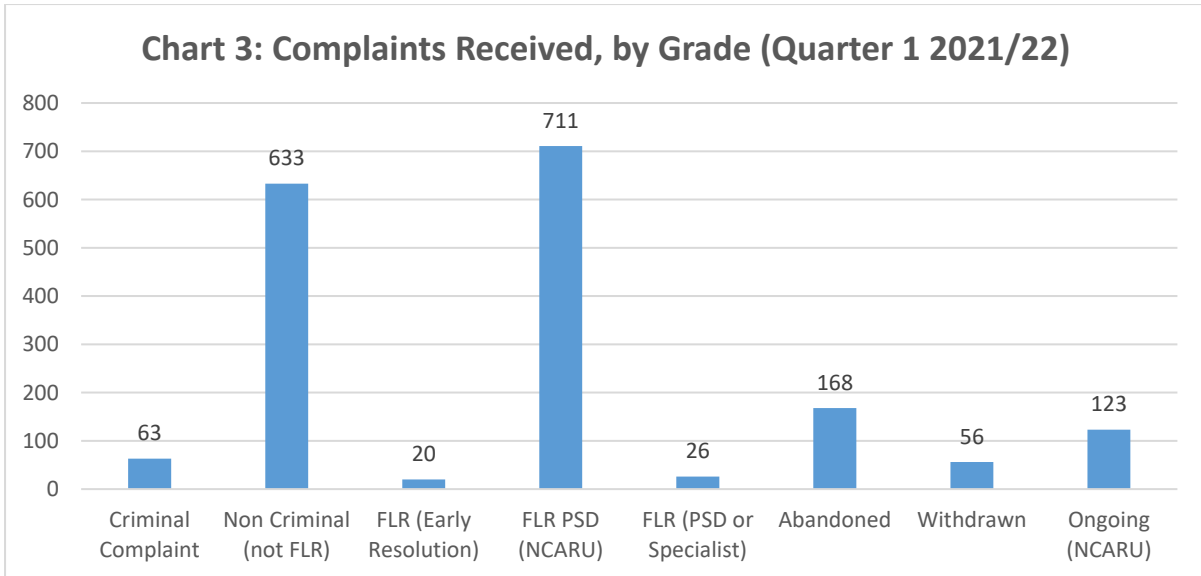
These complaints, which peaked during Q1 of 2020/21, are assessed to be the key driver in the decrease against Q1 last year. A total of **73** COVID-19 related complaints were received during Q1 of 2021/22, an **83.7%** decrease compared to Q1 of 2020/21 and which represents a reduction of **374** such complaints.

The volume of complaints received during Q1 2021/22 is the second highest first quarter total within the latest six years, with Q1 of 2020/21 the highest volume (primarily related to COVID-19 related complaints).



Increases were identified across all three Command Areas, when compared against the five year average. Primarily those were in the North (+13.3%) and the West (+12.4%).

Furthermore, the decrease against Q1 2020/21 was driven by a -6.7% reduction in the East.



The highest volume complaint category during Q1 of 2021/22 was Frontline Resolved (FLR) by PSD NCARU, which applied to **711** complaints received. In addition, **20** complaints were subject to Early Resolution and **26** were subsequently FLR by PSD/Specialist. Overall, **42.1%** of all complaints received during this quarter were resolved by FLR.

A further **633** complaints were graded as Non-Criminal (not FLR). Taken together, the vast majority of received complaints were either FLR, at some stage, or resulted in Non-Criminal enquiry. This contrasts with the **63** complaints graded as Criminal, representing a relatively low proportion compared to those which are Non-Criminal in nature.

The remainder of complaints received were either Abandoned (**168**), Withdrawn (**56**) or are Ongoing with the PSD NCARU (**123**).

North Command

In the North, a total of **417** complaints were received during Q1 of 2021/22. This represents a **4.3%** increase on Q1 of 2020/21 and a **13.3%** increase against the five year average.

The increase is primarily driven by:

- Tayside, **155** complaints (**+21.1%** from Q1 2020/21, **+29.4%** against the five year average).
- North East, **146** complaints (**+7.4%** from Q1 2020/21, **+10.6%** against the five year average).
- Highland and Islands, **91** complaints (**+3.4%** from Q1 2020/21, **+37%** against the five year average).

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The highest volume increase influencing the North increase was identified in Tayside, with the total of **155** complaints representing an additional **27** complaints compared to Q1 of 2020/21 (**+21.1%**). This total also represents a **29.4%** increase on the five year average (**120**), accounting for an additional **35** complaints.

East Command

In the East, a total of **553** complaints were received during Q1 of 2021/22. This represents a **6.7%** decrease on Q1 of 2020/21; however, this total also represents a **1.7%** increase against the five year average.

Compared to Q1 of 2020/21, decreases were primarily driven by:

- Forth Valley, **79** complaints (**-22.5%** from Q1 2020/21, **-13.2%** against the five year average).
- Edinburgh City, **147** complaints (**-10.9%** from Q1 2020/21, **+2.1%** against the five year average).

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

- Lothian and Scottish Borders, **159** complaints (**-1.2%** from Q1 2020/21, **+20.6%** against the five year average).

The shorter-term picture in the East shows decrease based on comparison with Q1 of 2020/21, broadly supported by the longer-term data based on the five year averages. However, the increase noted above within Lothian and Scottish Borders is a key exception to this general trend.

West Command

In the West, a total of **830** complaints were received during Q1 of 2021/22. This represents no change from Q1 of 2020/21 (**0.0%**) and a **12.4%** increase against the five year average. The latter comparison accounts for an additional **91** complaints.

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

- Lanarkshire, **185** complaints (**+2.2%** compared to Q1 2020/21, **+18%** against the five year average).
- Greater Glasgow, **263** complaints (**-3.3%** compared to Q1 2020/21, **+9.2%** against the five year average).
- Ayrshire, **104** complaints (**+8.3%** compared to Q1 2020/21, **+26.2%** against the five year average).
- Renfrewshire and Inverclyde **80** complaints (**+29%** compared to Q1 2020/21, **+33.3%** against the five year average).

Taken together, these four divisions account for an additional **92** complaints compared to the five quarter average. As the West registered an additional **91** complaints within this same period, these divisions account for the overall volume increase within the Command Area.

Allegations Received

What is an 'Allegation'?

Allegations are the component parts of a Complaint, which

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

During Q1 of 2021/22, a total of **2,700** allegations were received. This represents a **9%** decrease compared to Q1 of 2020/21 and a **2.8%** decrease against the five year average.

Decreases were identified within the East and the West, based on Q1 of 2020/21 and the five year average. However, no corresponding decrease was identified in the North:

- North, **631** allegations (**+18.2%** compared to Q1 2020/21, no change against the five year average).
- East, **846** allegations (**-7%** compared to Q1 2020/21, **-2.7%** against the five year average).
- West, **1,223** allegations (**-19.6%** compared to Q1 2020/21, **-4.3%** against the five year average).

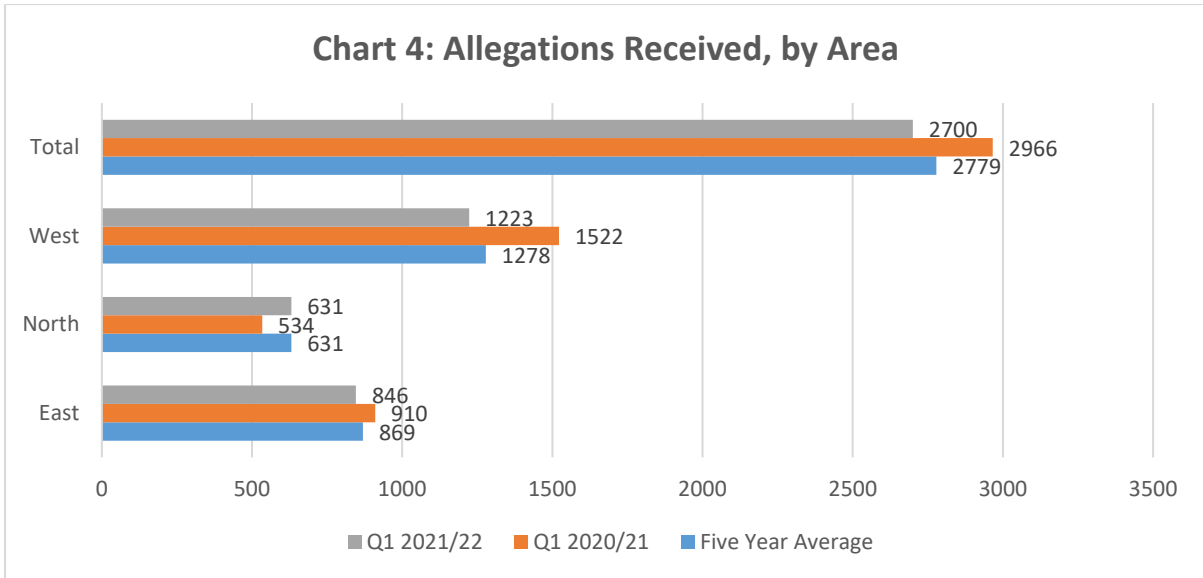


Table 1: Allegations by Category (selected)

Allegation Category	Q1 2021/22	Q1 2020/21	Trend
Excessive Force	173	115	+50.4%
Incivility	489	558	-12.4%
Neglect of Duty	29	13	+123.1%
Oppressive Conduct/Harassment	78	73	+6.8%
Irregularity in Procedure	971	1,040	-6.6%
Quality of Service	772	811	-4.8%
Other	4	0	-
Traffic Irregularity / Offence	25	18	+38.9%
Unlawful/Unnecessary Arrest or Detention	17	15	+13.3%

Low volume increases in Excessive Force were identified across the majority of territorial divisions during Q1 of 2021/22; however, the national increase is primarily driven by a **115%** increase in Greater Glasgow, with **43** allegations received. Notably, **23** of those allegations were received during May 2021, with over half (**12**) relating to public gatherings of football fans at or near George Square on 15 May 2021. It is assessed that these were a key driver of this overall increase.

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

Timescales

The aim for Police Scotland is to respond to complaints requiring investigation within 56 days of receipt, as set out in PIRC Statutory Guidance; however, complaints vary in complexity and seriousness which may impact on the length of time required to conclude. Where the notional timescales are exceeded, complainers are regularly kept updated on the progress of the enquiry throughout the process until the complaint is concluded.

At the point of implementation of the new complaint handling model, there were **743** live complaints being investigated by local and specialist policing divisions. In comparison, there are currently **327** live complaints outstanding at these divisions, with **317 (96.9%)** out with the 56 day timescale guidance. Again, there are impact factors which may account for delay, for example, complexity, volume of allegations per complaint and other, ongoing, judicial proceedings. PSD will continue to support these divisions to bring them to conclusion.

During 2020/21, **1,714** non-criminal cases were closed, with **658 (38%)** handled within the 56 day timescale. The average closure time was **119** days.

At the end of Q1 of 2021/22, all non-criminal cases received since the new model implementation and investigated by PSD were within the 56 day timescale guidance.

Non-criminal timescale data will be collated and included in future reports.

Further information on the Statutory Guidance can be accessed via the following link:

<https://pirc.scot/media/5262/statutory-guidance-march-2021.docx>

PIRC Complaint Handling Reviews, Referrals and Significant Investigations

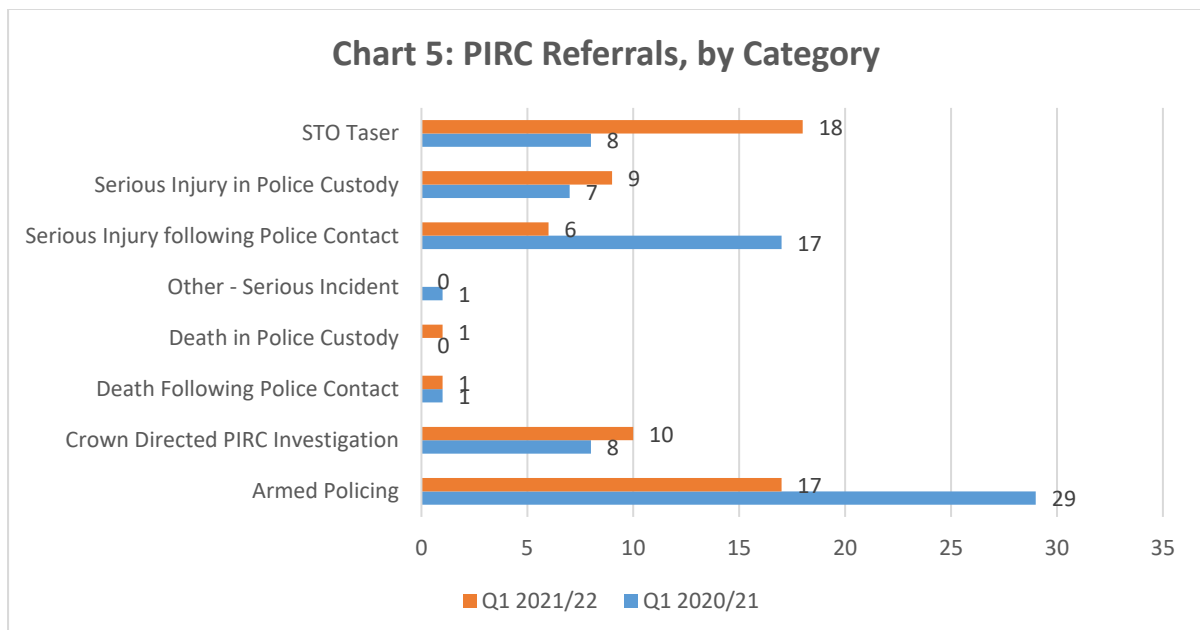
PIRC Referrals

What is a PIRC referral?

Statutory referrals are made to PIRC under the provisions of the Police, Public Order and Criminal Justice (Scotland) Act 2006, the Police and Fire Reform (Scotland) Act 2012, and the Police Investigations and Review Commissioner (Investigations Procedure, Serious Incidents and Specified Weapons) Regulations 2013.

These facilitate independent and transparent scrutiny in relation to serious incidents involving the Police. A decision on whether to investigate is taken by PIRC following a referral.

A total of **62** referrals were made to PIRC during Q1 of 2021/22, a **12.7%** decrease on Q1 of 2020/21.



The key drivers in this overall decrease in referrals are Armed Policing (**-41.4%**) and Serious Injury Following Police Contact (**-64.7%**). The Armed Policing category includes the presentation and/or discharge of firearm or Taser by armed policing

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

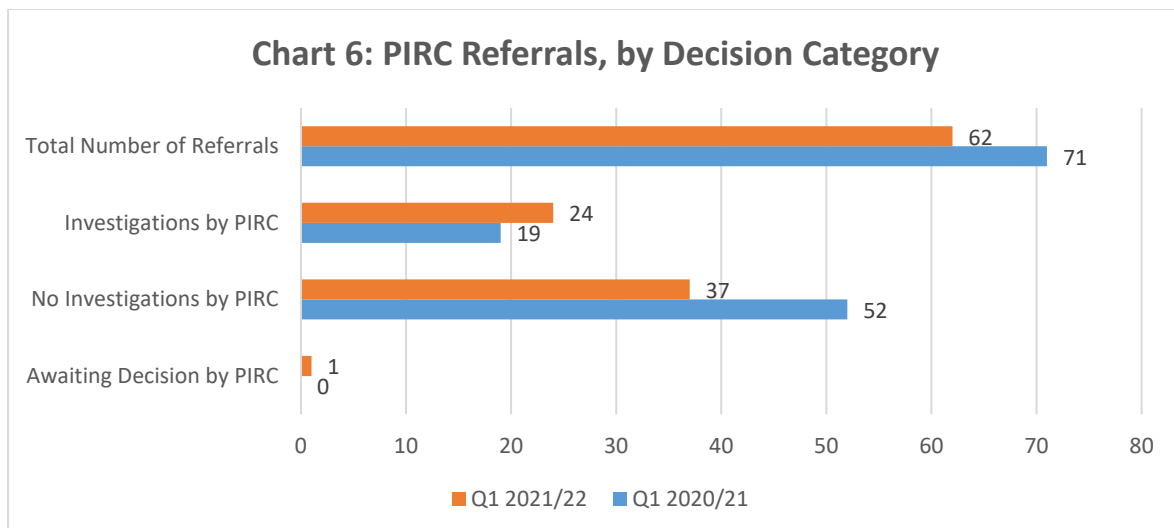
Despite this decrease, STO Taser referrals increased by **125%** during this period, with **18** relevant referrals during Q1 of 2021/22, making this the highest volume category. Furthermore, this represents a continued trend of steady increase in STO Taser referrals in recent months.

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

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

PIRC Investigations

The majority of overall referrals (**59.7%**) within Q1 of 2020/21 were marked as no investigations by PIRC, accounting for **37** of the **62** referrals.



It is notable that the percentage of referrals which led to a PIRC investigation increased (**+11.9%**) compared to Q1 2020/21, with **38.7%** of referrals subject to PIRC investigations. This is primarily influenced by low volume increases in investigations into STO Taser referrals (**+4**) and Crown Directed Criminality (**+2**).

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

Furthermore, 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.

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

Table 2: Ongoing PIRC Investigations, by Command Area

Command Area	Number Ongoing
East	27
North	18
West	52
Grand Total	97

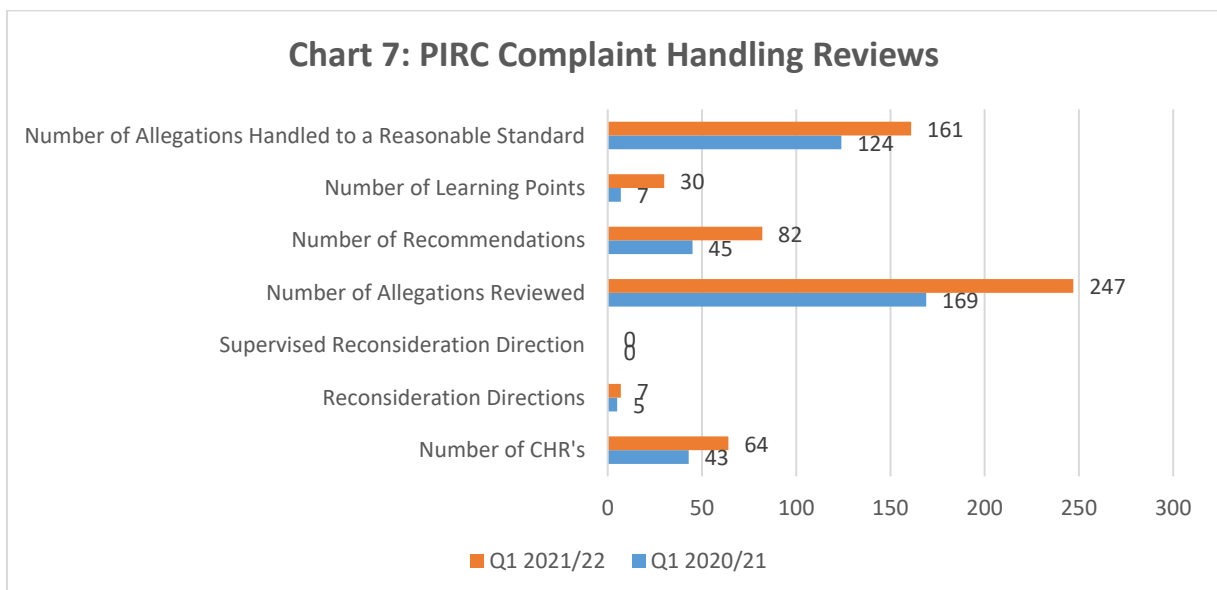
Overall, **97** PIRC investigations remain “live” as at 02 August 2021. This total also involves matters referred out with the Q1 periods, as detailed in Table 2. It should be noted that the actual PIRC Investigation may have concluded and a report submitted to COPFS (SFIU/CAAPPD); however, due to judicial proceedings, such as criminal trials and FAI, matters remain outstanding.

PIRC Complaint Handling Reviews (CHR)

Complaints handled by Police Scotland may be subjected to an independent Complaint Handling Review (CHR) by PIRC. Within three months of receiving a final response from Police Scotland, complainers have the opportunity to request an independent review by PIRC in respect of how their complaint was handled. Further details can be accessed via the following link:

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

A total of **64** Complaint Handling Reviews (CHR) were received during Q1 of 2021/22, a **48.8%** increase on Q1 of 2020/21, equating to an increase of **21** CHR.



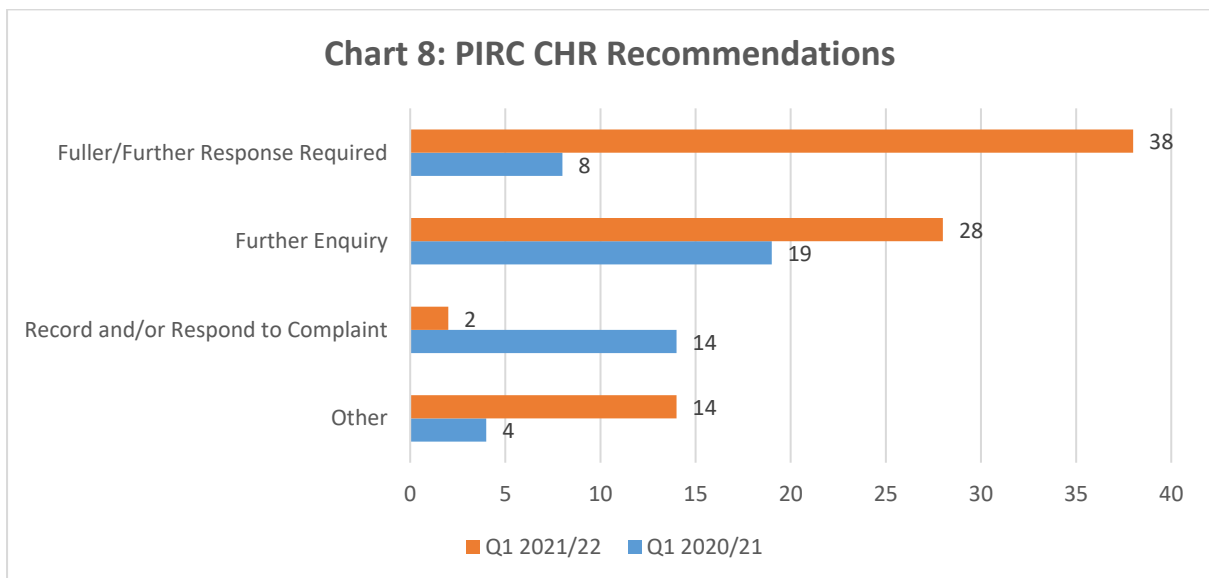
The volume of CHR had decreased during early quarters of 2020/21, partly influenced by PIRC taking cognisance of the operational pressures on Police Scotland owing to

the COVID-19 pandemic and temporarily minimised the impact of new workload where possible. This has influenced the extent of the increase when compared to Q1 of 2020/21.

Of the 64 CHR received, **247** allegations were reviewed and **65.2%** were handled to a reasonable standard during Q1 of 2021/22; however, the percentage handled to a reasonable standard has decreased by **8.2%** compared to Q1 of 2020/21.

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

Based on the statistics of CHR in Q1, notionally, the proportion of complaints subject to a CHR by PIRC is **3.6%**; however, some of the complaints subject to CHR may predate the Q1 period. Q4 reporting will provide a final assessment of the proportion of complaints subject to CHR.



The vast majority of the **82** PIRC CHR recommendations received during Q1 2021/22 were in the 'further enquiry' or the 'fuller/further response required' category (**80.5%**) when combined.

Notably, the fuller/further response required' category increased by **375%** during this period and now represents the highest volume recommendation category, with **38** in Q1 of 2021/22. Learning and advice from these recommendations has been cascaded nationally.

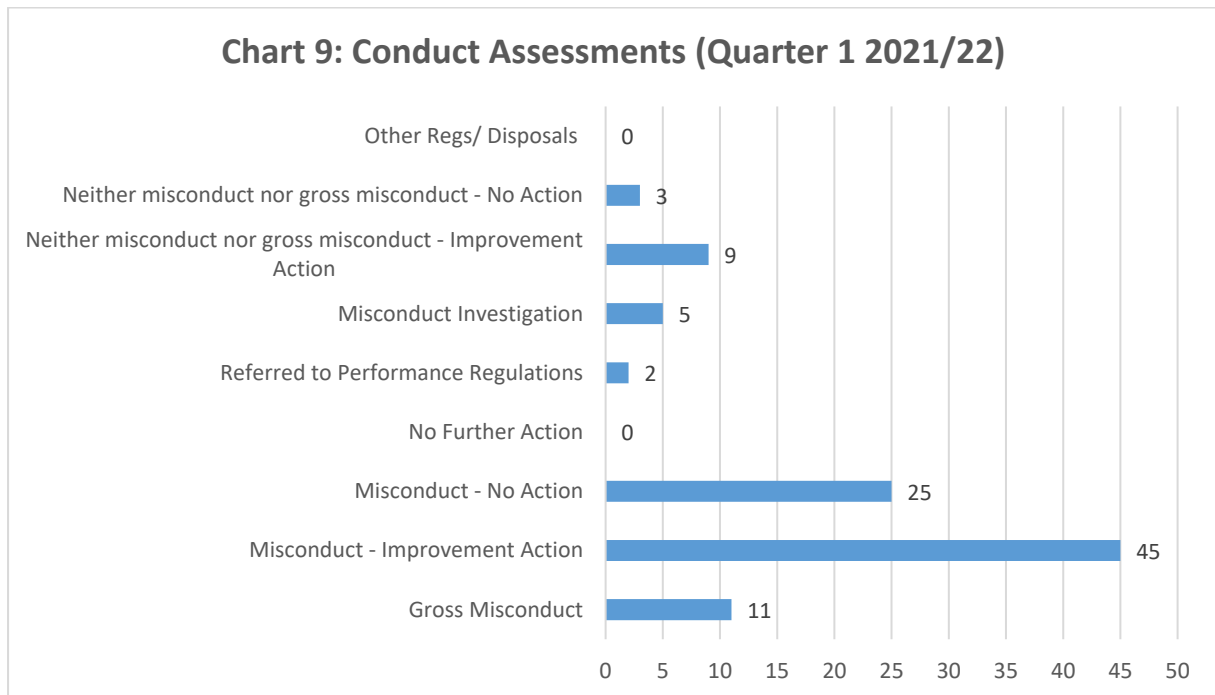
Conduct Unit

Conduct

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

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

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



A total of **100** preliminary conduct assessments were undertaken by the Professional Standards Department during Q1 of 2021/22.

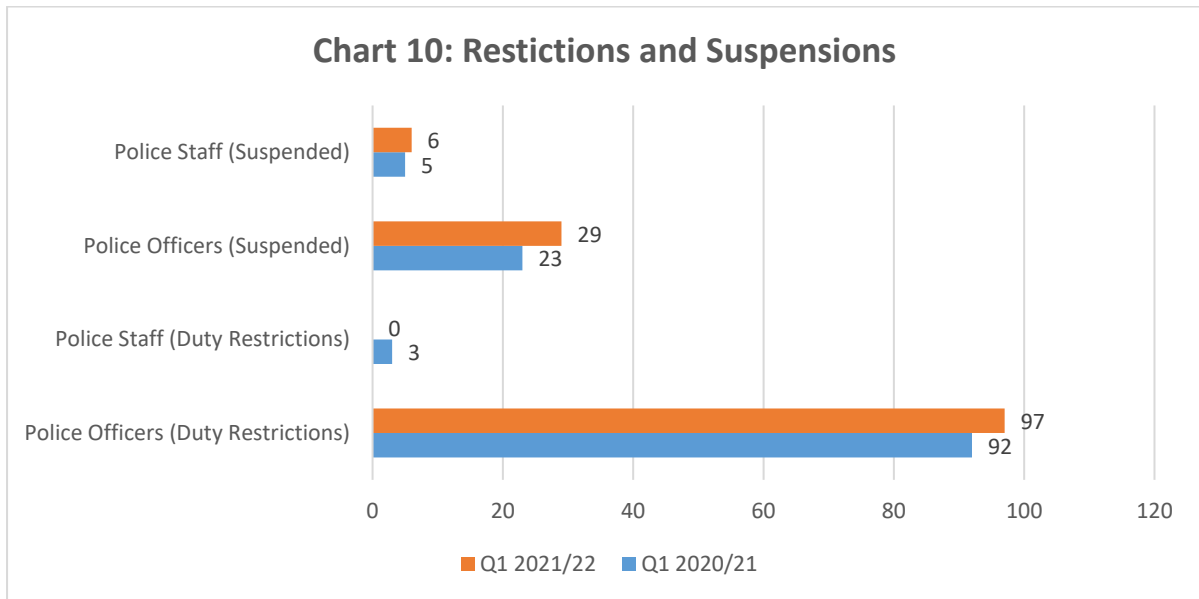
During the Q1 of 2021/22, **11** conduct meetings and **1** conduct hearing occurred.

As a result of the conduct meetings one verbal warning, three written warnings and seven final written warnings were issued. Six concluded with a 'no misconduct'

outcome. It should be noted that each meeting or hearing may have multiple allegations.

2 officers resigned prior to conduct proceedings.

Chart 10 details the actual number of officers and staff suspended and restricted at the end of Q1 2021/22 compared with 2020/21. Further, 1 suspended officer and 4 restricted officers resigned/retired during Q1 2021/22.

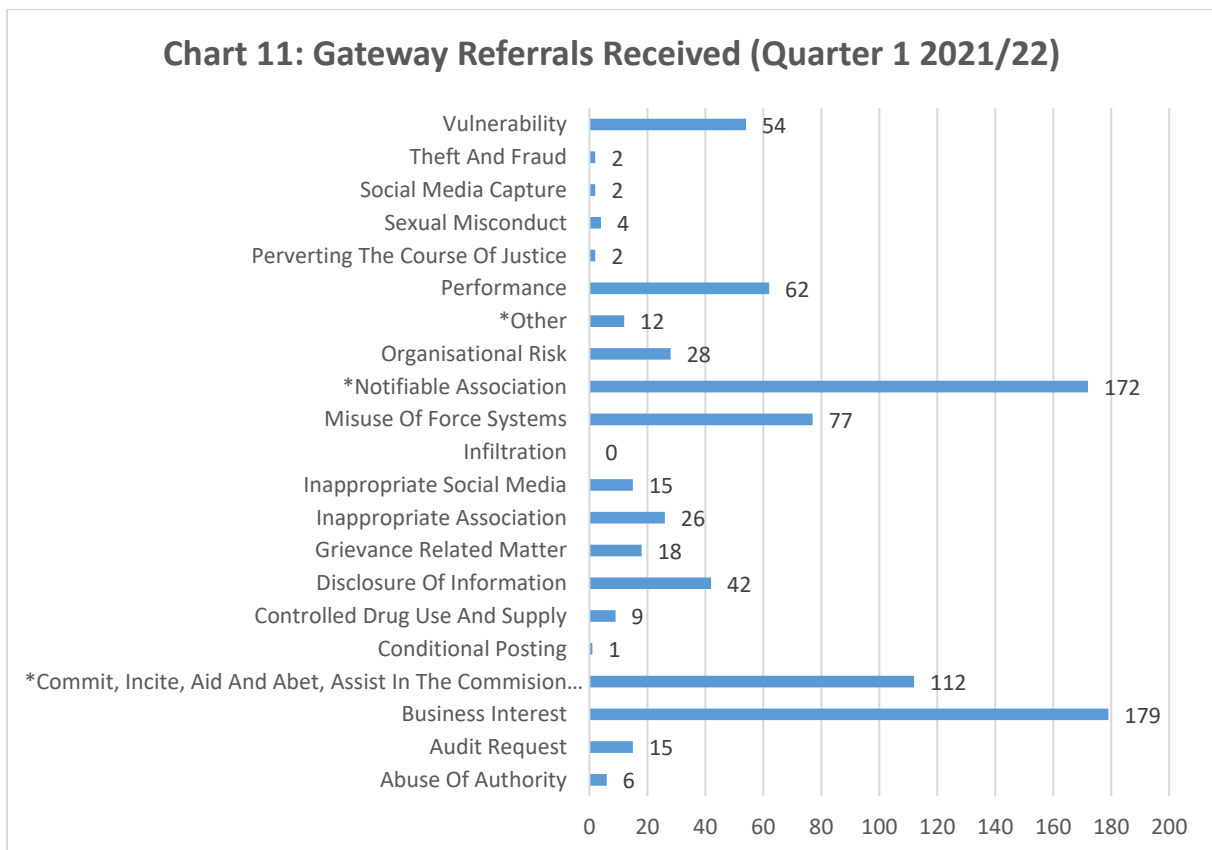


National Gateway Assessment Unit

National Gateway Assessment Unit

The Gateway Assessment Unit (GWU) has assessed **838** referrals during Q1 of 2021/22, which represents a **28.7%** increase against Q1 of 2020/21.

Chart 11: Gateway Referrals Received (Quarter 1 2021/22)



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

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

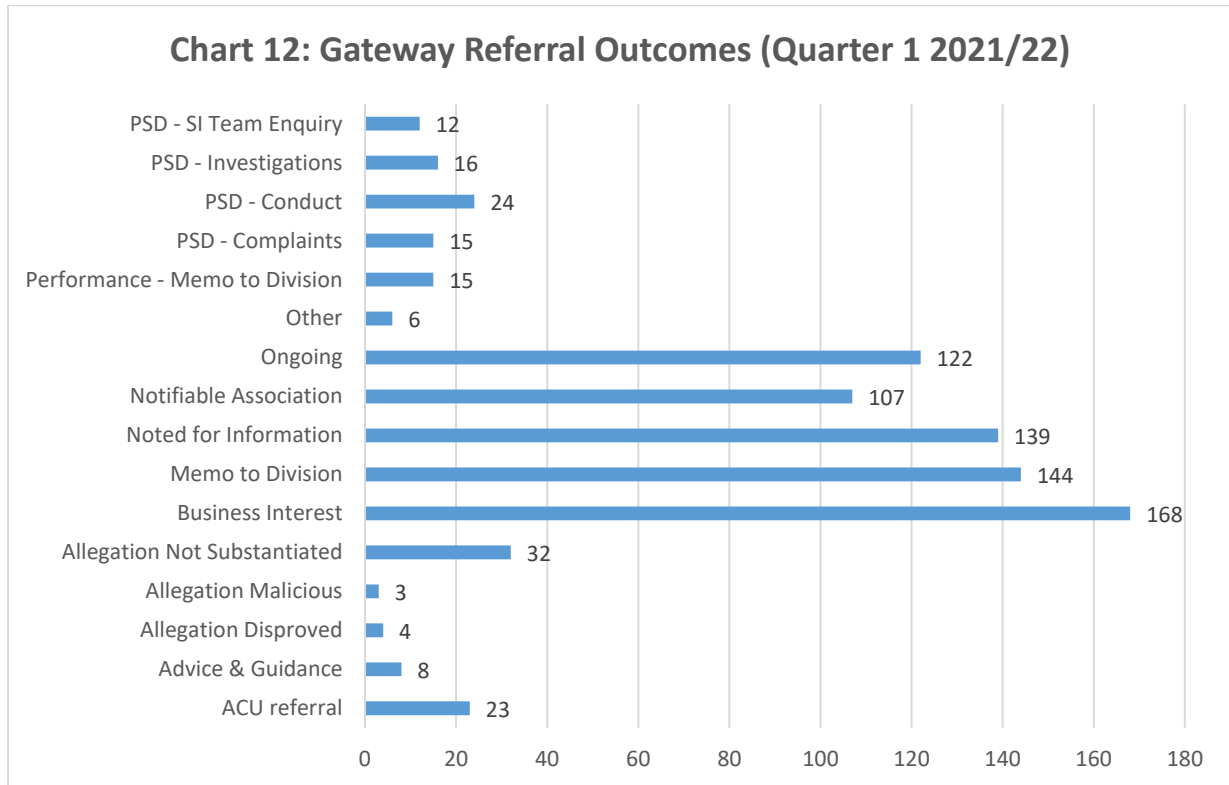
*Notifiable Association Sec 4 complete & returned to Division

The main drivers influencing the increase in Gateway referrals during Q1 of 2021/22 are:

- Commit, Incite, Aid and Abet, Assist in the Commission of Crime (up **93.1%** to **112** referrals).
- Notifiable Association (up **41%** to **172** referrals).
- Business Interest (up **27.9%** to **179** referrals).

These are the three highest volume categories, together accounting for **55.3%** of all referrals received during Q1 of 2021/22.

It should be noted that audit checks are now included in the referral figures (**15** in total during Q1 of 2021/22). These checks have been carried out by the unit previously and are now being captured for reporting purposes.



Of the **838** referrals received during Q1 of 2021/22, only **10.7%** resulted in a referral to PSD or ACU.

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

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

Anti-Corruption Unit (ACU)

Anti-Corruption Unit

The Anti-Corruption Unit (ACU) has instigated **29** enquiries during Q1 of 2021/22, compared to **28** over the same period last year. The figures show only an increase of one enquiry.

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

The most common outcome during Q1 of 2021/22 was the referral being passed to ACU Operations. This indicates that the quality of referrals during this period remain high, as the vast majority of referrals assessed and closed have been pursued.

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

The abuse of position by Police Officers or Members of Police Staff in order to conduct predatory sexual behaviour, remains a concern within Police Scotland and across the UK. The significant harm with which a single instance of sexual misconduct or abuse of police powers can have on the public's trust and confidence in the Police Service requires this to remain a priority for Police Scotland with appropriate skilled resources investigating.

The use of corruption by Serious Organised Crime Groups (SOCG) remains a key strategic priority for Police Scotland and is monitored by the ACU who engage closely with Police Scotland divisions in the North, East and West.

Organisational Learning

Organisational Learning

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

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

Examples identified during Q1 of 2021/22 are presented below:

Findings from a recent FAI determination following a death in custody at Elgin (2019) determined the death was caused by Cocaine Intoxication and that no reasonable precautions could have realistically avoided this outcome.

There was positive feedback on the actions of arresting officers, custody officers and health professionals from the material time. The extent to which the deceased's arrest and subsequent time in custody had been captured on CCTV and body worn video was critical to the investigation. It also highlighted the timeous nature and competency of the medical interventions undertaken by police officers present.

Any learning identified and any action which has been proposed or taken should be communicated to the Complainer. This plays an important part in ensuring public confidence in the complaint handling process.

Officers are reminded to maintain an auditable record of all enquiries carried out. Failing to do so allows for gaps regarding times and dates and the specific nature of complaints.

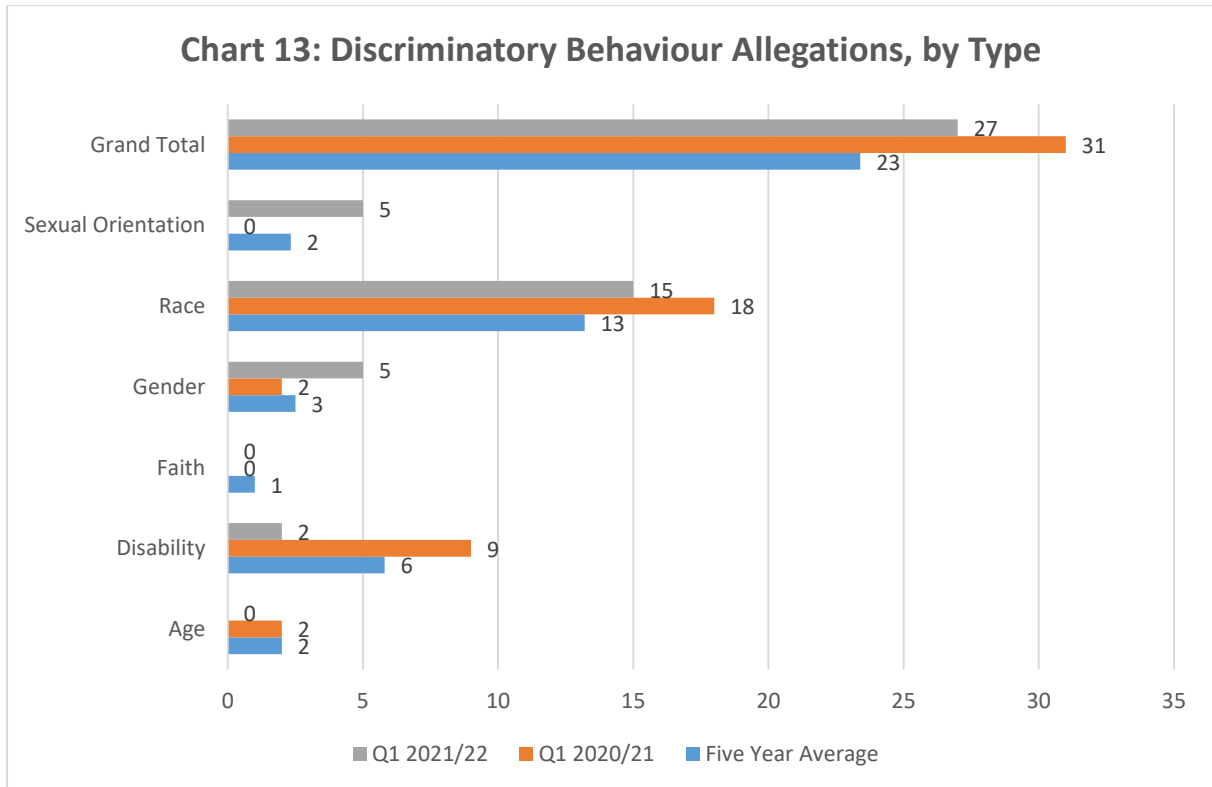
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The Professional Standards Department recently provided an online safety and awareness briefing to colleagues in the Crown Office Procurator Fiscal Service (COPFS). Such briefings are valuable in providing preventative advice and practical guidance, further strengthening the working relations between our partner agencies.

Recent preventative work by the Professional Standards Department has included multiple inputs to supervisors in Dumfries and Galloway Division around the Standards of Professional Behaviour and their role in upholding these. Further such inputs were also provided to staff from Borders Policing and Probationer Training Division.

Appendix A – Allegations of Discriminatory Behaviour

Appendix 'A'



A total of **27** allegations of Discriminatory Behaviour were received during Q1 of 2021/22. This represents a **12.9%** decrease on Q1 of 2020/21, however this provides a **15.4%** increase on the five quarter average.

Most sub categories display decreases against Q1 of 2020/21, except low volume increases in Gender (+3) and Sexual Orientation (+5). However, when compared to the five year average both Gender (+2) and Sexual Orientation (+3) display a lower volume increase.

Appendix B – Definitions of Selected Allegation Categories

Excessive Force

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

Incivility

- Incivility should be recorded when a member of the public perceives a member of the police service to have been rude in a manner of speech, language or action. This definition includes allegations where the complainer alleges the member of staff has spoken to them in an unnecessarily loud, harsh, inappropriate or impolite manner. It may include swearing which does not amount to a breach of the peace. It also includes circumstances where the complainer states that a member of staff did not seem to care, or gave the impression that they were not interested or didn’t listen to them. Other examples include abruptness, lack of sympathy or adopting an aggressive tone. Incivility can often be about a complainer’s perceptions about their interaction with a member of staff.

Neglect of Duty

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

amend force procedures. The distinction between neglect of duty and irregularity in procedure is that with neglect of duty the member of staff has failed to do something which was required, or reasonably expected by law or procedures.

Irregularity in Procedure

- Where a member of staff has carried out procedures, or an activity which is incorrect, incomplete, unreasonable in the circumstances, or not in accordance with the legislation or standard operating procedures. In this category the member of staff will have been carrying out procedures, but did not carry them out correctly or in accordance with the rules. It is distinct from neglect of duty which relates to an omission to carry out an act at all. There are a number of sub-categories which should be used to ensure that the procedures which regularly feature in complaints are monitored and where learning exist they are identified at an early stage whether through the complaint handling process or by requiring a review of procedures.

Oppressive Conduct/Harassment

- Where it is claimed the member of staff acted in a manner that was oppressive and unnecessarily forceful or they pursued a course of conduct which could be considered as harassment towards a member of the public. Allegations where an officer has bullied, intimidated, threatened or displayed overly aggressive behaviour fall into this category.

Quality of Service

- Quality of Service complaints are complaints which relate to the service delivered by the police rather than the specific actions of any member of staff. Quality of Service complaints are broken down into three categories, which are further broken down into sub-categories:
 - Policy/Procedure: This type of complaint relates to a complaint about policing policy, practice or procedure rather than how a member of staff delivered the particular service. Often Quality of Service Policy/Procedure complaints are resolved by explanation to the complainer, however some of these complaints will result in changes to policy or procedure and these changes would be recordable for the Force as a Learning Outcome.
 - Service Delivery: This type of complaint relates to an expression of dissatisfaction about policing in general, or in a specific geographic area or in relation to a specific incident or event. It may also be about policing capacity, or ability to provide some form of specific service to the public.

- Service Outcome: Service outcome complaints relate to the outcome of policing action and include instances where a complainer was expecting a particular outcome and the outcome was different or where a policing response has not effectively dealt with a situation.

Traffic Irregularity or Offence

- Complaints involving the conduct of officers while driving fall into this category. Common complaints such as allegations of speeding, parking on double yellow lines, dangerous driving, use of mobile phone when driving should be included under this heading.

Unlawful/Unnecessary Arrest or Detention

- This category includes two distinct types of allegations. Firstly unlawful arrest or detention is where there is an allegation that an officer did not have the power to arrest or detain an individual because there was no provision for the arrest or detention under common law or within statute. It should be noted that there is no criminal offence of “unlawful arrest” contained in common law or statute. Secondly, there is unnecessary arrest or detention where there are relevant powers but the complainer believes that an officer should not have arrested them, on the grounds of necessity or proportionality.

Discriminatory Behaviour

- An allegation that a police officer or member of staff either engaged in a course of action or behaved in a manner which was discriminatory towards an individual or group on the basis of their race, sexual orientation, faith, age, gender or disability.