



Scottish Police Federation

PO Box 27163, Glasgow, G3 9EZ

**Joint Central Committee
Conduct Subject Committee**

Ref: CS/DJK/LS

MINUTES

12 January 2021

1. Attendance and Opening

North Area Committee
North Area Committee
North Area Committee

Nick Clasper
Caroline Macnaughton
David Threadgold

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

Andy Malcolm
Craig Menzies
David Reid
Michelle Ritchie
Euan Sinclair

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

David Carmichael
Gordon Cumming
Lorna Cunningham
Jennie McFarlane
Pamela McFarlane
Chris Thomson

Deputy General Secretary
Assistant to the General Secretary (Conduct)

David Kennedy (meeting Chair)
Amanda Givan

Business Administrator
Administrator

Lesley Stevenson
Cara Riley

Due to the COVID-19 situation the meeting was carried out via Video Conferencing.

The meeting Chair opened the meeting by wishing everyone a Happy New Year and invited all to take an active part.

Apologies were received from Andy Horne, Lynne Gray, Emma-Louise Smith and Stuart Finnie.

2. Minutes of Previous Meeting

The Minute of the previous meeting had been circulated with JCC Circular 67 of 2020 and was noted.

3. Criminal Cases

The AGSC reported that since the last meeting there had been 21 applications for legal advice and assistance for criminal allegations. Of those cases, two had resulted in a member being interviewed by the police and subsequently the investigation being concluded without any further criminal proceedings. The remaining 19 cases had resulted in an SPR being submitted and members were at various stages of the case being considered by CAAPD.

The vast majority of matters under investigation during the period had been for assaults and road traffic offences.

New guidance had been published by the Scottish Courts which cancelled all summary Trials between 12 January and 26 February 2021. Part-heard Trials would continue as scheduled but Trials which had not yet begun would be adjourned. It was noted that the period of cancellation could be extended beyond 26 February 2021, which would be wholly dependent on lockdown measures. The AGSC asked the Committee to assist members who were the subject of restrictions and awaiting summary trial, and to try to help manage their expectations.

She reported that there had been a considerable increase in legal applications in respect of member representation at Fatal Accident Inquiries, seven members in the North area and one in the East.

Area Leads reported as per the table below:

CRIMINAL CASES			
TYPE NEW	NORTH	EAST	WEST
Legal Applications	4	7	10
Total Criminal Cases	19	39	62
Criminal On Duty	12	28 (7 new)	36 (16 new)
Criminal Off Duty	7	11 (9 new)	26 (5 new)
Criminal Closed	9	18	14

4. Conduct

The AGSC reported that one misconduct meeting and one gross misconduct hearing were due to be held within the following two weeks. PSD appeared to be content to progress both of these proceedings mainly due to there being no civilian witnesses involved. She said that she continued to push PSD for risk assessments in the event that the procedures went ahead. She reported that there had been an overall decrease in the number of suspended officers which was largely due to a number resigning from the service however there had been six new suspensions since the last meeting.

Area Leads reported as per the table below:

CONDUCT CASES			
TYPE NEW	NORTH	EAST	WEST
On Duty - New Cases Gross	0	0	1
On duty - New Cases Misconduct	4	1	0
Off Duty - New Cases Gross	0	0	6
Off duty - New Cases Misconduct	0	1	2
Total Conduct Cases	8	19	19
Gross On Duty	0	6	5
Misconduct On Duty	4	3	4
Gross Off Duty	4	2	8
Misconduct Off Duty	0	0	2
Gross Closed	3	6	3
Misconduct Closed	3	11	11
Gross Misconduct Hearings held	2	0	0
Misconduct Meetings held	0	1	3
Numbers of Suspensions	6	9	11

Jenny McFarlane reported that the misconduct meeting scheduled later in the week was going ahead as planned with only the subject officer and one witness attending. The risks associated with COVID-19 had been taken into account.

The Deputy General Secretary reported that an Op Talla meeting was to be held later that day and it would be noted that the SPF position was that conduct proceedings should not be progressing during the current restrictions. Lorna Cunningham reported that an online training session on wellbeing scheduled for later that week had been cancelled due to the current training embargo. Andy Malcolm said that it would be helpful to get the views of the PSoS as opposed to only PSD and said he had concerns about meetings/hearings being held by Teams. It was noted that this approach should proceed if the subject officer agreed. The Deputy General Secretary said that he would give an update to the Committee at the next meeting.

5. Complaints Against the Police

The AGSC reported that the PSoS PSD Quarterly Performance Report (dated 18/11/20) had been circulated with the papers and said it contained a lot of relevant information and statistics regarding complaints against the police. The report also provided COVID-specific

complaint information and she encouraged everyone to read the document, in particular, the appendices which broke down information into divisions.

6. Performance

The AGSC reported that one performance case had been concluded in the North and asked David Threadgold to provide an update. David explained the circumstances of the case and said that in this case, PSoS appeared to have correctly utilised the Performance Regulations.

The Committee discussed performance regulations and agreed that they were still not being used effectively by PSoS, who continued to proceed via the misconduct route on many occasions. The AGSC asked the Committee's views on seeking information from PSD relative to getting figures for incidents reported to them over the next three-month period. Members discussed this and agreed that the information should be sought.

The Deputy General Secretary sought confirmation from the Committee that all affected members were receiving appropriate SPF support, and this was confirmed by the Committee.

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	1	0	0

7. Post Incident Procedures (PIP)

The AGSC reported that there had been two deaths in contact since the last meeting which had met the criteria for a PIM. Another incident relative to the death of a pedestrian on the M8 also met the criteria but PIMs had not been held. All three deaths were being investigated by PIRC. Discussions remained ongoing around cross border arrangements. The decisions would need to be in place prior to COP26. Information would be given when finalised.

The Deputy General Secretary said that a form would be circulated in the near future in order to collate information to ensure that the SPF was sufficiently supporting all officers involved in any incidents.

The AGSC reported that she compiled a spreadsheet relative to death in custody incidents and whether PIP were utilised at the time. She said that the PSoS had a policy in place which was not being followed on all occasions. She said that work was required to be done in order to highlight the PIP process to the PSoS. She said that many SIOs don't consider PIP and it would be helpful to have it as part of a checklist.

The Deputy General Secretary said that a letter would be sent to PSoS highlighting the issue.

The AGSC said that a Guide and a Powerpoint presentation were available on the force intranet compiled by the PSoS and the SPF relative to the PIP procedures.

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. It was further noted that the PIRC website had not been updated since the 4th December 2020 which may result in a number of fairly high-profile cases not being on this list. She expected this to be rectified by the next meeting.

9. Review of Complaints Handling, Investigations & Misconduct

The AGSC reported that the report was published on 11th November 2020 and circulated with JCC Circular 68/2020. There were 81 recommendations contained within the report, many of which would be fully supported, but almost all would have a significant financial cost to be introduced. The initial SPF response was discussed.

10. Training

The AGSC reported that she carried out a socially distanced training session on the 2014 Conduct Regulations in December. Further training considerations would be postponed due to the current lockdown restrictions.

11. Conference 2021

The Deputy General Secretary reported that Conference 2021 would be held virtually on an online event. Information would be provided when finalised.

12. Competent Business

Whatsapp

The Deputy General Secretary reported that permission was being sought to refer the matter to the Supreme Court.

Update on conduct rep IT

It was reported that two devices had been trialled by two members of the Committee. Members discussed the matter and agreed that although the progress on this matter was well received, some technical issues needed to be reviewed. An update would be given when a decision had been finalised.

13. Closure

The Deputy General Secretary advised the Committee that Caroline McNaughton had been recently elected as Deputy Secretary for the North area and as such this would be her last meeting on this Committee. Thanks, and best wishes were given to Caroline.

The Deputy General Secretary advised the Committee that in future, Cara Riley, North Area Administrator would be taking over responsibility for minuting the Subject Committee meetings.

Date of next meeting: **6th April 2021**

The meeting Chair thanked everyone for their contribution and due to the current situation with COVID-19, told everyone to take great care.