Scottish Police Federation

5 Woodside Place Glasgow G3 7QF

JCC Circular 51 of 2014

Ref: CS/LS

12 November 2014

Dear Colleague

JCC Circular 51 of 2014 HMICS Crime Audit 2014 – Information

I refer to the above and attach herewith the Report for your information.

Yours sincerely

Calum Steele
General Secretary
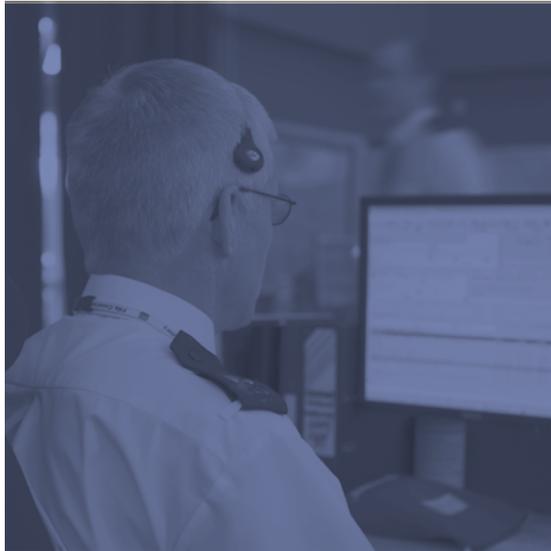
HM Inspectorate of Constabulary in Scotland

HM Inspectorate of Constabulary in Scotland (HMICS) is established under the Police and Fire Reform (Scotland) Act 2012 and has wide-ranging powers to look into the *'state, effectiveness and efficiency'* of both the Police Service of Scotland (Police Scotland) and the Scottish Police Authority (the Authority).[1]

We have a statutory duty to ensure that the Chief Constable and the Authority meet their obligations in terms of best value and continuous improvement. If necessary, we can be directed by Scottish Ministers to look into anything relating to the Authority or Police Scotland as they consider appropriate. We also have an established role in providing professional advice and guidance on policing in Scotland.

- Our powers allow us to do anything we consider necessary or expedient for the purposes of, or in connection with, the carrying out of our functions.

- The Authority and the Chief Constable must provide us with such assistance and co-operation as we may require to carry out our functions.

- When we publish a report, the Authority and the Chief Constable must also consider what we have found and take such measures, if any, as they think fit.

- Where we make recommendations, we will follow them up and report publicly on progress.

- We will identify good practice that can be applied across Scotland.

- We work with other inspectorates and agencies across the public sector and co-ordinate our activities to reduce the burden of inspection and avoid unnecessary duplication.

- We aim to add value and strengthen public confidence in Scottish policing and will do this through independent scrutiny and objective, evidence-led reporting about what we find.

Our approach is to support Police Scotland and the Authority to deliver services that are high quality, continually improving, effective and responsive to local needs.[2]

This audit was undertaken by HMICS in terms of Section 74(2)(a) of the Police and Fire Reform (Scotland) Act 2012 and is laid before the Scottish Parliament in terms of Section 79(3) of the Act.

---

1   Chapter 11, Police and Fire Reform (Scotland) Act 2012.
2   HMICS, *Corporate Strategy 2014-17* (2014).

Contents

Our inspection

The aim of our audit was to **assess the state, efficiency and effectiveness of crime recording by Police Scotland and the extent to which recording practice complies with the Scottish Crime Recording Standard and the Scottish Government's Counting Rules**.[3] The results of the audit will provide the public and key stakeholders with greater information on which to base their assessment of the accuracy of crime statistics and will highlight to Police Scotland areas of good practice as well as areas for improvement. Through our audit, we also sought to make a preliminary assessment of the extent to which Police Scotland has implemented previous HMICS recommendations in respect of crime recording.[4] The audit also seeks to address the need for a comprehensive, independent audit of crime data as highlighted by the UK Statistics Authority.[5]

In 2012-13, recorded crime in Scotland was at its lowest since 1974. At a time when the accuracy of statistics on recorded crime is increasingly being challenged in England and Wales, it is essential that the public in Scotland know whether they should have confidence in their own recorded crime statistics. Accurate crime data is also vital for the police service itself: it informs strategic planning and priority setting and allows the service to allocate resources where they are most needed.

Crime recording practice is governed by the Scottish Crime Recording Standard (SCRS) and the Scottish Government's Counting Rules. The SCRS and the Counting Rules provide a framework for deciding when an incident should be recorded as a crime, what type of crime should be recorded and how many crimes should be counted. Crime recording should also be carried out in accordance with the Police Scotland Code of Ethics.[6]

We tested the accuracy of crime recording through auditing incident and crime records. We examined over 8,000 incidents and over 4,500 crimes. While HMICS has conducted several audits of crime recording since the introduction of the SCRS in 2004, auditing this number of records allows us to report on statistically significant compliance rates across Scotland and, for the first time, at divisional level. This was a quantitative rather than qualitative study and this report focuses on the results of our audit, good practice and areas for improvement. However, we have also been able to draw key messages about crime recording against our inspection framework,

---

3   Police Scotland, _Scottish Crime Recording Standard: Crime Recording and Scottish Government Counting Rules_ (2014) Police Scotland, _Crime recording: standard operating procedure_ (2014).

4   HMICS, _Review of incident and crime recording_ (2013). The recommendations are set out in Appendix 3.

5   UKSA, _Assessment of compliance with the Code of Practice for Official Statistics: Statistics on recorded crime in Scotland (produced by the Scottish Government)_ (2014).

6   Police Scotland, _Code of Ethics_ (2014).

focusing on the key areas of leadership and governance, and people. These and other aspects of our inspection framework will be explored in more depth in future reviews of incident and crime recording.

The number of records examined was more than five times higher than in previous audits. This placed demands on the service to accommodate our audit and we are grateful to the national and regional crime registrars in particular for facilitating our work.

Our audit was led by Laura Paton and was supported by Sheila Kelly, Emyr Rhys-Jones, Pia Paganelli and Justine Menzies. Executive lead was provided by Assistant Inspector of Constabulary, Andy Cowie.

Derek Penman QPM
HM Inspector of Constabulary in Scotland
November 2014

Key findings

- The quality of most incident and crime recording decisions by Police Scotland is good. 92% of incidents were closed correctly[7] and 94% of crime was counted and classified correctly. There is however scope for improvement, particularly in relation to areas such as sexual offences and non-crime related incidents.

- A few divisions performed very well, achieving high compliance rates in all or most areas. The performance of these divisions demonstrates that compliance with the Scottish Crime Recording Standard and Counting Rules can be achieved when crime recording is well-managed locally and appropriately scrutinised. Conversely, a few divisions performed poorly.

- There is scope for improvement in the recording of **sexual offences**. 89% of sexual offence related incidents were closed correctly and 90% were recorded within a reasonable timescale. The referral of incidents to specialist investigation units makes it more likely that recording will be delayed.

- **Violent incidents** reported to the police are closed correctly in 92% of cases. 94% of resulting crimes are counted and classified correctly. There remain challenges in the classification of violent crime, particularly around serious assaults, robberies and attempted murders.

- Scrutiny of **housebreaking** by crime management units resulted in good recording practice. 94% of housebreaking related incidents were closed correctly and 95% of resulting crimes were counted and classified correctly.

- The recording of **hate crime** was excellent and achieved the highest compliance rate of 97% in our audit. However, a recurring issue with regards to the classification of some hate crime should be addressed.

- Only 87% of the **non-crime related incidents**[8] we examined were closed correctly. Scrutiny of incidents reported to the police is a weakness in most divisions.

- There remains scope for improvement regarding timely crime recording decisions, particularly in relation to sexual offences. In general however, we felt that timeliness had improved since our previous audit. We found that 97% of crimes were recorded within 72 hours of being reported to the police.

---

7   Correct closure means either that (a) the incident was closed as non-crime related and contained sufficient information to dispel any inference of criminality; or (b) the incident indicated a crime had occurred and a crime record was traced.

8   Non-crime related incidents are those which were potentially crime related when created, but which were eventually closed as being non-crime related.

- **No-criming** practice is generally good but could be improved in some divisions.[9] No-criming practice is best in those divisions where one person, or a small group of people, are tasked with authorising all no-criming decisions, allowing them to develop expertise and ensuring a consistent approach.

- The quality of no-crime decisions in relation to rape is very good. These decisions are subject to significant scrutiny at divisional and national levels giving us confidence they are made correctly and consistently across Scotland.

- Previous recommendations made by HMICS regarding crime recording have been the subject of a Police Scotland action plan. There has been good progress to date and we will follow up on these recommendations in more detail in a future review of crime recording. We have welcomed regular dialogue with Police Scotland about crime recording practice.

- Day-to-day crime recording decisions are overseen by crime management units and consideration should be given to how best to safeguard the independence of their decision making.

- There is a good system of internal auditing of crime recording within Police Scotland. The results of the internal audits are broadly similar to our own which should provide assurance to the Scottish Police Authority, local scrutiny and engagement bodies and the Scottish Government as to their accuracy.

- There is an opportunity for greater external scrutiny of crime recording by the Scottish Police Authority and local authority scrutiny and engagement bodies. This will broaden and strengthen the existing assurance framework around crime data.

- While there remains variation in crime recording practice across Scotland, Police Scotland is committed to improving consistency and achieving greater compliance with the SCRS. Variations in legacy force practices are being identified and eliminated. We would expect to see steady improvement in compliance rates in internal audits by Police Scotland and in future audits by HMICS.

---

9   No-crimes are incidents that were originally thought to have been a crime but were later re-designated as not being a crime following additional investigation.

Recommendations

Recommendation 1
Police Scotland should develop a mechanism to ensure incidents referred to specialist investigation units are regularly updated as to the status of the investigation and are recorded as crimes as soon as it is appropriate to do so.

Recommendation 2
The Scottish Police Authority and Police Scotland should engage the Scottish Government and other stakeholders in exploring whether the crime groupings used for statistical purposes remain relevant taking account of the changing nature of crime. This should include consideration of whether the crime groupings reflect the public's perception of crime.

Recommendation 3
Police Scotland should introduce processes, including appropriate supervision, to ensure that incidents are closed and disposed of correctly.

Recommendation 4
Police Scotland should ensure that, where relevant, complainers in cases where there has been a no-crime decision should be kept updated on the status of the investigation and its conclusion.

Recommendation 5
Police Scotland should develop improvement plans for crime recording practice in four local policing divisions: Renfrewshire and Inverclyde, Ayrshire, Edinburgh and Argyll and West Dunbartonshire. The plans should set out how each division will improve its compliance with the Scottish Crime Recording Standard and the Counting Rules.

Recommendation 6
The Scottish Police Authority's Audit and Risk Committee should request from Police Scotland the full results of internal crime recording audits and should monitor the implementation of any resulting improvement actions. The Committee should also monitor improvement plans developed by Police Scotland in response to recommendations made about crime recording by HMICS.

Recommendation 7
Police Scotland should provide local scrutiny and engagement bodies with the findings of internal crime recording audits and any resulting improvement plans. This will facilitate the scrutiny of crime data presented to them by local commanders.

Recommendation 8
Police Scotland should work with the Scottish Government to clarify ownership of the Counting Rules.

Improvement actions

In addition to our recommendations, HMICS has identified 15 areas for improvement in this report. These improvement actions are aimed at a more operational level and are less strategic than our recommendations.

	Improvement action	Paragraph
1	There should be continued awareness raising and training regarding the Sexual Offences (Scotland) Act 2009 for those involved in crime recording decision making.	48
2	The National Rape Review Team should consider reviewing crime reports which were originally classified as rape but were subsequently reclassified.	49
3	Where the incident and crime record suggest that an assault may be serious, medical updates must be sought and the lack of an update is not a reason to record a common assault instead.	60
4	Police Scotland should seek feedback from the Crown Office and Procurator Fiscal Service in cases where the fiscal prosecutes cases of serious violence or sexual crime as different crimes from those which have been reported to them by the police. Depending on the circumstances, this may indicate that Police Scotland should reconsider its classification decisions or that the Counting Rules be updated to provide additional guidance to staff.	63
5	Officers and staff updating incident records should guard against using the term 'for information only' and supervisors and others scrutinising incident records should be alert to the term being misused in this way.	67
6	Officers and staff who are uncertain about the classification of housebreaking, and specifically about whether the security of the building has been overcome, should refer to the Counting Rules for clarification and should seek advice from crime registrars. If the examples in the Counting Rules do not provide sufficient guidance, the crime registrars and Scottish Government should consider including additional examples to guide classification decisions.	71
7	Crime management unit staff should consider how best to follow-up on their tasking of officers to ensure that tasks have been completed as instructed.	72
8	In their day-to-day scrutiny of crime records, crime management units should ensure that hate crime markers are applied when appropriate.	77
9	In relation to hate crime, police staff and officers should be reminded of the rules relating to the recording of racially aggravated conduct and threatening and abusive behaviour.	78

Improvement action		Paragraph
10	The need for corroboration before racially aggravated conduct can be recorded should be discussed by the crime registrars and additional guidance given. This guidance could take the form of additional examples in the Counting Rules as to the circumstances in which the crimes of racially aggravated conduct or threatening and abusive behaviour should be used.	78
11	In the improvement plans for Renfrewshire and Inverclyde, Ayrshire and Argyll and West Dunbartonshire, Police Scotland should consider how the quality of no-crime decisions can be improved and should look to learn lessons from those divisions that had good no-criming practice.	89
12	Officers and staff must ensure that there is an audit trail for incidents transferred to another Police Scotland division or sent outwith Police Scotland's jurisdiction.	92
13	The capacity of crime registrars to undertake other aspects of their role, in addition to the required audits, should be kept under review.	109
14	The National Crime Registrar's bulletin should be disseminated widely within Police Scotland.	116
15	Police Scotland should assess what impact the turnover of crime management unit staff has on the quality of decision making (for example, does staff turnover coincide with peaks and troughs in compliance with the SCRS in internal or HMICS audits) and what can be done to manage this impact.	117

Context

1. When a member of the public contacts the police to report a crime, the information provided is logged on an electronic incident recording system. The police assess the circumstances of the incident and respond accordingly. Depending on the information supplied and on the outcome of additional enquiries, the incident may result in the creation of a crime report. The Scottish Crime Recording Standard (SCRS) and the Scottish Government's Counting Rules together form a 400-page document which provides a framework for determining when an incident should be recorded as a crime, the type of crime that should be recorded and how many crimes should be counted.

2. The SCRS was introduced in 2004 to encourage a more victim-oriented approach to crime recording and to ensure greater consistency in recording across the eight police forces which existed at that time. The SCRS was refreshed and restated in April 2014 to take account of the creation of a single, national police service. The SCRS requires that all incidents, whether crime-related or not, will result in the creation of an auditable report. The incident will be recorded as a crime if (a) the circumstances amount to a crime or offence under Scots law; and (b) there is no credible evidence to the contrary. Once recorded, a crime remains recorded unless there is a credible evidence to disprove that a crime occurred. The SCRS states that Police Scotland will record crime ethically and that recording practice must be capable of withstanding rigorous scrutiny.

3. Responsibility for compliance with the SCRS lies with the Chief Constable and falls within the portfolio of the Deputy Chief Constable (Designate). Responsibility for compliance with the SCRS is discharged on a daily basis by crime registrars. The role of the crime registrar is described in the SCRS as being critical to compliance. It is a specialist role that requires knowledge, skills and experience of the crime recording process. The role does not involve the exercise of police powers and may therefore be performed by a member of police staff. The registrar has ultimate authority to determine whether or not a matter should be recorded as a crime and the crime classification that will be applied. The registrar is also the final arbiter for all no-crime decisions. The SCRS notes that the crime registrar should not be placed in a position where he or she is directly responsible for performance or reducing crime or is answerable to a line manager who has such responsibility. This approach is intended to ensure openness, transparency and independence in crime recording decisions. Police Scotland has a National Crime Registrar (currently a police officer at chief inspector rank) and three regional crime registrars. Within each of Police Scotland's 14 local policing divisions, crime management units, led by crime managers, make day-to-day decisions about crime recording.

4. The SCRS is supported by the Scottish Government's Counting Rules which set out detailed information about when and how crimes should be recorded. The Counting Rules provide guidance on how crimes should be classified and counted. The Counting Rules are subject to annual review to take account of, for example, new statutory offences. Updates to the Rules are applied from 1 April each year and are agreed by the Scottish Crime Registrars' Group, a multi-agency working group.[10]

Crime statistics

5. Information on the number of crimes and offences recorded by the police is published by the Scottish Government annually in its 'Recorded Crime in Scotland' series. The most recent publication relates to crimes and offences recorded in 2012-13 when the total number of crimes recorded by the police was the lowest since 1974.[11] This was also a decrease of 13% on the previous year. The number of offences increased by less than 1% compared to 2011-12.[12]

6. The Scottish Government notes in its recorded crime publication that crime statistics are used by a wide variety of users and stakeholders to monitor trends, for policy research and development, and for research purposes. The public, for example, can use the statistics as a source of information to help assess how safe their local area is and whether crime is decreasing or increasing. The police, as well as other agencies, can use crime statistics as well as internal management information to monitor trends and variations, ensuring that services are targeted appropriately and sufficiently resourced. Crime statistics are also used as a measure of how well the police service is performing. It is therefore essential that crimes are recorded accurately by Police Scotland, and that the users have confidence in the crime statistics reported by the Scottish Government.[13]

7. There has been increasing political and media commentary and scrutiny of crime statistics in Scotland in recent months. This has been fuelled by challenges to the accuracy of recorded crime statistics in England and Wales and by an assessment of Scottish crime statistics by the UK Statistics Authority.

---

10 See paragraph 112 for more information about the Scottish Crime Registrars' Group.

11 Scottish Government, *Recorded crime in Scotland 2012-13* (2013).

12 Contraventions of criminal law in Scotland are divided for statistical purposes by the Scottish Government into 'crimes' and 'offences'. 'Crime' is generally used for more serious criminal acts with seriousness generally relating to the maximum sentence that can be imposed. This distinction has been used since the 'Recorded Crime in Scotland' series began.

13 Crimes recorded by the police are just one source of information about community safety. Not all crime is reported to the police and another key source of evidence is the Scottish Crime and Justice Survey.

HMICS review of incident and crime recording 2013

8. Shortly after the creation of Police Scotland in 2013, HMICS carried out a review of incident and crime recording.[14] The timing of our review afforded us the opportunity to consider emerging governance arrangements for crime recording and to assess compliance with the SCRS since 1 April 2013. The review involved qualitative research with a range of people involved in the crime recording process, including interviews and focus groups with officers and staff. We also examined incident records in each of the 14 local policing divisions in Scotland, sampling up to 30 records relating to four crime types in each division. These crime types were domestic abuse, sexual offences, assaults and robberies. The number of records sampled was not sufficiently high to be statistically significant, nor was the sample representative of the incidents recorded by each division. The sample size was chosen so as to be manageable from an HMICS and service perspective and was intended to serve as an indicator of recording practice across Scotland.

9. Of the 1,501 records examined in 2013, 93% complied with the SCRS. Compliance rates varied across crime types and across divisions.[15] While we were disappointed that the total proportion of compliant incidents fell just short of the accepted standard of 95%,[16] the high compliance rate for domestic abuse incidents (99%) illustrates what can be achieved when a focused and robust approach is taken to attending, investigating and recording a particular crime type. We found adherence to the SCRS to be generally good and were impressed by the knowledge and commitment of many officers and staff. We did however identify several areas in which Police Scotland could improve its approach to crime recording and made seven recommendations.[17]

Crime recording in England and Wales

10. In January 2014, police recorded crime statistics in England and Wales had their status as a 'National Statistics' publication cancelled by the UK Statistics Authority.[18] The National Statistics status serves as a quality mark and indicates that statistics have been

---

14 HMICS, *Review of incident and crime recording* (2013).

15 Our 2013 review focused on whether incidents were closed correctly and thus only Test 1 was applied. See paragraph 24 for further information about the tests.

16 The 95% standard is discussed further at paragraph 27.

17 These recommendations are set out in Appendix 3.

18 The UK Statistics Authority is an independent body established in 2008 by the Statistics and Registration Service Act 2007. Its objective is to promote and safeguard the production and publication of official statistics that serve the public good.

independently assessed as meeting the high standards set out in the Code of Practice for Official Statistics. In deciding to remove this status, the UK Statistics Authority cited accumulating evidence that suggested crime data in England and Wales may not be reliable.

11. In addition, significant political and media attention was drawn to crime statistics in England and Wales as a result of an inquiry carried out by the House of Commons Public Administration Select Committee. The report of this inquiry suggested police recorded crime statistics in England and Wales were not trustworthy.[19] While the Committee focused on crime data in England and Wales, it also made two recommendations relating to crime recording in Scotland. Firstly, it recommended that the UK Statistics Authority urgently investigate the quality of crime statistics in Scotland and Northern Ireland. Secondly, it recommended that the Home Office and devolved administrations should analyse disparities in no-crime rates for sexual offences across all police forces. The Committee's other recommendations, while not directed at Scotland, will nonetheless be relevant to Scottish policy and practice.

12. Finally, HM Inspectorate of Constabulary (HMIC) has recently conducted an inspection of crime data integrity in all 43 police forces in England and Wales.[20] This involved qualitative research as well as an audit of incident and crime records. The final report of this inspection is due in November 2014, but an interim report was published in May 2014.[21] At the time of the interim report, around 60% of records to be audited had already been reviewed. The interim report describes emerging findings and HMIC notes that it is 'seriously concerned' at the emerging picture, describing it as one of *'weak or absent management and supervision of crime recording, significant under-recording of crime, and serious sexual offences not being recorded'.* HMIC reported that if its findings to date were representative of the records still to be audited, around 20% of crime in England and Wales may be unrecorded.

13. It should be noted that HMIC's audit results are not directly comparable to the results obtained in our own audit. This is because we used different methods to identify and examine records. For example, we examined different crime types. In addition, HMIC does not use the two-stage test used in Scotland (i.e. it does not apply Test 1 and Test 2, instead preferring to amalgamate results from the two tests).

---

19 House of Commons Public Administration Select Committee, *Caught red-handed: Why we can't count on police recorded crime statistics: Thirteenth report of Session 2013-14* (HC 760, 2014).

20 HMIC operates in England and Wales and is a separate organisation to HM Inspectorate of Constabulary in Scotland (HMICS). HMIC has no locus in relation to devolved policing matters in Scotland.

21 HMIC, *Crime recording: a matter of fact – An interim report of the inspection of crime data integrity in police forces in England and Wales* (2014).

Crime recording in Scotland

14. Concerns about the accuracy of crime statistics in England and Wales have been echoed in Scotland, albeit to a lesser extent. There has been some political and media commentary disputing the validity of the statistics and our audit presents an opportunity to provide the public and key stakeholders with greater information on which to base their assessment of the accuracy of crime statistics. Moreover, our audit addresses the need for a comprehensive, independent audit of crime data in Scotland as highlighted by the UK Statistics Authority.

15. After having cancelled the status of police recorded crime statistics in England and Wales as National Statistics, the UK Statistics Authority began an assessment of crime statistics in Scotland. On 31 July 2014, it published its assessment report and set out a number of requirements that must be met before the UK Statistics Authority can confirm the National Statistics designation for future recorded crime statistics publications.[22] It did however note that there are differences between the situation in Scotland and that in England and Wales. In Scotland, it found there to be less direct evidence of data problems at the operational level. While the UK Statistics Authority's requirements are directed at the Scottish Government, it also noted that a comprehensive, independent audit of police recorded crime data is an essential pre-requisite. The results of this audit, along with the implementation of other requirements, should be used by the Scottish Government as part of a broader framework of assurance to provide both itself and users of the crime statistics with confidence in the underlying data.

Crime Audit 2014

16. Reviews of incident and crime recording have formed a regular part of the HMICS scrutiny programme in recent years. In our Scrutiny Plan 2014-15, we stated that we would revisit crime recording in 2014 and seek to provide the public and key stakeholders with greater information on which to base their assessment of the validity of crime statistics. We also intended that our planned work would help address the anticipated outcome of the UK Statistics Authority assessment of crime statistics.

17. Three key considerations informed the design of our crime audit. Firstly, we wanted to take a more proportionate and thorough approach to sampling which would allow us to report on statistically significant compliance rates at Scotland-wide level, at divisional level and by crime type. Previous HMICS audits had taken a 'dip sampling' approach to analysing records whereby the results served as an indicator of practice and compliance rather than providing statistically significant results.

---

22 UKSA, *Assessment of compliance with the Code of Practice for Official Statistics: Statistics on recorded crime in Scotland (produced by the Scottish Government)* (2014).

18. Secondly, we were keen not to duplicate the review carried out in 2013. This review involved extensive qualitative research with a range of people involved in the crime recording process. This included interviews with crime registrars, crime managers and senior officers, as well as focus groups with a range of police officers and staff including those working in various business areas such as control rooms, response policing, crime management and quality assurance.

19. Finally, we were keen to give Police Scotland sufficient time to implement our 2013 recommendations. In particular, Police Scotland should be given sufficient time to implement our recommendation that it revisit its structural and governance arrangements for crime recording one year after their implementation to assess whether they are working effectively. These arrangements were only implemented in October 2013. We would not therefore expect the internal review to commence until October 2014 with the results and any resulting actions following shortly afterwards.

20. These considerations informed the scope of our crime audit and our methodology and, in particular, our plan to restrict the scope to an examination of incident and crime records rather than conducting more extensive qualitative research. We have nonetheless included in this report information on the progress to date in relation to our previous recommendations and emerging issues relating to leadership and governance and people. We will consider progress against our previous recommendations in more depth in future audits of crime recording and, in particular, once Police Scotland has completed its internal review and implemented any learning points.

21. This audit was of incidents and crimes recorded by Police Scotland. Crimes recorded by other police services operating within Scotland, such as British Transport Police, were outwith the scope of our audit and will be reviewed separately.

Methodology

22. We tested the accuracy of crime recording through an audit of records. In deciding which records to audit, several factors were taken into account including areas identified as weak in previous audits, areas of high risk or emerging concern, and national and local policing priorities. We audited records in six categories, four of which related to specific crime types:

- sexual offences
- violent crime
- housebreaking

- hate crime

- non-crime related incidents (i.e. incidents that were potentially crime-related but which were eventually closed as being non-crime related)

- no-crimes (i.e. cases that were originally thought to be a crime but were later re-designated as not being a crime following additional investigation).

23.   The examination of no-crimes involves an assessment of whether the no-crime decision was correct. Because the no-crime test is different from that applied to incidents, the no-crime results are reported separately.

24.   The following tests can be applied to incidents:

Test 1 involves reviewing the initial report to the police (the 'incident') and assessing whether the incident has been *correctly closed*. Correct closure means either that (a) the incident was closed as non-crime related and contained sufficient information to dispel any inference of criminality; or (b) the incident indicated a crime had occurred and a crime report was traced. Incidents which result in a crime report proceed to Test 2.

Test 2 involves reviewing the crime report to assess whether the crimes recorded are *correctly classified and counted*. Test 2 allows us to consider whether subsuming has been carried out correctly.[23]

Timeliness: crimes should be recorded within 72 hours of the circumstances becoming known to the police (or within seven days where the delay is outwith police control).

25.   All three tests were applied to the four crime types we examined (sexual offences, violent crime, housebreaking and hate crime). Only Test 1 can be applied to non-crime related incidents as reviewing them involves a simple assessment of whether the decision not to record a crime was correct.

26.   This is the first crime audit in which we have applied a timeliness test. At the time of our review of incident and crime recording in 2013, the SCRS required that crimes be recorded 'as soon as reasonably practicable'. During our 2013 review, we were concerned about the time taken to record crimes in some cases. This concern had also been expressed in previous audits carried out by HMICS. As a result, we recommended that Police Scotland should clearly define the term 'as soon as reasonably practicable' by introducing timescales

---

[23] Subsuming refers to the practice of counting multiple crimes as one crime. Subsuming is only possible in some situations and guidance on when subsuming is appropriate is provided in the Counting Rules. See page 28 for further information.

for the recording of crime following an initial report. We felt this would facilitate compliance with the SCRS and ensure victims' needs are better met.[24] In response, the new edition of the SCRS and Counting Rules published on 1 April 2014 included a requirement that, *'All crimes must be recorded as soon as reasonably practicable and within a period of 72 hours from the time the incident is first notified… If no crime is recorded within 72 hours the reason for the delay must be fully explained and justified within the incident log. In exceptional circumstances, a maximum of seven days is permitted to take into account situations outwith police control.'* We therefore consider our previous recommendation to be discharged.

27.   In assessing the results of its internal audits, Police Scotland uses a self-imposed benchmark of 95%. A pass is achieved where 95% or more of audited records comply with the SCRS. Such a benchmark was inherited by Police Scotland from the Association of Chief Police Officers in Scotland and similar benchmarks have been used in England and Wales in the past. Early audits conducted shortly after the introduction of the National Crime Recording Standard in England and Wales deemed a compliance rate of 90% to be 'good'.[25] We consider this standard to be somewhat arbitrary for our own audit purposes and achieving a compliance rate of 95% does not mean that there is not scope for further improvement. Some divisions in Scotland are achieving higher compliance rates, demonstrating what can be achieved when a rigorous, ethical and victim-based approach is taken to attending, investigating and recording crime. We do consider however that the standard is helpful as an internal benchmark to be used by Police Scotland and which encourages those divisions performing below the standard to improve.

Sample size

28.   We examined 8,017 records, more than five times as many records as we examined in our 2013 review. Further information is available in Appendix A regarding how incidents were identified, how our sample size was determined, how we gathered and recorded our findings and why we chose to audit incidents reported between 1 April 2014 and 30 June 2014.

29.   Our goal was to report statistically significant results that would be representative across Scotland, across the 14 local policing divisions and across the six categories to be reviewed. The reported results are statistically significant with the following Scotland-wide confidence intervals[26] at the 95% level:

---

24 See Recommendation 1, HMICS, *Review of incident and crime recording* (2013).

25 See, for example, Audit Commission, *Crime recording 2005* (2006).

26 For example, in relation to violent crime where 92% of the records examined complied with Test 1, the chances are 19 in 20 that the 'true' value will fall within the range of ±1.9% from the sample results (i.e. between 90% and 94%).

Category	Confidence interval – Test 1	Confidence interval – Test 2 and Timeliness
Sexual offences	1.4%	2.3%
Violent crime	1.9%	2.5%
Housebreaking	2.1%	2.4%
Hate crime	1.5%	2.2%
Non-crime related incidents	2.7%	
All categories excluding no-crimes	1.1%	1.4%

Category	Confidence interval
No-crimes	2.7%

30. For our divisional results, we aggregated the four crime types and the non-crime related incidents to achieve a statistically significant sample for Test 1 of ±4% at a 95% confidence interval. For divisional results at Test 2, we aggregated the four crime types to provide a statistically significant sample of ±5% at a 95% confidence interval.

Outcomes

Sexual offences, violent crime, housebreaking, hate crime and non-crime related incidents		
Test 1 compliance rate	Test 2 compliance rate	Timeliness
92%	94%	97%

31.   We examined over 7,000 incident records across Scotland and found that 92% had been closed correctly (Test 1). Correct closure means either (a) that the incident was closed as non-crime related and contained sufficient information to dispel any inference of criminality; or (b) that the incident indicated a crime had occurred and a crime record was traced. The incidents examined resulted in over 4,500 crime reports, 94% of which were counted and classified correctly (Test 2). We also found that crimes were recorded within 72 hours of being reported to the police in 97% of cases.[27] While we still have some concerns about the timeliness of crime recording, particularly in relation to sexual offences, we have been generally impressed by the speed with which most crime-recording decisions are made.

No-crimes	94%

32.   We also examined almost 1,000 no-crimes. These are cases which were initially thought to be a crime but were later re-designated as not being a crime following additional investigation. We found that 94% had been no-crimed correctly.

33.   We report separately on compliance rates for sexual offences, violent crime, housebreaking, hate crime, non-crime related incidents and no-crimes. For the first time, we also report on divisional compliance with the SCRS within Police Scotland.

Sexual offences

Sexual offences		
Test 1 compliance rate	Test 2 compliance rate	Timeliness
89%	93%	90%

34.   We examined more than 1,200 sexual incidents, just over half of which resulted in a crime record. Some resulted in multiple crimes being recorded. Of the 1,200 sexual incidents, 89% were closed correctly.

---

27   Timeliness is assessed for the first crime recorded in respect of each incident. During the course of an investigation, additional crimes may come to light but it is the timeliness of the initial decision to crime which we have assessed. Thus, timeliness rates are worked out as a proportion of the incidents that passed to Test 2, rather than the total number of crimes we reviewed.

35. Of the 897 crimes which resulted from the sexual incidents, all of which we examined, 93% were counted and classified correctly. 90% of crimes resulting from sexual incidents were recorded within 72 hours of the incident being reported to the police.[28]

Test 1

36. Of the incidents that had been incorrectly closed, the majority were closed with insufficient information from which to make a judgement as to whether or not a crime had actually occurred. This was mostly because the incident record had not been updated with the status or outcome of any investigation. Around a third of the incidents with insufficient updates had been referred to a specialist unit, such as the Public Protection Unit or Divisional Rape Investigation Unit. While we sought, and received, assurances that investigations were on-going and that decisions to record a crime may be made at a later date, the incident records had not been updated. This was despite the incidents we examined having been reported between 1 April and 30 June, and our audit taking place from 27 August until 30 September. These specialist investigation units, and indeed all officers investigating possible crimes, should bear in mind that the SCRS requires that crimes should be recorded as soon as reasonably practicable. If no crime is recorded within 72 hours of the incident coming to the attention of the police, then the reason for the delay must be fully explained. The Counting Rules state that recording should not be delayed in order to wait for further details of the case, including the likelihood of obtaining a detection. The Counting Rules also note that, *'the importance of ensuring that crime records are submitted as soon as possible is paramount to ensuring the victim's needs are met'.*

37. We support Police Scotland's approach to dedicating those with specialist skills and expertise to the investigation of some crime and we appreciate that the investigations undertaken by specialist units can be complex and prolonged. However, there appears to be a risk that officers working in such units can be so focused on the investigation of crime that they lose sight of the need to record crime timeously. They should guard against an 'investigate-to-record' culture whereby they do not record the incident as a crime at first, but instead investigate the incident to establish whether a crime has been committed. We have also been told that some specialist investigation units have created local operational logs or systems where details of the investigation and its status are recorded. While this may assist the unit to manage their investigations, we would caution against reliance on any secondary

---

28 This also includes crimes that were recorded more than 72 hours after the initial report but where we deemed the delay justified as being outwith police control.

or shadow systems for recording crime. Recent inspections of crime data integrity by HMIC in England and Wales have suggested that where systems are used to record information which are separate from the primary incident or crime management system, compliance rates are significantly worse. In one police force, for example, HMIC examined incidents held on a Public Protection Unit system and found only 50% of those which should have resulted in a crime report had in fact been crimed. The incidents examined related to sexual offences and assaults on vulnerable adults and children.[29]

38. This tendency for specialist units to fail to record crime timeously or to update incident records with the status of their investigations was raised in our previous report on incident and crime recording published in 2013. We are therefore disappointed that this has not yet been corrected, particularly given the nature of the incidents involved and the vulnerability of the victims. Sexual offence related incidents should remain a focus of internal audits by Police Scotland as part of a drive to improve compliance with the SCRS. Divisional crime management units should work with specialist investigation units to consider how to increase scrutiny of such incidents. Scrutiny could be undertaken by the crime management unit itself or the specialist investigation unit.

Recommendation 1
Police Scotland should develop a mechanism to ensure incidents referred to specialist investigation units are regularly updated as to the status of the investigation and are recorded as crimes as soon as it is appropriate to do so.

39. On a few occasions, we examined an incident where a crime was not yet recorded due to an on-going investigation but the details of the investigation were noted on the incident record with an explanation of why the incident had not yet been crimed. This was an acceptable approach and demonstrated that consideration was being given to the SCRS and the need to record a crime while the incident was still being investigated. This practice was, however, rare.

40. Other sexual incidents which failed Test 1 involved an apparent lack of enquiry and the failure to record a crime when the complainer became uncooperative but did not retract their report that a crime had been committed. In such cases, a crime should be recorded and a non-cooperative complainer marker should be assigned. The need to still record

---

29 HMIC, *Crime data integrity: inspection of Wiltshire Police* (August 2014).

a crime when the complainer becomes uncooperative has been the subject of previous HMICS recommendations and, in light of our recent findings, we do not yet consider it to be discharged.[30] In response to our most recent recommendation on this issue in 2013, Police Scotland had reminded crime managers of the need to use the non-cooperative complainer marker but this has not yet been implemented fully.

41. The misapplication or misunderstanding of the Counting Rules was also the reason for some sexual incidents to be closed incorrectly. For example, following consultation with the Crown Office and Procurator Fiscal Service (COPFS) and the Scottish Crime Registrars' Group, the Counting Rules were amended so that where an offender suffers from an illness such as dementia or Alzheimer's which may impede their capacity to form criminal intent, a crime need not be recorded. However, certain criteria must be met before this rule applies: the offence must be minor; the wishes of the victim must be considered and respected at all times; and supporting evidence for the lack of capacity must be obtained from a doctor in writing. We examined a few incidents where this rule had been applied incorrectly, either because supporting evidence from a doctor had not been sought, or because the offence was serious.

Test 2

42. We examined 897 crimes and found that 93% were counted and classified correctly. We found 34 crimes to have been under-counted, and 17 crimes to have been over-counted.

43. Where crimes had been over-counted, this was mostly because a person had been the victim of the same sexual offence perpetrated by the same offender at the same locus on multiple occasions and these had been counted separately. Unless specific dates can be provided for each offence, the Counting Rules state that only one crime should be recorded. Over-counting also occurred where a crime record had been created but subsequent investigation dispelled criminality. In these circumstances, the crimes should have been no-crimed. Conversely, under-counting occurred where a crime was no-crimed without sufficient justification.[31]

44. Under-counting also occurred where a person had been the victim of sexual offences by the same offender but at different locations. Where different locations are identified, a crime should be recorded for each one. We also identified some under-counting in relation to crimes coming to the attention of the police during the course of an on-going investigation.

---

30 See Recommendation 2, HMICS, *Review of incident and crime recording* (2013).
31 See paragraphs 86-95 for more information regarding no-criming.

For example, in the course of a wide-ranging and complex investigation into historical sexual abuse, the victim revealed that she had also been physically assaulted. A common assault was under-recorded in this case.

45. Only 12 classification errors (out of 897 crimes examined) were made. Many sexual offence classifications are age-based and this can lead to errors. For example, the classification of lewd, indecent and libidinous practices can only be used in respect of a girl under the age of 12. We examined one historic incident where the same crime was committed against two girls in the early 1970s: one was under 12 and one was 13. The crime against the 13-year-old should have been classified as an indecent assault. This example illustrates the complexity of the Counting Rules in relation to sexual offences and how genuine errors can occur, with no intention to undercount or misclassify crime.

46. In one division, we identified two crimes wrongly classified as a breach of the peace or threatening or abusive behaviour (under s.38 Criminal Justice and Licensing (Scotland) Act 2010) when classification under the Sexual Offences (Scotland) Act 2009 would have more appropriately reflected the nature and gravity of the crimes. Classification as a breach of the peace or a crime under s.38 means these incidents would not have been counted for statistical purposes as sexual crimes. This issue has also arisen during internal audits and we welcome continued efforts by the crime registrar to correct this local practice.

47. We noted several counting and classification errors that related to the introduction of the Sexual Offences (Scotland) Act 2009. This Act came into force on 1 December 2010. Where crimes are reported which took place before 1 December 2010, the previous crime classifications should be used. This requires knowledge of the previous common law and statutory provisions. The 2009 Act should be used for crimes occurring after 1 December 2010. Where a person reports numerous crimes taking place before and after that date, separate crimes should be recorded using the previous law and the 2009 Act.

48. Errors relating to the introduction of the 2009 Act suggest the need for continued awareness raising and training. At the same time, we acknowledge that the counting rules for sexual offences are complex and we do not expect every officer to know them in detail. For that reason, access to expertise advice and additional scrutiny of crime records by those with particular expertise is essential.

49. With the exception of rape, we were surprised that there was not more internal scrutiny in some divisions of sexual offence incident and crime records. Such scrutiny would have

afforded an opportunity to correct the errors we identified during our audit. Reports of rape are scrutinised thoroughly within divisions and by the National Rape Review Team. This tends to ensure consistent and accurate recording. No-criming of rape is, in particular, scrutinised closely and we would suggest that the Review Team also considers reviewing crime reports which were originally classified as rape but were subsequently reclassified.[32] We saw one crime of rape which was reclassified as having intercourse with an older child (under s.28 of the 2009 Act). This crime is appropriate only where an older child (aged between 13 and 15) has consented to intercourse. In the case we examined, there was no indication of consent and the crime of rape under s.1 of the 2009 Act was appropriate.

Timeliness

50. 90% of crimes resulting from sexual incidents were recorded within 72 hours of the incident being reported to the police (or over 72 hours but where the delay was justified as being outwith police control). This is the lowest compliance rate for timeliness amongst the four crime categories we reviewed. In the other categories, most crimes tend to be recorded within seven days even if the 72-hour limit has been exceeded. For crimes resulting from sexual incidents however, two thirds of the delays were over seven days. Multiple incidents had delays of more than 30 days, including some delays of 90 days.

51. Delays may in part be caused by the nature of the incidents being reported. Often, a sexual offence liaison officer is deployed to take a statement from the victim, and this statement can sometimes be gathered over the course of several meetings. Where we felt a delay was justified in the circumstances, we did not record this as an error. In the majority of cases however, there was no explanation on the incident or crime record for the delay. Delays in recording sexual offences are linked to the specialist unit issues described above at paragraph 36.

Violent crime

Violent crime		
Test 1 compliance rate	Test 2 compliance rate	Timeliness
92%	94%	98%

---

32 For more information about the investigation of rape by Police Scotland, see HMICS, *Local policing plus: inspection of the investigative approach to rape in Fife division* (forthcoming).

52. We examined 2,238 violent incidents. These incidents ranged from common assaults to murders and included robberies. We found that 92% of violent incidents were closed correctly. Of the 1,766 crimes that resulted from these incidents, 94% were counted and classified correctly. 98% of crimes were recorded within 72 hours of the incident being reported to the police.

Test 1

53. Almost half of the incidents that failed Test 1 involved a report of violence (usually a common assault) where the complainer was uncooperative. In these circumstances, an assault should have been recorded and the non-cooperative marker used. Around one third of the Test 1 fails involved a lack of information or update on the incident record to dispel the initial report of criminality. In some of the failed incidents, it appeared that the complainer's allegation was not believed but without sufficient explanation for why this was the case.

54. We came across several incidents where guidance on incidents taking place on school premises had not been correctly applied. The Counting Rules state that where an incident involving schoolchildren and taking place on school premises is reported to the police, a crime need not be recorded where the incident is minor; the school has not requested that the police investigate the incident and is content to manage the incident under the school's own disciplinary procedures; and the child, the child's parent, guardian or representative are content for the incident to be dealt with by the school. We failed incidents where crimes had not been recorded because we felt the incident was not minor and where the parents were not content for the incident to be managed by the school.

Test 2

55. Of the 1,766 crimes we examined that resulted from the violent incidents, 94% were counted and classified correctly. We found 38 crimes to have been under-counted, and 31 crimes to have been over-counted.

56. Most of the under-counted crimes were for common assault. Other crimes under-counted were thefts, threatening and abusive behaviour, breaches of bail conditions, vandalism, a serious assault, a breach of the peace and racially aggravated conduct. An example of an under-counted common assault was an incident where an offender stole property, assaulted the complainer and had in his possession an offensive weapon. A witness restrained the offender while awaiting police arrival and was punched by the offender. The assault of the witness was not recorded.

57. Most of the over-counted crimes related to common assaults and threatening and abusive behaviour. Where an incident occurs in which the offender assaults and is threatening and abusive to the same person, the threatening and abusive behaviour can be subsumed within the assault. We also saw a few crimes which were within the jurisdiction of British Transport Police and, as such, should have been no-crimed once the jurisdiction had been clarified and the incident had been transferred.

> **Subsuming**
>
> Subsuming refers to the practice of counting multiple crimes as one crime. Subsuming is only possible in certain situations and the Counting Rules provide guidance on when it is, and is not, appropriate to subsume crimes. Less serious crimes will be subsumed within more serious crimes.
>
> Examples
> A is punched then raped by B.
> *1 crime of rape (where the purpose of the assault is to effect the rape, the assault can be subsumed in the more serious crime)*
>
> B rapes A, and then assaults A, breaking A's arm.
> *1 crime of rape and 1 crime of serious assault (the assault was not a precursor to the rape and should be recorded separately. It is a serious assault because of the broken bone)*
>
> B smashes a window, gaining entry to A's house. B steals a laptop and smashes the television.
> *1 crime of theft by housebreaking (the vandalism of the television is subsumed within the housebreaking)*

58. Thirty-eight crimes were classified incorrectly:

   - 14 were common assaults which should have been serious assaults

   - seven were serious assaults which should have been attempted murders

   - 10 were thefts, or assaults and thefts, that should have been robberies

   - two were common assaults which would more appropriately have been classified as assaults under the Emergency Workers (Scotland) Act 2005 because at the time of the offence the victim was operating in their professional capacity as an emergency worker (such as a paramedic)

- one was an assault which should have been a sexual assault

- two were breaches of the peace which should have been threatening or abusive behaviour under s.38 of the Criminal Justice and Licensing (Scotland) Act 2010

- one was a s.38 which should have been a common assault

- one was a crime of defeating the course of justice which would more appropriately have been crimed as resisting arrest under the Police and Fire Reform (Scotland) Act 2012.

59. The classification of serious assault continues to be a challenge. In our review of incident and crime recording published in 2013, we noted the difficulties officers experienced when deciding whether an assault should be a common or serious assault. We recommended that the definition of serious assault be reviewed and clarified by Police Scotland in cooperation with the Scottish Government and other criminal justice partners.[33] This review is currently underway but the definition has not yet been changed. It is possible that a new definition will come into force on 1 April 2015 when the annual update is made to the Counting Rules. **Our previous recommendation therefore remains open and our current audit results reinforce the need for clarity and guidance for those making classification decisions.**

60. The difference between a common assault and serious assault generally depends on the extent of the injury suffered by the victim. Often, a medical update is needed to help officers determine the severity of the injuries and their likely impact on the victim, e.g. whether a laceration is minor (common assault) or will lead to disfigurement (serious assault). In several cases, we found a failure to seek a medical update making it impossible for officers, crime managers and crime registrars, as well as our inspectors, to correctly classify the assault. Where the incident and crime record suggest that an assault may be serious, medical updates must be sought and the lack of an update is not a reason to record a common assault instead.

61. The difference between a common assault and a serious assault is significant. Serious assaults are treated as crimes of violence (Group 1) for statistical purposes by Police Scotland and the Scottish Government. Common assaults are however counted in Group 6, a miscellaneous crime category. It is important that crime is classified correctly so that data published by Police Scotland and the Scottish Government provides the public with an accurate picture of violent crime in Scotland. The current crime groupings have been

---

33 Recommendation 6, HMICS, *Review of incident and crime recording* (2013).

established for a number of years.[34] Whether they remain relevant today, taking account of the changing nature of crime, and whether they reflect the public's perception of crime, should be the subject of broader debate among the Scottish Government, Police Scotland, the Scottish Police Authority and other stakeholders.

> **Recommendation 2**
> **The Scottish Police Authority and Police Scotland should engage the Scottish Government and other stakeholders in exploring whether the crime groupings used for statistical purposes remain relevant taking account of the changing nature of crime. This should include consideration of whether the crime groupings reflect the public's perception of crime.**

62. We found several serious assaults that would more appropriately have been classified as attempted murders. This seemed to result from an over-reliance on the requirement for there to have been intention to kill on the part of the offender. The Counting Rules clearly state however that an attempted murder should be recorded where there is intention to kill or where the wilful act is so reckless as to show that the offender was utterly regardless as to the consequences. In one case, a serious assault had been recorded where the offender repeatedly struck the victim on the head with a hammer until the victim lost consciousness. The offender then left the scene. We believed these actions demonstrated sufficient disregard as to whether the victim was alive or dead and should have been recorded as an attempted murder.

63. The recording of, for example, an attempted murder as a serious assault does not preclude the crime from being prosecuted as an attempted murder. Recording and classification decisions are distinct from decisions to report a crime to the fiscal and from decisions to prosecute a person for a crime. Prosecution decisions are taken by COPFS. Where COPFS regularly prosecutes serious violent or sexual crimes as different from those reported to them by the police, it may be helpful for COPFS to provide feedback to Police Scotland and suggest that it reconsider its classification decisions or that it review the Counting Rules to provide additional guidance to staff.

---

34 Seven categories are used to group crimes and offences for statistical purposes (see note 12 regarding the distinction between crimes and offences). These are non-sexual crimes of violence (Group 1); sexual crimes (Group 2); crimes involving dishonesty (Group 3); fire-raising, vandalism etc (Group 4); other crimes (Group 5); miscellaneous offences (Group 6); and motor vehicle offences (Group 7).

64. In some situations, police officers are able to issue a fixed penalty notice to an offender. We saw this most often in relation to the violent incidents we examined. In some divisions, the crime to which the notice relates is recorded on the crime system, allowing us to assess the crime under Test 2 and check whether it was counted and classified correctly. However, in other divisions (such as those previously within legacy Strathclyde and Tayside), fixed penalty notices are not recorded on the crime system and we were unable to apply Test 2. This was a concern as we had identified some classification errors in relation to crimes for which a fixed penalty notice had been issued. For example, a fixed penalty notice may be issued for a breach of the peace but not for threatening or abusive behaviour. We found that some instances of threatening behaviour were wrongly classified as breach of the peace. Where a fixed penalty notice had been issued in a division which did not record them on the crime system, we were unable to assess whether the classification was appropriate. For the purpose of our audit, this potentially puts those divisions at an advantage over others that record fixed penalty notices on their crime system.

Timeliness

65. 98% of violent crimes were recorded within 72 hours of the incident coming to the attention of the police. Of the remaining crimes, the majority were recorded within seven days.

Housebreaking

Housebreaking		
Test 1 compliance rate	Test 2 compliance rate	Timeliness
94%	95%	99%

66. We examined 1,664 incidents created using a housebreaking opening code. As well as housebreakings, incidents opened with this code often relate to thefts and other crimes against property such as vandalism. 94% of the incidents we examined were closed correctly. More than 1,300 crimes were recorded as a result of these incidents and 95% were counted and classified correctly, while 99% were recorded within 72 hours of the initial report.

Test 1

67. Of the incidents that failed Test 1, around half were because the incident record had not been updated with the results of the enquiry and the initial inference of criminality had not been dispelled. Around a quarter of Test 1 fails were clearly crimes but had not been recorded. There appeared to be a lack of follow-up in some incidents, while in others the complainer became uncooperative during the investigation but a crime should still have been

recorded. Other Test 1 errors included incidents where the items stolen were deemed to be of no monetary value and therefore did not merit a crime report and where the owner of the property broken into was reporting the break-in 'for information only'. In these circumstances, crimes should still have been recorded. Criminal activity cannot be reported 'for information only' without also being recorded as a crime. Officers and staff updating incident records should guard against using the term 'for information only' and supervisors and others scrutinising incident records should be alert to the term being misused in this way.

Test 2

68. Of the 1,341 crimes we examined, 95% were counted and classified correctly. The good Test 2 compliance rate reflects the fact that housebreaking incidents appear to be scrutinised carefully by crime management units and are therefore more likely to be accurate.

69. There were only 17 counting errors in relation to housebreaking. Under-counting errors tended to relate to the ownership of the property stolen or broken into. For example, there was some under-counting where multiple garages or sheds were broken into during the course of one incident. Where the garages or sheds are owned by different people, a crime should be recorded for each owner. Under-counting also occurred where a house was broken into and the property stolen belonged both to the house owner, as well as someone who did not reside at the house. For example, a house is broken into and the keys to two cars are taken and used to steal the cars parked outside. One car belongs to the home owner, and one to someone visiting the house. Two crimes should be recorded. One crime is theft by housebreaking (dwelling). This covers the house being broken into and the theft of the home owner's car. The second crime is theft of a motor vehicle. This is recorded separately for the car owned by the visitor. While these rules for counting crime can seem technical in nature, the application of such rules ensures crimes are recorded consistently across Scotland and can help eliminate variable value judgements about which crimes should or should not be recorded.

70. There were very few over-counting errors. One example was where a house was broken into, property stolen and graffiti was sprayed on the walls. Two crimes were counted when one was sufficient as the crime of vandalism can be subsumed into the more serious crime of theft by housebreaking.

71. Most Test 2 errors related to the classification of the crime, and most of these related to whether or not the security of the building had been overcome. Housebreaking occurs

where the security of the building is overcome. Overcoming the security includes entering the building through an entrance which is not the usual one. Thus, if a back door is left open and someone enters and steals property, this is treated as a theft rather than a theft by housebreaking as no security has to be overcome. In some divisions, there appeared to be confusion about whether entering by a window, and whether that window was open, closed, or on the latch, and the size and location of the window, constitutes overcoming the security of the building. Those who are uncertain about such classification decisions should refer to the Counting Rules for clarification and should seek advice from crime registrars. If the examples in the Counting Rules do not provide sufficient guidance, the crime registrars and Scottish Government should consider including additional examples to guide classification decisions.

72. When scrutinising incidents, crime management unit staff often recommend that officers undertake further enquiry before the incident is closed or to clarify the exact circumstances so that the correct crime can be classified. We sometimes saw incident or crime reports where these instructions from the crime management unit were correct but were not acted upon. It appears that they do not, or cannot, always follow up on their own instructions to check they have been carried out. Crime management unit staff should be aware of this and consider how best to follow up on their tasking.

Timeliness

73. Crimes resulting from housebreaking incidents were recorded very quickly (usually the same day) and 99% were recorded within 72 hours of the incident being reported to the police.

Hate crime

Hate crime		
Test 1 compliance rate	Test 2 compliance rate	Timeliness
97%	94%	96%

74. This was the first time HMICS has audited hate crimes and this crime category was chosen in part because the recording of hate crime was highlighted as a concern in research with minority ethnic communities we carried out jointly with the Council of Ethnic Minority Voluntary Sector Organisations in 2014.[35] We were reassured by the results of our audit however: hate crime achieved the highest Test 1 compliance rate of the four crime categories we looked at.

---

35 HMICS, *Policing ethnic minority communities in Scotland* (forthcoming).

This may reflect the fact that Police Scotland has set hate crime as one of its high priorities and has designated confidence in reporting hate crime as one of its equality and diversity outcomes.[36] To encourage the reporting of hate crime, Police Scotland has worked with partners to establish third party reporting centres. Victims or witnesses can report crimes at these centres and the staff are trained to help them submit a report to the police or can make a report on the victim or witness's behalf. We did not come across many hate crimes reported via these routes and this is something we may wish to explore in more detail in future.

75. We examined 688 incidents that were initially opened as being hate crime related. Of these incidents, 405 resulted in a crime report, and 504 crimes were ultimately recorded. Of the 688 incidents, 97% were closed correctly as being either a crime or non-crime related. The crimes we examined were motivated by hatred of someone's actual or perceived race, nationality, religion, disability, sexual orientation or transgender identity. Of the 504 crimes, 94% were counted and classified correctly. 96% of the crimes were recorded within 72 hours of the incident being reported to the police.

Test 1

76. The Test 1 compliance rate for hate crime was the best of the four crime categories we audited. Test 1 failures tended to relate to a lack of information or update on the incident record to dispel criminality. In several incidents, the complainer became uncooperative but a crime should nonetheless have been recorded. In a few incidents, a crime had clearly taken place but we could find no trace of a crime record.

77. Despite being opened as a hate crime related incident and a crime report correctly being recorded, we noted that some crimes did not feature a hate crime marker. This marker would indicate a hate crime for statistical purposes. This is an administrative error that should be corrected by crime management units in their day-to-day scrutiny of crime records.

Test 2

78. Of the 504 crimes we examined, 94% were counted and classified correctly. Five crimes were under-counted and six crimes were over-counted. There were no recurring themes in relation to counting errors for hate crime. However, the majority of classification errors related to the same issue. In these cases, the victim was the subject of racial abuse. Where there was corroboration for this abuse, the recorded crime should have been racially aggravated conducted under s.50A(1)(b) of the Criminal Law Consolidation (Scotland) Act

---

36 Police Scotland, *Annual Police Plan 2014/15*.

1995. Where there was no corroboration for the racial abuse, it may have been appropriate to record the crime as threatening or abusive behaviour under s.38 of the Criminal Justice and Licensing (Scotland) Act 2010. We came across incidents where the conduct was corroborated and which were wrongly classified as threatening or abusive behaviour, and we came across incidents where there was no corroboration and which were wrongly classified as racially aggravated conduct. As this appeared to be a recurring problem across several divisions, police staff and officers should be reminded of the rules relating to these offences. Furthermore, it appeared there was confusion regarding what type of corroboration was sufficient to merit a charge of racially aggravated conduct. In light of this, corroboration should be discussed by the crime registrars and additional guidance given. This guidance could take the form of additional examples in the Counting Rules as to the circumstances in which these two crimes should be used.

Timeliness

79. 96% of the hate crime related incidents we examined were crimed within 72 hours. While there were few delays in recording hate crimes, there appeared to be no justification for the delays that did occur.

Non-crime related incidents

Non-crime related incidents
Test 1 compliance rate
87%

80. Non-crime related incidents are those incidents reported to the police which never result in a crime report. Because no crime report results, this category was assessed against Test 1 only (that is, whether they were closed correctly as being non-crime related). We examined 1,254 such incidents, of which 87% were closed correctly.

81. More than half the incidents with errors lacked an update on the outcome of any enquiries which failed to dispel the initial inference of criminality. Other incidents failed Test 1 because:

- a crime had clearly been committed but no crime report was traced

- there appeared to be a lack of follow-up to the initial report

- the complainer became uncooperative

- property that was felt by the complainer to have been stolen was treated by the police as lost property

- the incident was treated as a prank with no explanation for why this was the case

- the matter was wrongly deemed to be civil rather than criminal in nature.

82. Several of the incidents where a crime had clearly been committed but no crime record was found related to shoplifting. Often the goods stolen were of low value and officers elected not to record a crime, often because it was unlikely the offender would have been prosecuted. As noted earlier however, the decision to record a crime is distinct from the decision to prosecute. In these cases, a crime should still have been recorded.

83. Other incidents where a crime had clearly been committed but no crime record was found related to fraud. It seemed that some officers were uncertain how to respond to fraud allegations, particularly in relation to online fraud. The issue of fraud and cybercrime is one that we will consider more broadly in future. While statistics show that crime is falling, there is a fear that some crime is being displaced and is now taking place online where it can be more challenging to identify, record and investigate. HMICS will consider this type of crime when setting our scrutiny programme in future.

84. Three divisions performed particularly well in relation to non-crime related incidents. In two of these divisions (Highland and Islands and Dumfries and Galloway), the incident and crime recording systems help facilitate accurate recording. The systems automatically 'drop' incidents from the incident recording system directly into the crime recording system. There is therefore less chance that crime related incidents will be missed. The only errors for non-crime related incidents in Dumfries and Galloway occurred in June 2014, after a different incident recording system was introduced. In Forth Valley, which also performed well in relation to non-crime related incidents, scrutiny of specific incident types was introduced earlier this year and appears to have resulted in significant improvement.

85. The lack of incident scrutiny in some divisions was apparent during our audit and contributed to the poor compliance rate. As a result of internal audits, Police Scotland is already aware that improvement is needed in relation to the correct closure of incidents and scrutiny of incidents is key to this improvement. Scrutiny can take place in different ways – for example, incidents can be scrutinised by the area control rooms prior to disposal or by sergeants in local divisions. The recent improvement in Forth Valley demonstrates what can be achieved and other divisions have begun to scrutinise incidents more carefully too. Those which have not yet done so should urgently address how they intend to improve compliance rates for incident closure.

Recommendation 3
Police Scotland should introduce processes, including appropriate supervision, to ensure that incidents are closed and disposed of correctly.

No-crimes

Division	Compliance rate[36]
Aberdeen City	95%
Aberdeenshire and Moray	100%
Tayside	99%
Highland and Islands	100%
Forth Valley	92%
Edinburgh	92%
Lothians and Scottish Borders	90%
Fife	93%
Greater Glasgow	97%
Ayrshire	89%
Lanarkshire	94%
Argyll and West Dunbartonshire	86%
Renfrewshire and Inverclyde	83%
Dumfries and Galloway	100%
Scotland	**94%**

86.   Sometimes an incident which is recorded as a crime is subsequently found not to have been a crime. In such cases, it can be 'no-crimed'. No-criming is permitted in limited circumstances:

■   where additional credible information is available which determines that no crime has been committed

■   the crime was committed outwith the jurisdiction of Police Scotland

■   the crime was committed in another local policing division within Police Scotland and has been transferred to that division for recording

■   the crime is a duplicate of a crime recorded elsewhere

■   a procedural error has been made in recording the crime.

37 While the Scotland-wide compliance rate for no-crimes is 95% with a confidence interval of ±2.7%, the confidence interval for divisional compliance rates is ±10%.

87. Where a no-crime decision has been made, the reason for the decision must be explained in detail on the crime report along with details of the requesting and authorising officer. The crime registrar is the final arbiter for all no-crime decisions.

> **Examples**
>
> A man reports that his wallet has been stolen. A theft is recorded. The man later phones the police to say he has found has wallet and he had just misplaced it. The theft is no-crimed.
>
> A woman reports that she has been robbed after taking cash out of an ATM. The crime is recorded and investigated but additional credible information shows the complaint to be false. The woman is charged with wasting police time and the robbery is no-crimed.
>
> A woman reports that she has been raped and a crime is recorded. Following investigation, where no additional evidence is either found to support or disprove the report of rape, then a crime of rape remains recorded and will not be considered for no-criming.

88. We examined 961 no-crime decisions across Scotland and found that 94% had been made correctly. We were particularly impressed at the quality and thoroughness of no-crime decisions in Highland and Islands, Aberdeenshire and Moray, Dumfries and Galloway, Tayside and Greater Glasgow. In each of these divisions, requests for no-crime decisions were closely scrutinised before being authorised and the crime records contained a good explanation of why the no-crime decision was being made. In Greater Glasgow, for example, the crime manager personally examined almost all of the no-crime decisions we reviewed. Similarly, in Dumfries and Galloway, no-crime decisions were authorised by one member of the crime management unit. This helped ensure consistency in decision making and gave us confidence that no-crime decisions were being made by someone with the appropriate level of expertise and experience.

89. While the quality of no-criming decisions was generally good across Scotland, there is scope for improvement in several divisions. Three divisions in particular were of concern – Renfrewshire and Inverclyde, Argyll and West Dunbartonshire, and Ayrshire. Police Scotland should consider how the quality of no-crime decisions can be improved in these divisions and should look to learn lessons from those divisions that performed well. Divisions in need of improvement may wish to allocate no-criming decisions to a particular person, or small group of people, to help develop expertise and improve consistency. They may also wish to seek advice from the crime registrar more often if they are unsure as to whether a no-crime decision is appropriate.

90. No-crime decisions were made incorrectly for a range of reasons, but often were because of a lack of additional credible information to dispel criminality. We often saw incorrect no-crime decisions in cases where property that was alleged to have been stolen was treated as lost; where the complainer was wrongly advised the matter was civil rather than criminal in nature; where officers deemed the alleged criminality to have been a prank without sufficient explanation for this conclusion; and where stolen property was later recovered by the victim or restitution had been offered by the offender and the victim no longer wished to make a complaint. In a few cases, officers appeared too ready to disbelieve the complainer. In some divisions, the explanation for why a no-crime decision was made was poor. This was contrary to the requirement in the Counting Rules that the reason for the no-crime decision be explained in detail.

91. In some divisions, the crime manager's name was rarely found on the log of a crime report that had been no-crimed. This is not necessarily a problem where the task has been allocated to a particular person or group of people with sufficient expertise. However, a lack of intervention by the crime manager tended to coincide with incorrect no-crime decisions.

92. Where a crime is no-crimed because it took place in another division or outside Police Scotland's jurisdiction, the details of the crime should be passed to the relevant division or police force and a reference number or details of the officer dealing with the matter in the receiving division or force should be recorded. While we saw evidence of this on many of the transferred incidents and crimes we examined, it was not evident in all cases. While we perceived this to be an administrative failure rather than a failure to comply with the SCRS, officers and staff must ensure that there is an audit trail for all transferred cases. Within a national police service in particular, there is no reason why a comprehensive audit trail for incidents transferred to another Police Scotland division is not achievable.

93. It is good practice to update the complainer that a no-crime decision has been made. In some cases, this is not relevant (e.g. for a non-victim based crime) and in others, the additional credible information that justifies the no-crime decision will be provided by the complainer him or herself. In other cases however, the complainer should be updated on the status of the investigation and its conclusion; this would be in keeping with the victim-oriented approach to recording crime advocated by the SCRS and would allow their views to be taken into consideration. Providing updates to complainers would also be in keeping with the principles set out in s.1(3) of the Victims and Witnesses (Scotland) Act 2014, including that victims or witnesses be able to obtain information about what is happening in investigations. It was not always evident from the crime records we examined whether this had been done.

> **Recommendation 4**
> **Police Scotland should ensure that, where relevant, complainers in cases where there has been a no-crime decision should be kept updated on the status of the investigation and its conclusion.**

94. There has been recent political and media concern about the variation in the proportion of crimes that are no-crimed between policing divisions.[38] The proportion of crimes that are no-crimed tends to be known as the 'no-crime rate'. While no-crime rates should be examined closely to understand why some divisions no-crime more extensively than others, there are valid reasons which account for at least some of the variation in no-criming rates in Scotland. For example, some divisions take a decision to crime an incident more quickly and before any investigation takes place. Then, following investigation, they may take no-criming decisions more often. Other divisions will create a crime report after some investigation has already occurred and will therefore have more information on which to base their decision as to whether or not a crime report is required. Their no-criming rate will be lower. Divisions which currently have an investigate-to-record culture, which we caution against, may see their proportion of no-crime decisions increase when this culture is eliminated. Other factors should be taken into consideration too: for example, in Greater Glasgow, we saw several no-crimes where the crime report had been raised in the wrong subdivision. The crime was no-crimed and a new crime report was raised in the correct division. These administrative errors may contribute to a higher no-crime rate.

95. There has been particular concern about the no-criming of rapes in Scotland and, to a greater extent, in England and Wales. We found that where rapes and other sexual offences were no-crimed, they were subject to significant scrutiny including by the crime manager and senior officers in the division. The no-criming of rape was also scrutinised by the National Rape Review Team, giving us confidence that such no-crime decisions are made correctly and consistently across Scotland.

---

38 See, for example, BBC News, *Rape reports marked as 'no crime'*, 28 July 2014.

Divisional results

96. Divisional compliance rates for Test 1 ranged from 83% to 99% and for Test 2 from 88% to 98%. Highland and Islands performed consistently well throughout our audit, followed closely by Dumfries and Galloway and Tayside. Although the results of our audit are not directly comparable with those of our previous audit in 2013, it is worth noting that Highland and Islands and Dumfries and Galloway both achieved 100% compliance for Test 1 in our previous audit. Tayside, on the other hand, had not performed well in our last audit and we were pleased to see the significant improvement the division has made. Tayside attributed this improvement to various initiatives including:

- the reorganisation of its crime management processes with dedicated crime management unit staff who have developed experience and expertise in crime recording

- regular scrutiny of incidents as well as crime reports

- the requirement for all no-crimes to be authorised by one of two people in the crime management unit

- support from the regional crime registrar and the division's senior command team for ethical crime recording

- disseminating information about crime recording to a range of staff and officers within the division, including sharing of good and poor practice so that lessons can be learned.

97. We also saw considerable improvement in Lanarkshire for which its officers and staff should be praised.

Division	Test 1 compliance rate	Test 2 compliance rate	Timeliness	No-crime compliance rate
Aberdeen City	93%	98%	95%	95%
Aberdeenshire and Moray	94%	97%	98%	100%
Tayside	96%	97%	100%	99%
Highland and Islands	99%	98%	100%	100%
Forth Valley	94%	96%	98%	92%
Edinburgh	89%	93%	94%	92%
Lothians and Scottish Borders	91%	96%	96%	90%
Fife	92%	91%	93%	93%
Greater Glasgow	92%	94%	97%	97%
Ayrshire	86%	88%	97%	89%
Lanarkshire	93%	94%	95%	94%
Argyll and West Dunbartonshire	90%	93%	96%	86%
Renfrewshire and Inverclyde	83%	90%	96%	83%
Dumfries and Galloway	97%	97%	100%	100%

98. Because of the variation in compliance with the SCRS across divisions within Police Scotland, we recommend that Police Scotland develop plans to address how it will improve general crime recording practice in four divisions. These divisions are Renfrewshire and Inverclyde, Ayrshire, Edinburgh and Argyll and West Dunbartonshire.

Recommendation 5
Police Scotland should develop improvement plans for crime recording practice in four local policing divisions: Renfrewshire and Inverclyde, Ayrshire, Edinburgh and Argyll and West Dunbartonshire. The plans should set out how each division will improve its compliance with the Scottish Crime Recording Standard and the Counting Rules.

99. While there remains variation in crime recording practice across Scotland, we consider that a national police service, and the planned introduction of common ICT systems such as i6, afford the opportunity to improve consistency and to achieve greater compliance with the SCRS. Variations in legacy force practices are being identified and eliminated. We expect to see steady improvement in compliance rates in internal audits by Police Scotland and in future audits by HMICS.

Leadership and governance

100. Since our last review of incident and crime recording, governance arrangements for crime recording within Police Scotland have changed. While overall responsibility for compliance with the SCRS remains with the Chief Constable, crime recording now falls within the corporate services business area which is within the portfolio of the Deputy Chief Constable (Designate) and which is led by the Director of Corporate Services. Within corporate services, crime recording sits within the risk and business assurance section and is led on a day-to-day basis by the National Crime Registrar, an officer at chief inspector rank. There are three regional crime registrars (north, east and west). Police Scotland placed the crime registrars within the corporate services business area so that they would be removed from operational activity and investigation. This helps safeguard their independence and ensures they are separated from operational decision making and performance issues. Regional crime registrars have welcomed the post of National Crime Registrar and said they felt well supported by him. The national registrar also acts as conduit for any issues they may have to the senior executive team.

```
Deputy Chief Constable
(Designate)
          |
Corporate Services
(Risk and Business
Assurance)
          |
National Crime Registrar
          |
   +--------------+--------------+
   |              |              |
Crime Registrar  Crime Registrar Crime Registrar
North            East            West
```

101. Day-to-day crime recording decisions are made by crime managers who lead crime management units. There are 14 such units, one in each local policing division and they have been described by Police Scotland as the 'guardians of local crime recording practice'. Crime management units report to the divisional commander and while they share many functions, their exact role and size varies depending on the needs of the local division. Their core functions include ensuring SCRS compliance, allocating crime reports to officers for enquiry and overseeing crime reports to ensure victims receive a high level of service. A few crime management units also scrutinise incidents. Given the inconsistency that remains in their roles and size, and concern from registrars that this has contributed to variable results in internal SCRS audits, Police Scotland has begun a review of the crime management function. This review will identify the most appropriate crime management model with the aim of improving SCRS compliance and delivering the optimal service to the public.

102. We welcome this review of the crime management function and believe it should be linked to the review of crime recording governance arrangements that we recommended should take place one year after their implementation. This recommendation was made in our 2013 review of incident and crime recording and relates to governance arrangements that were implemented in October 2013.[39] We anticipate therefore that Police Scotland will commence this review shortly. The role of crime management units within the crime recording process should be a key consideration in this review. Because crime managers are under divisional line management, they are more closely involved in operational policing matters. This may be appropriate given their role is multi-faceted and not just about SCRS compliance, but it does raise a possible conflict of interest. How best to safeguard the independence of crime recording decision making by crime managers should be addressed as part of the review of the crime management function and crime recording governance arrangements.

Ethical crime recording

103. In 2013, we recommended that messages about ethical crime recording and performance with integrity from senior members of the service should be frequent, consistent, clear and understood by all members of Police Scotland.[40] Since then, the Deputy Chief Constable (Designate) issued a memorandum to all personnel reminding them of the need for ethical and accurate crime recording. This message has been reinforced at various events such as leadership forums and at meetings such as the regular national meeting of divisional

---

39 See Recommendation 3, HMICS, *Review of incident and crime recording* (2013).
40 See Recommendation 4, HMICS, *Review of incident and crime recording* (2013).

commanders chaired by the Deputy Chief Constable (Local Policing). Police Scotland has also published a Code of Ethics which echoes the values that underpin ethical crime recording. In July 2014, a seminar for crime managers was held at which the Chief Constable and other senior leaders stressed the importance of accurate recording. This forum was also used to launch a Crime Recording Action Plan, the aims of which include improving compliance with the SCRS and improving the service provided to victims and witnesses. We welcome these efforts by Police Scotland to promote ethical crime recording which will be an on-going commitment.

104. It is difficult to say if, and to what extent, performance targets affect crime recording. There has been much commentary on this recently with, for example, the Public Administration Select Committee stating in its report on crime recording in England and Wales that targets tend to erode data quality and that a target culture subordinates core policing values.[41] The Committee recommended that senior police leaders in England and Wales ensure that emphasis is put on data integrity and accuracy, not on the direction of recorded crime trends. It has been suggested that performance targets encourage officers not to record crime when they should, to only record a crime when it is likely that it will be detected, or to classify crimes as less serious.

105. We found no overt evidence of performance targets affecting crime recording. If performance targets were driving crime recording practice, we would expect to see crimes featuring in Police Scotland's internal performance framework being under-recorded or misclassified. For example, the performance framework includes a key performance indicator to reduce the number of serious assaults. If performance pressures were driving recording behaviour, we would expect to see efforts to reduce the number of serious assaults by classifying assaults as less serious (common assaults) or more serious (attempted murders). While we found some evidence of the former, we found no evidence of the latter.

106. While it is rightly the case that Police Scotland prioritises particular types of crime and scrutinises them closely, it is essential that discussions are had about them without any inference of pressure or target chasing. It is vital that classification decisions, such as those for serious assaults, are made correctly to dispel any inference whatsoever that such decisions are made with performance targets in mind. The timely recording of crime can also address any suspicions that crimes will not be recorded until preliminary investigation indicates the likelihood that the crime will be detected or that crime recording is delayed until an 'acceptable' time (e.g. when a division is meeting its targets).

---

41 See note 19.

Internal scrutiny

107. A programme of internal audits has been introduced across Police Scotland to monitor incident and crime recording. This includes:

   ■ a biannual audit of crime related incidents and associated recorded crime conducted by crime registrars

   ■ a quarterly audit of recording of specific crime types (including, for example, rape and domestic abuse) carried out by crime managers (crime managers complete the audit in a division that is not their own)

   ■ a biannual review of no-crimes by crime registrars.

108. The results of internal audits are reported quarterly to the Corporate Governance Board, a meeting attended by Deputy Chief Constables, other senior managers within Police Scotland and a representative of the Scottish Police Authority (SPA). They are also discussed at the national commanders' meeting chaired by the Deputy Chief Constable (Local Policing).

109. The internal audits require significant investment of time and effort and we have some concern about the capacity of crime registrars and crime managers to undertake the regular programme of audits as well as any ad hoc audits that may be required. As well as auditing, a key part of crime registrars' role is to support crime management units and others by providing advice and guidance on the SCRS. They are also key to developing effective training and learning opportunities on crime recording within Police Scotland. Their capacity to undertake these tasks in addition to the necessary audits should be kept under review.

External scrutiny

110. Part of the role of the SPA is to hold the Chief Constable to account[42] and, in the context of crime recording, we would expect the SPA to satisfy itself that crime data given by Police Scotland to the public, the SPA and the Scottish Government is accurate. As noted above, the results of internal Police Scotland audits are reported to the Corporate Governance Board attended by a representative of the SPA and a summary report of results is sent to the SPA's Audit and Risk Committee. The SPA should scrutinise these results and use them to assess the accuracy of data; and to enquire into and monitor any resulting improvement plans. To facilitate this scrutiny, the Audit and Risk Committee should request the full results of internal crime recording audits rather than a summary report, and should take steps to ensure they fully understand crime recording practice and the implications of the results. Recent observation of an Audit and Risk Committee by HMICS suggested this was not yet the case.

---

42 Section 2, Police and Fire Reform (Scotland) Act 2012.

> **Recommendation 6**
> **The Scottish Police Authority's Audit and Risk Committee should request from Police Scotland the full results of internal crime recording audits and should monitor the implementation of any resulting improvement actions. The Committee should also monitor improvement plans developed by Police Scotland in response to recommendations made about crime recording by HMICS.**

111. One of the objectives set by the Scottish Government for police reform was to strengthen the connection between police services and communities.[43] As a result, each local authority in Scotland has a role under the Police and Fire Reform (Scotland) Act 2012 to scrutinise the delivery of policing in its area. Local authorities have established local scrutiny and engagement bodies, which vary in composition, size and role according to the wishes of the local area, to perform this function. These bodies receive regular updates from their local divisional or area commanders regarding policing which include information about the volume and type of crime in their area. To provide appropriate scrutiny of this information, local scrutiny bodies should be aware of crime recording standards as well as the local division's results in internal and HMICS audits. This is particularly important given the variation in divisional results in this audit as well as internal audits by Police Scotland. In this audit, we have reported on divisional results for the first time as part of our own commitment to improving local policing across Scotland and to help facilitate scrutiny by local bodies of policing in their area.

> **Recommendation 7**
> **Police Scotland should provide local scrutiny and engagement bodies with the findings of internal crime recording audits and any resulting improvement plans. This will facilitate the scrutiny of crime data presented to them by local commanders.**

112. When the UK Statistics Authority published its assessment of crime statistics in Scotland in July 2014, it said that the Scottish Government should obtain strong levels of assurance about the quality of police recorded crime statistics. At the time of our report, the Scottish Government had recently requested and received the results of internal audits of incident and crime recording by Police Scotland. These results and their implications for published crime statistics should be explored to assist in providing information to the public about the validity

---

43 Scottish Parliament, *Police and Fire Reform (Scotland) Bill: Policy Memorandum* (2012).

of published crime statistics. One possible forum for exploring the implications of internal audit results is the Scottish Crime Registrars' Group. This group meets quarterly and is attended by the national and regional crime registrars from Police Scotland, British Transport Police, the Ministry of Defence Police and representatives of the Scottish Government, COPFS and HMICS. This group was established prior to the creation of Police Scotland and, in our 2013 review of crime recording, we recommended that the group continue and that its membership and remit should be reviewed.[44] The membership of the group has been extended and at its most recent meeting, a further discussion took place regarding extending membership to include stakeholders such as voluntary organisations with an interest in crime recording. We welcomed this discussion as well as a debate on whether the group, currently chaired by the National Crime Registrar, would more appropriately be chaired by the Scottish Government. This debate suggests our recommendation remains outstanding and that the group's remit is yet to be finalised.

113. The Counting Rules which provide the crime recording framework are known as the 'Scottish Government's Counting Rules', yet it appears that it is crime registrars who take the lead on revising the document, albeit in consultation with the Scottish Government. We suggested in 2013 that the Counting Rules be made publicly available to promote transparency in crime recording. We are pleased that the Rules have been published online, but they have been published on the Police Scotland website rather than that of the Scottish Government. It would be useful to clarify where ownership of the Counting Rules lies. We believe ownership should lie with the Scottish Government to avoid any perception that Police Scotland sets its own rules for counting and classifying crime.

Recommendation 8
Police Scotland should work with the Scottish Government to clarify ownership of the Counting Rules.

114. Finally, HMICS will continue to provide external scrutiny of incident and crime recording by Police Scotland. Crime audits will continue to be a regular feature of our scrutiny programme. The frequency of our audits will depend on information we receive about crime recording practice including the results of internal audits, as well as the effectiveness of internal and external governance and scrutiny arrangements. If such arrangements are strong, we anticipate conducting less frequent crime audits. We may bring forward an audit if we have

---

44 See Recommendation 5, HMICS, *Review of incident and crime recording* (2013).

concerns about crime recording generally or about a specific aspect of crime recording which we do not feel are being addressed. We may also review divisional compliance with the SCRS and improvement plans through our Local Policing Plus programme of inspection.

115. In 2013, we recommended that Police Scotland review the training needs of all those involved in crime recording decisions and develop a strategy to address those needs.[45] We also said the service should set out how officers and staff will be kept up to date with changes to crime recording practice. Police Scotland accepted this recommendation and has begun work to address it including the development of a training course for crime management staff which we welcome. We will assess implementation of our recommendation in future reviews of crime recording.

116. One positive development has been the dissemination of a bulletin by the National Crime Registrar which aims to provide updates on crime recording, including information about any changes made to the Counting Rules on 1 April each year. The bulletin would also be a useful means of sharing information about good practice and areas of improvement identified in internal audits. The bulletin should be disseminated widely – we heard from some police staff working in a call centre that they had not been made aware of changes to the Counting Rules on 1 April 2014.

117. A concern identified during our audit about crime management units is that there is regular turnover of personnel as officers inevitably move on to take up new roles within the police service. There is a risk that the expertise and experience they have established is then lost when new officers take their place. This risk can be managed through effective handovers and training, but our audit suggests experience is invaluable and this naturally takes time to develop. We have been informed that crime managers in divisions that performed well during our audit have since been promoted and moved on, only to be replaced by less experienced staff. While this is inevitable to some degree, Police Scotland should assess what impact this has on the quality of decision making (for example, does staff turnover coincide with peaks and troughs in compliance with the SCRS in internal or HMICS audits) and what can be done to manage this impact.

---

45 See Recommendation 7, HMICS, *Review of incident and crime recording* (2013).

Appendix 1 – Methodology

Identification of records

When an incident is reported to the police, an incident record is created. The incident record is assigned an initial (opening) code and a disposal code. We used these codes to identify the records for analysis (see Table 1). The four crime types were identified only by their opening code.

Table 1 – Identification of records for analysis

Category	Method of identification
Sexual offences	Incidents opened with code CR-62 (sexual offence)
Violent crime	Incidents opened with codes CR-63 (robbery) and CR-71 (assault)
Housebreaking	Incidents opened with code CR-67 (housebreaking)
Hate crime	Incidents opened with the code AB-58 (hate crime)
Non-crime related incidents	Incidents opened with any crime code, but closed with the code SCO2 (no crime report)[46]
No-crimes	No-crimes are identified in different ways according to the eight legacy systems in operation across Scotland

Sample size

The volume of incidents reported to the police and the volume of crime varies across Scotland and therefore the number of records to be audited in each local policing division also varied. A proportionate, random sample for each of the six categories was selected in each of the 14 divisions. In divisions with a smaller volume of incidents and crimes, the number of records to be audited was boosted to meet the required confidence interval.

In relation to the four crime types, we wanted to report statistically significant Test 2 as well as Test 1 results. However, we could not know in advance how many incidents would result in a crime report and would therefore be carried forward from Test 1 to Test 2. To address this, we boosted the sample for the four crime types to meet the required confidence intervals. Inspectors were given a 'target' for the number of records to be carried forward to Test 2 and, where this was not

---

46 In Dumfries and Galloway, it was not possible to search the incident system using this criteria. Instead, we examined incidents opened with an antisocial behaviour code as we considered this to be the closest proxy for the incidents examined in other divisions.

met from the incidents initially selected, were required to randomly select additional incidents from a pre-agreed list until the target was achieved.

When selecting our sample size, we considered the reliability of the results. The records included in our audit are only a sample of the total population so we cannot be certain that the results obtained are exactly those we would have obtained if we had audited the entire population (the 'true' values). We can, however, predict the variation between the sample results and the 'true' values from a knowledge of the size of the sample on which the results are based and the number of times that a particular result is obtained. The confidence with which we can make this prediction was chosen to be 95% (i.e. the chances are 95 in 100 that the 'true' value will fall within a specified range).

Our goal was to report statistically significant results that would be representative across Scotland, across the 14 divisions and across the six categories to be reviewed. The reported results are statistically significant with Scotland-wide confidence intervals at the 95% level as set out in Tables 2 and 3.

Table 2 – Scotland-wide population data and confidence intervals

Category	Test 1			Test 2 and Timeliness		
	Population[47]	Sample	Confidence interval	Population[48]	Sample	Confidence interval
Sexual offences	1,583	1,212	1.4%	998	643	2.3%
Violent crime	11,643	2,238	1.9%	7,801	1,256	2.5%
Housebreaking	6,634	1,664	2.1%	4,445	1,211	2.4%
Hate crime	827	688	1.5%	509	405	2.2%
Non-crime related incidents	22,947	1,254	2.7%			
Total	43,634	7,056	1.1%	13,753	3,515	1.4%

47 The population for Test 1 is based on all incidents reported to Police Scotland between 1 April 2014 and 30 June 2014.

48 The population for Test 2 is based on the estimated number of incidents that would be taken forward from Test 1 and recorded as a crime. For the purposes of this audit, we estimated this to be 66%. In divisions with a low volume of crime, we were able to examine all relevant records in some categories. In relation to those categories therefore, we did not have to estimate the number of incidents that would be carried forward to Test 2.

Table 3 – Scotland-wide no-crime confidence interval

Category	Population	Sample	Confidence interval
No-crimes	3,675	961	2.7%

For example, in relation to violent crime where 92% of the records examined complied with Test 1, the chances are 19 in 20 that the 'true' value will fall within the range of ±1.9% from the sample results (i.e. between 90% and 94%).

For our divisional results, we aggregated the four crime types and the non-crime related incidents to achieve a statistically significant sample for Test 1 of ±4% at a 95% confidence interval. For divisional results at Test 2, we aggregated the four crime types to provide a statistically significant sample of ±5% at a 95% confidence interval.

It is useful to bear in mind that not all crimes of the four crime types were included in our population data. For example, not all hate crime that took place in Scotland between 1 April 2014 and 30 June 2014 is included. This is because our records were identified by incident opening code. Other incidents may have been reported to the police which, during the course of the investigation, turned out to be hate crimes but which were not initially opened with the hate crime code. These will, however, have the hate crime disposal code. We cannot use the disposal code to select our population as the disposal code indicates whether the incident was in fact crime-related and therefore would have pre-determined the outcome of Test 1.

Sample selection

Police Scotland provided a list of all incidents and crimes (the population data) that met the criteria described in Table 1 and which were reported between 1 April 2014 and 30 June 2014. From this population data, the incidents to be audited were randomly selected by HMICS. Police Scotland was not informed which incidents had been selected in advance of the audit. Police Scotland was aware however of the six categories to be audited and dates between which the records would be selected.

Timeframe

We considered reviewing incidents within a 12, six and three-month period but chose a three-month period between 1 April 2014 and 30 June 2014 for several reasons:

■ we did not want to duplicate any incidents that may have fallen within the scope of our previous audit in 2013

■ Police Scotland's crime registrars had conducted an internal audit of records from January to March 2014 and we did not want to duplicate their work. Our audit may not have added value as any deficiencies identified by the registrars should have already been corrected and their findings would already form the basis of on-going training and improvement activity

■ there were changes to the Counting Rules on 1 April 2014, including a significant change regarding the timescales within which crimes should be recorded. Only reviewing incidents post-1 April avoided inspectors having to apply different standards to incidents reported before and after that date. Moreover, any findings or recommendations in relation to incidents reported before 1 April would be of limited value as some deficiencies should have been rectified by the change to the Counting Rules

■ we began auditing records in late August 2014 which allowed sufficient time for enquiries to be undertaken in relation to incidents reported before 30 June and a determination made as a result of those enquiries as to the classification and counting of crimes.

In addition, as with any of our scrutiny activity, we considered the demands that our audit would place on Police Scotland, the scope to add value and drive improvement, the need for proportionality and our own resources.

Recording our findings

Our team of five inspectors were provided with training on how to navigate the various incident and crime systems used by Police Scotland (the eight legacy force systems are still in place). Inspectors then had direct access to police incident and crime systems and were able to examine each incident and crime record. Findings were logged on an Excel template which ensured all relevant information was recorded. Incidents and crimes which failed to comply with the SCRS were brought to the attention of Police Scotland's crime registrars allowing any necessary corrective action to be taken.

Appendix 2 – Population and sample sizes

Division	Sexual offences			Violent crime			Housebreaking			Hate crime			Non-crime related incidents		No-crime	
	Population	Test 1 Sample	Test 2 Sample	Population	Test 1 Sample	Test 2 Sample	Population	Test 1 Sample	Test 2 Sample	Population	Test 1 Sample	Test 1 Sample	Population	Test 1 Sample	Population	Test 1 Sample
Aberdeen City	33	33	23	413	169	96	87	76	58	16	16	7	545	82	307	74
Aberdeenshire and Moray	39	39	20	226	131	77	60	60	50	1	1	0	315	74	357	76
Tayside	109	89	52	827	161	92	357	125	92	24	24	13	1,733	95	358	76
Highland and Islands	54	54	27	426	132	79	114	87	67	9	9	4	1,459	91	350	77
Forth Valley	101	101	40	678	175	89	359	125	97	31	31	17	1,370	90	174	63
Edinburgh	181	122	65	1,144	167	91	1,051	147	120	131	92	62	2,632	93	198	65
Lothians and Scottish Borders	148	100	65	1,024	167	88	627	139	107	64	64	39	2,002	92	93	48
Fife	128	111	59	867	164	88	285	120	86	59	59	35	2,127	92	147	59
Greater Glasgow	309	138	77	2,479	178	93	1,317	149	113	305	209	128	4,340	95	438	79
Ayrshire	128	108	58	876	146	93	676	140	102	56	56	36	1,690	92	300	73
Lanarkshire	188	152	67	1,474	168	92	995	145	95	86	82	39	2,510	93	379	77
Argyll and West Dunbartonshire	66	66	38	380	137	77	178	104	63	11	11	7	694	85	179	63
Renfrewshire and Inverclyde	67	67	29	567	211	96	433	157	89	26	26	13	1,163	90	203	66
Dumfries and Galloway	32	32	23	262	132	105	95	90	72	8	8	5	367	90	192	65
Scotland	**1,583**	**1,212**	**643**	**11,643**	**2,238**	**1,256**	**6,634**	**1,664**	**1,211**	**827**	**688**	**405**	**22,947**	**1,254**	**3,675**	**961**

# Appendix 3 – Recommendations from HMICS, *Review of incident and crime recording* (2013)

The table below shows recommendations made in our previous review of incident and crime recording, their current status, and indicates where relevant commentary can be found in this report. Where the status of a recommendation is 'open', it does not mean that no progress has been made. Progress has been made in relation to several recommendations and we will assess whether the recommendations can be discharged in future reviews of crime recording.

Recommendations	Status	Commentary in this report
Recommendation 1 Police Scotland should clearly define the term 'as soon as reasonably practicable' by introducing timescales for the recording of crime following an initial report. This would facilitate compliance with the Scottish Crime Recording Standard and ensure victims' needs are better met.	Closed	Paragraph 26
Recommendation 2 Police Scotland should ensure that it makes full use of the non-cooperative aggravator/marker in the recording of assaults.	Open	Paragraph 40
Recommendation 3 Police Scotland should review the new crime registrar structure and governance arrangements for crime recording one year after their implementation. The review should include consideration of whether sufficient resources are available for auditing incident and crime records, and whether the dual roles held by some crime managers raise a possible conflict of interest with ethical crime recording in contravention of the Scottish Crime Recording Standard.	Open	Paragraph 102
Recommendation 4 Messages about ethical crime recording and performance with integrity from senior members of the service should be frequent, consistent, clear and understood by all members of Police Scotland.	Open	Paragraph 103
Recommendation 5 Police Scotland should ensure the continuation of the Scottish Crime Registrars' Group and the role it performed. Police Scotland should consider the membership and remit of the group taking into account the new structures for crime recording.	Open	Paragraph 112

Recommendations	Status	Commentary in this report
Recommendation 6 Police Scotland, in cooperation with the Scottish Government and other criminal justice partners, such as the Crown Office and Procurator Fiscal Service, should seek to review and clarify the definition of serious assault.	Open	Paragraph 59
Recommendation 7 To promote consistency in crime recording, Police Scotland should review the training needs of all those involved in crime recording decisions and develop a strategy to address those needs. The strategy should address initial and refresher training and bespoke training for crime managers and their staff. It should also set out how officers and staff will be kept up to date with changes to crime recording practice.	Open	Paragraph 115
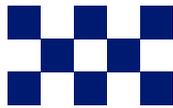
HM Inspectorate of Constabulary in Scotland
1st Floor, St Andrew's House
Regent Road
Edinburgh EH1 3DG

Tel: 0131 244 5614

Email: hmic@scotland.gsi.gov.uk
Web: www.hmics.org

About Her Majesty's Inspectorate of Constabulary in Scotland

HMICS operates independently of Police Scotland, the Scottish Police Authority and the Scottish Government. Under the Police and Fire Reform (Scotland) Act 2012, our role is to review the state, effectiveness and efficiency of Police Scotland and the Scottish Police Authority. We support improvement in policing by carrying out inspections, making recommendations and highlighting effective practice.