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PROFESSIONAL STANDARDS

SPA – Performance Report

Reporting Period: 1 April 2018 to 30 November 2018

Meeting Date: 13 December 2018

EXECUTIVE SUMMARY

This Performance Report is provided by Police Scotland for the information of the Scottish Police Authority (SPA) and details Professional Standards activity up to and beyond the second quarter (1 April 2018 to 30 November 2018).

The report provides a summary of complaint allegations and conduct matters for the East, North and West areas. Information is provided regarding the activity of the Conduct Unit, the National Gateway Assessment Unit, the Anti-Corruption Unit, information regarding Police Investigations & Review Commissioner (PIRC) Complaint Handling Reviews (CHR), Investigations and finally aspects of organisational learning.

Complaints about the Police

- Overall, there has been a 13% decrease in allegations (7103 LYTD to 6178YTD).
- 'On Duty' allegations have decreased by 15% (5499 LYTD to 4675YTD).
- Every 'On Duty' allegation category has decreased with the exception of 'Excessive Force' allegations which recorded a 7.7% increase (379 LYTD to 408 YTD). This is a reduction in comparison to Q1 2018/19 which recorded a 13% increase and is taken in the context of a 10.9% decrease in 'Assault' allegations (101 LYTD to 90 YTD). Considerable scrutiny is being placed on the categorisation of Assault and Excessive Force. COPFS are to dip sample allegations to ensure accurate recording.
- The most common On Duty allegation categories remain Irregularity in Procedure, Incivility and Excessive Force.
- Within Irregularity in Procedure, the most common sub categories remain Insufficient Enquiry, Insufficient Updates and allegations relating to the care and custody of prisoners (See Appendix B)
- The East and West have recorded reductions (15.6% and 17.5% respectively) in the number of allegations while the North remained relatively unchanged with a 0.4% increase
- 67 Early Interventions have been conducted YTD. Of note is that having been subject to the process no officer has been subject to a further intervention.

EXECUTIVE SUMMARY (continued)

Conduct Unit

- The Conduct Unit has undertaken 258 preliminary assessment since April this year, resulting in 45 cases being assessed as Gross Misconduct or meriting a misconduct investigation. These have resulted in 17 Misconduct hearings and 10 misconduct meetings

National Gateway Assessment Unit

- The National Gateway Unit has received more referrals since April this year than obtained in total for 2017/18. This is predominantly due to the introduction of the Business Interest and Secondary Employment SOP.

Anti-Corruption Unit

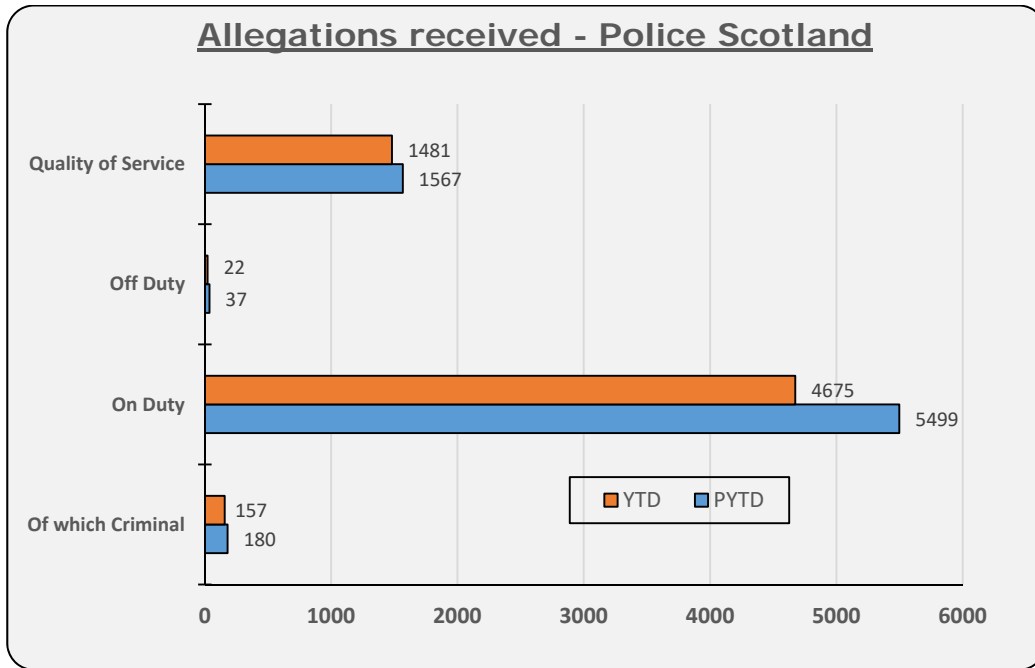
- The Anti-Corruption Unit has instigated 24.8% more enquiries than LYTD (149LYTD to 186YTD).
- Disclosure of Information and Controlled Drug Use and Supply remains the most common referrals considered by the Anti-Corruption Unit.

PIRC Complaint Handling Review

- YTD PIRC have conducted 92 Complaint Handling reviews, considering 378 allegations, during which they found 167 (44.2%) had been handled to a reasonable standard.
- 15 Complaint Handling Reviews, including 36 separate allegations, resulted in PIRC issuing a Reconsideration Directions. One of these was subject to the Commissioners supervision.

PIRC Referral

- There has been a 91.6% increase in the number of referrals to PIRC (83 LYTD to 159YTD) demonstrating increased awareness of the referral process and transparency.



Overall allegations have reduced by 13% from 7103 LYTD to 6178 YTD.

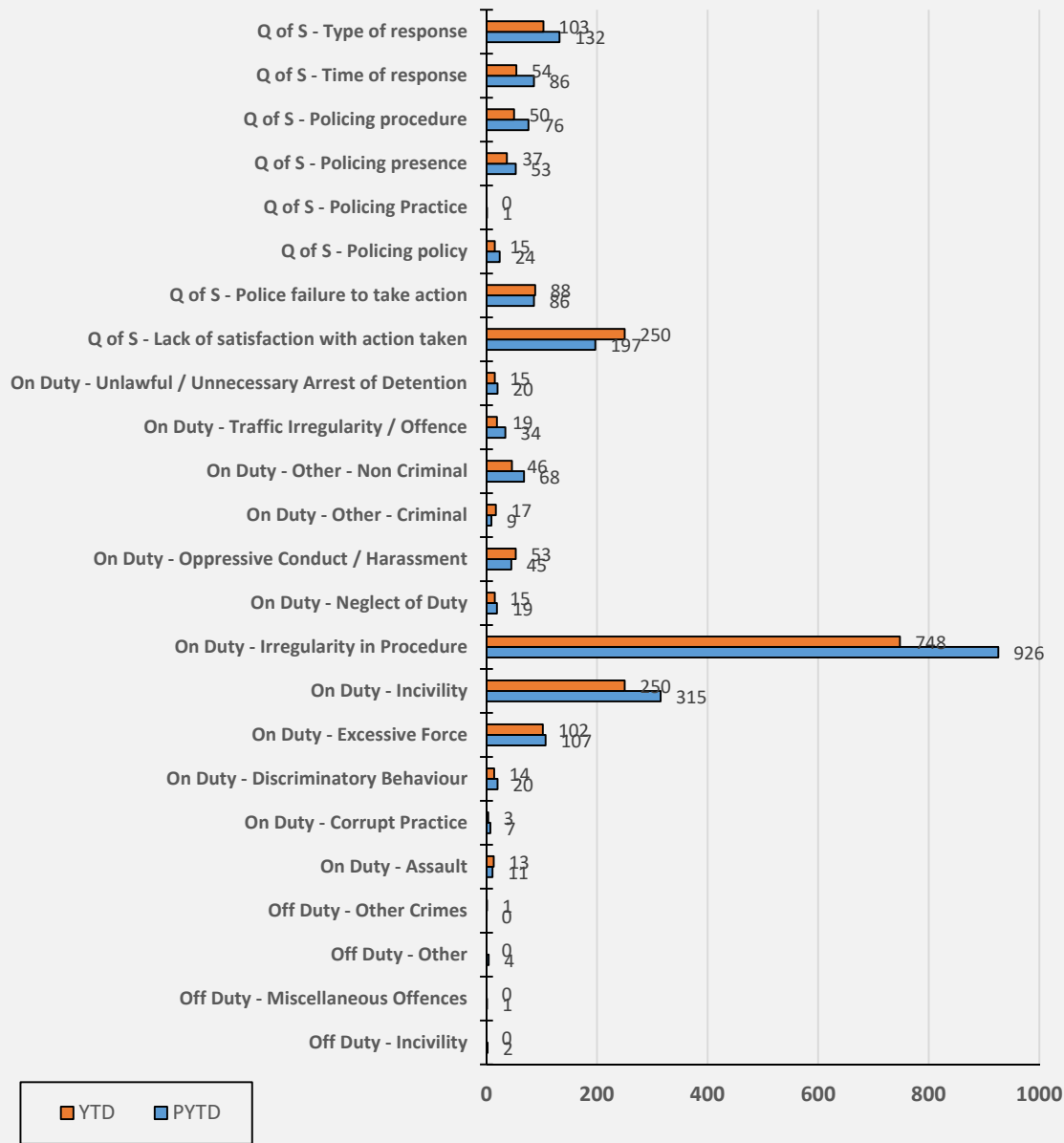
- Quality of Service allegations have decreased by 5.5%.
- Allegations which occurred 'On Duty' decreased by 15%.
- Criminal allegations have decreased by 12.8%.

These allegations arose from 4051 complaints received YTD and have been assessed by the National Complaint Assessment and Resolution Units (NCARU), resulting in 38.4% of the complaints being Frontline Resolved (FLR) by PSD through explanation. Work is ongoing to audit FLR allegations to ensure it is only attempted where appropriate to do so.

The most common On Duty allegation categories remain Irregularity in Procedure (2504), Incivility (1031) and Excessive Force (408).

A breakdown of the sub-categories within Irregularity in Procedure shows that of the 2504 allegations, the three most common categories remain, Insufficient Enquiry (591), Insufficient Updates (266) and allegations relating to the Custody/Care of prisoners (214) (See Appendix B).

Allegations received - East



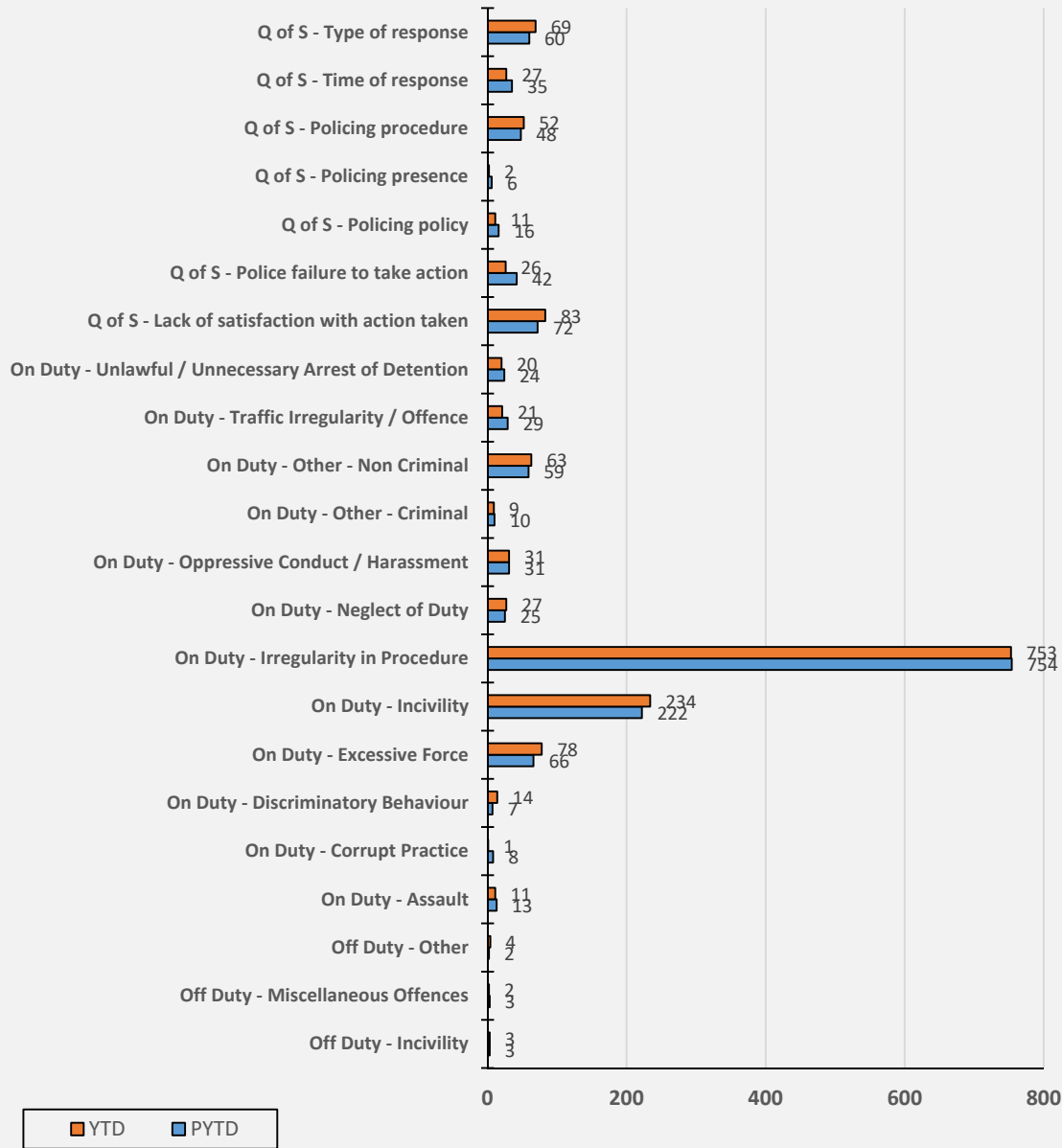
Overall allegations in the East have reduced by 15.6% from 2243 LYTD to 1893 YTD.

- Quality of Service allegations have decreased by 8.9% from 655 LYTD to 597 YTD.
- Allegations which occurred 'On Duty' decreased by 18.1% from 1581 LYTD to 1295 YTD.

Oppressive conduct allegations have increased by 17.8% (8 allegations). Q1 2018/19 recorded an increase of 109% in comparison to Q1 2017/18, so the YTD increase demonstrates a levelling of the number of these allegations. A review has not identified a reason for this increase, beyond the subjective nature of the allegation type, recorded dependant on the terminology used by a complainer.

Q of S lack of satisfaction has increased by 26.9%. There is no obvious cause for this and the matter will be monitored.

Allegations received - North



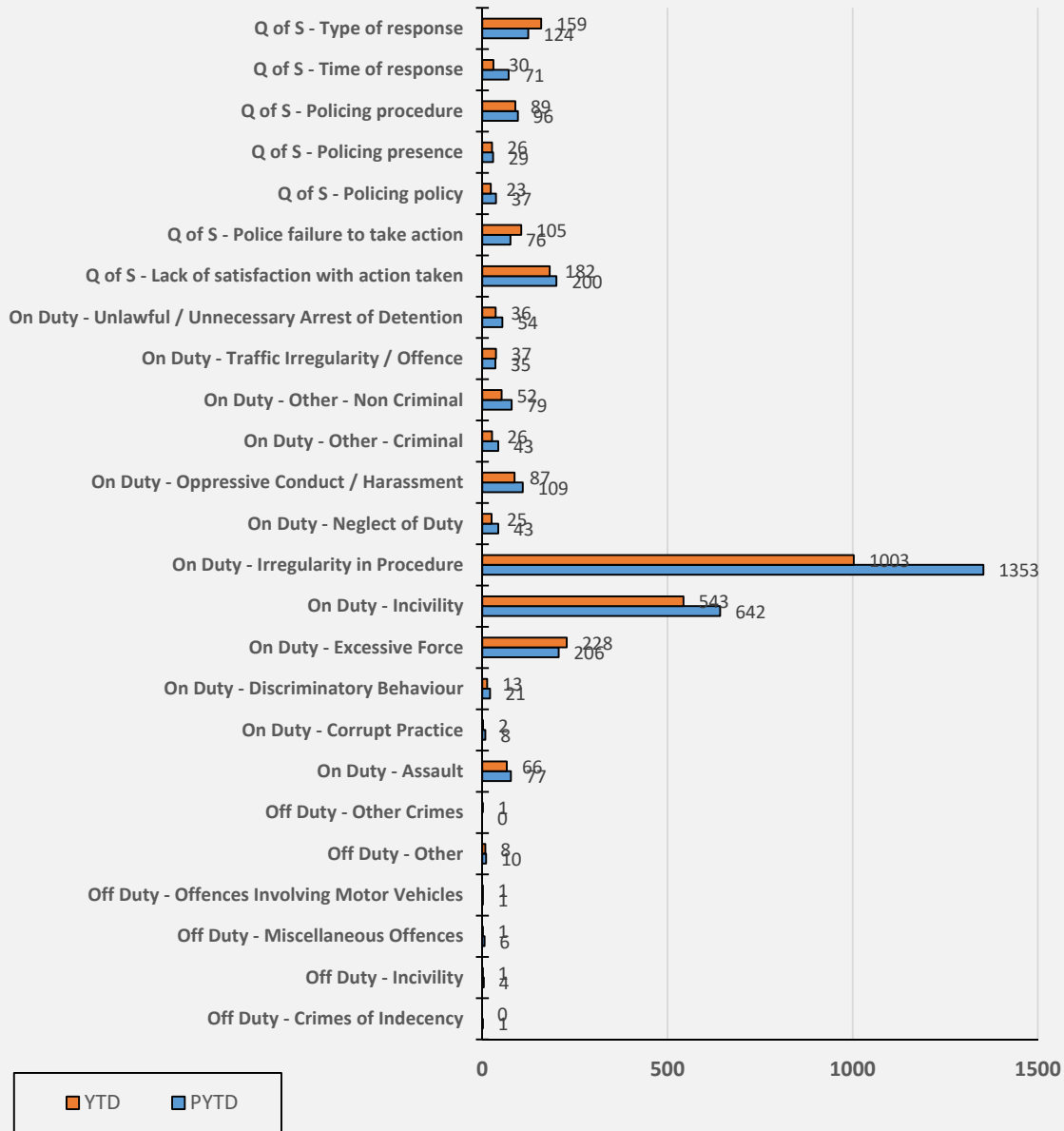
Overall allegations in the North have increased by 0.4% from 1535 LYTD to 1541 YTD. This is a stabling on previous increases (5% at Q1), and is attributable to several individual complaints which contained large numbers of allegations. It is significant that LYTD represented a low figure, with the comparable figure for 2016/17 being higher at 1738.

- Quality of Service allegations have decreased by 3.2% from 279 LYTD to 270 YTD.
- Allegations which occurred 'On Duty' increased by 1.1% from 1248 LYTD to 1262 YTD.

On Duty – Excessive Force allegations have increased by 18.2% (12 allegations). The allegations are evenly spread across North Divisions with no specific pattern and will be monitored.

Q of S lack of satisfaction allegations have increased by 15.3% (72 LYTD to 83YTD). There is no obvious cause for this and the matter will be monitored.

Allegations received - West



Overall allegations have decreased by 17.5% from 3325 LYTD to 2744 YTD.

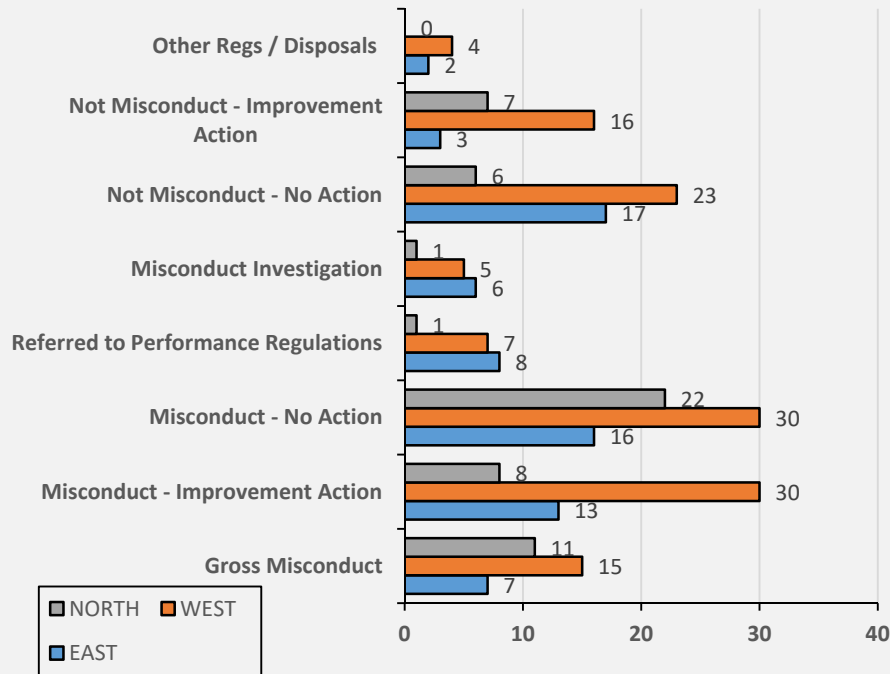
- Quality of Service allegations have decreased by 3% from 633 LYTD to 614 YTD.
- 'On Duty' allegations decreased by 20.7% from 2670 LYTD to 2118 YTD. This is primarily due to a decrease in Irregularity in Procedure allegations. Anecdotally this can be attributed to greater divisional awareness of causal factors of complaints.

On Duty Excessive Force allegations have increased by 10.7%, coupled with a decrease in Assault allegations. As described considerable scrutiny is being placed on the classification of these allegations.

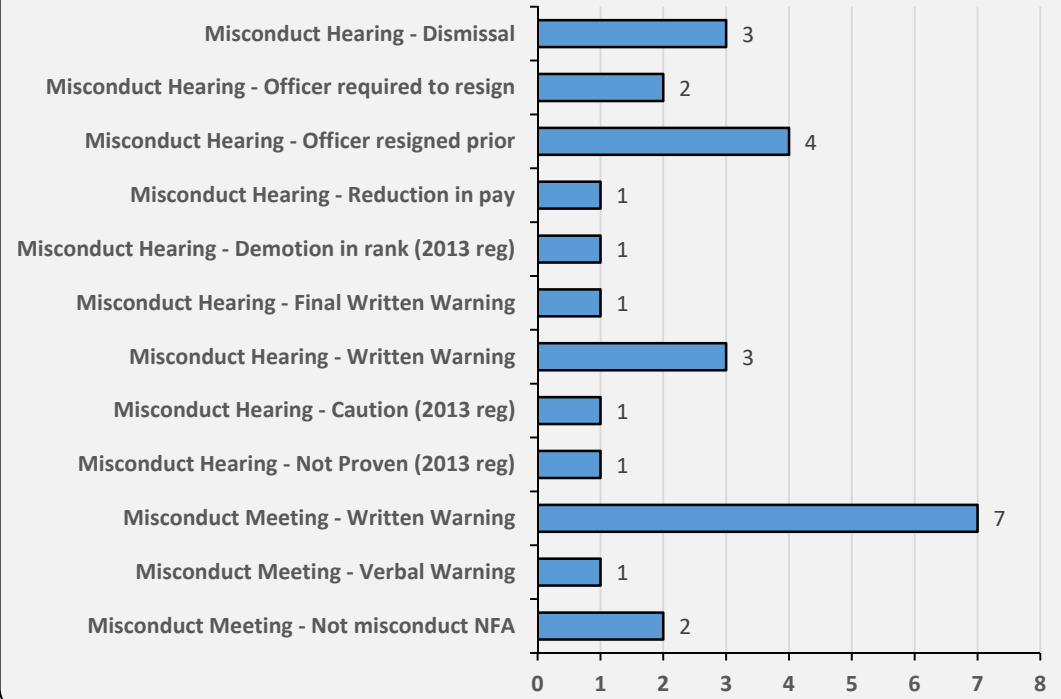
On Duty – Irregularity in Procedure allegations have decreased by 25.9%.

Q of S, Lack of satisfaction with Action taken allegations have increased by 15.3%. There is no obvious cause for this and the matter will be monitored.

Misconduct Assessment YTD



Misconduct Outcomes YTD



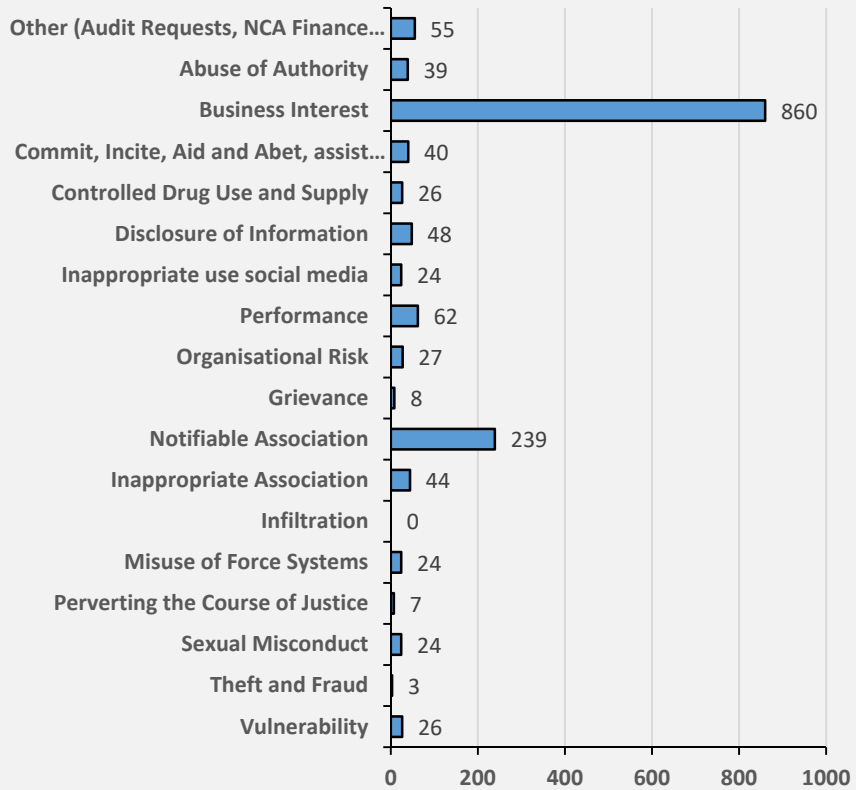
The PSD Conduct Unit have undertaken 258 preliminary assessments this year. These have resulted in 45 being assessed as either Gross Misconduct or meriting a misconduct investigation. To date 17 misconduct hearings and 10 misconduct meetings have taken place. This demonstrates that the majority of assessments result in less formal disposals, with a focus on individual and organisational learning.

The Conduct Unit are continuing to develop their processes through improved administration and auditing, all aimed at maximising consistency in the approach to preliminary assessment, ensuring that organisational learning is captured, leading to more effective outcomes.

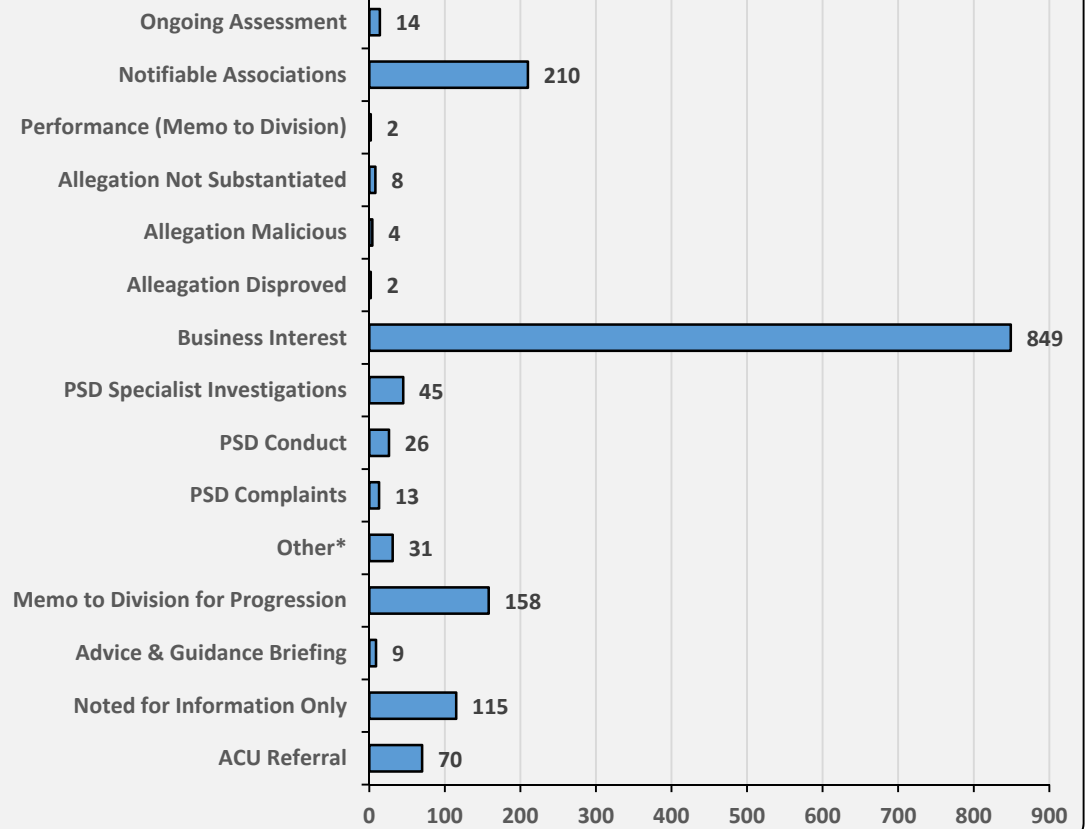
There are currently 103 Police officers and 5 members of Police staff subject to Duty restrictions. 11 Police officers and 5 members of Police Staff are currently suspended from duty.

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Referrals Considered by National Gateway Assessment Unit



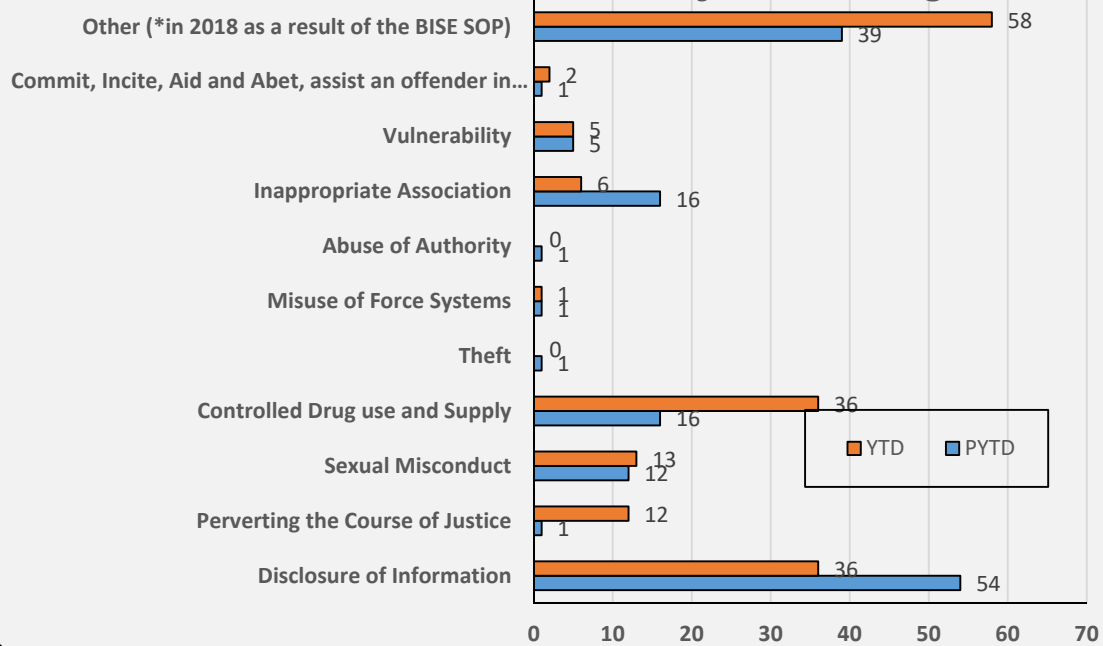
National Gateway Assessment Unit - Outcomes



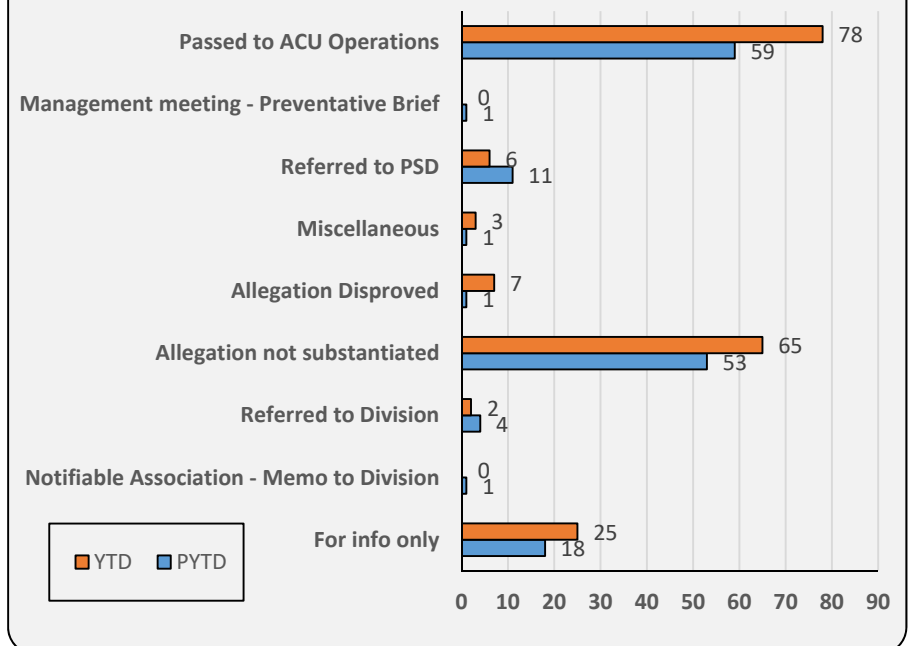
The Gateway Unit (GWU) has received more referrals since April 2018 than obtained in total for financial year 2017/18. For period: 01 April 2017 – 31 March 2018, the GWU received 1,165 referrals. To date for period: 01 April 2018 – 30 November 2018, the GWU has received 1,556 referrals.

This is predominately due to the introduction of the new Business Interest and Secondary Employment SOP, introduced in June 2018, which is currently sitting at 55.3% of the unit's referrals. The referrals for this category are unlikely to increase by much over remainder of financial year with the majority of this work now concluded.

Referrals Received by ACU Intelligence



ACU Closure Categories



The Anti-Corruption Unit has instigated 24.8% more enquiries than LYTD (149LYTD to 186YTD). This is indicative of the referral and National Gateway Assessment Unit process becoming well established, following HMICS recommendations. The decline in Disclosure of Information and increase in Perverting the Course of Justice enquiries correlate to more detailed referrals being received which infer the Common Law Offence. The increase in Controlled Drugs Use and Supply and Perverting the Course of Justice, can be attributed to a more front facing and proactive engagement role being undertaken by the ACU.

A total of 13 SOCGs are identified as having an involvement, or markers, in relation to corruption. These are rigorously reviewed and allocated to both Intelligence and Operations ACU staff to monitor and progress as appropriate. The threat of infiltration/ corruption is heightened by staff use of Social Media and use of open source resources. The Social Media SOP and Force memorandum have been issued reminding staff to protect themselves online. In addition, inputs to staff regarding the appropriate and safe use of social media platforms are ongoing.

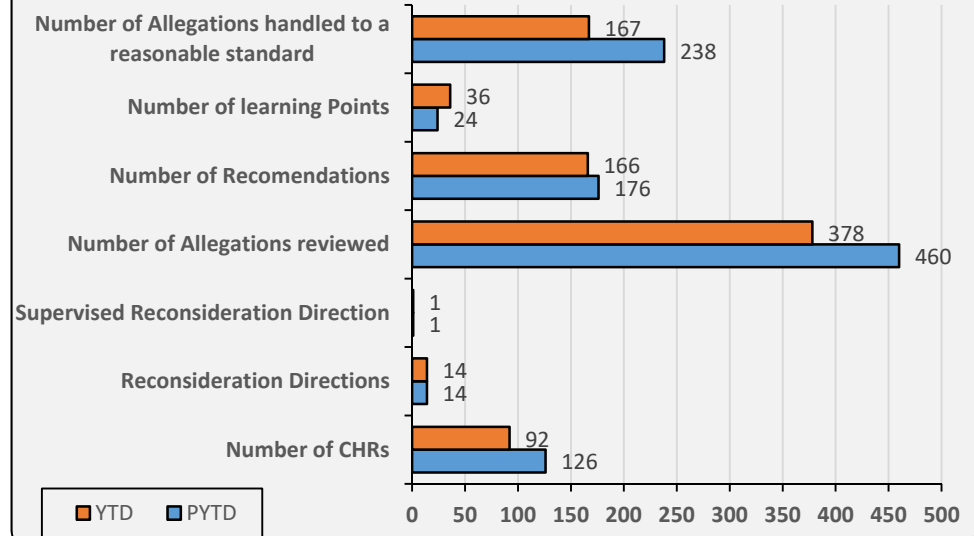
YTD PIRC have conducted 92 Complaint Handling Reviews, considering 378 separate allegations. Of these, PIRC found 167 to have been handled to a reasonable standard, issuing 166 recommendations and 36 learning points. The % of allegations found handled to a reasonable standard is 44.2% which is reduced from the same period last year of 51.7%. PSD are working with PIRC to improve this.

Where PIRC have conducted a CHR, they can make recommendations to the Police which are broadly categorised in the adjacent table. Following a CHR, if the Commissioner is of the opinion that a complaint should be reconsidered, the Commissioner can issue a Reconsideration Direction and can instruct that this is under the Commissioners supervision.

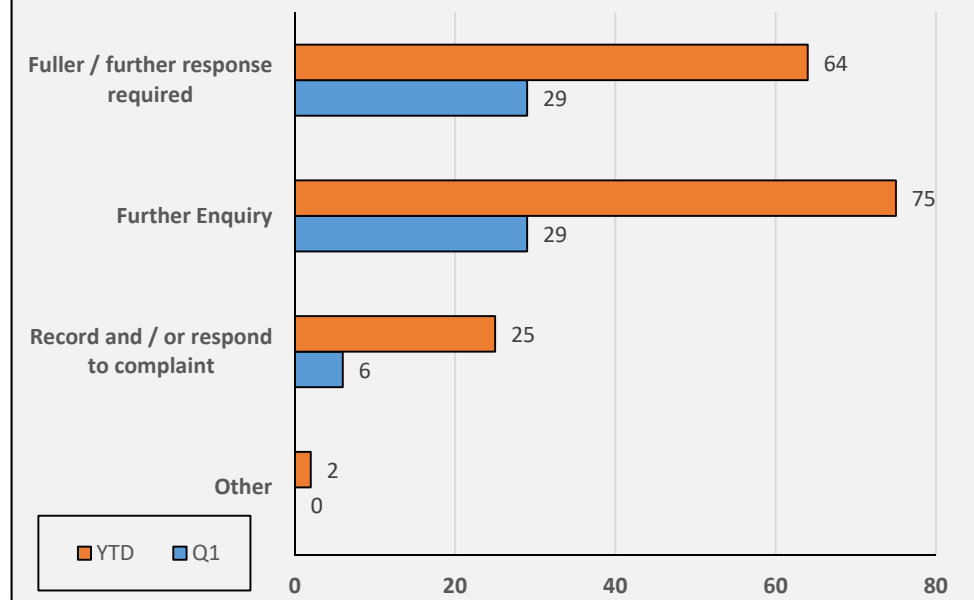
During YTD, 15 CHRs resulted in Reconsideration Directions being issued by PIRC following a CHR, one of which was subject to the Commissioners supervision. These related to 36 separate allegations and the key themes relate to insufficient enquiry being conducted into the allegation (often statements not specifically addressing allegations) and the response not being well reasoned, sufficiently explaining policy procedure and determinations not being made using the balance of probabilities test.

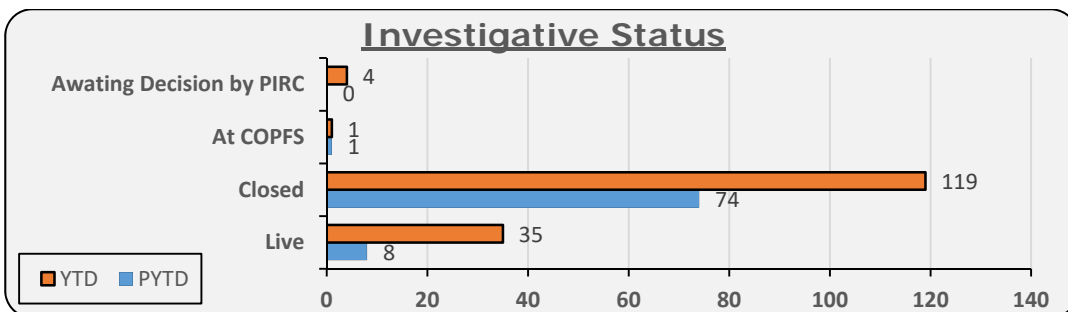
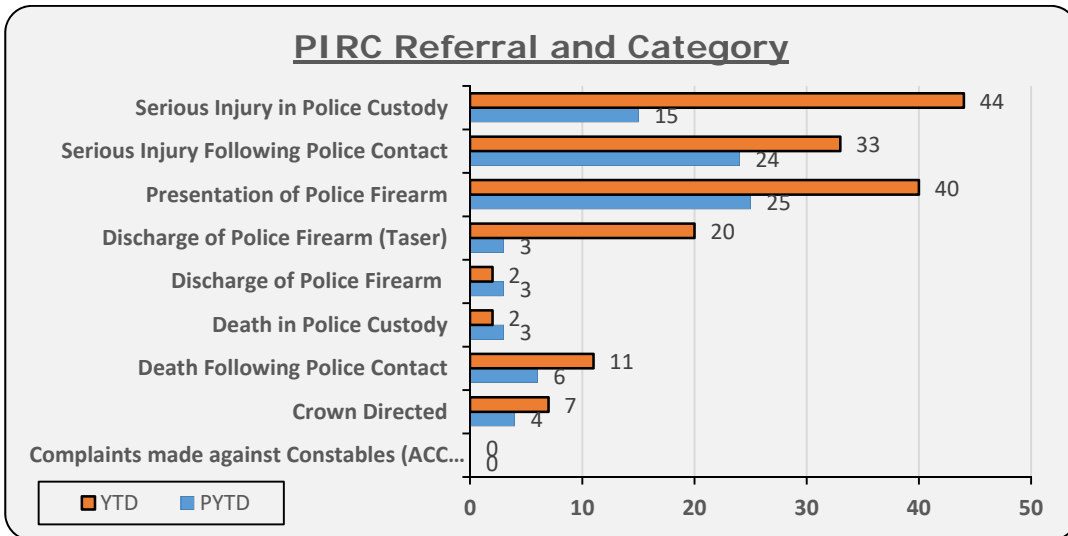
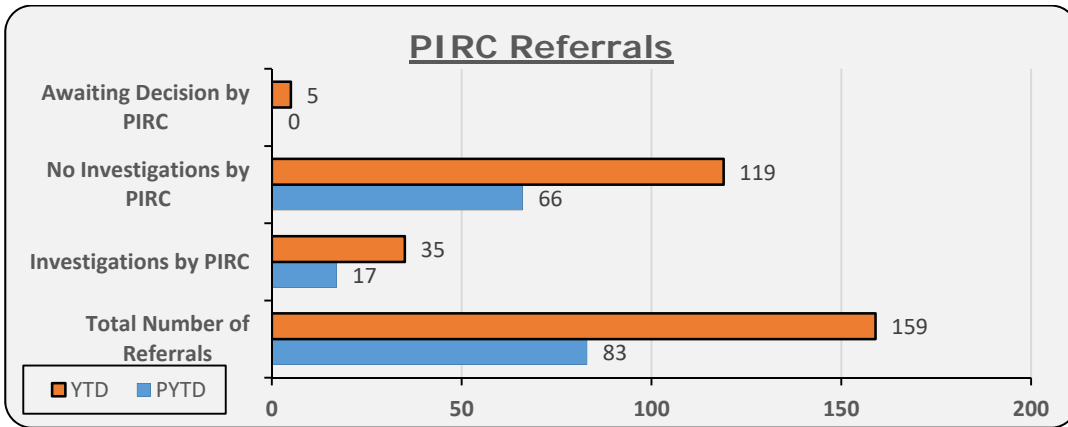
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Complaint Handling Reviews (CHR)



PIRC Recommendations





The tables adjacent show the number, category of referrals and the current overall investigative status.

* Discharge of a Police Firearm relates to an incident where a baton round and Taser were deployed and a separate incident where a pyrotechnic device was used.

The increase in discharge of Tasers follows the introduction of Specially Trained Officers (STOs) who carry Taser. These figures do not include PAVA discharge.

PIRC Operation Canisp (see Organisational Learning) has led to learning being shared regarding the referrals of all aspects of a firearms operation and that 'off-aim' firearm presentations will also be referred to PIRC.

The increases in Serious Injury following Police Contact and while in Police Custody relate generally to people jumping from height to evade Police, falling over when running from Police, Police Dog bites, Police vehicle RTCs, self-inflicted injuries and injuries through the use of force.

PSD are continuing to develop their processes and have improved consistency in the approach to PIRC referral.

Nature of learning

PIRC conducted an investigation regarding a Firearms Operation (Op Canisp), following which they made a number of recommendations, which included: ensuring that all officers in charge of, or who form part of any firearms operation apply the National Decision Models principles; Ensures that all 'firearms incidents' are referred to PIRC and adopts a system to ensure that ITFCs/TFCs are timeously sighted on all available information which may impact on decisions made.

Action

Ongoing good practice regarding the emphasis on the NDM has been supplemented by input regarding the NDM during the ongoing National Command refresher training program and a Tactical and Strategic Firearms Commander Forum has been established to share experience and learning.

The circumstances of Operation Canisp have been shared with the PSD On call cadre to ensure awareness and Armed Policing command are ensuring that all firearm presentations, including 'Off Aim' are referred to PIRC.

Further support has been afforded to ITFCs/TFCs in the form of loggist training to communications officers and an additional Constables Post on each shift (15 in total) who will aim to ensure that all available information is provided to ITFC/TFCs.

Nature of learning

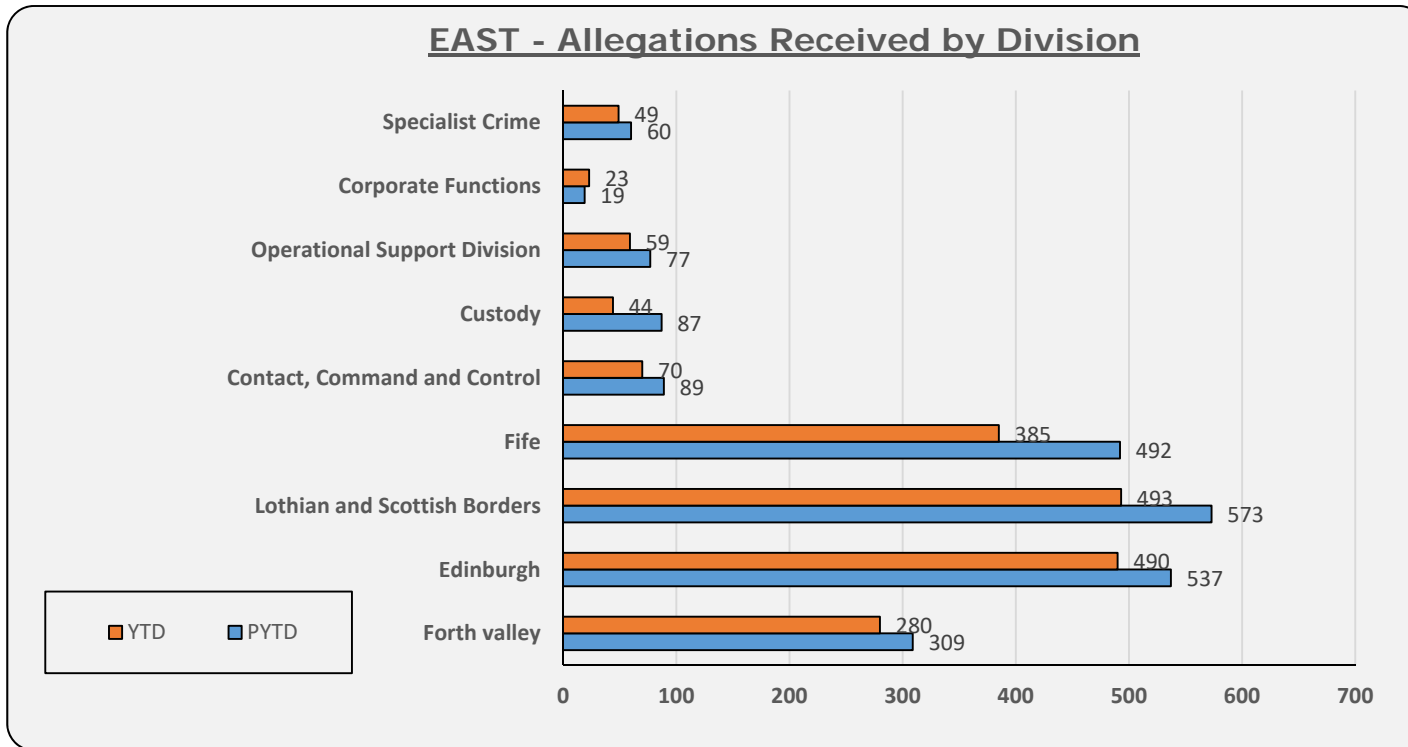
PIRC have identified common themes of shortcomings in the complaint handling process which have recently included

- The heads of complaint form should be completed to ensure a clear understanding of the allegations made
- The final letter should state clearly whether an allegation is Upheld/ Not Upheld
- Any determination should be based on the balance of probabilities.
- Front Line resolution should not be attempted for complaints which cannot be assessed as 'non-serious'.

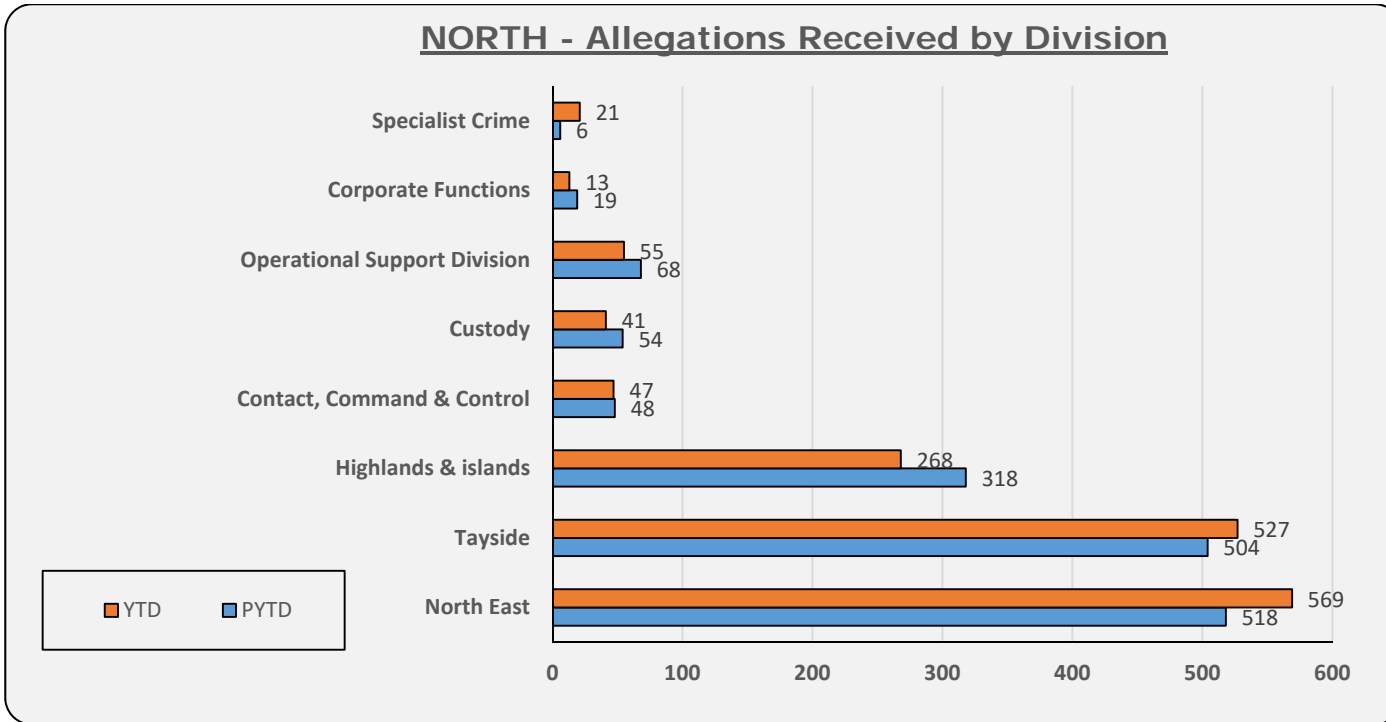
Action

A learning bulletin around common complaint handling errors has been prepared for those involved in the complaint handling process. In a further effort to improve the proportion of complaints found handled to a reasonable standard, Police Scotland is working with PIRC who are assisting with presentations / workshops to complaint handlers. Furthermore, a bespoke one-day training course is being developed in-house for supervisors involved in complaint handling.

APPENDIX A – ALLEGATIONS RECEIVED BY DIVISION



As previously detailed there has been an overall reduction in the number of allegations within the East in comparison to LYTD. The most significant reductions are within Custody and Fife Division, where allegations decreased by 49.4% and 21.7% respectively.

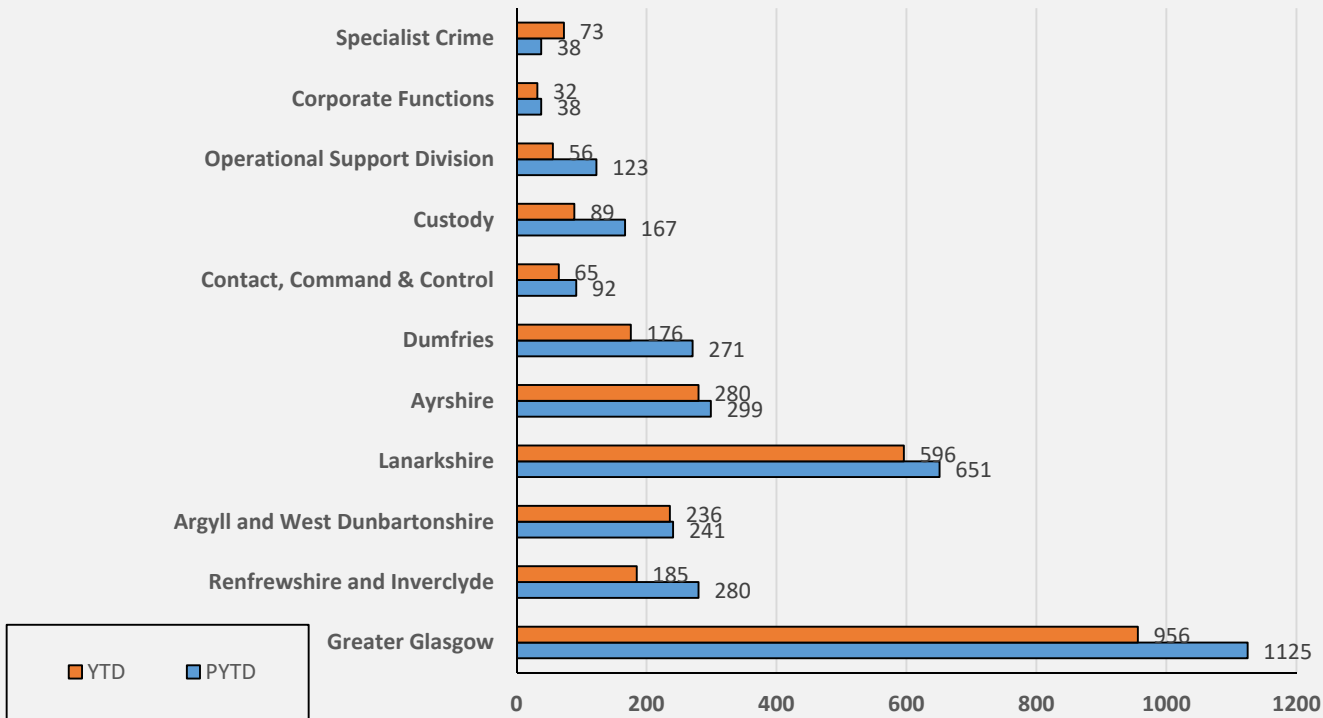


As previously detailed the overall number of allegations within the North remains relatively unchanged in comparison to LYTD. This is an improvement on the previous quarter which recorded an increase in allegations of 5%. Specialist Crime, North East Divisions and Tayside have recorded an increase, respectively increasing by 250% (6 to 21), 9.8% and 4.6%.

Highlands & islands Division has recorded a 15.7% decrease in allegations which is a continuation of the 13% decrease recorded at Q1.

A review of allegation categories and complaints within those Divisions recording an increase could not find any clear explanation, however an organisational learning document, detailing common complaint themes has been circulated on the Police Scotland intranet page to address.

WEST - Allegations Received by Division



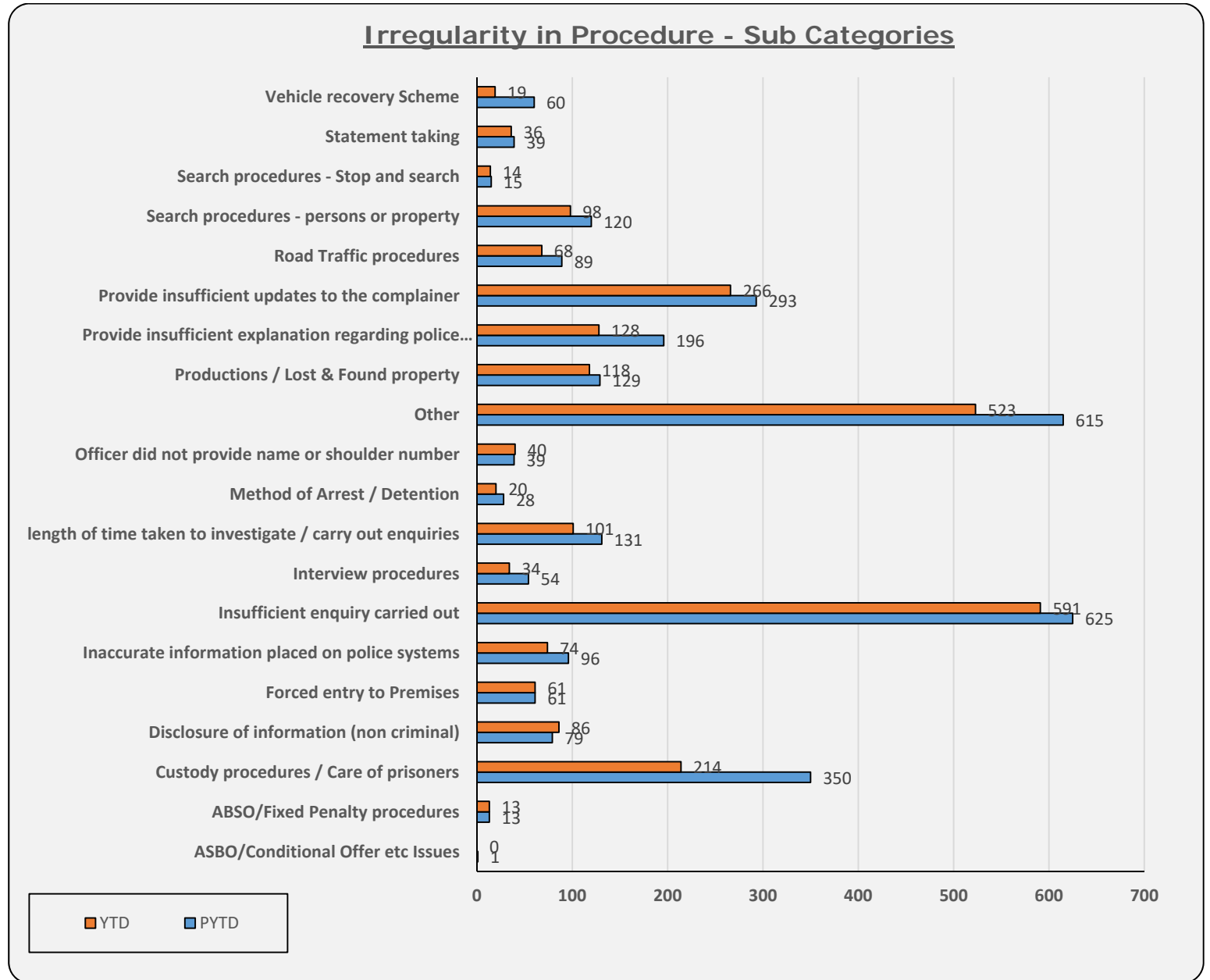
As detailed there has been an overall significant decrease (17.5%) in the number of allegations within the West in comparison to LYTD. In particular Dumfries and Galloway (35%), Renfrewshire and Inverclyde (33.9%) and Greater Glasgow (15%) Divisions have recorded large reductions. Anecdotally this can be at least partly attributed to a greater awareness in local divisions of the primary causal factors which generate complaints.

Specialist Crime Division have recorded a 133% increase. A review of allegations within West SCD, could find no obvious pattern, trend or explanation with the breakdown of allegation types being similar to the national position. This will be monitored going forward.

APPENDIX B – ALLEGATIONS OF IRREGULARITY IN PROCEDURE - SUB CATEGORIES

The three most common sub-categories within Irregularity in procedure are Insufficient Enquiry (591), Insufficient Updates (266) and Custody/ Care of Prisoners (214). 523 allegations were recorded as Irregularity in Procedure – Other. A limited dip sample of these revealed that a number of these subjective allegations could have been recorded under other allegation sub-categories of Irregularity in Procedure.

The PSD training package delivered to PCSOs has been amended to include guidance addressing common complaints regarding the care and welfare of prisoners.



APPENDIX C – ALLEGATIONS OF DISCRIMINATORY BEHAVIOUR SUB CATEGORIES

