

## VAWG DELIVERY FRAMEWORK RETURN

Please note: this template is provided in order to support forces with their returns in relation the force response to the review of complaints and misconduct allegations action. All forces are required to provide a summary of their review of their complaints and misconduct allegations. The action specified in the delivery framework is:

“Complete an urgent review of all current allegations of sexual misconduct, domestic abuse and other VAWG-related offences against officers and staff, ensuring that they are being investigated fully and quickly.”

This template is being provided to support the aggregation of themes and findings to produce a national picture. This will support the NPCC, College of Policing and other stakeholders to respond to HMICFRS and provide coordination and support to forces to achieve the ambitions outlined in the [delivery framework](#).

We are aware that many forces have already completed reviews of investigations—some completing this work prior to the publication of the delivery framework. Some forces have selected, for their own local priorities and in their own context, to review 10 years worth of investigations; others have chosen different time frames. We want to utilise this practice and be inclusive of the range of methods taken.

Some forces have reported that they have not commenced this action and were awaiting guidance from the VAWG taskforce. For any force in this position we would advise that they could consider the cases defined as in scope for this review are:

- Those cases that were live as of 18<sup>th</sup> December 2021 (the publication of the delivery framework)

Please note, forces should provide a summary only of their findings. Victims and alleged perpetrators should remain anonymous in this review summary. Summary headings (below) have been provided to support a consistent return from all forces. The intention is that these are high level summaries. They can be provided in prose, as a paragraph or in the form of bullet points depending on force preference.

Force:	Police Scotland
Date:	20/06/2022

Force SPOC for contact in relation to this submission:	CI S38(1)(b), PSD
Supplementary documents included:	<i>Please note- forces may choose to provide supplementary documents in order to demonstrate their return e.g. if analysis report was completed as part of this review. This is not required, but if forces wish to provide it to complete their action then they can provide it in addition to this template.</i>

### Summary of how force completed their review, to include:

- Police Scotland PSD completed a Case Review of all investigations involving Police Officers and Members of Police Staff which involved instances of sexual misconduct. The purpose of the review being to ensure Police Scotland had discharged its responsibilities in relation to the management of risk relating to reports or complaints which include sexual circumstances, sexual offending or misconduct by officers or staff of Police Scotland and, where appropriate, to ensure that these matters were fully investigated and progressed within the relevant legislation, powers and regulations.
- A Terms of Reference was agreed between PSD and Force Executive with the timeframe of all reports between 1<sup>st</sup> January 2017 and 21<sup>st</sup> October 2021 being subject to the Case Review.
- In order to ensure all investigations were recorded and to allow analysis of the findings two spreadsheets were compiled containing relevant details including, dates, offences, gender of perpetrator/victim, location of offence/complaint and rank of officer involved.
- Each separate PSD business area reviewed their input with the caveat that different geographical areas reviewed one another and those involved in any investigation could not review their own work. The business areas included Anti-Corruption Unit, Conduct Unit, Complaints Investigations Unit and the Professional Standards Gateway Unit. A review of vetting procedures and relevant grievance matters were also undertaken, although outwith the TOR, as part of the review.
- The review was led by ACU with senior crime analyst support.

### Summary of findings in relation to sexual misconduct, to include:

- During the course of this review it was found that over this 4 <sup>3</sup>/<sub>4</sub> year period, 410 reports had been received throughout the country, these having been received via a range of sources, from members of the public, complaints about the police, internal reports, intelligence and anonymous reporting.
- **The most prevalent reports received related to sexual assault, inappropriate comments and inappropriate messages.**

- 150 of the reports related to off duty matters.
- Reassuringly, no significant issues were identified in terms of the quality of individual investigations and it was found that where a report outlined a breach of professional boundaries, the investigation was carried out thoroughly, led by a Senior Investigating Officer and supported by other specialist officers, all of which were underpinned by a robust investigative strategy, irrespective of who the offender was.
- The review did not cover third party reporting.

**Summary of findings in relation to domestic abuse, to include:**

- Summary of the extent and nature of domestic abuse in the cases reviewed
- Summary of evidence of any upstanding / third party reporting in the cases reviewed

Relevant allegations attached to Complaint and Conduct cases live at 18/12/2021 were identified based on a domestic circumstance marker. No relevant allegations attached to complaints were identified.

With regards to Conduct cases, no complainer data is recorded and therefore no gender breakdown is available. Victim data is not recorded systematically on the Professional Standards database in Scotland; however, each file was manually reviewed to identify victim gender and a further breakdown of cases is provided below.

It should be noted that victim gender below was based on the individual(s) against whom the alleged behaviour was directed. In a number of cases with a domestic circumstance, the subject officer and victim (within the context of the Conduct case) have been engaged in counter allegations. It is therefore possible for a subject officer to have been victim of relevant domestic allegations as well as an alleged perpetrator.

Please also note that allegations may be criminal or non-criminal in nature and are not necessarily required to be substantiated in terms of criminality to be considered for assessment under the Police Service of Scotland (Conduct) Regulations.

*Table: Complaint and Conduct cases involving a domestic circumstance live on 18/12/2021, by category of victim involved <sup>1 2</sup>*

<b>Category of Victim involved</b>	<b>Number</b>
Involves at least one female victim	18
Involves no female victim	6
<b>Total</b>	<b>24</b>
<b>% of total involving at least one female victim</b>	<b>75.0%</b>

1. Each case may include multiple allegations, therefore the number of cases may vary from the number of allegations.

2. Although Victim data is not systematically recorded on the Professional Standards database in Scotland, cases involving allegations with a domestic circumstance marker were reviewed to confirm the gender of victims involved.

*Table: Conduct allegations involving a domestic circumstance linked to female victims live on 18/12/2021 <sup>1 2</sup>*

<b>Charge Category</b>	<b>Number</b>
Attempted Murder	1
Bail offences other than absconding or re-offending	1
Breach of peace	8
Children & young persons offences	2
General post office/telecommunications offs	2
Petty assault	8
Other	6
<b>Grand Total</b>	<b>28</b>

1. Each case may include multiple allegations, therefore the number of cases may vary from the number of allegations.

2. Although Victim data is not systematically recorded on the Professional Standards database in Scotland, cases involving allegations with a domestic circumstance marker were reviewed to confirm the gender of victims involved. Only those with female victims identified have been included in the table above.

Please note that 'third party reporting' is not recorded systematically on the Professional Standards database in Scotland. No further breakdown, linked to the allegations presented in the table above, is available in this regard.

### **Summary of findings in relation to other VAWG related offences, to include:**

(Please see VAWG data guidance for complaints and misconduct for a clear definition of the offences and categories in scope for VAWG)

- Summary of the extent and nature of other VAWG related offences in the cases reviewed
- Summary of evidence of any upstanding / third party reporting in the cases reviewed

Relevant allegations attached to Complaint and Conduct cases live at 18/12/2021 were identified based on the following categories:

- All Group 1 Crimes of Violence
- Breach of the Peace (including Threatening and Abusive Behaviour, Stalking)

- Post Office, Telecommunications and Data Protection
- Petty Assault
- Oppressive Conduct/Harassment (complaints only)
- On Duty Assault and Excessive Force (complaints only)

Relevant allegation categories identified against complaints were based on those linked to at least one female complainer. It should be noted that complainers are not necessarily victims of the alleged behaviours, but are simply the individuals reporting the allegation in the capacity of a complainer. Victim data is not recorded systematically on the Professional Standards database in Scotland.

With regards to Conduct cases, no complainer data is recorded and therefore no gender breakdown is available. Relevant allegations presented in the table below for Conduct may therefore be linked to males and/or females.

It should also be noted that the categories of On Duty Assault, Excessive Force and Oppressive Conduct/Harassment are only available on complaint cases.

Furthermore, any relevant allegation presented below excludes any with a sexual or domestic circumstance marker to ensure no overlap with the figures provided within those categories in the sections above.

The allegations listed below relate to a total of 199 Complaint cases and 49 Conduct cases live on 18/12/2021. Each case may involve multiple allegations, therefore the number of allegations may vary from the number of cases.

*Table: Complaint and Conduct allegations for 'Other VAWG related offences' (specified categories) live on 18/12/2021 <sup>1 2 3 4</sup>*

<b>Case Type and Allegation Type</b>	<b>Number</b>
<b>Complaint Allegations - TOTAL</b>	<b>335</b>
Assault	145
Breach of Peace	6
Excessive Force	118
Oppressive Conduct/Harassment	66
<b>Conduct Allegations - TOTAL</b>	<b>69</b>
Attempted Murder	1
Serious assault	7
Other Crimes of Violence - Unspecified	3
Breach of peace	29
Petty Assault	19
Post Office, telecomms & data protection	10
<b>Grand Total</b>	<b>404</b>

1. Each case may include multiple allegations, therefore the number of cases may vary from the number of allegations.
2. Matters subject to complaint may also be subject to conduct, therefore there is potential for the same circumstances to appear on both types of case.
3. Complaint allegations in the table above are linked to at least one female complainer. Conduct allegations are not based on any complainer gender, as complainers are not recorded against conduct cases. Victim gender may vary from that of the complainer and no victim information is recorded on the Professional Standards database in Scotland.
4. Although the data provided above are 'live', it may be that the case has been concluded but has yet to be closed on the database.

Please note that 'third party reporting' is not recorded systematically on the Professional Standards database in Scotland. No further breakdown, linked to the allegations presented in the table above, is available in this regard.

### **Summary of findings in relation to timeliness of investigations overall**

### **Summary of findings in relation to investigation quality / fullness overall (please comment on force led investigations only). Please comment on:**

- Did the review of cases show that severity assessments were appropriate?
- Did the review of cases show that decisions to refer or not to refer to the CPS were appropriate?
- Did the review of cases show that case to answer assessments were appropriate?
- Did the review of cases show that the investigative resources/department were appropriate?
- Did the review of cases show the use of an investigative mindset and planning- e.g., idealised investigative decision model and / or NDM applied e.g., appropriate main lines of enquiry set alongside hypothesis?
- Was there an SIO policy file maintained if appropriate?
- If relevant, did the review of cases show the appropriate administrative procedures / action management were employed.

### **Summary of findings of review of investigations where victims are Black and minoritised women and girls to include:**

- Any findings on extent and nature of offending which are different to the overall picture already summarised
- Any findings on the investigation quality/fullness (as specified above) that are different for cases where victims are Black and minoritised women and girls

## **Summary of reflections following review and organisation learning identified**

During the Health Check review of sexual misconduct, there were 19 recommendations raised to improve efficiency and recording of incidents. This included enhanced governance and cohesion across PSD departments of all sexual misconduct with sign off of any investigations now at Chief Inspector level. The review found that investigations were thorough and there was no individual enquiry identified where the level of investigation was found not to meet the threshold expected.

### **Additional comments**

This section is not required by is provided to support any other summary the force wishes to provide.

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