

OFFICIAL



PROFESSIONAL STANDARDS

SPA – Performance Report

Reporting Period: 1 April 2018 to 31 March 2019

Meeting Date: 16 May 2019

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 year end of Quarter 4 (1 April 2018 to 31 March 2019).

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 an 8.2% decrease in complaints (6448 PYTD to 5919YTD).
- Overall, there has been a 9.8% decrease in allegations (10232 PYTD to 9229YTD).
- 'On Duty' allegations have decreased by 10.9% (8022 PYTD to 7146YTD).
- The most common On Duty allegation categories remain Irregularity in Procedure, Incivility and Excessive Force.
- Incivility and Irregularity in Procedure have reduced by 12.7% and 11.5% respectively.
- Within Irregularity in Procedure, the most common sub categories remain Insufficient Enquiry and Insufficient Updates (See Appendix B).
- Every 'On Duty' allegation category has decreased with the exception of Assault (7.1%), 'Excessive Force' (4.2%) and Other- Criminal (10%). Considerable scrutiny is being placed on the categorisation of Assault and Excessive Force. COPFS are in the process of DIP sampling these allegations.
- The East and West areas have recorded reductions (13.3% and 12.2% respectively) in the number of allegations received, while the North is unchanged.
- 130 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 Department has undertaken 393 preliminary assessments since April this year. These resulted in 77 being assessed as either Gross Misconduct or meriting a misconduct investigation. To date 21 misconduct hearings and 11 misconduct meetings have taken place.

National Gateway Assessment Unit

- The GWU has assessed 2168 referrals YTD. The introduction of the new BISE SOP by People and Development in May 2018 had significant impact on the daily business of GWU and accounts for just under half of referrals received this year (48.7%).

Anti-Corruption Unit

- The Anti-Corruption Unit (ACU) has received 235 referrals since 1 April 2018 compared to 244 the previous YTD. The most common allegations are Controlled Drugs Use and Supply, Disclosure of Information, Perverting the Course of Justice and Sexual misconduct.

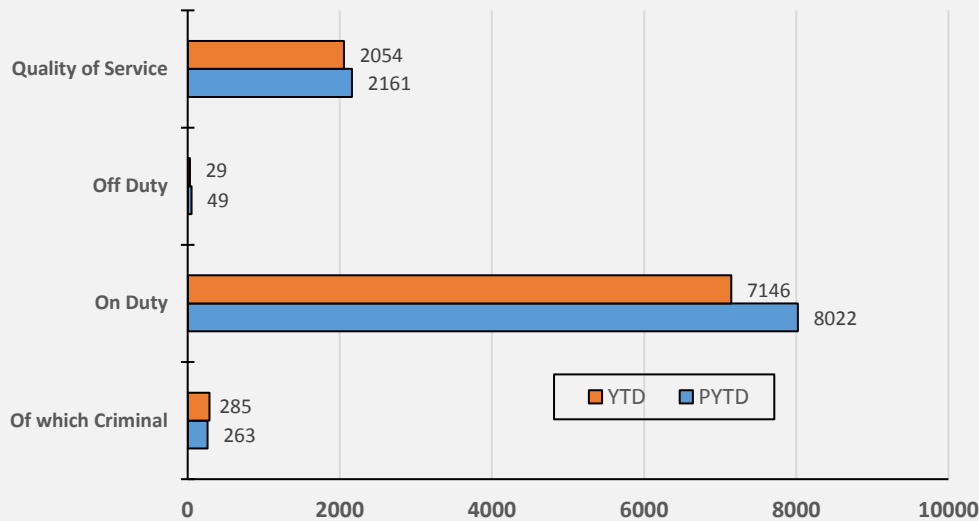
PIRC Complaint Handling Review

- YTD PIRC have conducted 116 Complaint Handling Reviews, considering 477 separate allegations. Of these, PIRC found 234 (47%) to have been handled to a reasonable standard, issuing 199 recommendations and 44 learning points.

PIRC Referral

- There has been a 59.9% increase in the number of referrals to PIRC (147 PYTD to 235YTD).

Allegations received - Police Scotland



These allegations arose from 5919 complaints received YTD, a reduction of 8.2% in comparison to PYTD 6448.

These were assessed by the National Complaint Assessment and Resolution Units (NCARU), resulting in 39.8% of the complaints being Frontline Resolved (FLR) by PSD through explanation. PSD are working with PIRC to make improvements to the processes and recording of FLR. An improved standard letter template sent to complainers following FLR has been agreed with PIRC.

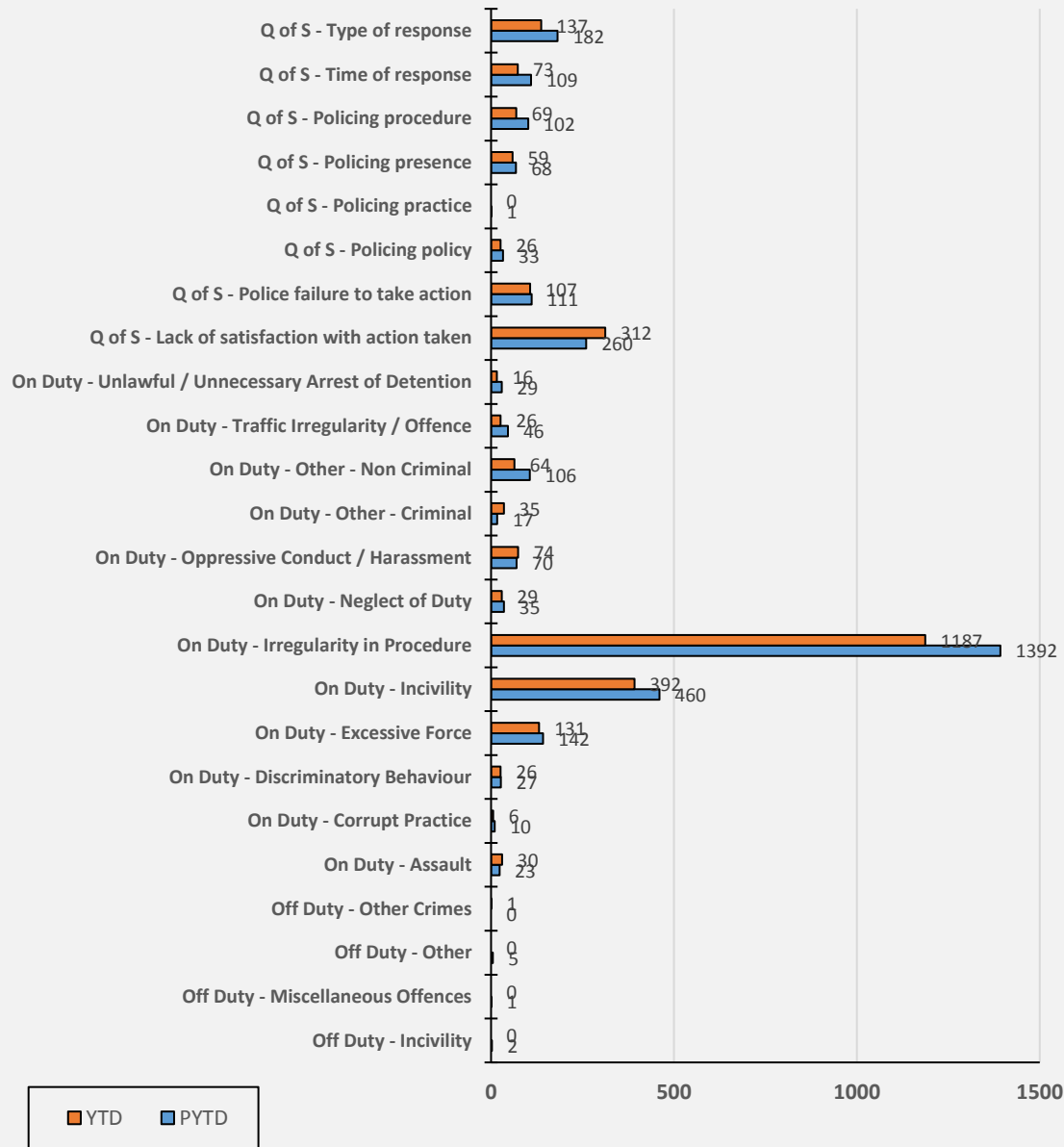
The most common On Duty allegation categories remain Irregularity in Procedure (3886), Incivility (1524) and Excessive Force (566).

This overall reduction is likely influenced by the reductions in Irregularity in Procedure (505), influenced by standardised policy and procedures becoming embedded across Police Scotland and Incivility (222) most likely reduced through increased awareness of common complaint themes, which are included in training courses delivered to Probationary and Supervisory officers and further shared throughout Police Scotland.

Overall allegations have reduced by 9.8% from 10232 PYTD to 9229 YTD.

- Quality of Service allegations have decreased by 5%.
- Allegations which occurred 'On Duty' decreased by 10.9%.
- Criminal allegations have increased by 8.4%.

Allegations received - East



Overall allegations in the East have reduced by 13.3% from 3231 PYTD to 2800 YTD.

- Quality of Service allegations have decreased by 9.6% from 866 PYTD to 783 YTD.
- Allegations which occurred 'On Duty' decreased by 14.5% from 2357 PYTD to 2016 YTD.

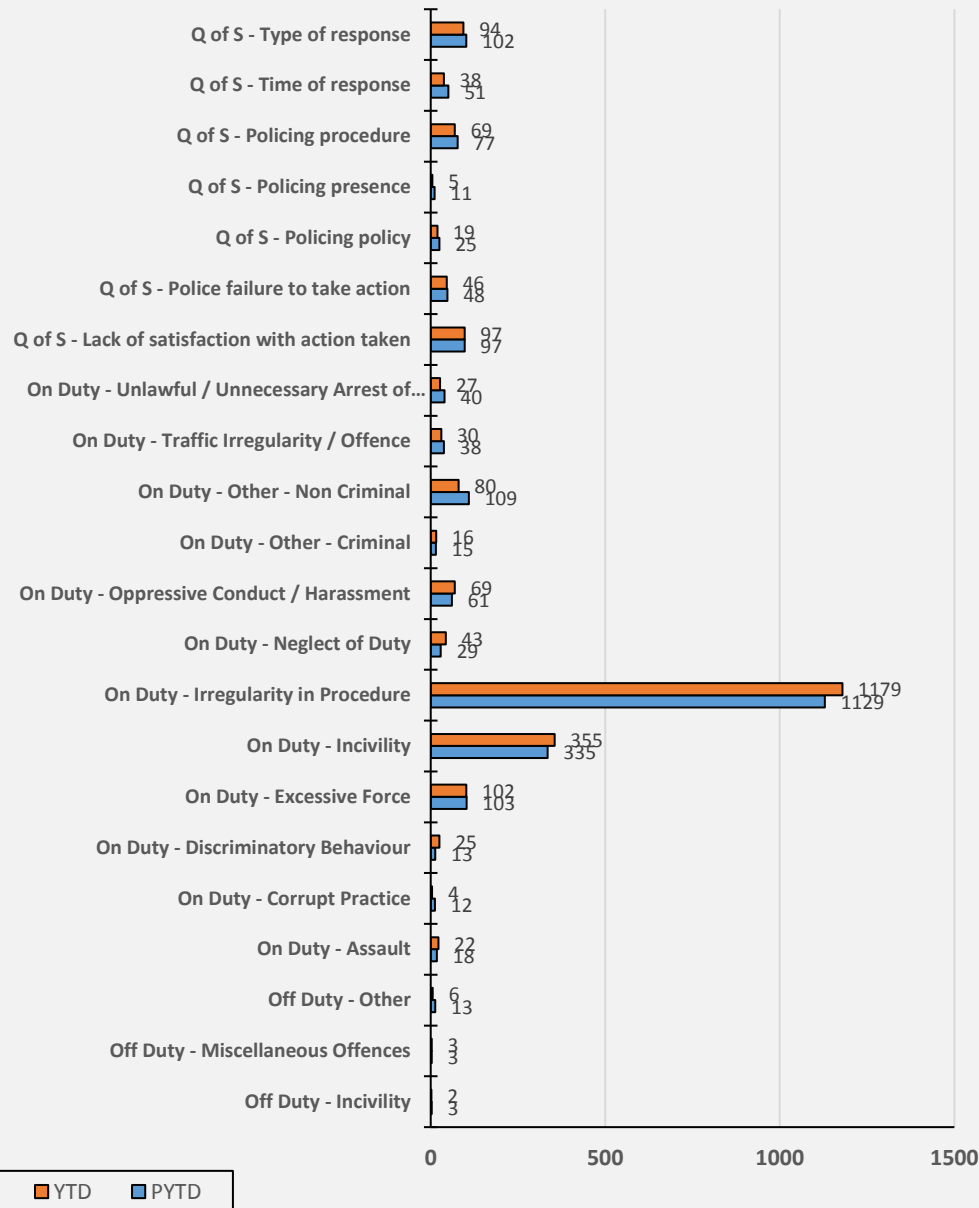
On Duty – Other Criminal allegations have increased by 105.9% however this is based on a relatively small numbers of allegations.

There is no apparent cause for the increase in this category. Review shows the most common allegation types remain, data protection offences, attempt to pervert the course of justice and theft.

Assault allegations have increased by 30.4%. This is due to continued scrutiny being placed on Assault/ Excessive Force allegations. Excessive Force allegations have decreased by 7.7%.

Q of S lack of satisfaction has increased by 20%. This is a reduction on previous periods which reported greater increases.

Allegations received - North



Overall allegations in the North remain unchanged, 2332 PYTD to 2331 YTD.

- Quality of Service allegations have decreased by 10.5% from 411 PYTD to 368 YTD.
- Allegations which occurred 'On Duty' increased by 2.6% from 1902 PYTD to 1952 YTD.

On Duty – Assault has increased by 22.2%. However the numbers are not significant and these allegations continue to be subject to close scrutiny.

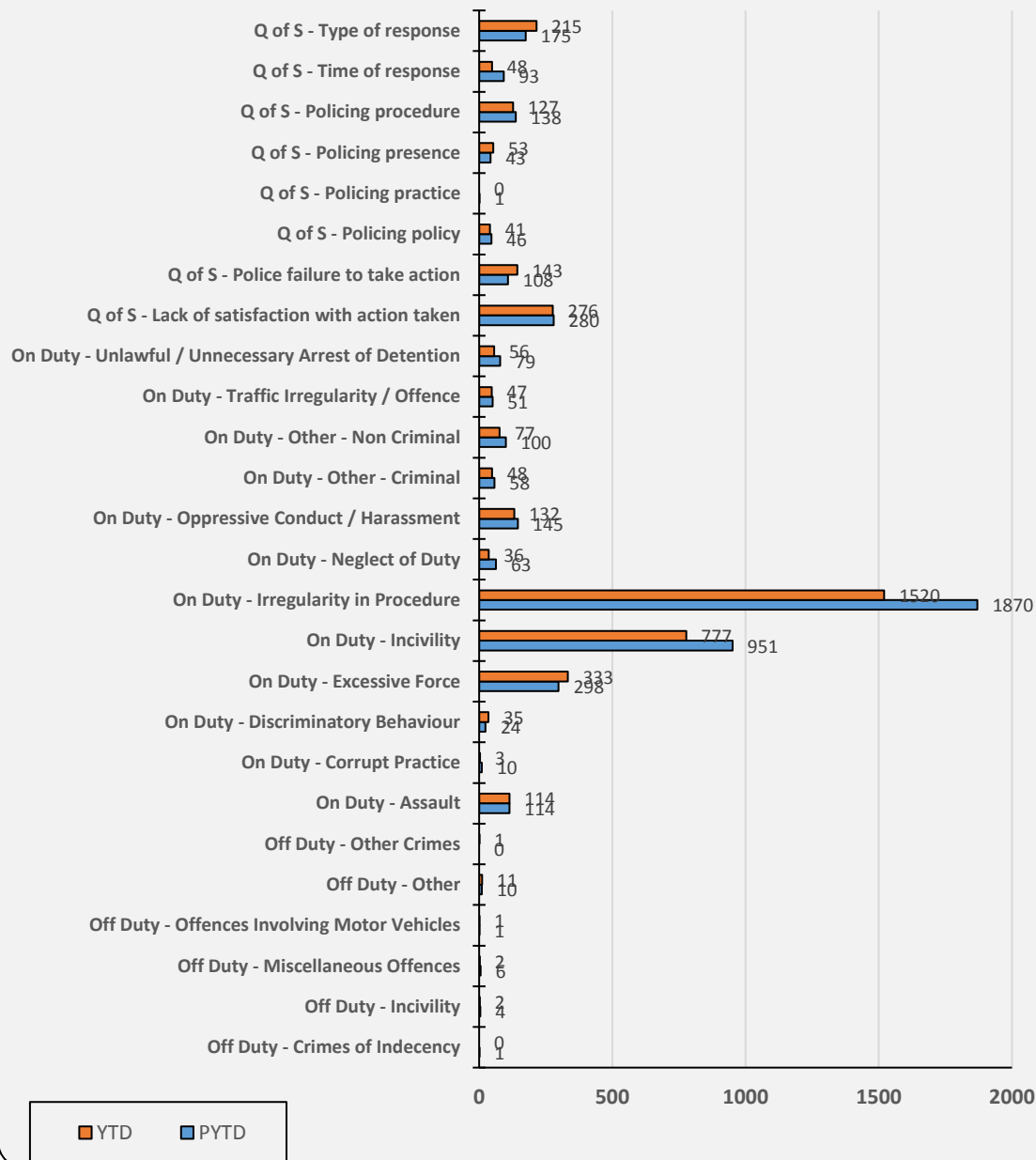
On Duty – Neglect of Duty increased by 48.3%, however this arises from a single complaint with a large number of allegations.

On Duty – Discriminatory behaviour has increased by 92.3%, however this is based on limited numbers of allegations (refer Appendix C).

Q of S – Time of Response allegations have decreased by 25.5%.

Overall, allegation in the North has been influenced by several complaints which contained numerous allegations.

Allegations received - West



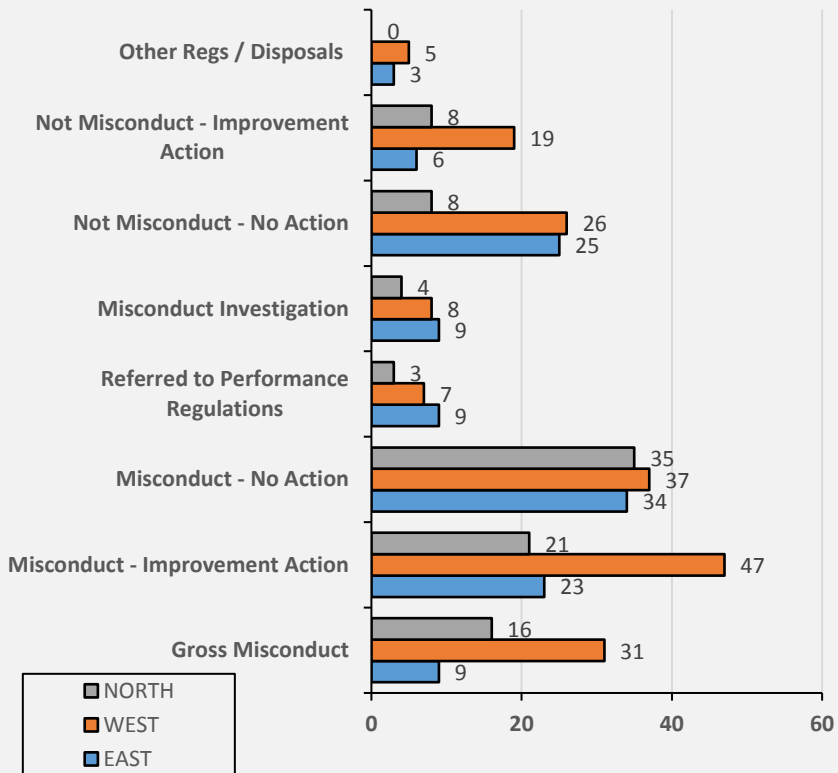
Overall allegations have decreased by 12.2% from 4669 PYTD to 4098 YTD.

- Quality of Service allegations have increased by 2.1% from 884 PYTD to 903 YTD.
- 'On Duty' allegations decreased by 15.5% from 3763 PYTD to 3178 YTD. This is primarily due to the significant decreases in Irregularity in Procedure (18.7%) and Incivility (18.3%) allegations. These amount to a cumulative reduction of 524 allegations.

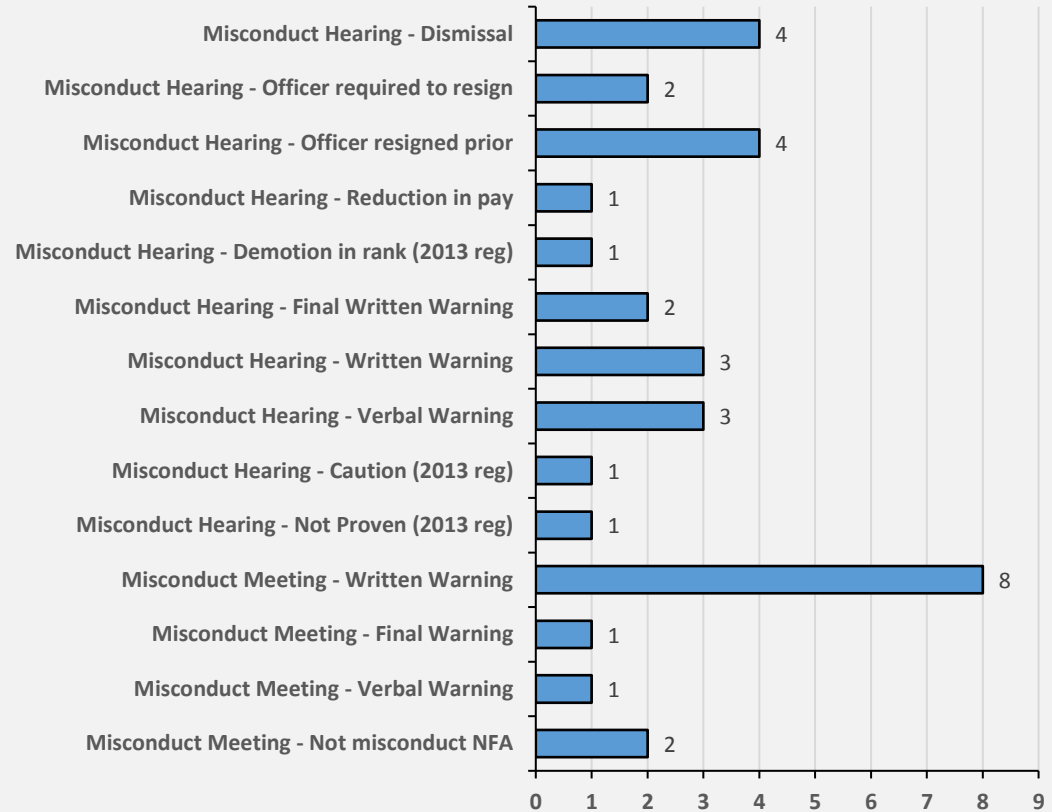
On Duty Excessive Force allegations have increased by 11.7% while Assault allegations remain unchanged. As previously described considerable scrutiny is being placed on the classification of these allegations.

Q of S, Type of Response allegations have increased by 22.9% and time of response have decreased by 48.4%.

Misconduct Assessment YTD



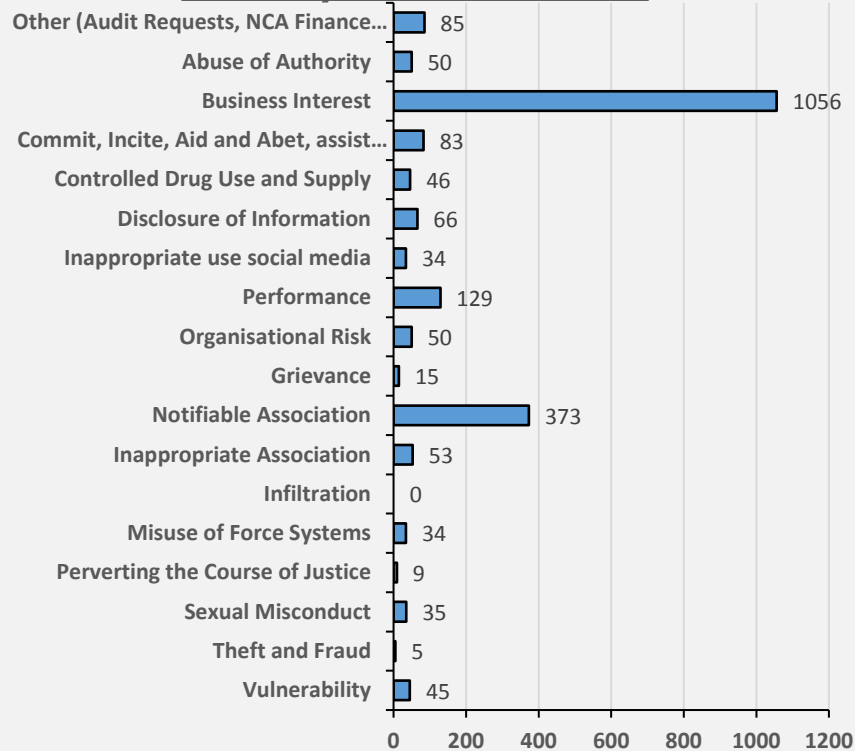
Misconduct Outcomes YTD



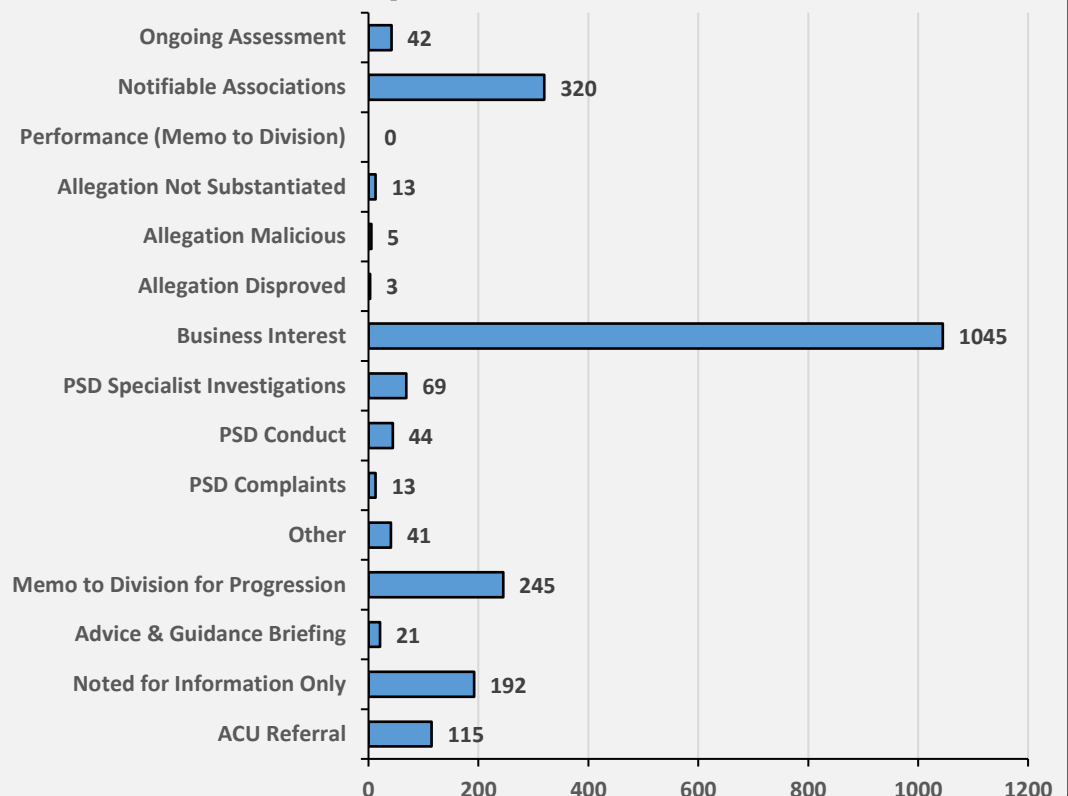
The Professional Standards Conduct Department has undertaken 393 preliminary assessments since April last year. These have resulted in 77 (19.6%) being assessed as either Gross Misconduct or meriting a misconduct investigation. To date 21 misconduct hearings and 11 misconduct meetings have taken place (none during March.)

There are currently 102 Police officers and 4 members of Police staff subject to Duty restrictions. 11 Police officers and 5 members of Police Staff are currently suspended from duty.

Referrals Considered by National Gateway Assessment Unit

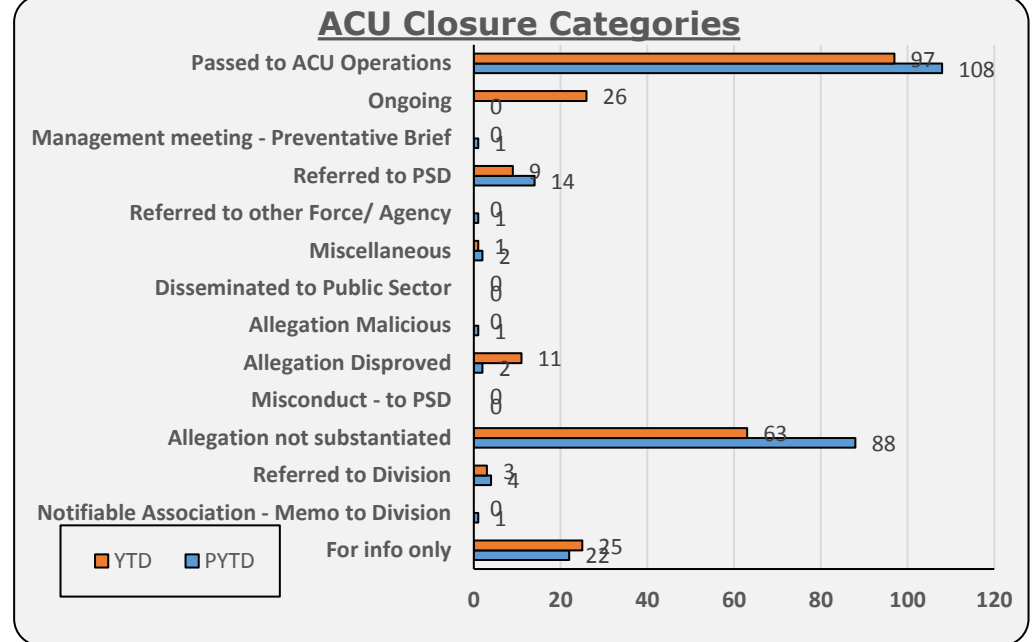
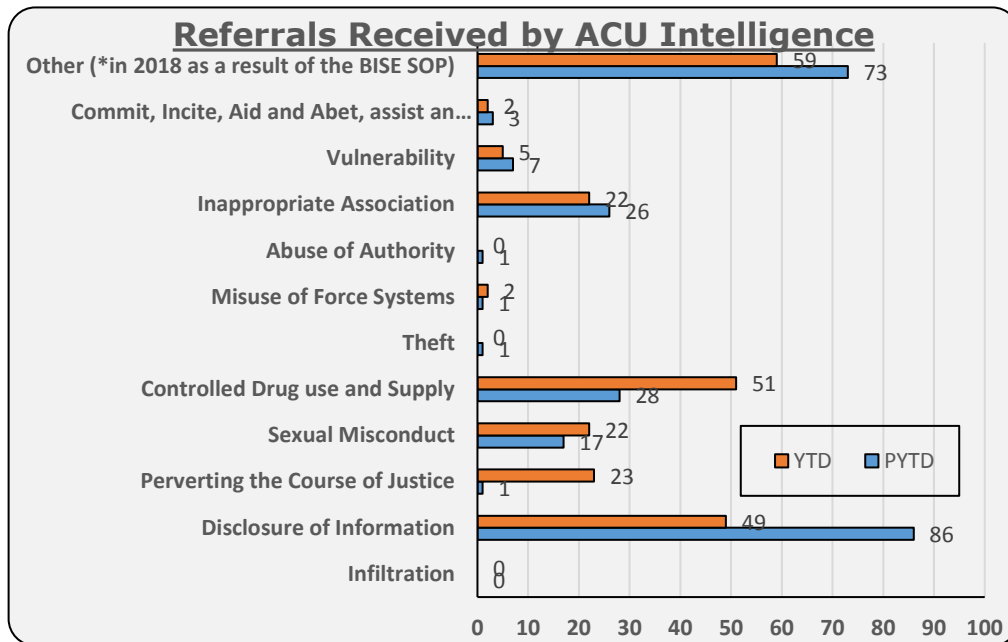


National Gateway Assessment Unit -Outcomes



The GWU has assessed 2168 referrals YTD.

The introduction of the new BISE SOP by People and Development in May 2018 had significant impact on the daily business of GWU and accounts for just under half of referrals received this year (48.7%). It should be noted that this figure relates to unapproved BISE requests as the GWU undertake relevant vetting checks and thereafter submit these checks to relevant Divisional Commander for their consideration of approval or otherwise. The main risks arisen from BISE have been identified as property rental and officers/staff not utilising an independent letting agent or using online websites to rent out their property/rooms within on a short term basis.



The Anti-Corruption Unit (ACU) has instigated 235 enquiries YTD compared to 244 PYTD. The increase in Controlled Drugs Use and Supply and Perverting the Course of Justice allegations is attributed to the front facing and proactive engagement role undertaken by the ACU. The reason for the significant decrease in referrals regarding Disclosure of Information and increase in Perverting the Course of Justice is a more robust initial assessment of the information/ intelligence in line with the collection categories agreed by The National Policing Counter-Corruption Advisory Group (NPCCAG). Allegations of disclosure of Information often relate to the execution of search warrants.

The unauthorised disclosure of sensitive information remains a significant concern to Police Scotland both in terms of scale and risk. 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 use of corruption by Serious Organised Crime Groups (SOCGs) remains a key strategic priority for Police Scotland and at present the ACU currently monitor 13 SOCGs which hold markers for corruption. This is reviewed frequently by ACU who engage closely with Police Scotland territorial Divisions.

YTD PIRC have conducted 116 Complaint Handling Reviews, considering 477 separate allegations. Of these, PIRC found 224 (47%) to have been handled to a reasonable standard, issuing 199 recommendations and 44 learning points.

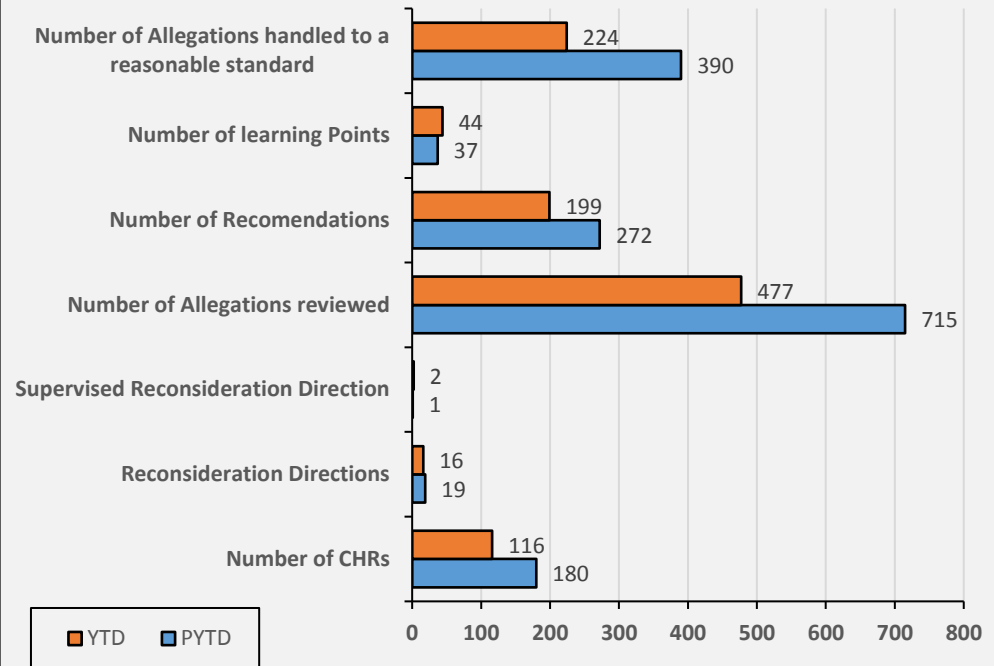
Where PIRC have conducted a CHR, they can make recommendations to the Police which are broadly categorised in the adjacent table. Following a CHR, if the Commissioner is of the opinion that a complaint should be reconsidered, the Commissioner can issue a Reconsideration Direction and can instruct that this is under the Commissioners supervision. During YTD, 16 CHRs resulted in Reconsideration Directions being issued by PIRC following a CHR, of which two were subject to the Commissioners supervision.

PSD have been engaging positively with PIRC and have provided updates to them regarding the implementation of Learning Points.

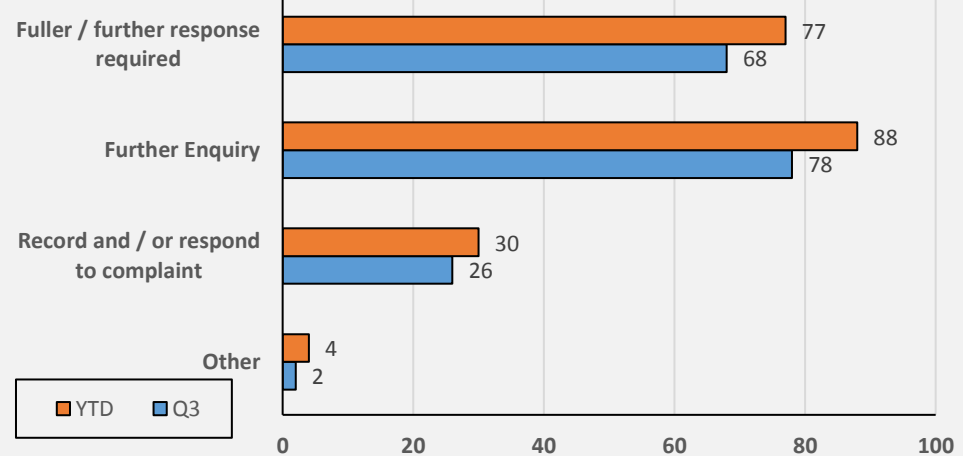
A common 'Complaint handling themes' guidance document has been circulated to complaint handlers, following consultation with PIRC.

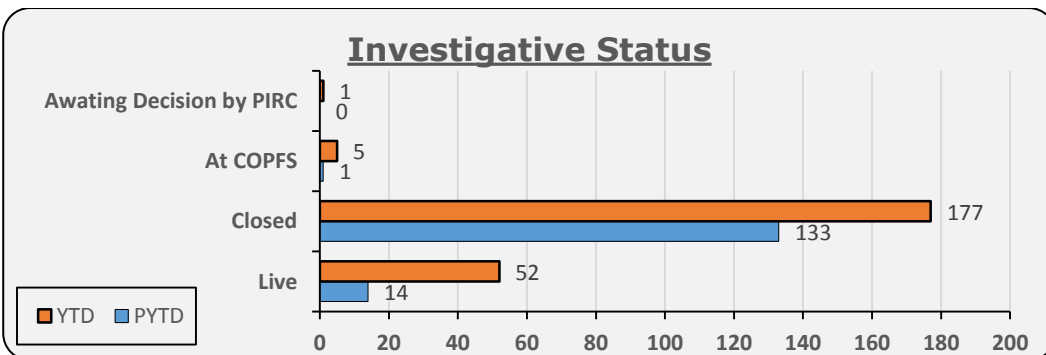
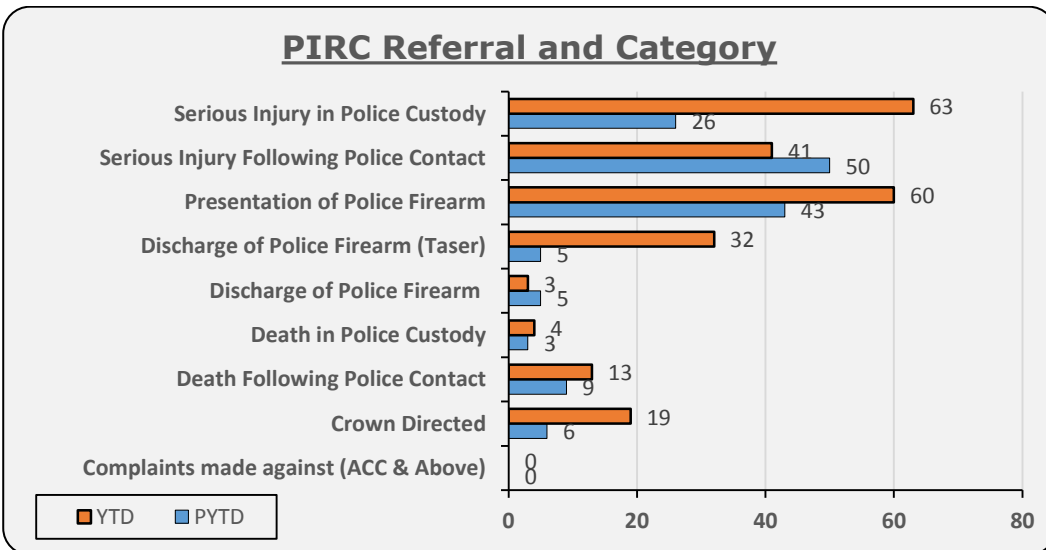
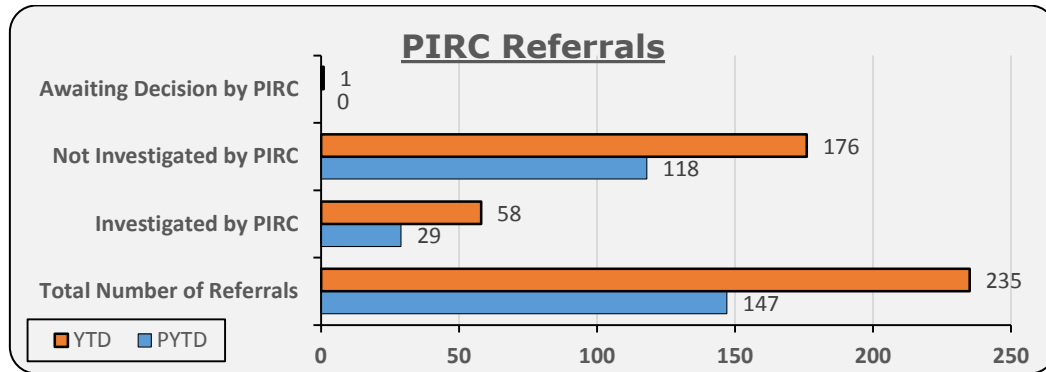
Work is well underway in the development of a Complaint Handling training program.

Complaint Handling Reviews (CHR)



PIRC Recommendations





The Discharge of a Police Firearm includes two incidents where baton rounds were deployed and an incident where pyrotechnic devices were utilised. The significant increase in discharge of Taser follows the introduction of Specially Trained Officers (STOs) who carry Taser. These do not include PAVA discharges.

There were 21 referrals to PIRC during March 2019. These included;

Three Crown Directed investigations related to an allegation of assault and theft and two allegations of assault, seven discharges of a Taser, nine Firearm Presentations, one serious injury following police contact related to a police vehicle responding to an emergency becoming involved in a RTC and one serious injury in police custody related to a custody who took a seizure while in custody and fell, fracturing a vertebrae.

There has been a 59.9% increase in the number of referrals to PIRC (235 YTD from 147 PYTD), attributed to the robust and established referral process.

Nature of learning

PIRC investigation (Operation Coigach), recommended that Police Scotland provides additional guidance and clarity to firearms officers on the basis for their powers to enter premises without warrant to conduct an emergency search during firearms operations.

Action

Guidance was circulated to all firearms commanders regarding the powers of entry and search during Firearms operations. This guidance has also been provided on a face to face basis through the ongoing National Command Refresher training and will continue to be provided.

This guidance provided that all Firearms Commanders should clearly specify the legal basis for any search or entry to premises being authorised or undertaken during operations. Officers attending these incidents must be fully aware of their powers and ensure that this information be included in any PIRC referrals submitted.

Nature of learning

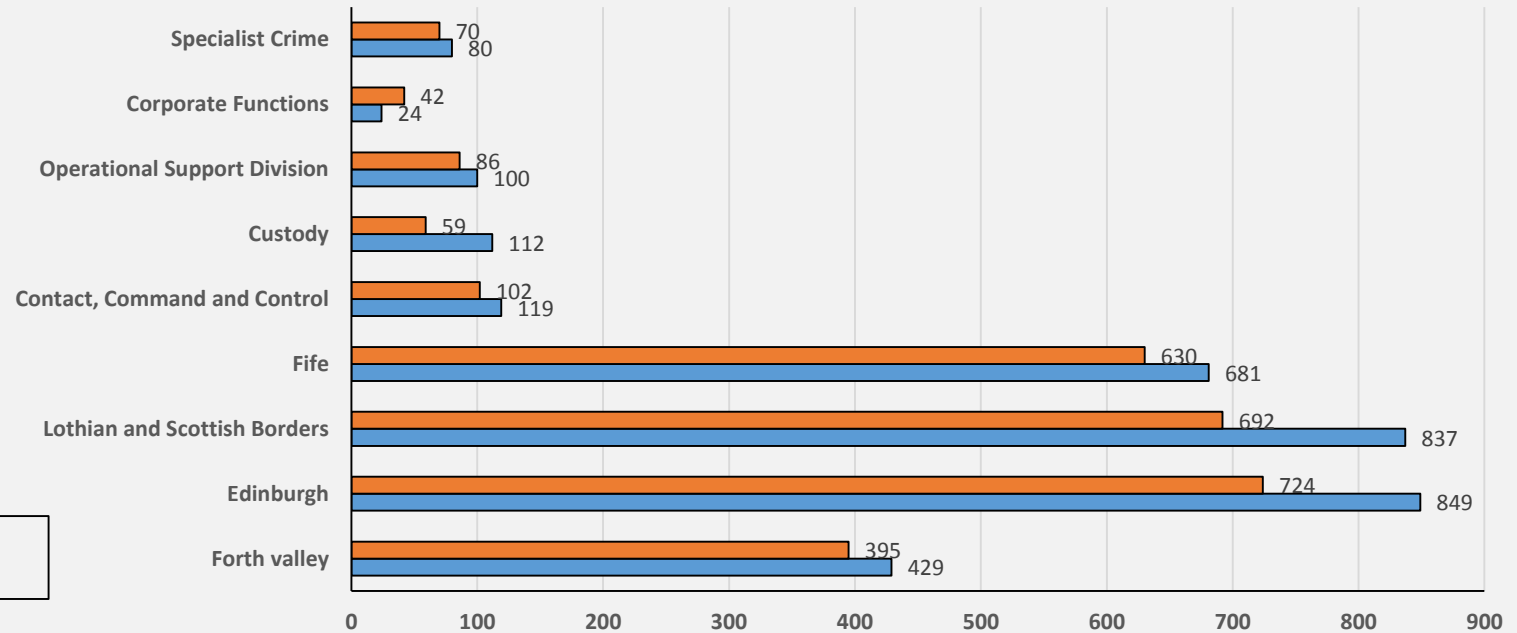
PIRC have issued learning Point 14, which identifies key themes of

- Officers attending incidents concluding the matter without contacting, or considering contacting, the person who initially reported the incident.
- CCTV evidence not being captured in a timely fashion or not functioning correctly and response letters not accurately reflecting the content.

Action

Guidance and learning has been issued throughout Contact, Command & Control Division to ensure that officers are instructed to contact people who initially reported the incident and further guidance has been circulated regarding the importance of seizing CCTV. CJSJ have instigated a program of maintenance to ensure that CCTV in Custody facilities functions correctly.

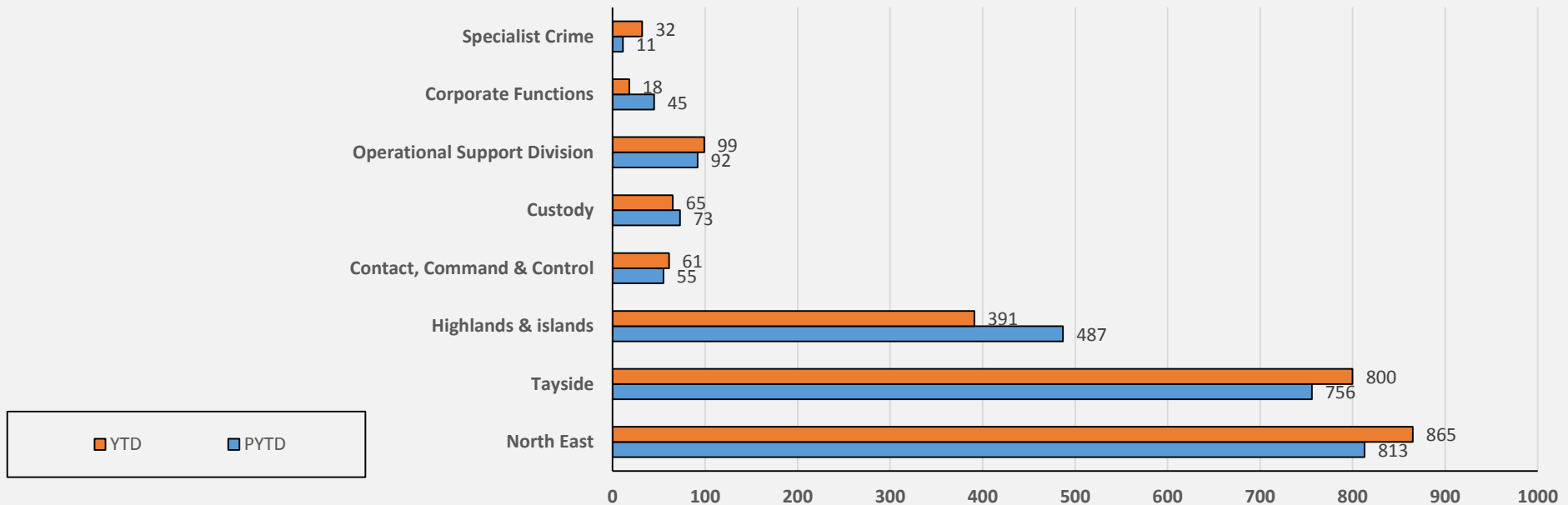
APPENDIX A – ALLEGATIONS RECEIVED BY DIVISION

EAST - Allegations Received by Division

As previously detailed there has been an overall reduction in the number of allegations within the East in comparison to PYTD. The most significant reductions are within Custody and Lothian & Scottish Borders, where allegations decreased by 47.3% and 17.3% respectively.

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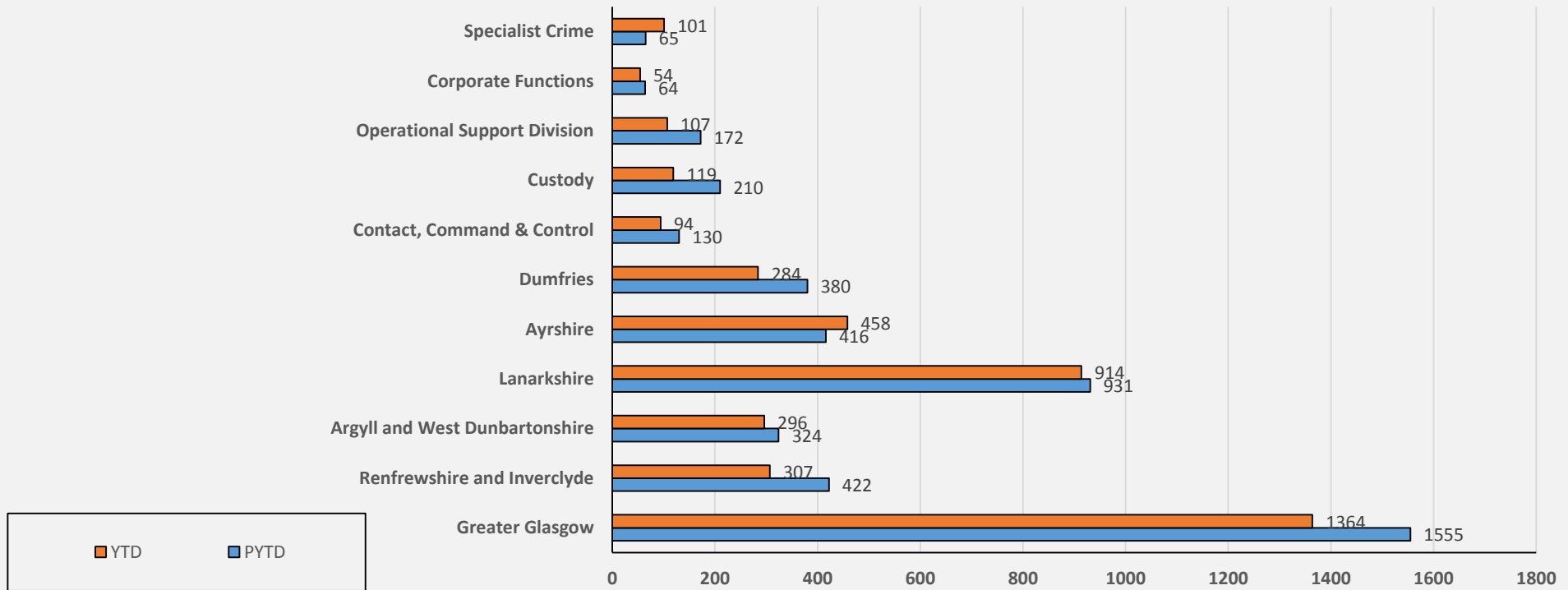
NORTH - Allegations Received by Division



The overall number of allegations within the North remains unchanged in comparison to PYTD (2332 PYTD to 2331YTD). This is an improvement on the previous quarters which had recorded slight increases in Allegations.

Corporate Functions (60%), Highlands & Islands (19.7%) and Custody Division (911%) have recorded decreases in the number of allegations.

North East and Tayside Divisions have recorded increases in allegations of 6.4% and 5.8% respectively. In Tayside Division the most significant increase are within Irregularity in Procedure and Incivility, while in NE Division the most significant increases are within Irregularity in Procedure and Oppressive Conduct/ harassment.

WEST - Allegations Received by Division

As detailed there has been an overall significant decrease (12.2%) in the number of allegations within the West in comparison to PYTD. In particular Custody Division (43.3%), OSD (37.8%) and C3 (27.7%) have recorded large reductions.

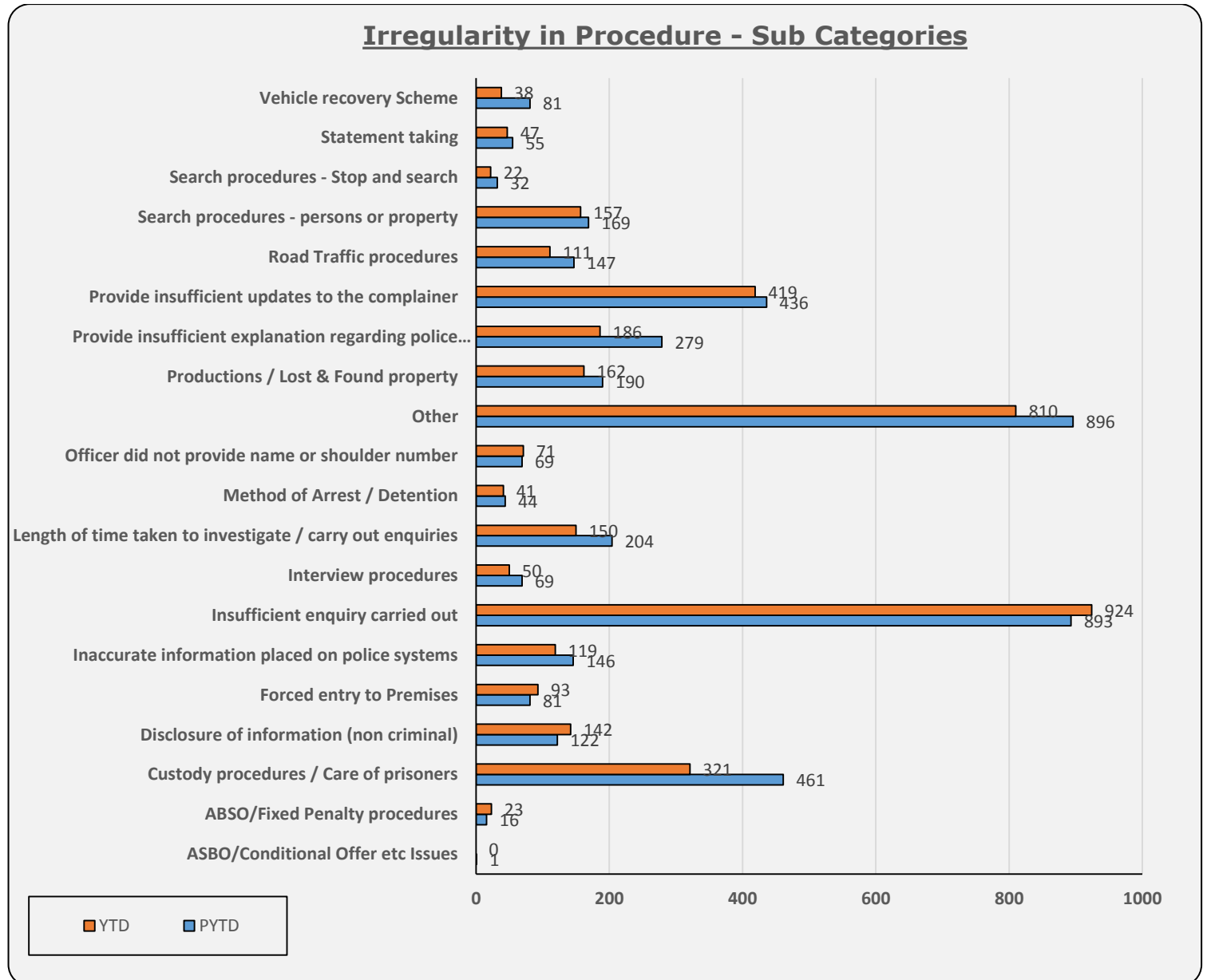
Specialist Crime Division have recorded a 55.4% increase, however this is in comparison to low numbers of allegations in previous years and relates to relatively limited amount of data. Ayrshire Division has recorded an increase of 10.1%, which equates to 42 allegations.

APPENDIX B – ALLEGATIONS OF IRREGULARITY IN PROCEDURE - SUB CATEGORIES

The most common sub-categories within Irregularity in Procedure are Insufficient Enquiry and Insufficient Updates.

Allegations relating to the Care and Welfare of Prisoners have decreased by 30.3%.

Allegations regarding providing insufficient explanation regarding Police procedures have decreased by 33.3% and allegations regarding providing insufficient updates have decreased by 3.9% which provides that progress is being made in addressing these recurring themes.



APPENDIX C – ALLEGATIONS OF DISCRIMINATORY BEHAVIOUR SUB CATEGORIES

Allegations relating to Discriminatory Behaviour have increased by 34.3% (64PYTD to 86YTD). In particular allegations of discrimination on the grounds of Race have increased by 34.2%

A review of allegations of Discrimination on the grounds of race identified that 25.5% of these occurred within G Division, assessed as linked to the diversity of the community.

Guidance has been issued within PSD to emphasise the seriousness of such allegations and that no attempts should be made to resolve them through early resolution, or indeed any allegation where it is alleged that a persons human rights have been interfered with.

Discriminatory Behaviour - Sub Categories

