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PROFESSIONAL STANDARDS

SPA – Performance Report

Reporting Period: 1 April 2019 to 30 June 2019

Meeting Date: 23 August 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 1 (1 April 2019 to 30 June 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 8.4% decrease in complaints (1495 PYTD to 1370YTD).
- Overall, there has been a 21.6% decrease in allegations (2564 PYTD to 2010YTD).
- 'On Duty' allegations have decreased by 14.7% (1947 PYTD to 1660YTD).
- Quality of Service allegations have decreased by 44.6%. This has been highlighted to the national Complaint Assessment & Resolution Units and will be monitored.
- There is an increase in allegations of Assault in all areas. This arises from the scrutiny and robust recording of such allegations. The CAAPD audit of the categorisation of assault and excessive force allegations remains ongoing.
- Within Irregularity in Procedure, the most common sub categories remain Insufficient Enquiry and Insufficient Updates (See Appendix B).
- The East, North and West areas have all recorded reductions (29.3%, 17.2% and 23.2 respectively) in the number of allegations received.
- 43 Early Interventions have been conducted YTD.

EXECUTIVE SUMMARY (continued)

Conduct Unit

- The Conduct Department has undertaken 64 preliminary assessments since April this year. These resulted in 16 being assessed as either Gross Misconduct or meriting a misconduct investigation. To date 2 misconduct hearings and 2 misconduct meetings have taken place.

National Gateway Assessment Unit

- The GWU has assessed 491 referrals YTD. Business Interest and Notifiable Association continues to account for a considerable amount of work undertaken by the NGWU. To the end of June 2019 they cumulatively accounted for some 58% of all referrals.

Anti-Corruption Unit

- The Anti-Corruption Unit (ACU) has received 56 referrals YTD compared to 83 the PYTD, a 32.5% decrease. The predominant allegations are Disclosure of Information; Controlled Drugs Use and Supply; Inappropriate Association; Sexual Misconduct and Perverting the Course of Justice.

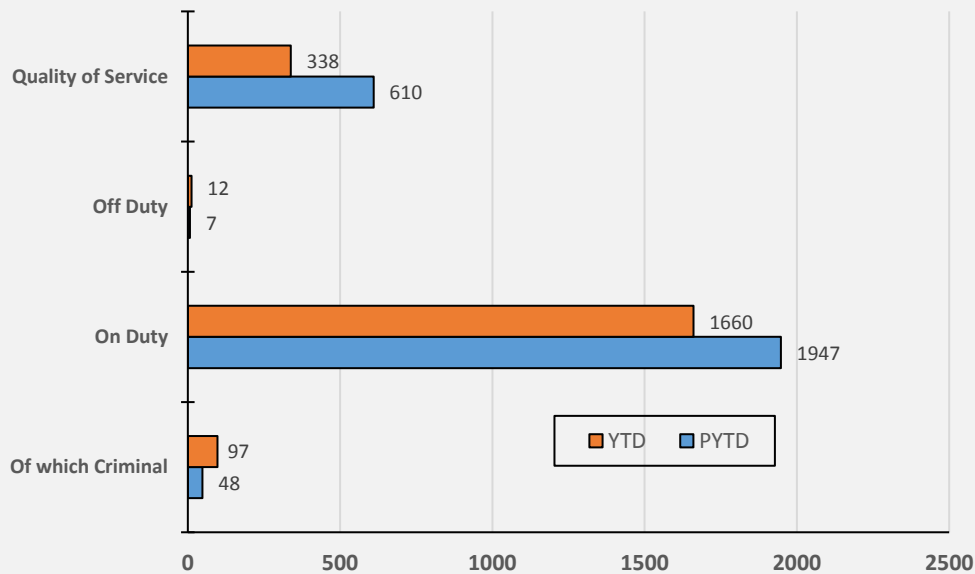
PIRC Complaint Handling Review

- YTD PIRC have conducted 56 Complaint Handling Reviews, considering 203 separate allegations. Of these, PIRC found 98 (48.3%) to have been handled to a reasonable standard, issuing 84 recommendations and 22 learning points.

PIRC Referral

- There has been a 27% increase in the number of referrals to PIRC (80 PYTD to 63YTD). This is a reduction in previous increases as the referral process has become well established and consistent.

Allegations received - Police Scotland



Overall allegations have reduced by 21.6% from 2564 PYTD to 2010 YTD.

- Quality of Service allegations have decreased by 44.6%.
- Allegations which occurred 'On Duty' decreased by 14.7%.
- Criminal allegations have increased by 102.1%.

These allegations arose from 1370 complaints received YTD, a reduction of 8.4% in comparison to PYTD 1495.

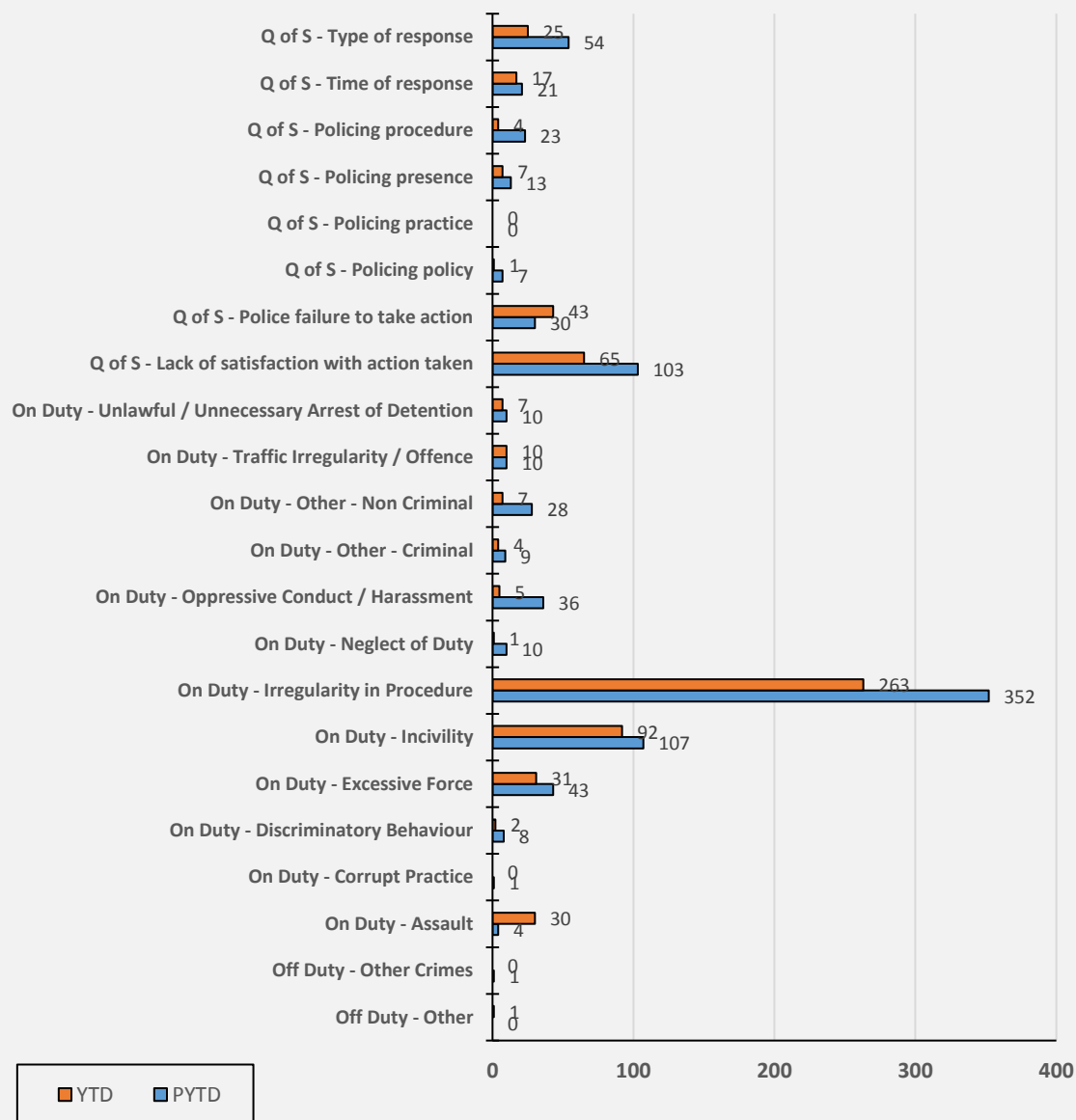
These were assessed by the National Complaint Assessment and Resolution Units (NCARU), resulting in 40.8% of the complaints being Frontline Resolved (FLR) by PSD through explanation. PSD are working with PIRC to make improvements to the processes and recording of FLR. An improved standard letter template sent to complainers following FLR has now been implemented.

The most common On Duty allegation categories remain Irregularity in Procedure (963), Incivility (344) and Excessive Force (113).

This overall reduction results from the continued sharing of common complaint themes. The reduction in Quality of Service allegations is most significant in the North (82.8% reduction) and has been highlighted to those involved in recording complaints to ensure consistent recording.

The increase in On Duty Criminal allegations results from the scrutiny of the recording of Assault and Excessive Force allegations (69 (71%) of the criminal allegations related to assault).

Allegations received - East



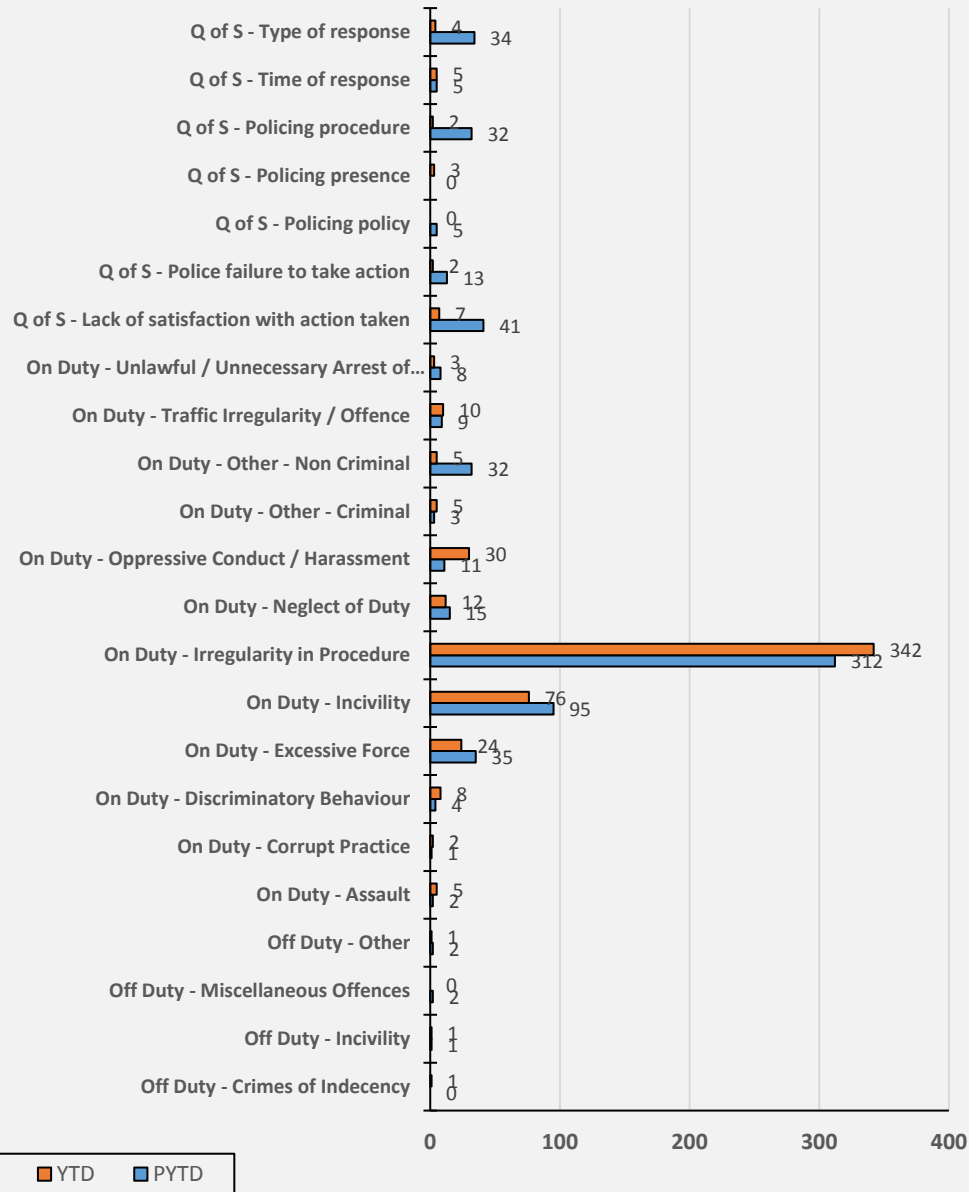
Overall allegations in the East have reduced by 29.3% from 870 PYTD to 615 YTD.

- Quality of Service allegations have decreased by 35.5% from 251 PYTD to 162 YTD.
- Allegations which occurred 'On Duty' decreased by 26.9% from 618 PYTD to 452 YTD.

On Duty – Assault allegations have increased by 650%. As previously detailed this arises from the scrutiny and robust recording of assault allegations. Where in PYTD a reasoned decision would be made given the circumstances of the allegation whether to record and assault or excessive Force, during the current period to allow for independent scrutiny, should there be any allegation of assault it is recorded as such.

Q of S lack of satisfaction has increased by 43.3%, however is based on a relatively small data set.

Allegations received - North



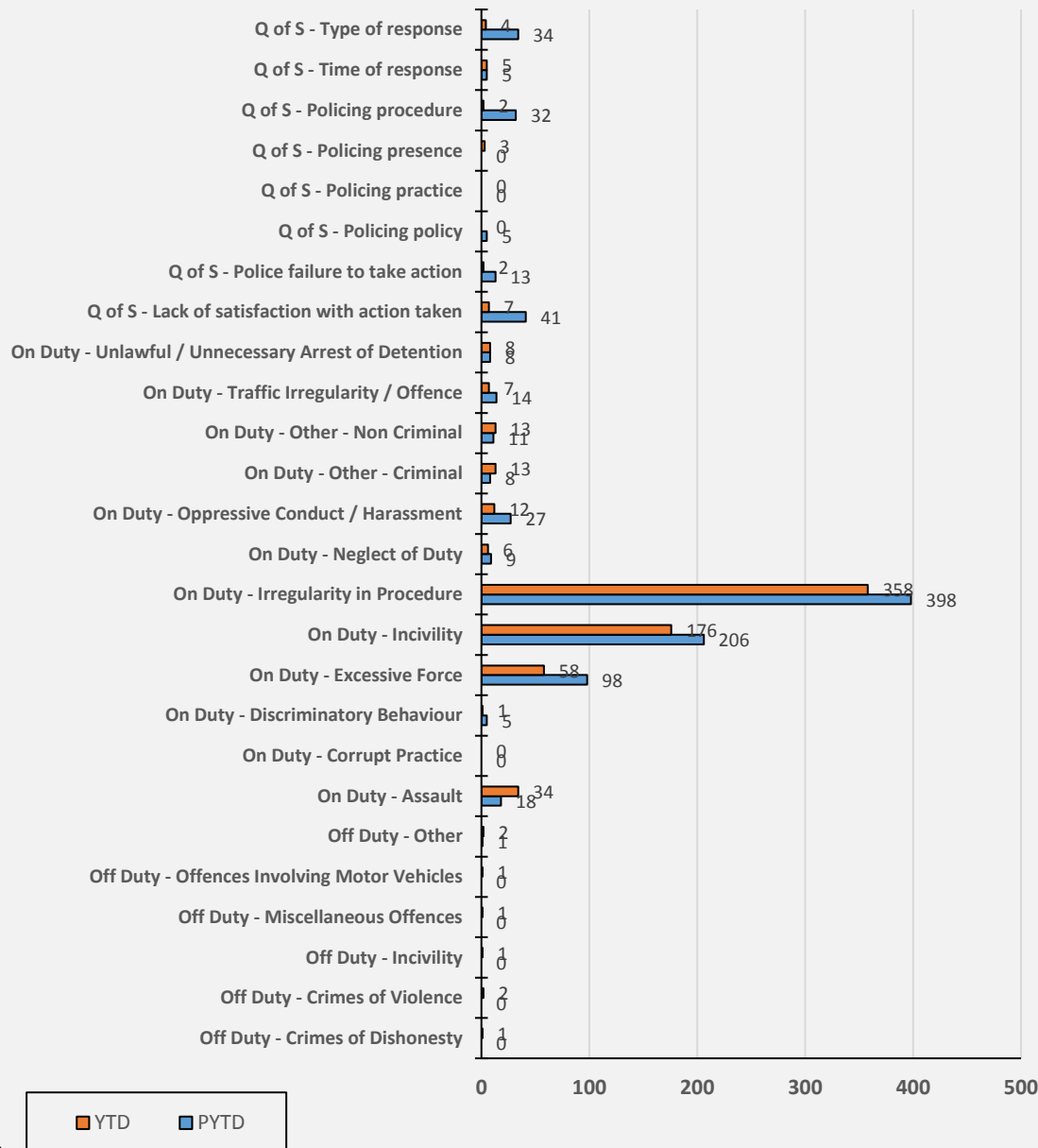
Overall allegations in the North have reduced by 17.2%, 662 PYTD to 548 YTD.

- Quality of Service allegations have decreased by 82.3% from 130 PYTD to 23 YTD.
- Allegations which occurred 'On Duty' increased by 0.9% from 527 PYTD to 522 YTD.

On Duty – Assault has increased by 150%. This is in keeping with the national increase given current recording practices.

On Duty – Irregularity in Procedure increased by 9.6%. The most common allegation sub types as nationally are Insufficient Enquiry, Insufficient updates and allegations linked to the care and custody of prisoners.

On Duty – Oppressive Conduct/harassment has increased by 172.7%. There is no clear explanation for this, with the allegation spread mostly across D and NE Divisions. This will be monitored.

Allegations received - West

Overall allegations have decreased by 23.2% from 933 PYTD to 717 YTD.

This results from the described decrease in Quality of Service Allegations and continuing decrease in both Irregularity in Procedure and Incivility, influenced by the sharing of common complaint themes with Divisions.

- Quality of Service allegations have decreased by 33.2% from 229 PYTD to 153 YTD.
- 'On Duty' allegations decreased by 14.5% from 802 PYTD to 686 YTD.

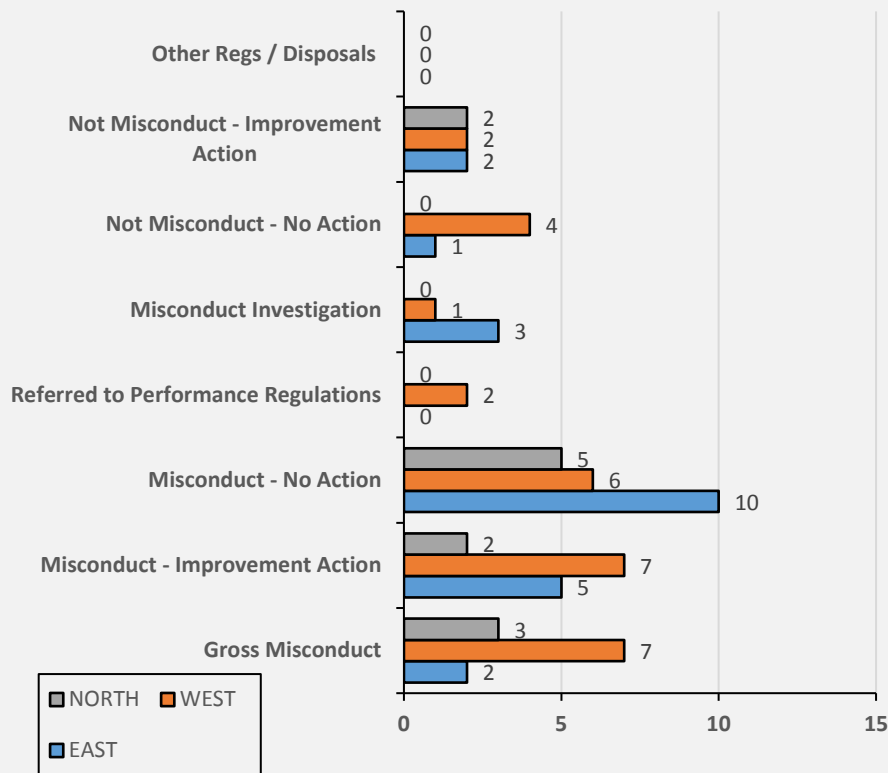
As in other areas allegations of assault have increased (88.9%), although by a reduced margin in comparison to the East and North.

On Duty Excessive Force allegations have decreased by 40.8% which is in keeping with the scrutiny of assault and excessive force allegations.

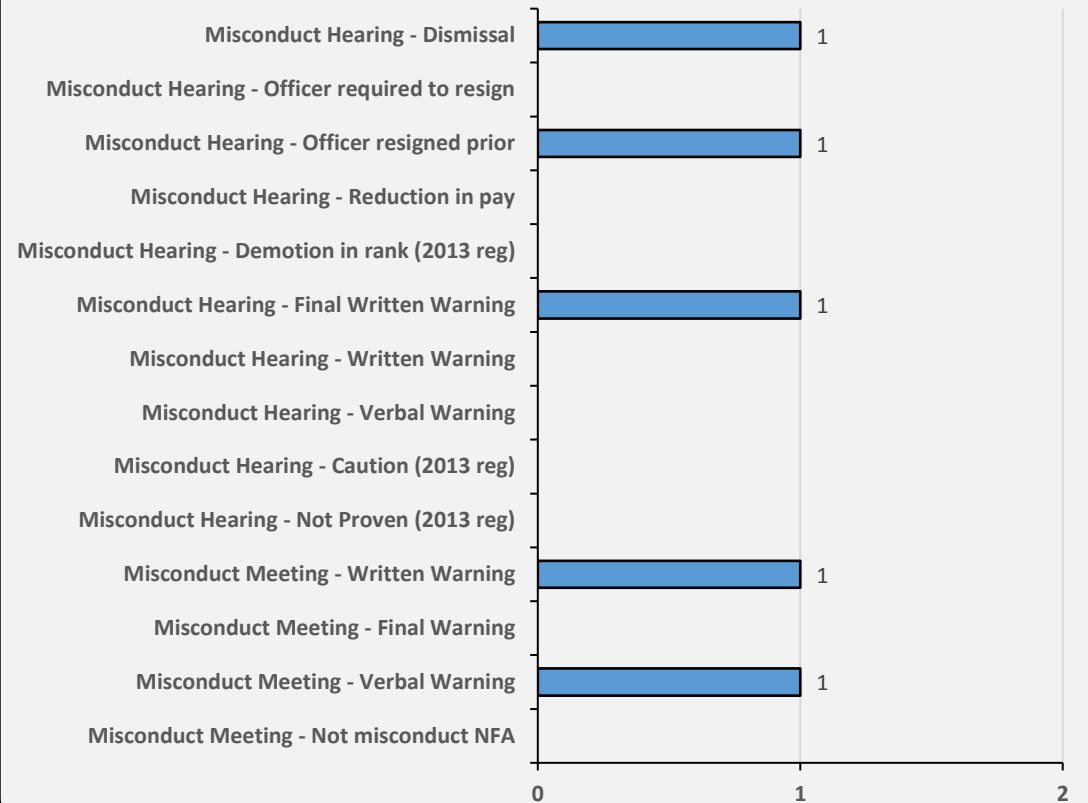
Any other allegation categories that have increased are based on small data sets.

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Misconduct Assessment YTD



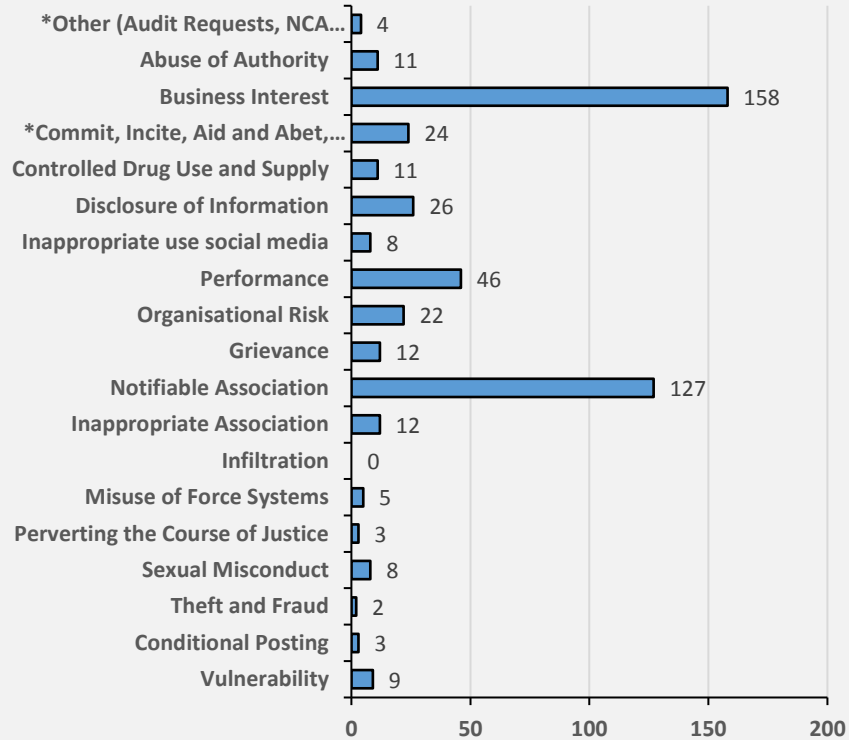
Misconduct Outcomes YTD



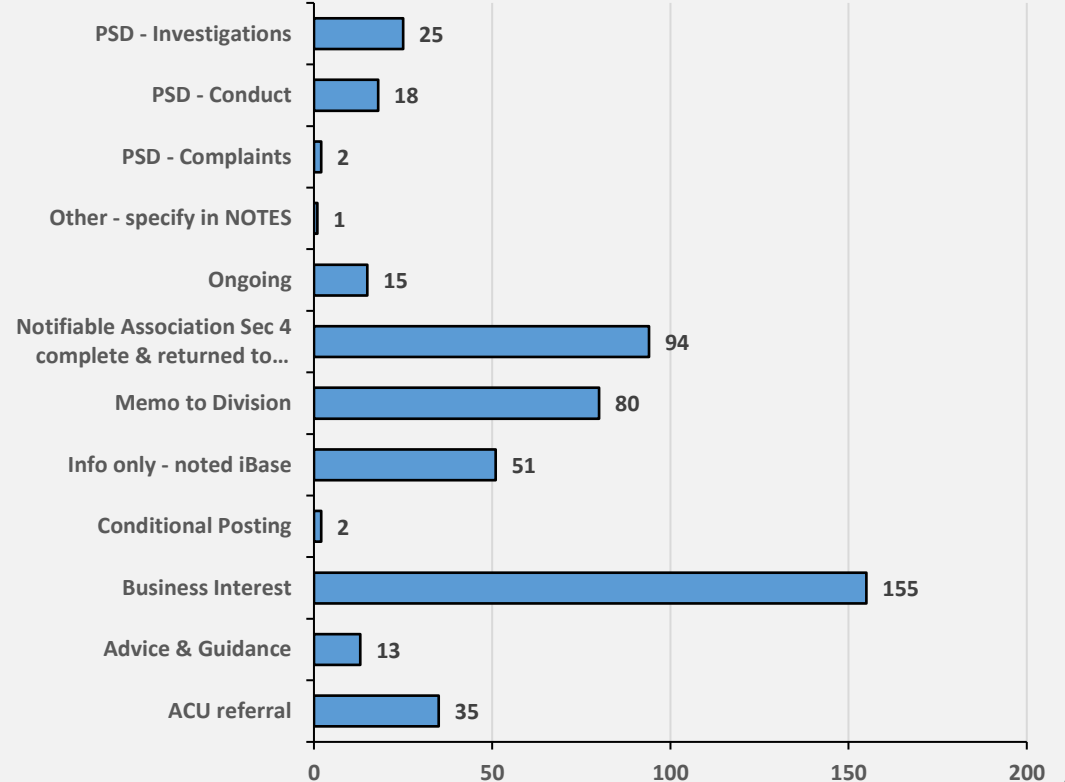
The Professional Standards Conduct Department has undertaken 64 preliminary assessments since April last year. These have resulted in 16 (25%) being assessed as either Gross Misconduct or meriting a misconduct investigation. To date 2 misconduct hearings and 2 misconduct meetings have taken place.

There are currently 104 Police officers and 4 members of Police staff subject to Duty restrictions. 17 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



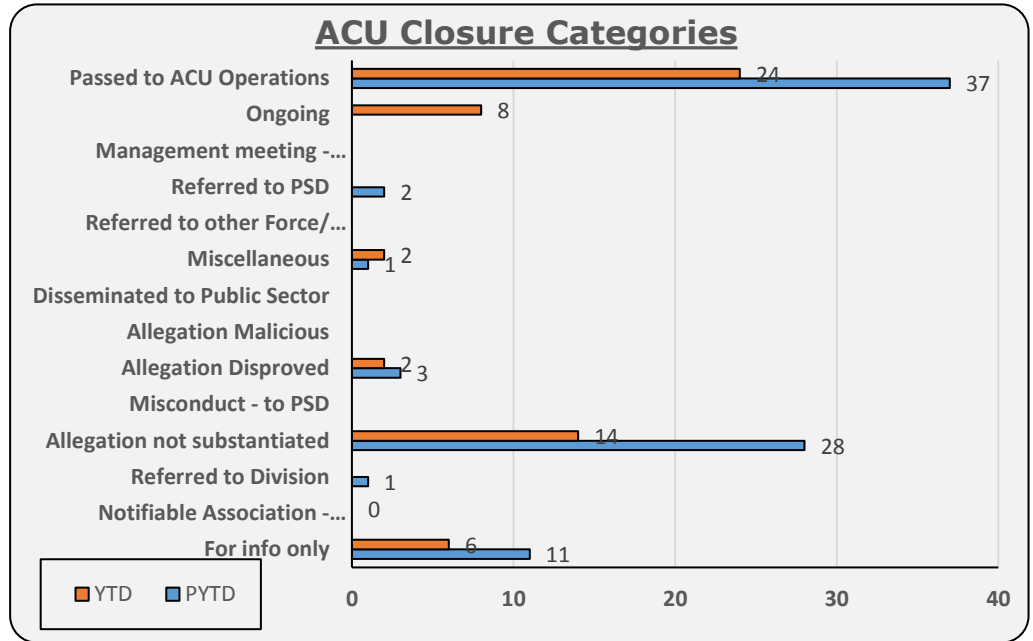
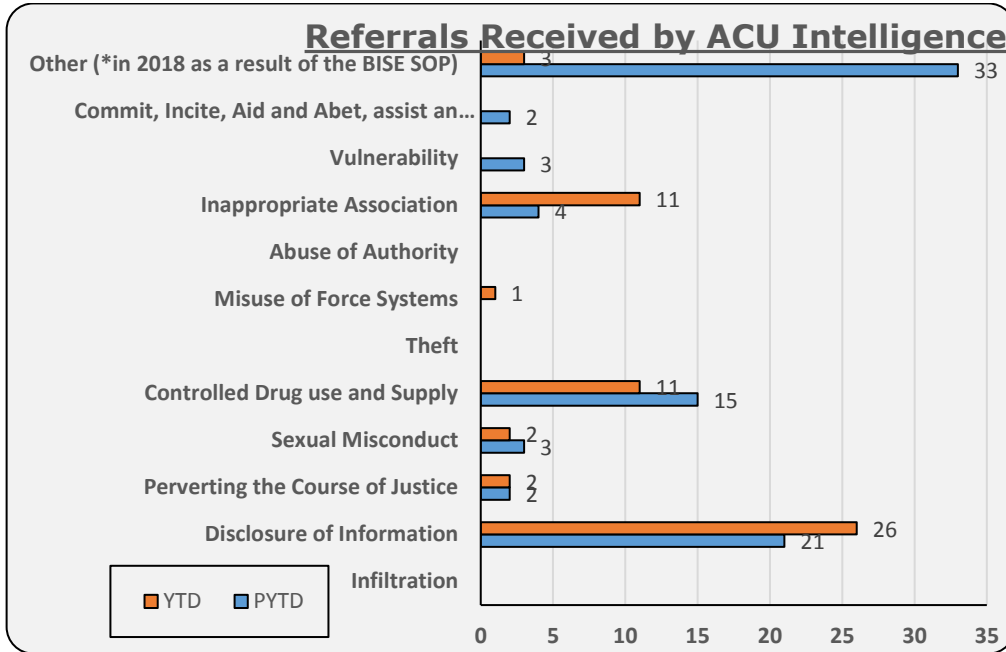
*Other (Audit Requests, NCA Finance Referrals etc.)

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

The GWU has assessed 491 referrals YTD.

Business Interest and Notifiable Association continues to account for a considerable amount of work undertaken by the NGWU. To the end of June 2019 they cumulatively accounted for some 58% of all referrals.

Of note is the number of business interest referrals are considerably reduced from previous periods and now sit at 32% of all referrals where in previous periods these exceeded 50%.



Referrals to the Anti-Corruption Unit (ACU) have decreased by 32.5% (83PYTD to 56YTD). Contributing factors include a reduction in Officers Reports, Integrity Matters and Intelligence logs.

The predominant allegations are Disclosure of Information; Controlled Drugs Use and Supply; Inappropriate Association; Sexual Misconduct and Perverting the Course of Justice.

YTD comparison shows an increase in allegations of Disclosure of Information and Inappropriate Associations and a significant decrease in the category 'Other'. This is due to a more robust assessment of the referrals received, categorising them according to initial assessment.

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 to conduct predatory sexual behaviour remains a concern within Police Scotland and across the UK. This is a priority for Police Scotland with the ACU having the appropriate resources and skill set to investigate.

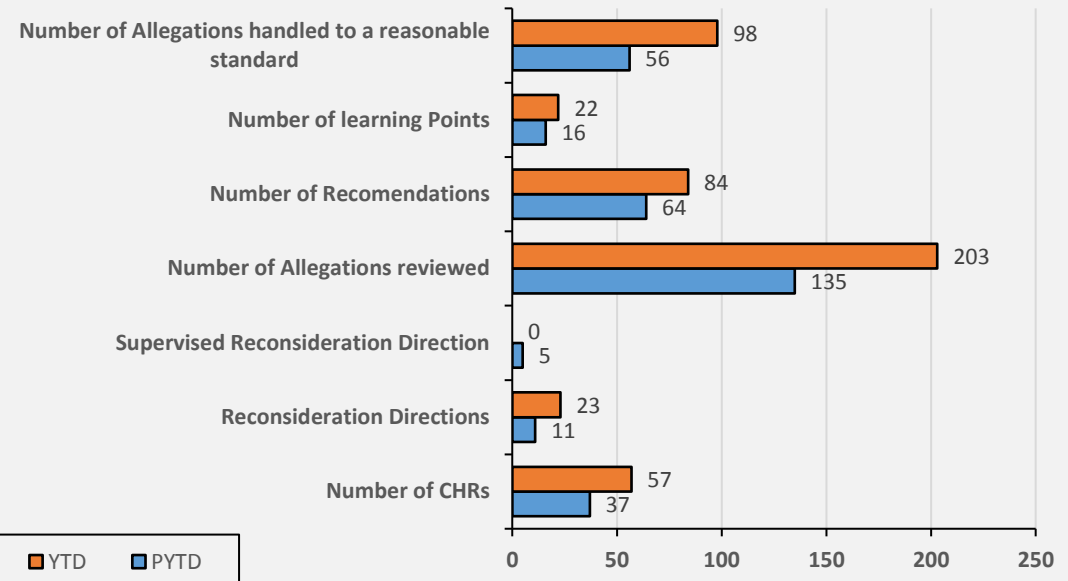
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YTD PIRC have conducted 57 Complaint Handling Reviews, considering 203 separate allegations. Of these, PIRC found 98 (48.3%) to have been handled to a reasonable standard, issuing 84 recommendations and 22 learning points.

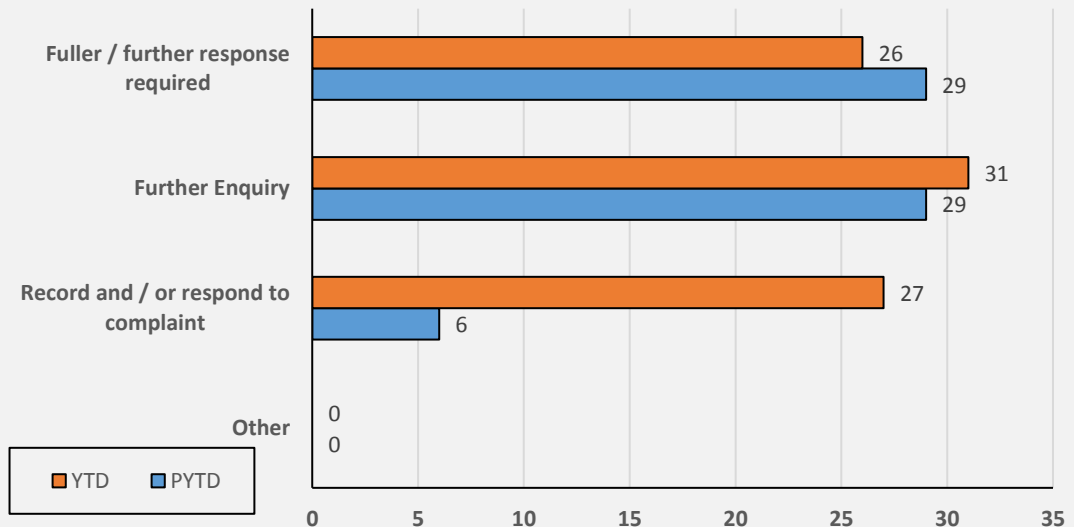
By comparison, in Q1 PYTD PIRC conducted 37CHRs, considering 137 allegations, 56 (40.9%) of which were found handled to a reasonable standard.

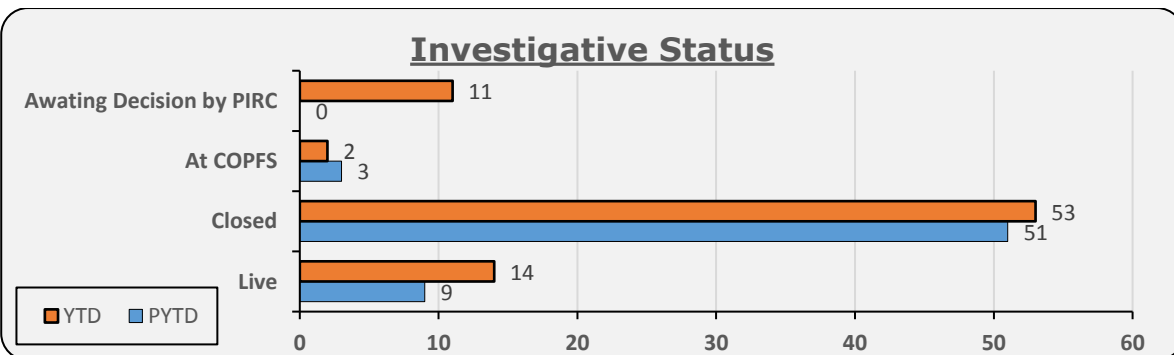
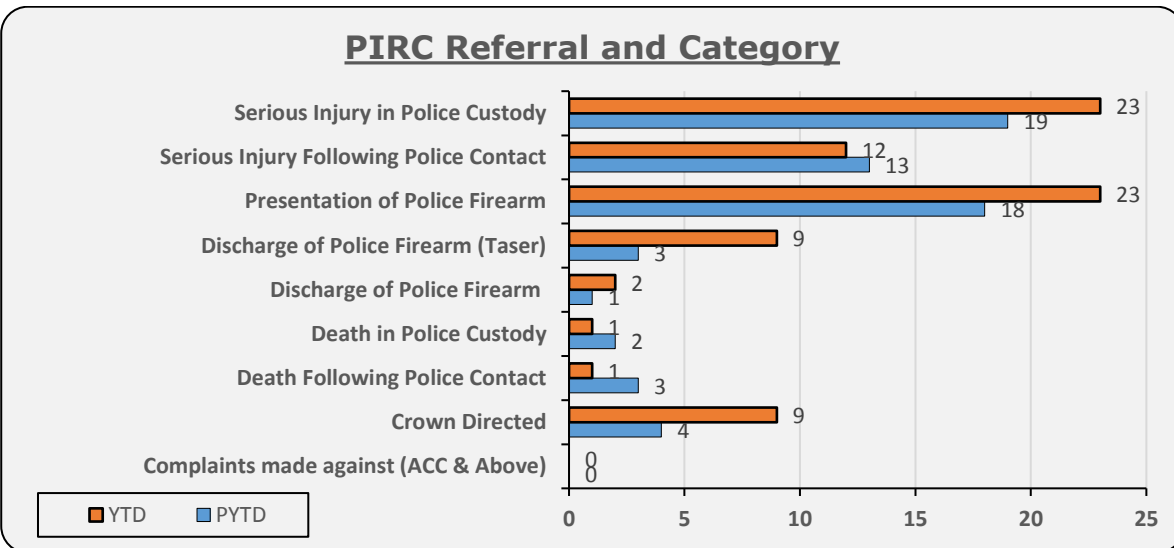
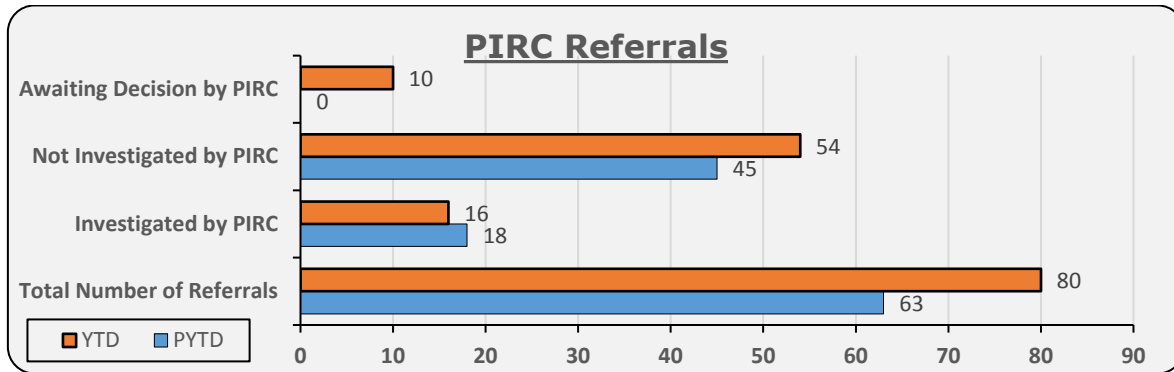
Where PIRC have conducted a CHR, they can make recommendations to the Police which are broadly categorised in the adjacent table. Following a CHR, if the Commissioner is of the opinion that a complaint should be reconsidered, the Commissioner can issue a Reconsideration Direction and can instruct that this is under the Commissioners supervision. YTD eight CHRs which included a total of 44 allegations resulted in 23 reconsideration Directions being issued. None were subject to the Commissioners supervision.

Complaint Handling Reviews (CHR)



PIRC CHR Recommendations





Discharge of a Police Firearm relates to discharge of PAVA (included as PIRC are investigating, Op Burra) and firearms being used to dispatch a bull.

The continued significant increase in discharge of Taser follows the introduction of Specially Trained Officers (STOs) who carry Taser. Of note is that since the introduction of STO, PIRC have only found on one occasion that the use of Taser was not justified, necessary and proportionate.

Other than the described exception these figures do not include PAVA discharges.

There has been a 27% increase in the number of referrals to PIRC (80 YTD from 63 PYTD), attributed to the robust and established referral process.

Of significance is work undertaken to implement post incident procedures for incidents involving death or serious injury following police contact or while in custody. This is supported by key partners, specifically PIRC and will further support the independent PIRC investigation and officer welfare.

Nature of learning

The Independent Review of Complaints Handling, Investigations and Misconduct Issues in relation to Policing, conducted by Dame Elish Angiolini has made a number of recommendations and identified areas for improvement.

Action

Work is already ongoing to create an action plan to address and implement the recommendations which are wide ranging. In particular an initial process of self-assessment has been established to ensure consistency and transparency in the complaint process. This work is to be further improved through the engagement of the Risk, Assurance and Inspection Department who are to assist with the design and delivery of a robust audit process.

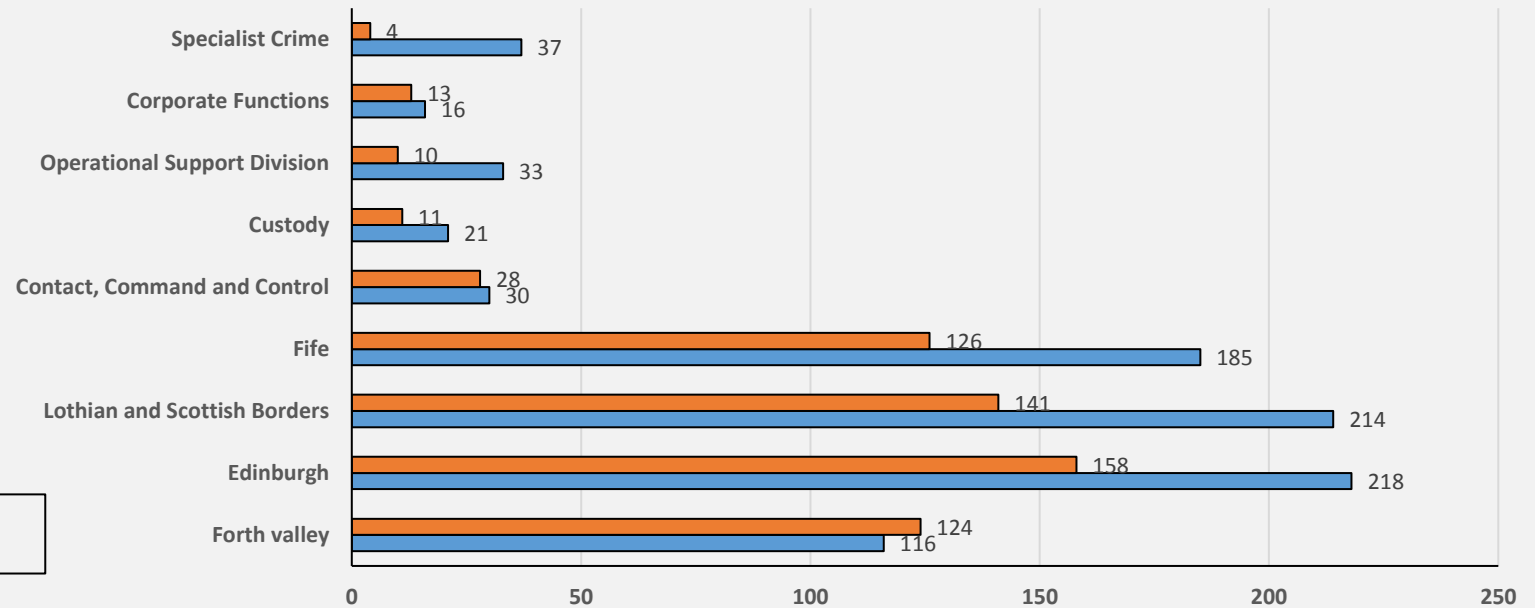
Nature of learning

PIRC have issued a number of learning points during this quarter. Key themes identified include: Length of time taken to conduct complaint enquiry being excessive with no auditable records kept to explain delay; Police Scotland should remind officers that care should be taken to ensure that information is delivered sensitively and with clarity; Police Scotland to ensure that hard copy materials such as CCTV footage which are gathered during a complaint enquiry are properly logged and stored at the conclusion of the enquiry

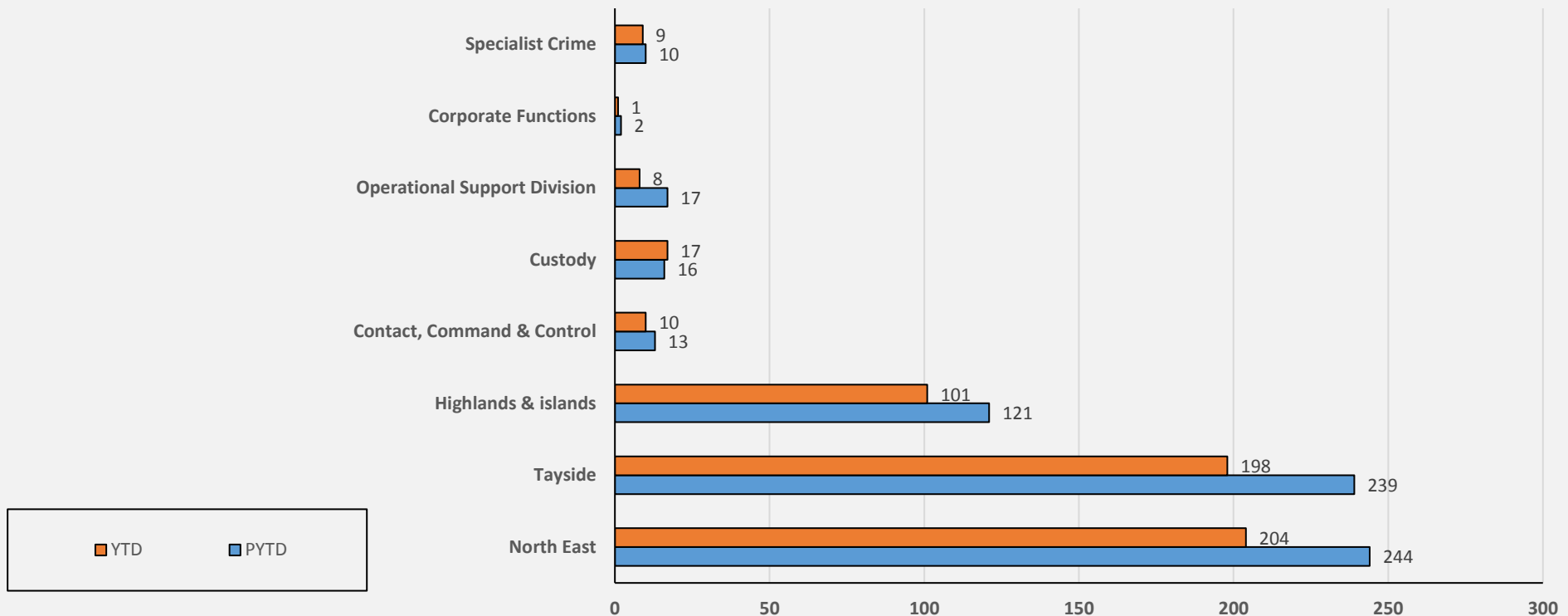
Action

Guidance and learning has been issued throughout this period which included all common complaint handling themes, including those identified by PIRC. Initial scoping identified that hard copy materials are stored in various ways throughout Police Scotland and work is underway to establish a consistent process and issue national guidance

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 Lothian & Scottish Borders and Fife, where allegations decreased by 34.11% and 31.89% respectively.

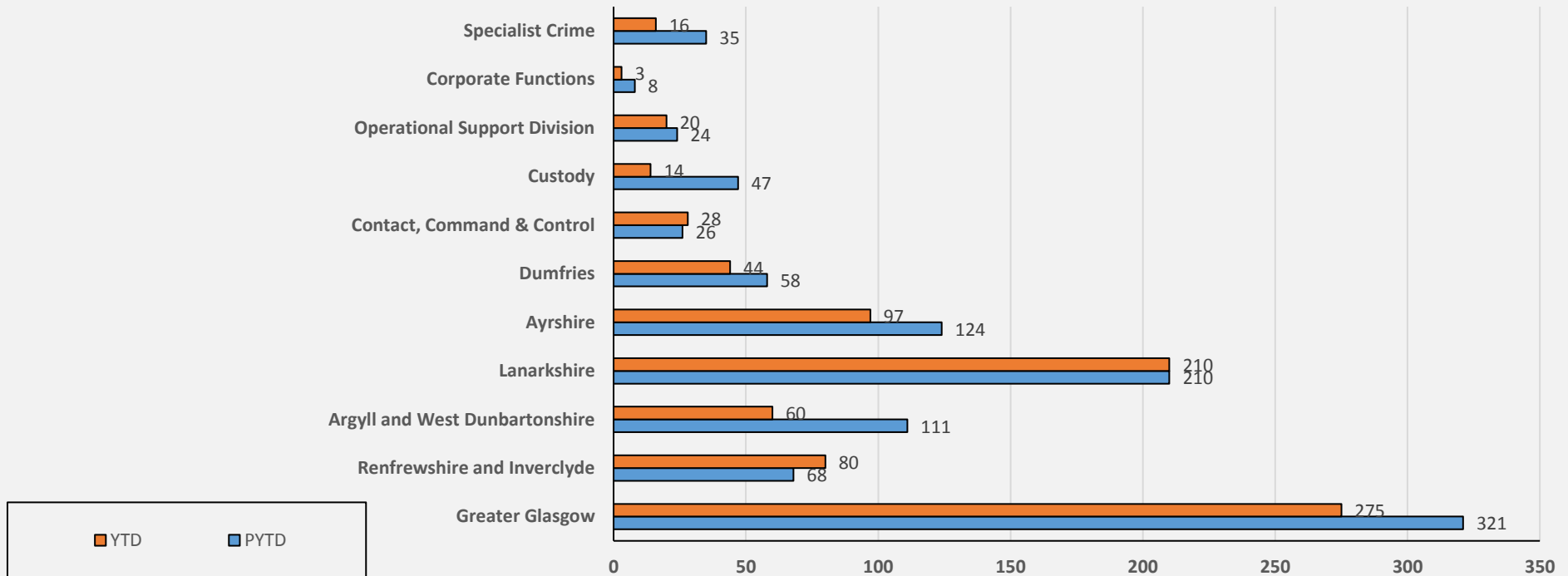
NORTH - Allegations Received by Division

As previously detailed there has been an overall reduction in the number of allegations within the North in comparison to PYTD, this is mostly influenced by the described significant reduction in Quality of Service allegations.

In contrast to Q4 2018/19 where North East and Tayside Divisions recorded slight increases in allegations during YTD allegations in Tayside Division reduced by 17.15% and in North East by 16.39%.

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WEST - Allegations Received by Division



As previously detailed there has been an overall reduction in the number of allegations within the West in comparison to PYTD.

The most significant reductions occurred within Custody Division (70.21%) and Argyll and West Dunbartonshire (45.95%).

APPENDIX B – ALLEGATIONS OF IRREGULARITY IN PROCEDURE - SUB CATEGORIES

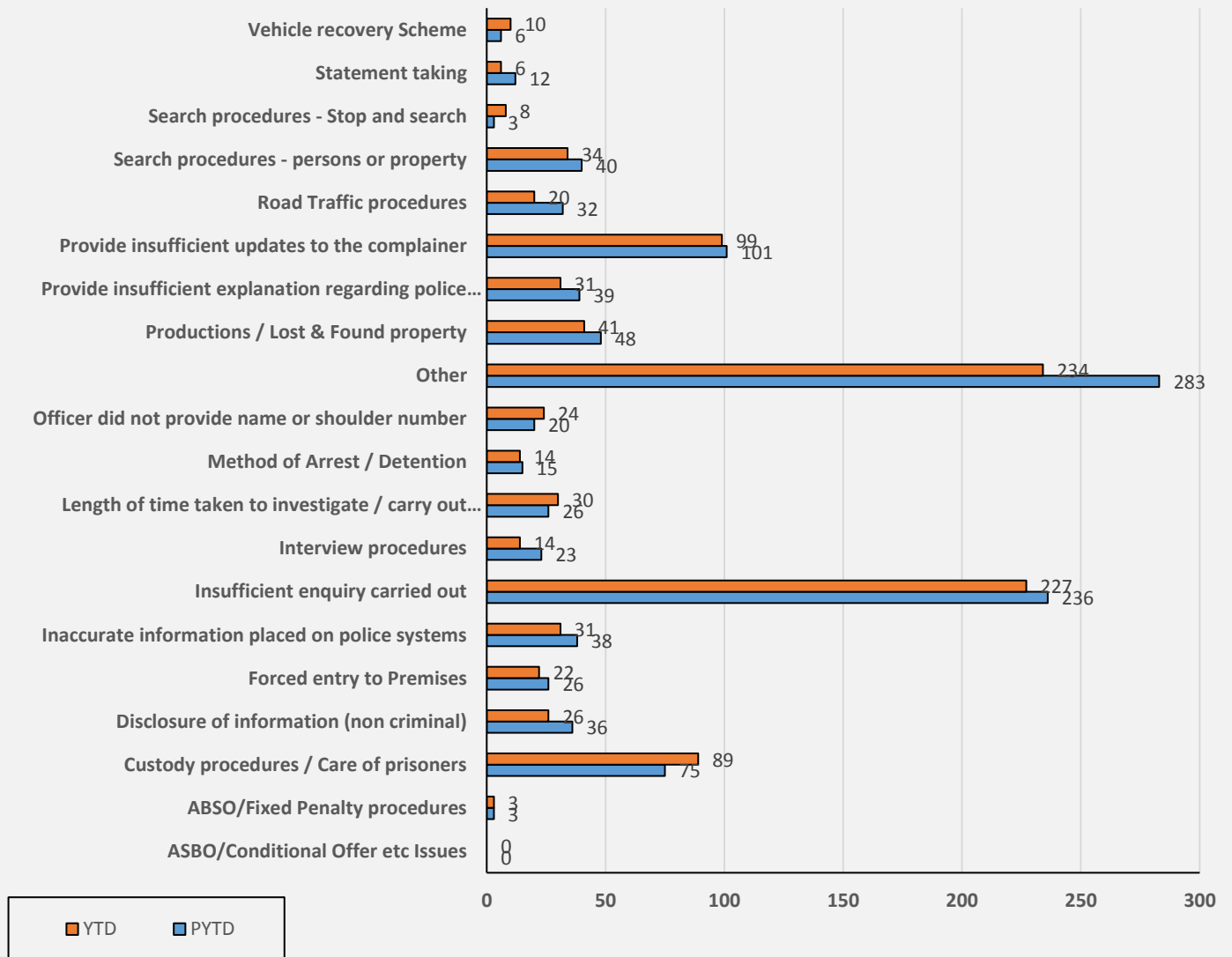
An overall decrease of 9.32%.

The most common sub-categories within Irregularity in Procedure remain Insufficient Enquiry, Insufficient Updates and the custody and care of prisoners.

Allegations relating to Insufficient enquiry and Insufficient updates remain broadly unchanged.

Allegations relating to the Care and Welfare of Prisoners have increased by 18.67%. A review demonstrates these are shared fairly equally between East, West and North, 31.4% related to Custody Division and of the remaining the most allegations (10.1%) occurred related to Edinburgh Division.

Irregularity in Procedure - Sub Categories



APPENDIX C – ALLEGATIONS OF DISCRIMINATORY BEHAVIOUR SUB CATEGORIES

Allegations relating to Discriminatory Behaviour have decreased by 35.3% (17PYTD to 11YTD). This is positive in the context of a 35.3% increase at Q4 2018/19.

This is influenced mostly by a significant reduction in allegations of discrimination on the grounds of disability.

Work is ongoing with safer communities and the crime registrar to confirm the national process for when a hate incident should be recorded in addition to recording the allegation of Discriminatory Behaviour.

