

**TAYSIDE JOINT POLICE BOARD**

**COMPLAINTS SUB-COMMITTEE**

**MONDAY 1 SEPTEMBER 2008 AT 11.00 AM**

**IN CONFERENCE ROOM 1, POLICE HEADQUARTERS,  
WEST BELL STREET, DUNDEE**

**AGENDA**

**1. MINUTE OF PREVIOUS MEETING**

Submit minute of meeting of this Sub-Committee 19 May of 2008.

(Approved by the Board on 30 June 2008)

**2. POSSIBLE EXCLUSION OF PUBLIC AND PRESS**

The Sub-Committee will be asked to consider whether the public and press should be excluded from the meeting during consideration of the following items, so as to avoid the possible disclosure of exempt information.

**3. PROFESSIONAL STANDARDS UPDATE**

(a) Submit Report No PB 70/08 by the Chief Constable.

(b) Consider details of Closed cases

(c) Letter of Appreciation

# TAYSIDE JOINT POLICE BOARD

## COMPLAINTS SUB COMMITTEE

1 September 2008

Report by the Chief Constable No. PB70/2008

**SUBJECT : PROFESSIONAL STANDARDS UPDATE**

**Abstract:** The report shows the number of complaints made against the Police for the last quarter, up to and including 30 June 2008 and their subsequent disposal, together with the figures for the previous year.

### 1. RECOMMENDATION

1.1 It is recommended that the Sub Committee:

- (a) note the contents of the report and the figures for Complaints against the Police for the period 1 April 2008, to 30 June 2008;
- (b) note the letters of appreciation which have been sent to the Chief Constable;
- (c) review the completed case files and
- (d) note the content of the Police Complaints Commissioner for Scotland reviews.

### 2. BACKGROUND

- 2.1 Reference is made to Paragraph 9 Minute of Meeting of Tayside Joint Police Board of 21 August 2000 (report PB24/1996 refers).
- 2.2 A complaint can have more than one disposal, eg no proceedings by the Procurator Fiscal but resulting in action under the Police (Conduct) (Scotland) Regulations 1996 and this will be reflected in the complaints disposal total.

### 3. CURRENT POSITION

- 3.1 For the first reporting period in this financial year, 77 complaint cases were received by the Force compared to 80 in the same period in 2007 (-3.7% decrease).

Reporting Period	No. of Command & Control Incidents	No. of Letters of Appreciation received	No. of Complaint Cases Received	No. of Allegations received
01/04/2008 – 30/06/2008	49650	43	77	80
<b>TOTAL</b>	<b>49650</b>	<b>43</b>	<b>77</b>	<b>80</b>

- 3.2 The current performance indicator used to report complaints against the police is 'the number of complaints per 100 employees' and for this reporting period, it equates to a figure of **3.7** compared to **2.7** for the same period last year. This can be explained by the reduction in Force strength with the loss of a considerable number of staff to

the SPSA. As a result complaints received are now being compared with a considerably reduced number of staff.

### 3.3 Breakdown of Allegations

As indicated in previous reports allegation types are now categorised as On Duty, Off Duty and Quality of Service and an additional allegation type of Excessive Force is included.

TYPE – ON DUTY	C	E	W	HQ /OF	TOTALS		
					PERIOD TOTAL	2008	2007
Assault	3	2	10	0	15	15	14
Excessive Force	1	1	1	0	3	3	8
Incivility	7	1	1	0	9	9	8
Irregularity in Procedure	7	0	1	1	9	9	6
Neglect of Duty	7	1	4	0	12	12	5
Oppressive Conduct/Harassment	0	1	3	0	4	4	3
Traffic Irregularity/Offence	2	0	1	0	3	3	7
Unlawful/Unnecessary Arrest or Detention	2	0	2	0	4	4	4
Discriminatory Behaviour	1	1	0	0	2	2	1
Corrupt Practice	0	0	0	0	0	0	2
Other Criminal	4	1	0	1	6	6	2
Other – Non Criminal	0	0	0	0	0	0	5
<b>Total</b>	<b>34</b>	<b>8</b>	<b>23</b>	<b>2</b>	<b>67</b>	<b>67</b>	<b>65</b>
<b>TYPE – OFF DUTY</b>							
Crimes of Violence	0	0	0	0	0	0	1
Crimes of Indecency	0	0	0	0	0	0	1
Crimes of Dishonesty	0	0	0	0	0	0	2
Fireraising, Malicious Mischief etc.	0	0	0	0	0	0	0
Other Crimes	0	0	0	0	0	0	0
Miscellaneous Offences	0	0	0	0	0	0	0
Offences involving motor vehicles	1	0	0	0	0	0	3
Incivility	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0
<b>Total</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>7</b>
<b>TYPE – QUALITY</b>							
Policy/Procedure	3	0	1	0	4	4	1
Service Delivery	2	0	2	1	5	5	14
Service Outcome	1	0	2	0	3	3	0
<b>Total</b>	<b>6</b>	<b>0</b>	<b>5</b>	<b>1</b>	<b>12</b>	<b>12</b>	<b>15</b>
<b>Total Allegations Received</b>	<b>41</b>	<b>8</b>	<b>28</b>	<b>3</b>	<b>80</b>	<b>80</b>	<b>87</b>

3.4 Again the most significant change is reflected in the number of Neglect of Duty allegations which increased again this period (58% in 2007). Analysis of these figures identifies no trend in relation to complaints containing numerous allegations, no repeat areas/beats or sections involved or persistent/repeat complainers.

### 3.5 Case Disposal

Complaint Cases Disposed Of During The Period	2008	2007
Withdrawn by the complainer	4	4
Abandoned due to non co-operation of the complainer	3	4
Unsubstantiated by available evidence	2	3
Resolved by explanation to the complainer	60	36
Leading to "No Proceedings" by Area Procurator Fiscal (PF)	29	18
Leading to criminal proceedings	3	0
Leading to criminal conviction	1	0

<b>Complaint Cases Disposed Of During The Period</b>	<b>2008</b>	<b>2007</b>
Resulting in advice	12	2
Resulting in misconduct procedures	2	0
Noted no action	1	1
Change to Policy/Process	0	0
Training Needs identified	0	0
<b>Total Number Of Complaint Cases Disposed Of</b>	<b>117</b>	<b>68</b>

- 3.6 As highlighted in previous reports, the above table indicates that the majority of allegations over the previous two years have been resulted as being 'Resolved by Explanation' or 'Leading to No Proceedings' by the Area Procurator Fiscal. Again there is a significant increase in the number of cases resulting in advice being given to officers which is indicative of complaints being dealt with more robustly by the force.

#### **4. LEARNING POINTS**

- 4.1 During this period, several cases resulted in Learning Points being highlighted and addressed by the force.
- 4.2 Officers were reminded that where persons were apprehended for a Breach of Bail offence, every effort should be made to verify the information is accurate. This followed a number of complaints whereby the persons apprehended were no longer subject of the bail order which was as a result of a breakdown between the Court system and police.
- 4.3 A complaint arose from a person in custody regarding the removal of their Kara, the steel bracelet that binds the Sikh, who is wearing it, with god. The decision to remove the bracelet was made for the safety of the person in custody, who was acting in an aggressive manner. Officers were reminded that each custody should be decided on it's own merits as to the necessity of removing religious symbols.
- 4.4 Guidance was issued to staff that where a prisoner wishes to make a complaint but is not in a fit state to do so, this should be noted on the ADMIN 51 form in order that a statement is taken prior to him/her leaving custody and any injuries are photographed.
- 4.5 It was highlighted that where prisoners are removed from police vehicles, a check should be made to ensure that no property has been concealed within by the prisoner. This would ensure that officers could state with certainty that no possessions had been left behind by a prisoner who subsequently complains of loss or theft of property.
- 4.6 A complaint received highlighted the necessity for staff to be aware of the legislation involving the confiscation of alcohol. Specifically, whereby officers who are removing alcohol from a person over 18 years of age whom they suspect of providing that alcohol to persons under 18 years of age, must be satisfied that the supply is in a public place and not within a private residence. Two officers received corrective advice relating to this matter.

## 5. MALICIOUS ALLEGATIONS

5.1 No malicious allegations were identified whereby further action could be progressed.

## 6. FINANCIAL IMPLICATIONS

6.1 Financial monitoring continues to be undertaken on individual complaint cases and the following figures are provided to indicate the actual cost of investigating complaints in the relevant periods. The table below indicates that the cost in investigating complaints about the police for the first part of this financial year has increased by 42%.

Reporting Period	Cost of Complaints Investigations	
	2008	2007
1 April – 30 June	£41,384.29	£24,013.85
<b>Total</b>	<b>£41,384.29</b>	<b>£24,013.85</b>

Although the costs for 2008 are considerably higher than the same period in 2007, this is explained by the complaint type and size of the enquiry undertaken.

## 7. COMPLAINT HANDLING REVIEW REPORTS BY PCCS

7.1 There have been no review reports received from the PCCS within this reporting period.



**KEVIN MATHIESON**  
**Chief Constable**

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15 August 2008

NOTE: No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.