



Scottish Police Federation
5 Woodside Place Glasgow G3 7QF

**Joint Central Committee
Conduct Subject Committee**

Ref: CS/DJK/LS

MINUTES

7 April 2020

1. Attendance and Opening

North Area Committee
North Area Committee
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North Area Committee

Nick Clasper
Andy Horne
Caroline Macnaughton
David Threadgold

East Area Committee
East Area Committee
East Area Committee
East Area Committee
East Area Committee

Andy Malcolm
David Reid
Michelle Ritchie
Graham Ross
Euan Sinclair

West Area Committee
West Area Committee
West Area Committee
West Area Committee
West Area Committee
West Area Committee
West Area Committee
West Area Committee

Gordon Cumming
Lorna Cunningham
Stuart Burns
David Carmichael
Dougie Chalmers
Mark Dines
Pamela McFarlane
Chris Thomson

Deputy General Secretary
Assistant to the General Secretary (Conduct)

David Kennedy (meeting Chair)
Amanda Givan

Business Manager
Business Administrator

Doug Keil
Lesley Stevenson

Due to the COVID-19 situation the meeting was done by Video Conferencing. The Chair opened the meeting by welcoming everyone and invited all to take an active part.

Apologies were received from Jennie McFarlane, Lynne Gray, Stuart Finnie, Eddie Mather and Paul McWhinnie. Paul McWhinnie was replaced by David Carmichael and Dougie Chalmers replaced Eddie Mather. Nick Clasper is now replacing Martyn Turner on the Committee due to Martyn's recent retiral.

2. Minutes of Previous Meeting

The Minute of the previous meeting had been circulated with JCC Circular 5 of 2020 and was noted.

3. Criminal Cases

The AGSC told the Committee that since the last meeting, there had been 20 applications from members seeking legal advice and assistance. Of the 20 cases, 18 were criminal cases. Of those 18, there were 14 new cases which remained ongoing. The vast majority of legal assistance was to facilitate a police interview, generally by arrangement. Four cases had been able to be opened and closed with the officer either having no case to answer (or in one case) there was actually no requirement for any legal assistance.

She said that the vast majority of criminal allegations related to off duty conduct, with crimes ranging from Section 127 of the Communications Act, disorder offences (generally S38 or domestics), stalking, sexual offences, fraud and minor road traffic offences. The on duty offences related to breaches of data protection.

She reported that the vast majority of criminal case were all being delayed due to the current circumstances and unless matters could be diverted to a different process it was likely that there would be very little movement in the coming months.

The Chair said that concerns were raised regarding the safety of members during police interviews in the current climate and said the SPF had written to PSoS about the matter.

The Committee were of the view that appropriate support was being provided to members involved in these matters.

Area Leads reported as per the table below:

CRIMINAL CASES			
TYPE NEW	NORTH	EAST	WEST
Applications	5	3	12
Total Criminal Cases	17	34	43
Criminal On Duty	10 (3 new)	23	25 (7 new)
Criminal Off Duty	7 (3 new)	11	18 (5 new)
Criminal Closed	2	5	2

4. Conduct

The AGSC reported that all conduct investigations and matters set for hearings or meetings had been temporarily postponed. There were a number of these meetings and hearings had been scheduled to take place in April and May. It was not anticipated that any would take place unless they were going to be admit hearings/meetings where no witnesses were required. She said that in all likelihood video conferencing could be utilised but there were none planned as yet.

It was noted that things were changing very quickly in regard to conduct matters and PSD. This was due to PSD being stripped of all but essential workers. The Investigating Officers who were still working were not able to carry out investigations unless they abided by the government advice on social distancing. Unless the enquiry could be done via telephone or obtained by use of email there was little else taking place. She said that Investigating Officers were using the time to catch up on administrative tasks including the completion of the investigators

reports for any investigations that had been concluded. She said this was a good opportunity for the SPF to assist those officers who were electing to submit responses and monitor what they elected to submit.

She told the Committee that the ACC had reviewed all duty restrictions and a significant number of officers who were the subject of duty restrictions had been relaxed. Many who were previously not operational or able to be front facing had restrictions removed in order to be better deployed during this time. Around half of those restricted had alterations which allowed their division to be able to deploy them more efficiently.

20 officers' remain suspended from duty. All were reviewed (every 4 weeks) however, none were deemed suitable to be returned to work.

The Committee were of the view that appropriate support was being provided to members involved in these matters.

All officers had been advised that the review had taken place and received written confirmation of any changes.

Area Leads reported as per the table below:

CONDUCT CASES			
TYPE NEW	NORTH	EAST	WEST
On Duty - New Cases Gross	0	1	2
On duty - New Cases Misconduct	0	0	1
Off Duty - New Cases Gross	0	1	1
Off duty - New Cases Misconduct	0	0	3
Total Conduct Cases	11	9	21
Gross On Duty	0	4	8
Misconduct On Duty	1	3	2
Gross Off Duty	5	2	6
Misconduct Off Duty	5	0	5
Gross Closed	2	3	5
Misconduct Closed	6	1	2
Gross Misconduct Hearings held	2	0	4
Misconduct Meetings held	1	1	1
Numbers of Suspensions	7	6	7

5. Complaints Against the Police

The PSoS PSD Quarterly Performance Report had been circulated with the Papers and showed that overall, there had been a 4.1% increase in complaints from members of

the public. There was an increase of 10.3% in the North, 4.1% in the West and a decrease of 0.3% in the East. However, allegations had decreased by 7.2%. The decrease in allegations, in comparison to the increase in complaints, was due to less allegations being recorded per complaint. In short, there were more complainers complaining about less matters.

It was noted that on duty allegations had decreased by 6.9%. Quality of Service allegations had decreased by 7.9%. In regards to Irregularity in Procedure, the most common sub categories remain Insufficient Enquiry and Insufficient Updates. This had been fairly consistent over the last couple of years.

90 Early Interventions had been conducted with officers who had been the subject of four or more complaints. The manner in which these were initially carried out caused lots of enquiries to the SPF but no such issue is in existence now.

The Performance report had specific information for each division and no concerns were noted.

The AGSC reported that she been advised that the PSD's priority was the frontline resolution unit where staff had been moved in order to primarily assist the local policing divisions and take the pressure off complaint handling.

6. Performance

The AGSC reported that she had not been advised of any performance issues since the last meeting.

Area Leads reported as per the table below:

PERFORMANCE CASES			
TYPE NEW	NORTH	EAST	WEST
New applications	0	0	0
Total Performance Cases	0	0	0
Performance Closed	0	1	0

7. Post Incident Procedures (PIP)

The AGSC reported that there had been no post incident procedures since December 2019.

She told the Committee that she was not aware of any recent deaths in police custody and asked the Committee to inform her if there had been any within their areas. She said she had inquired to PSoS whether there were any plans in place should there be a death or serious injury during the COVID-19 pandemic. It was noted that the matter had not been considered. She said she had passed the matter to the SPF Chair to raise at the appropriate meetings.

8. Police Investigations and Review Commissioner (PIRC)

The Committee noted that ex Detective Inspector Craig McArthur, who had been employed by the PIRC, had recently passed away after contracting COVID-19. The Deputy General Secretary said that Mr McArthur had been a very well-known and popular police officer and the Committee thoughts were with his family and friends.

A paper had been circulated with the Agenda showing live PIRC investigations commenced and PIRC reports published since the last meeting. All were available on the PIRC website. This was noted.

The first report relating to the Tasing of an individual in Ross-shire made the recommendation that PSoS remind Operational Firearm Commanders that even although they could make decisions within their agreed level of responsibility, they were required to seek approval for any variation to the agreed tactics deployed

The report relating to the serious injury whilst in custody of a male at Motherwell custody unit made no specific organisational recommendations and noted that the arresting officers should merely have paid greater attention to the intoxicated man as opposed to being distracted by the use of their personal mobile phones. The initial action taken by the local police inspector was noted.

The final report related to the serious injury following police contact of a 28 year old male involved in a motorcycle accident in Aberdeen. The PIRC made no recommendations in respect of this incident and noted that the police officers responded properly and proportionately during this incident.

It was noted that PIRC have closed their office and were operating a voicemail and email system for urgent enquiries.

9. Review of Complaints Handling, Investigations & Misconduct

It was reported that a meeting had been scheduled but was thereafter cancelled. A further meeting date was awaited. The AGSC said that the report was in its final stages of being written and it was hoped that it would be available by the next meeting.

10. Training

It was reported that there were no plans to carry out any further training in the near future. Members noted that there had been changes in the Areas due to elections and congratulations were given to David Threadgold due to recently being elected as Chair of the North Area Committee. David told the Committee that he would be retaining the Conduct portfolio.

11. Conference 2021

It had previously been agreed that wellbeing/psychological issues and mental health would be a topic for 2021. The AGSC said it was important to consider speakers and to try to confirm their attendance as soon as possible.

12. Competent Business

Michelle Ritchie raised the matter of probationers at the SPC during the current pandemic with regards to social distancing etc. She also asked if there were any concerns relative to their deployment due to lack of experience etc. The Committee discussed the matter and the Chair said that any examples where social distancing was not being adhered to should be forwarded to him.

13. Closure

Date of next meeting: 14 July 2020

The Chair thanked everyone for their contribution and due to the current situation with COVID-19, told everyone to take great care. He said he hoped to be able to meet with everyone in Dundee at the next meeting.