



Scottish Police Federation
5 Woodside Place Glasgow G3 7QF

**Joint Central Committee
Conduct Subject Committee**

Ref: CS/DJK/LS

MINUTES

29th September 2020

1. Attendance and Opening

North Area Committee
North Area Committee
North Area Committee
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
James McLaren
David Reid
Michelle Ritchie
Euan Sinclair

West Area Committee
West Area Committee

David Carmichael
Gordon Cumming
Lorna Cunningham
Stuart Finnie
Lynne Gray
Jennie McFarlane
Pamela McFarlane
Chris Thomson

Deputy General Secretary
Assistant to the General Secretary (Conduct)

David Kennedy (meeting Chair)
Amanda Givan

Business Administrator

Lesley Stevenson

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

Apologies were received from Emma-Louise Smith and Craig Menzies. Craig was replaced by James McLaren.

2. Minutes of Previous Meeting

The Minute of the previous meeting had been circulated with JCC Circular 34 of 2020 and was noted.

3. Criminal Cases

The AGSC told the Committee that since the last meeting, there had been 22 applications for legal advice and assistance for criminal allegations. Three had resulted in members being interviewed then the matter concluding without any further criminal proceedings. The remaining 19 cases resulted in reports being submitted with members now at various stages of the matter being considered by CAAP-D.

The vast majority of cases under investigation were for disorder type offences (either assaults, breaches or domestic offences) with a variety of road traffic offences.

Court appearances for members had recently improved but due to the increase in positive COVID tests and the potential for further local restrictions, there may be further delays.

Area Leads reported as per the table below:

CRIMINAL CASES			
TYPE NEW	NORTH	EAST	WEST
Legal Applications	2	8	12
Total Criminal Cases	20	51	59
Criminal On Duty	14	27 (4 new)	29 (8 new)
Criminal Off Duty	6	18 (7 new)	30 (6 new)
Criminal Closed	4	6	9

North

David Threadgold gave an update and thanked the local representatives in the North area for their efforts to keep in touch with subject officers; and thereafter provide him with updates which greatly helped and assisted as the conduct process developed. He advised that within the North area road traffic matters were prevalent with a cluster of cases involving allegations of on duty assault complaints with custodies.

East

Andy Malcolm updated the Committee and advised recent suspensions from duty were primarily related to domestic type offences. He raised concern around the increased use of personal mobile telephony for policing purposes. He further highlighted that a number of recent incidents in the East area indicated an increase in members taking their PDA device home with them. Although the devices are portable, it did not mean they should be taken home and this should not be encouraged.

West

Lorna Cunningham gave an update and said since the last meeting she had been made aware of 8 new criminal on duty cases and 6 criminal off duty cases. There were no particular trends with cases including driving, assault and domestic matters. There had been several cases marked no proceeding and a total of 9 criminal matters concluded.

4. Conduct

The AGSC reported that there had been a significant increase in the misconduct investigations being progressed. She said that there may be a downturn as many cases rely on civilian witnesses and due to COVID-19 guidance changing on a weekly basis, there may be further unavoidable delays to hearings/meetings going ahead. As previous, members' expectations would have to be managed.

She reported that there had been a considerable increase in the number of members suspended from duty. 31 officers were subject to suspension. As with previously, domestic allegations and cases of a sexual nature featured heavily in the alleged offences committed.

PSD reported that the majority of assessments carried out resulted in "misconduct – no action" or "misconduct – improvement action".

She said that the West area continued to have around 50% of assessments carried out with 32% in the East and 18% in the North.

Area Leads reported as per the table below:

CONDUCT CASES			
TYPE NEW	NORTH	EAST	WEST
On Duty - New Cases Gross	1	3	0
On duty - New Cases Misconduct	0	2	1
Off Duty - New Cases Gross	1	2	2
Off duty - New Cases Misconduct	0	0	0
Total Conduct Cases	9	16	23
Gross On Duty	6 (3 WhatsApp)	9	4
Misconduct On Duty	0	4	11
Gross Off Duty	3	1	6
Misconduct Off Duty	0	0	2
Gross Closed	3	0	3
Misconduct Closed	2	2	3
Gross Misconduct Hearings held	0	0	1
Misconduct Meetings held	0	1	2
Numbers of Suspensions	8	12	11

North

David Threadgold gave an update and said that he agreed with the national position regarding the challenges with PSD in relation to caseloads and the expectations of the progress conflicting with theirs.

East

Andy Malcolm reported that there were 2 gross misconduct hearings and 2 misconduct meetings planned for the next quarter. Two Regulation 15 packs had been served in relation to them with others expected to be served in the near future.

West

Lorna Cunningham reported that since the last meeting, there had been one conduct on duty case (misconduct) opened and 2 off duty cases (both gross) opened also.

Recent trends included confidentiality issues, honesty and integrity and respect and courtesy matters.

Since the last meeting there had been one misconduct hearing with a written warning being given and 2 misconduct meetings. One hearing was found to have no misconduct and the other resulted in a verbal warning.

All the hearings and meetings that had been postponed due to COVID-19 had been rescheduled with physical distancing measures in place and VC where appropriate.

There were currently 15 conduct on duty and 8 conduct off duty cases.

She said that representatives had been asked to maintain contact with members facing criminal or conduct investigations; and send in appropriate conduct forms in order that the database can be kept updated. In particular, if members were reporting failures in contact from welfare officers, this needed to be documented and raised at the earliest opportunity.

She reported that a reminder had been sent in the West area regarding representatives making direct approaches to PSD for updates and she asked that members inform them that all updates should be requested via the conduct lead.

5. Complaints Against the Police

The PSoS PSD Quarterly Performance Report (dated 27/08/20) had been circulated with the papers. The AGSC said that overall, the report confirmed that complaints against the police had increased and many were attributed to COVID-19. Other complaints included quality of service and incivility.

She reported that the National Gateway Assessment Unit had assessed 651 referrals between 1st April to 30th June. There was a notable increase which was due to referrals primarily driven by an increase in misuse of the force systems. Most referrals considered by the Unit related to notifiable associations and secondary business interests however

they continued to receive referrals relating to sexual misconduct, inappropriate use of social media, disclosing information and drugs use.

She said the vast majority of referrals dealt with by the Gateway Unit were forwarded to the respective Divisions to resolve locally or were noted for information. Very few by comparison were referred for either conduct or criminal investigation.

It was noted that enquiries carried out by the ACU had halved between 1st April to 30th June compared to the same period in 2019. Much of the decrease was being attributed to integrity matters. Most allegations reported to ACU related to the disclosure of information and inappropriate association. The report confirmed that ACU continued to progress Lawful Business Monitoring and were working alongside ICT in this regard.

The AGSC said that PSD had reported to the SPA that they were committed to promoting a culture of organisational learning. These opportunities were generally identified through PIRC complaint handling reviews or from internal feedback identified as part of the complaint handling process. 3 initiatives around improvements had been identified. Members were asked to report any feedback they received in relation to this.

6. Performance

The AGSC reported that the only performance matters she had received related to probationary officers. This was being managed using the Regulation 8 and 9 process.

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	0	0

David Threadgold reported that since the meeting papers had been circulated, there were two new performance cases in the North area.

7. Post Incident Procedures (PIP)

The AGSC reported that Stevie Clark (EAC Secretary) had attended the recent PIP relative to the incident in Kirkcaldy in September where a man died in police custody. No issues were anticipated. The death was being investigated by PIRC.

No issues were reported from the areas.

8. Police Investigations and Review Commissioner (PIRC)

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 AGSC reported that several investigations by PIRC were being carried out remotely due to homeworking and that officers needed to be aware that if they provided a statement over the phone, they would not be provided a copy. The PIRC stance was that they were following a Crown instructed criminal investigation and they would not be providing statements which could be shared amongst other police officers unless they were instructed by the Crown themselves. She suggested officers prepare their own statements and submit them if they wished to retain a copy.

9. Review of Complaints Handling, Investigations & Misconduct

The AGSC reported that the publication of this report was imminent. The meeting Chair said that he and the General Secretary had recently met with Dame Angiolini and nothing of note was reported.

10. Training

The AGSC reported that due to the current pandemic, only essential training should be carried out and would need to be under strict social distancing rules. She said she was aware that due to changes to the Committee, some representatives required training on the 2014 Regulations. Members were asked to send information of anyone requiring training to her.

11. Conference 2021

It had previously been agreed that the Conduct Committee would be considering the welfare of members under investigation for criminal or conduct matters.

The Chair said that Conference 2021 had not been postponed as yet.

12. Competent Business

Whatsapp

The meeting Chair reported that the appeal to the Court of Session had been unsuccessful and consideration was being given to a further appeal to the Supreme Court.

Update on conduct rep IT

An update was given to the Committee.

Update on Sheku Bayoh

An update was given to the Committee.

13. Closure

Date of next meeting: 12th January 2021

The meeting Chair thanked everyone for their contribution and due to the current situation with COVID-19, told everyone to take great care. He also wished them a Merry Christmas as this was the last meeting of 2020.