

POLICE COMPLAINTS: STATISTICS FOR SCOTLAND 2012-13



Introduction

This report, produced by the Commissioner, is a compilation of complaints made by members of the public about the police. It presents new data for the financial year 1 April 2012 to 31 March 2013 as well as information and commentary on historical trends. It is the fifth report of complaints data of the eight territorial police forces in Scotland and covers the 12-month period immediately prior to their amalgamation as the Police Service of Scotland on 1 April 2013. It should be read in conjunction with the individual synopsis reports on each force (available on our website at www.pirc.scotland.gov.uk). It also contains information on complaints about other relevant authorities¹, including the former police boards/authorities and other Scottish and UK-wide organisations with police powers, referred to collectively in this report as “police bodies”.

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Acknowledgements

We would like to thank staff in the various police bodies, including their Professional Standards Departments, for their continuing co-operation in providing annual complaints data. The police forces in Scotland have been invited to comment on this main report and the eight individual ones, which are published on our website: www.pirc.scotland.gov.uk

Notes

The tables in Annex A of this report provide a more detailed breakdown of the data that appears in the main body of the report. In addition to the information contained in this report, there is further data available on our website. This includes:

- individual police force reports
- data tables

Please note that prior to 2008 data was published by HMIC(S) and has since been added to by PCCS to provide continuity of information to the public and the Scottish Government.

In common with other published data, including the Scottish Policing Performance Framework Annual Report, the statistical information contained within the Police Complaints: Statistics for Scotland is a ‘snapshot’ of data held on the forces’ systems at the time when the PCCS requested the data. Data changes over time as live systems are updated, new incidents come to light and others are reclassified. For this reason, results may vary from Scottish Government publications and data reported here and the data contained within other publications are not directly comparable.

The Police, Public Order and Criminal Justice (Scotland) Act 2006 (“the Act”) created the Police Complaints Commissioner for Scotland. The Scottish Parliament established the role of the Commissioner in 2006 to consider and review the way police authorities, police services and policing agencies handle complaints from the public. The Commissioner is appointed by Scottish Ministers.

A good complaints system should be easy to access, straightforward to use and open to scrutiny. By recording complaints, police organisations can assure both users and providers of their services that they take such concerns seriously. Complaints also offer valuable insight into the standard of services being provided, and analysing and acting upon this kind of evidence can help organisations to improve their performance. The information set out in this report is intended to help Police Scotland and other police bodies operating in Scotland achieve both these aims. In doing so, we would make the following points:

- **Using a long-term calculation of change over time**
It is often difficult to identify or anticipate trends in statistics, particularly when examining only two data points as with the single year-on-year comparisons made in this report. For that reason we have also included a longer-term comparator – the average of the previous three years – against which to compare the latest annual figures.
- **Interpreting increases and decreases in the complaints figures**
Similarly, it can be hard to be definitive about the reasons behind the upward and downward shifts observed in statistical data. For example, a rise

in complaints could reflect falling standards of behaviour, the introduction of new procedures or greater public confidence in reporting dissatisfaction. Consequently the commentary in this report is primarily descriptive.

- **Using population and police officer numbers as denominators**
Prior to their amalgamation, the eight forces in Scotland varied considerably in a number of ways, not least in terms of the geographical area they covered, the size of residential population they encompassed and the number of police officers they employed. Hence simple comparisons of the raw number of complaints that each dealt with are of limited value. Where possible and appropriate, therefore, we have applied population or police officer number denominators.
- **Understanding changes to how complaints against the police are defined and recorded**
It is only since 2001-02 that the definition of a complaint was extended to include all members of a police force – i.e. police staff (including traffic wardens), special constables and cadets in addition to police officers of any rank – and “minor and trivial” allegations. Furthermore, prior to 1 April 2007 neither off-duty or quality of service complaints had been included in official figures. Both changes help

to explain the large rises in recorded complaints that accompanied their implementation and should be borne in mind when comparing data across these time periods. Thus, prior to the changes made by the Police and Fire Reform (Scotland) Act 2012 a complaint was defined broadly, as:

“a written statement expressing dissatisfaction about an act or omission by a police authority; a joint police board; a police service; the Scottish Police Services Authority; the Scottish Crime and Drug Enforcement Agency; or by a person who, at the time of the act or omission, was a person serving with the police.”

That said, where a police body records a complaint given verbally it also falls within this definition. Nor is the ability to make a complaint restricted to the member of the public against whom the act or omission is alleged to have taken place. Other members of the public may also complain if they have been adversely affected by the event, were a witness to it or are acting on behalf of any of the above. For our purposes a relevant complaint does not include one made by a person who is serving, or has served, with the police about the terms and conditions of their service.

¹ Relevant authorities include: the chief constables of the eight Scottish police forces; the Scottish Police Services Authority; the Director of the Scottish Crime and Drug Enforcement Agency; the police authority or joint police board of each of the police services in Scotland. They also include, by formal agreement, the chief constables of the non-Home Office police services operating in Scotland i.e. British Transport Police; Civil Nuclear Constabulary; Ministry of Defence Police and its police authorities; the Serious Organised Crime Agency; the UK Borders and Immigration Agency; and HM Revenue and Customs.

Summary

- At 4,306 the number of complaint cases received by the eight territorial police forces in 2012-13 is down 1.7 per cent on last year. The number of allegations contained within these cases has fallen too, by 0.5 per cent to stand at 7,893.
- The number of complaint cases closed by the eight territorial police forces in 2012-13 is down 10.9 per cent on last year at 3,683, while the number of allegations closed rose by just 0.9 per cent to stand at 8,084.
- The most common allegations against police force members remain those alleging an irregularity in procedure (38.7 per cent), the most common concerning quality of service being, for the first time, policy and procedure (39.2 per cent).
- Concluded (previously resolved) by explanation is the most frequent outcome of allegations about on-duty members of police forces (48.5 per cent), unsubstantiated/not upheld due to insufficient evidence now being the most frequent outcome of off-duty conduct allegations (47.6 per cent).
- Of the 370 complaints referred to the area procurators fiscal, 7.6 per cent led to proceedings being taken.

The overall picture for 2012-13 is one of a small reduction in complaint allegations, both received and disposed of, against Scotland's eight territorial police forces in total. This nevertheless belies some quite marked shifts experienced by forces individually. The three different types of complaint have also fared differently: overall both off-duty and quality of service allegations in Scotland have fallen, the former by a relatively larger margin, while on-duty allegations rose by a considerably smaller volume. Again this applies to both complaints received and disposals, and again individually forces have undergone quite marked changes. The vast majority of allegations continue to be directed at the on-duty actions of members of police forces, and special constables remain the subject of a disproportionately higher proportion of off-duty complaints. Amongst allegations concerning quality of service, the most frequent target of complaints received and disposed of again was, for the first time, forces' policies and procedures.

Looking at disposals in more detail, the most common and increasing on-duty allegation remains that of irregularity of procedure, the single most frequent method of disposal being concluded (previously resolved) by way of explanation of the complainer. The majority of off-duty allegations disposed of involved allegations of criminal conduct and just under half of all off-duty allegations were found to be unsubstantiated/not upheld due to insufficient evidence. The number of cases referred to area procurators fiscal fell for the fourth successive year, while the proportion within that leading to proceedings dropped to 7.6 per cent or 28 cases.

Finally, the police authorities and joint police boards of the Scottish police forces received 46 complaints. Other UK bodies with police-type powers received a total of 165 complaints. Both are rises on the numbers received by each in 2011-12.

The findings

Complaints cases received

A complaint case is a single investigation undertaken by an investigating or enquiry officer into an incident or group of incidents following a complaint by one or more persons. For example, where a person complains that he was assaulted by an officer during an arrest and that he was later threatened at the police station, this would be recorded and investigated as one complaint case comprising two allegations. Had a second person complained about the same assault, it would still be investigated as one case but with two complainers. A single incident at a crowded event like a football match,

for example, might generate a large number of complainers but all would fall under the same single complaint case.

The total number of complaint cases received by the eight police forces in Scotland in 2012-13, as shown in Figure 1, fell by 1.7 per cent on the previous year to stand at 4,306. Five of the eight forces contributed to this downturn, Fife Constabulary recording the greatest decrease (28.1 per cent)² and Strathclyde Police the largest increase (16.0 per cent). Table A1.2 in Annex A provides further details for all eight forces.

From a longer-term perspective too, the total number of complaint cases received this year has fallen. That is, compared with the average of the previous three years (2009-10 to 2011-12 inclusive), 4,306 represents a decrease of 1.8 per cent. As a consequence, at 8.2 the rate of cases received per 10,000 population across Scotland is both down on last year and remains below the average of the previous three years. As can be seen from Figure 2, the underlying pattern to the rate of complaints received by forces individually has been somewhat mixed. While some display a mainly downward trajectory (Fife, Grampian, Lothian and

Figure 1: Total number of complaint cases received by Scottish police forces, 1996-97 to 2012-13

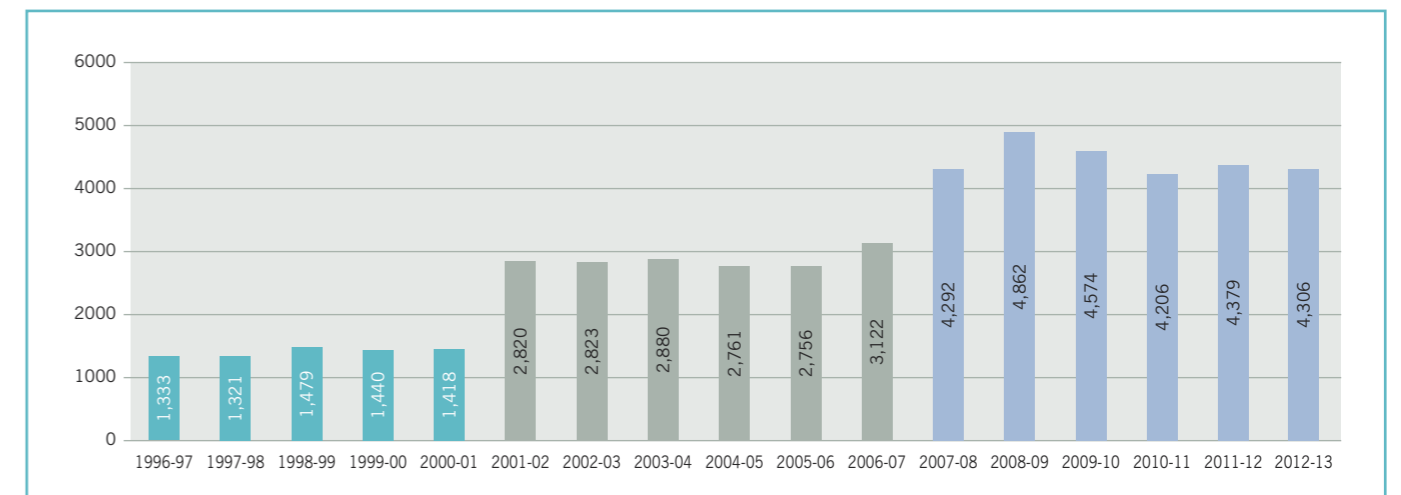
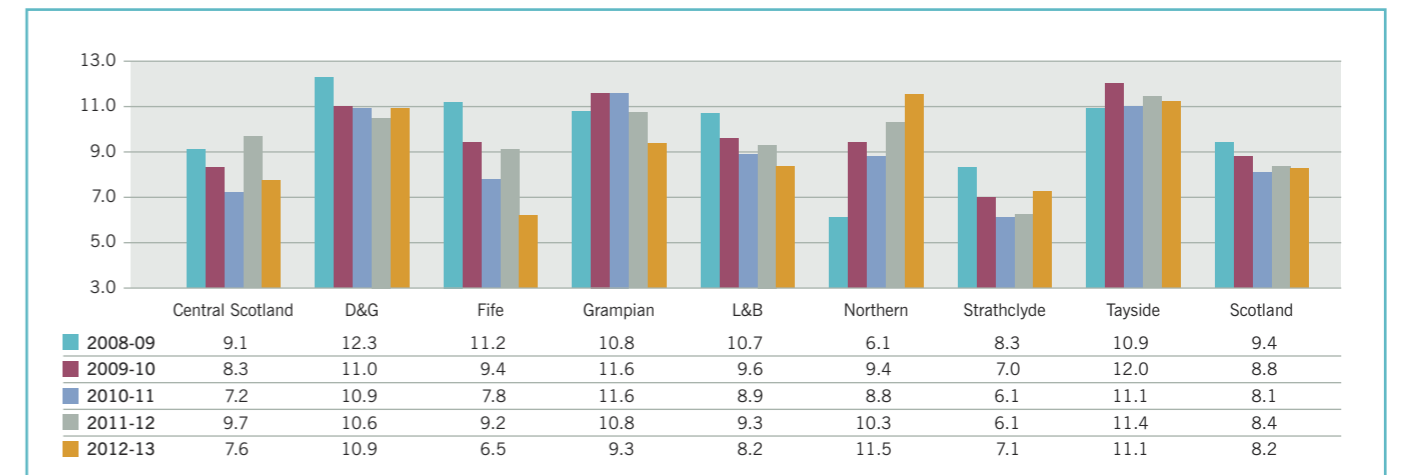


Figure 2: Complaint cases received per force per 10,000 population, 2008-09 to 2012-13



² Discussion with Fife Constabulary suggests that one possible reason behind the large decreases it has experienced this year is a change in recording practice, whereby complaints that are resolved at the (frontline) point of complaint are no longer recorded on its central complaints database.

The findings

Borders), a consistent trend among others is harder to discern. One obvious exception is Northern Constabulary, whose fairly persistent annual increases make its rate the highest in Scotland this year at 11.5 per 10,000 population.

Given that Strathclyde Police serves the largest segment of Scotland's population it is not surprising that it commonly

receives the greatest share of all complaints directed at the Scottish police service. In 2006-07 this peaked at 46.3 per cent. Since the change in definition in 2007-08, however, successive annual decreases saw it fall to less than a third of all complaints (31.2 per cent) last year. Although its proportion still remains somewhat below what might be expected on the basis

of its 42.4 per cent share of Scotland's population (see Table 1), a rise this year means that the lowest rate per 10,000 population of complaint cases in Scotland is no longer Strathclyde's but that of Fife Constabulary³.

Other forces witnessing a rise in shares of complaint cases are Northern and Dumfries and Galloway Constabularies, both of which sit higher than their respective shares of population. Tayside and Grampian forces also have shares greater than their share of population, while Fife Constabulary and Central Scotland Police are the only others whose share is lower.

Of those complaints where information is available, the vast majority (97.7 per cent) were made by the person to whom the alleged act or omission occurred. A further 1.6 per cent were made by an agent acting on that person's behalf, while others where known included parents, guardians or witnesses. One third of complainers were female (33.7 per cent), although it should be noted that in a further 3.9 per cent of cases the gender was unrecorded. Details concerning the occupation, age and ethnicity of complainers remain as yet too incomplete to comment on.

Complaint allegations received

As explained overleaf, a complaint case can contain more than one allegation. In 2012-13, the average number of allegations per case ranged from a high of 2.04 in Fife Constabulary to a low of 1.59 for Lothian and Borders Police. Table 2 shows little consistency in the fluctuations between or within forces over the last four years, although Strathclyde Police and Central Scotland have enjoyed some stability.

While Tayside Police and Dumfries and Galloway Constabulary have seen the largest annual rises this year, Northern Constabulary and Lothian and Borders Police have seen the greatest declines.

TABLE 1: PERCENTAGE SHARE OF COMPLAINTS RECEIVED BY FORCE BY SHARE OF POPULATION, 2009-10 TO 2012-13

Police Force	% share of population ⁴	% share of all complaints received			
		2012-13	2011-12	2010-11	2009-10
Strathclyde Police	42.4	36.8	31.2	32.4	33.8
Lothian and Borders Police	18.3	18.4	20.2	20.0	19.7
Grampian Police	10.6	12.0	13.5	15.2	13.8
Tayside Police	7.7	10.5	10.5	10.6	10.5
Northern Constabulary	5.5	7.8	6.8	6.1	5.9
Fife Constabulary	7.0	5.6	7.6	6.8	7.4
Central Scotland Police	5.6	5.2	6.5	5.0	5.3
Dumfries and Galloway Constabulary	2.8	3.8	3.6	3.9	3.6
Total	100	100	100	100	100

TABLE 2: ALLEGATIONS PER COMPLAINT CASE RECEIVED BY FORCE, 2009-10 TO 2012-13

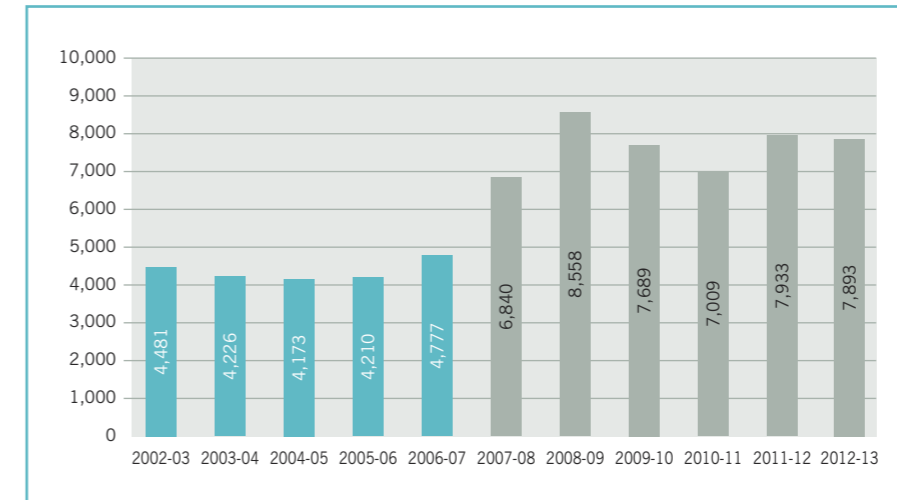
Police Force	2012-13	2011-12	2010-11	2009-10
Fife Constabulary	2.04	1.87	1.92	1.55
Grampian Police	1.99	1.80	1.62	1.80
Northern Constabulary	1.97	2.30	2.03	1.75
Tayside Police	1.96	1.65	1.33	1.38
Dumfries and Galloway Constabulary	1.92	1.69	1.55	1.64
Central Scotland Police	1.89	1.89	1.64	1.85
Strathclyde Police	1.79	1.76	1.83	1.83
Lothian and Borders Police	1.59	1.79	1.44	1.49
Scotland	1.83	1.81	1.67	1.68

³ Please refer to footnote 2 for one possible explanation behind Fife Constabulary's lower rate of complaint cases received.

⁴ Based on mid-year population estimates by the General Register Office of Scotland.

The findings

Figure 3: Allegations received by police forces in Scotland, 2002-03 to 2012-13



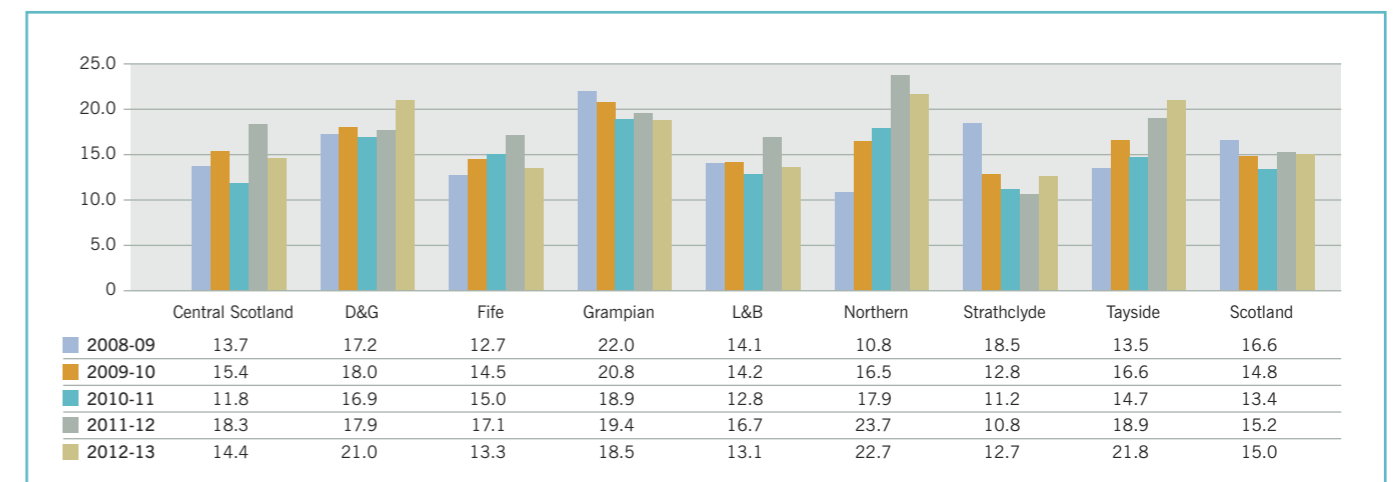
As a result, the average number of allegations per complaint case for Scotland as a whole in 2012-13 rose slightly to 1.83. Nevertheless, the total number of allegations received by Scottish forces, as shown in Figure 3, shows a very slight year-on-year drop (0.5 per cent).

Again, five forces contributed to the fall, three of whom saw decreases of around a fifth (Fife Constabulary, 21.6 per cent⁵; Central Scotland Police, 20.8 per cent; and Lothian and Borders Police, 20.3 per cent). The three forces recording increases in allegations likewise all showed similar percentage rises (see Table A1.6 for details).

Over the longer term – that is, compared with the average of the previous three years – complaint allegations have risen 4.6 per cent.

Figure 4 below shows trends in total allegations received by forces since 2008-09 when these are converted into rates per 10,000 population. Trends here will differ from those for complaint cases according to the number of allegations per case received. Tayside Police's recent increases in allegations per case, for example, are reflected in its high and rising rate of allegations over the last two years. At the other extreme, Strathclyde Police has the lowest rate per population for the fourth consecutive year.

Figure 4: Total allegations received per 10,000 population, 2008-09 to 2012-13



⁵ Please refer to footnote 2 for one possible explanation behind Fife Constabulary's reduction in allegations received.

Categories of allegations received
Complaint allegations may concern an act or omission by a member of a police force or other relevant authority while that person was on- or off-duty. They can also be directed at an aspect of the quality of service provided by the force or authority.

The percentage shares of each of the three categories of allegation routinely show only minor fluctuations over time. This year though off-duty allegations fell by 31.9 per cent – all but one force, Northern Constabulary, contributing to the downturn – and as a consequence saw a squeeze on their share of all allegations received (see Figure 5 on page 6). Those concerning on-duty conduct continue to make up the vast majority (6,669 or more than four in every five), supplemented by a 2.8 per cent increase in numbers this year. Finally, a total of 978 – a year-on-year decrease of 9.9 per cent – were directed at quality of service, bringing its share of all allegations down to 12.4 per cent.

Converting the figures into rates per 10,000 population (see Table 3 on page 6) shows on-duty allegations to be the most common type of allegation received for every force in Scotland. At 19.2 per 10,000 population Tayside Police's rate is the highest, while those of Strathclyde Police and Fife Constabulary are the lowest at 10.7 per 10,000 population each.

The findings

Grampian Police continues to record the lowest rate of off-duty allegations, Northern Constabulary the highest. For quality of service allegations, five forces saw their rates fall in 2012-13. Despite being one of them, Dumfries and Galloway Constabulary still has the highest rate (down from 7.2 last year to 6.6 per 10,000 population), while at 1.3 per 10,000 population Strathclyde Police again has the lowest along with Lothian and Borders.

Subjects of allegations received

Looking first at on-duty allegations, of the 6,669 received 95.7 per cent were directed at police officers, 5.1 per cent at police staff and 0.7 per cent special constables⁶. This year also saw a further two (0.03 per cent) directed at cadets and five (0.1 per cent) where the subject of the complaint was unknown. The 95.7 per cent directed at police officers is equivalent to 366.2 allegations per 1,000 police officers – a rise of 15.6 on 2011-12. Tayside Police and Dumfries and Galloway Constabulary saw the largest rises, but Northern Constabulary retains the highest rate. Experiencing the largest decreases were Lothian and Borders and Central Scotland police forces, although Strathclyde Police continues to enjoy the lowest rate (see Table 4).

Of the 246 allegations received concerned with off-duty conduct, 80.5 per cent were directed at police officers, 14.2 per cent at police staff and 5.7 per cent at special constables. The percentage targeting the off-duty behaviour of special constables continues to be greater than that for their on-duty conduct. As Table 5 shows, off-duty allegations as a proportion of all allegations are generally highest amongst non-police officer members of forces. In fact, since they first came to be recorded the proportion concerning the off-duty behaviour of special constables, currently accounting for just under one in every four allegations brought against them, has been considerably higher than that for either police officers and police staff.

Figure 5: Percentage shares of the three allegation types received, 2008-09 to 2012-13

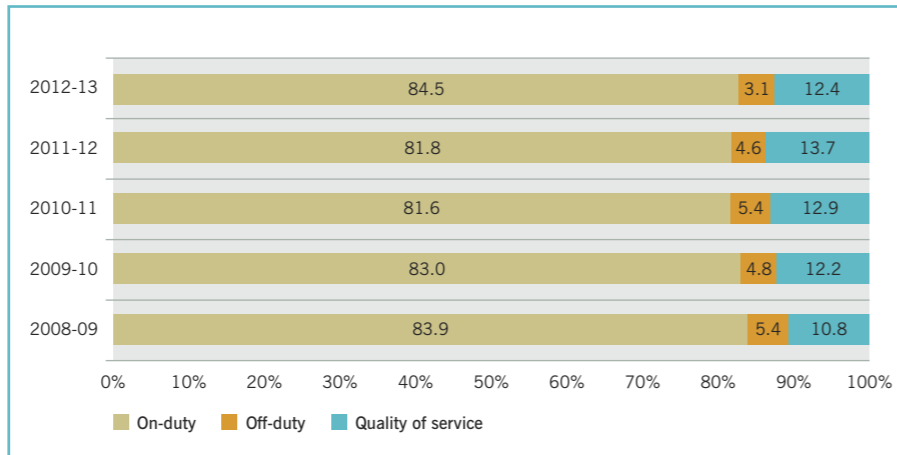


TABLE 3: ALLEGATIONS RECEIVED PER 10,000 POPULATION BY TYPE OF ALLEGATION, 2012-13

Police Force	On-duty	Off-duty	Quality of service
Tayside Police	19.2	0.7	2.0
Northern Constabulary	19.0	0.9	2.8
Grampian Police	15.8	0.0	2.7
Dumfries and Galloway Constabulary	14.3	0.1	6.6
Central Scotland Police	12.2	0.4	1.8
Lothian and Borders Police	11.5	0.3	1.3
Strathclyde Police	10.7	0.6	1.3
Fife Constabulary	10.7	0.1	1.3
Scotland	12.7	0.5	1.9

TABLE 4: ON-DUTY COMPLAINT ALLEGATIONS RECEIVED PER 1,000 POLICE OFFICERS⁷, 2011-12 TO 2012-13

Police Force	2012-13	2011-12	Rate change
Northern Constabulary	677.0	734.9	-57.8
Tayside Police	606.7	513.7	+92.9
Grampian Police	551.1	497.0	+54.2
Central Scotland Police	389.0	466.7	-77.7
Dumfries and Galloway Constabulary	377.6	285.2	+92.5
Lothian and Borders Police	352.6	431.3	-78.7
Fife Constabulary	336.6	381.3	-44.7
Strathclyde Police	274.4	225.1	+49.4
Scotland	366.2	350.7	+15.6

⁶ Percentages may not always add up to 100 because allegations can be directed at more than one member of a police force.

⁷ The police officer strength figures used to derive these rates come from Scottish Government's Police Quarterly Strength, Q4 2012 publication.

The findings

Looking at information on the age, gender and ethnicity profiles of those complained about, gaps in the data continue to militate against any firm conclusions at this stage. The findings suggest that, reflective of the police service, subjects are predominantly white, male police officers of between 30 and 49 years of age.

Although not directed at individuals, quality of service complaints are concerned with organisational subjects. This year saw a drop in allegations of this type – down 9.9 per cent on last year to stand at 978. All three constituent categories have contributed to this downturn. The largest fall has occurred in the smallest category, service outcomes. Here allegations are down by under a fifth (18.7 per cent), taking their share of all quality of service complaints to 23.1 per cent. Next is service delivery, down 8.6 per cent to achieve a share of 38.2 per cent. Finally, allegations concerning policy and procedure experienced only a 5.3 per cent decrease, thus extending their share to 38.7 per cent. Consequently, this is the first year in which policy and procedure has been the most common subject of quality of service allegations (see Figure 6).

Finally in this section, Table 6 shows the proportion of all allegations concerning quality of service received by each force. The relatively minor fluctuations in the proportions for Scotland as a whole belie some quite marked fluctuations over time within individual forces. Despite a sizeable drop this year, Dumfries and Galloway Constabulary still holds the greatest proportion of quality of service complaints while this year Grampian Police recorded its lowest ever share.

TABLE 5: TOTAL CONDUCT ALLEGATIONS AND PERCENTAGE OFF-DUTY ONLY RECEIVED BY STAFF CATEGORY, 2008-09 TO 2012-13

Scotland	Against police officers		Against police staff		Against special constables	
	Total Number	% off-duty	Total Number	% off-duty	Total Number	% off-duty
2008-09	6,185	6.3	512	11.3	67	14.9
2009-10	6,018	5.2	402	10.4	52	32.7
2010-11	5,756	5.7	383	7.0	66	39.4
2011-12	6,415	4.7	467	7.1	80	32.5
2012-13	6,582	3.0	373	9.4	58	24.1

Figure 6: Quality of service allegations received by allegation type, 2008-09 to 2012-13

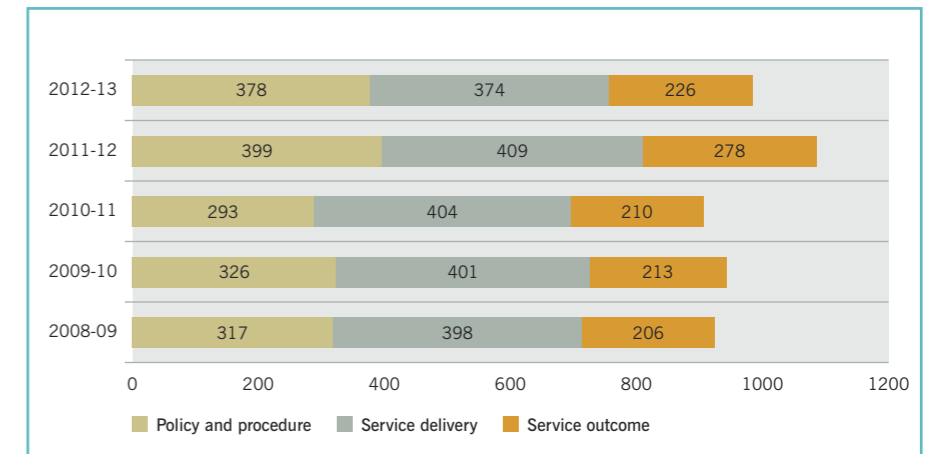


TABLE 6: PROPORTION OF ALL ALLEGATIONS RECEIVED THAT CONCERN QUALITY OF SERVICE BY FORCE, 2008-09 TO 2012-13

Police Force	2012-13	2011-12	2010-11	2009-10	2008-09
Dumfries and Galloway Constabulary	31.5	40.4	29.5	37.1	36.5
Fife Constabulary	18.6	17.8	21.2	14.6	15.5
Grampian Police	14.6	23.0	19.3	22.8	19.8
Northern Constabulary	12.4	10.8	19.7	10.1	5.1
Central Scotland Police	12.2	15.4	8.1	14.2	20.6
Strathclyde Police	10.5	9.3	9.7	7.3	5.3
Lothian and Borders Police	10.2	10.5	6.7	9.8	10.3
Tayside Police	8.9	10.0	10.6	8.1	13.7
Scotland	12.4	13.7	12.9	12.2	10.8

The findings

Disposal of complaints

There are a number of ways in which a complaint case or allegations can be regarded as disposed of. One is on completion of any formal action taken in accordance with the police conduct regulations. Alternatively, if an allegation or case does not lead to conduct proceedings, it may be considered closed following informal action such as training or advice given to the individual complained about.

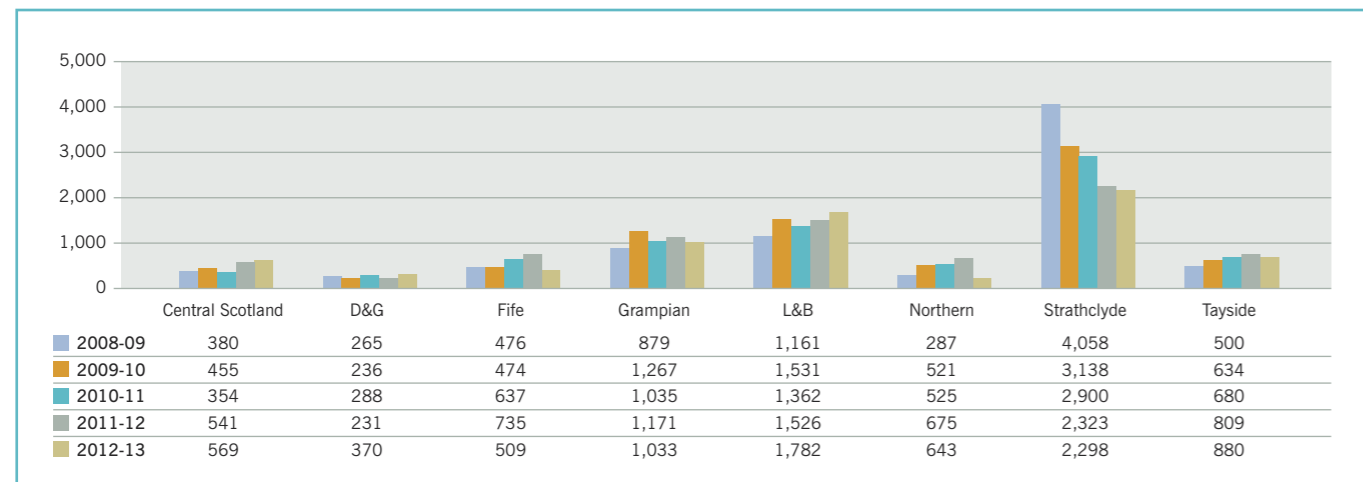
The number and nature of allegations closed in a year will inevitably reflect to some extent how many and what kind

have been received and are outstanding from previous years (see Table A1.4). During 2012-13 a total of 8,084 were disposed of, an increase on the previous year of just 0.9 per cent. Again underlying this picture of relative national stability lie quite marked changes at individual force level (see Figure 7). Four forces experienced a rise, the largest recorded being for Dumfries and Galloway (60.2 per cent). Of the four showing a reduction, the greatest drop was recorded for Fife Constabulary (30.7 per cent)⁸. From a long-term perspective the change for Scotland overall is similar. That is,

when compared with the average of the previous three years 2012-13 has seen a rise of just 0.8 per cent.

Again in keeping with the profile of allegations received, the majority of those disposed of concerned the actions of police force members – 84 per cent while on duty, 3.6 per cent while off-duty – the majority of which were directed at police officers (94 per cent), followed by police staff (6.3 per cent) and special constables (0.8 per cent)⁹. The remaining 12.4 per cent dealt with organisational quality of service.

Figure 7: Total complaint allegations disposed of by force, 2008-09 to 2012-13



On-duty disposals

The 6,792 on-duty allegations disposed of in 2012-13 represent a rise of 3.5 per cent on the previous year. Table A1.7 in Annex A shows how forces have contributed individually to this upturn – the biggest percentage increase being recorded by Dumfries and Galloway Constabulary (96.9 per cent) the largest decrease by Fife Constabulary at 28.2 per cent (see ⁸ below). Over the longer term, on-duty disposals have risen just two per cent.

Just over half (51.1 per cent) of all on-duty disposals not referred to the area procurator fiscal were processed within the 56-day target timescale. Grampian Police dealt

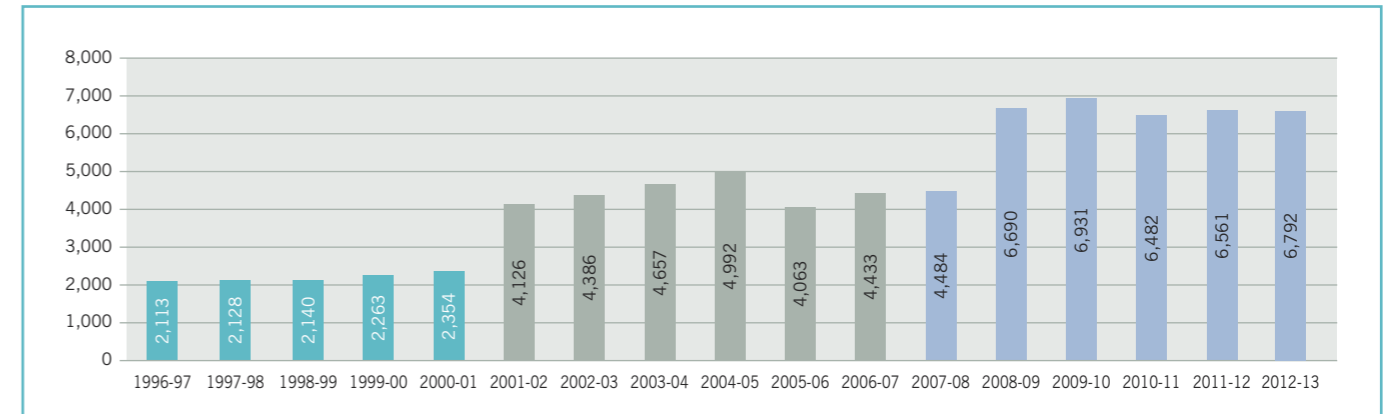
with the highest proportion within this time frame, at 66.8 per cent, whereas Lothian and Borders Police (29.4 per cent) and Central Scotland Police (31.9 per cent) continue to struggle to improve.

Allegations of irregularity in procedure remain the most common to be disposed of, accounting for over a third of all on-duty disposals (38.7 per cent), as shown in Table 7. These allegations infer that a member of a force performed a duty in a manner that was not in accordance with standard or accepted practice in force procedures. Allegations of irregularity in procedure have risen for seven successive years and have been the most common type disposed of for the last five.

The second most common allegation disposed of remains *incivility*, defined as occurring when a member of a police force is uncivil in manner of speech, language or demeanour but not to the extent that it constitutes a crime of breach of the peace. At 15.5 per cent, its share of on-duty allegations disposed of has changed little in the last five years. Accounting for exactly one in ten disposals (10 per cent), allegations of neglect of duty are also still the third most common type. These allege that a member of a police force failed or neglected to perform a duty set out in common or statute law or in force procedures.

The findings

Figure 8: On-duty complaints disposed of, 1996-97 to 2012-13



Over the longer term, one of the most noticeable changes in the nature of complaints disposed of has been the reduction in allegations of assault. Allegations of this type infer criminal intent as opposed to the exercise of force to carry out a police duty. In 2007-08, the first year of the current definition, assaults accounted for 21 per cent of closed allegations; today they make up just seven per cent. Nor is this simply down to the introduction in the same year of the category excessive force, which has also seen annual decreases to stand at just 5.4 per cent in 2012-13. Conversely the largest increase in share has been for irregularity in procedure, which has risen by more than 22 percentage points since 2007-08.

Outcomes of complaints

The Police (Conduct) (Scotland) Regulations 1996 set out the responsibility of deputy chief constables to prepare and maintain procedures to deal with complaints about a constable (up to chief superintendent) of their force which may amount to misconduct. Under the Police (Conduct) (Senior Officer) (Scotland) Regulations 1999, complaints about chief officers are dealt with by the police authority of the force. Any allegation that infers criminality, however, is sent to the area procurator fiscal (on duty) or the district procurator fiscal (off duty) who decides whether criminal proceedings should be taken.

TABLE 7: ON-DUTY ALLEGATIONS DISPOSED OF – PERCENTAGE SHARES BY TYPE OF ALLEGATION, 2011-12 TO 2012-13

Type of allegation	2012-13	2011-12	% point change
Irregularity in procedure	38.7	36.9	1.8
Incivility	15.5	15.3	0.2
Neglect of duty	10.0	11.6	-1.6
Oppressive conduct/harassment	7.8	7.7	0.1
Assault	7.0	7.4	-0.4
Excessive force	5.4	6.4	-1.0
Other crime	4.8	5.0	-0.2
Other	4.3	3.1	1.2
Unlawful or unnecessary arrest or detention	2.5	2.1	0.4
Traffic irregularity	2.3	2.3	-
Discriminatory behaviour	1.2	1.4	-0.2
Corrupt practice	0.6	0.7	-0.1
Total	100	100	-

Turning first to the outcomes of on-duty complaint investigations the most popular finding, accounting for nearly half (48.5 per cent) of all outcomes, was *concluded (previously resolved) by explanation to the complainant*. This is likely to be because of a change to recording practices which has extended this category to include allegations that have been *concluded* (upheld or otherwise) by explanation. The second most frequent outcome, for 28.2 per cent of on duty disposals, was *unsubstantiated/not upheld due to insufficient evidence*¹⁰. For the past two years *unsubstantiated* has been the most

common finding. Accounting for 10.5 per cent, leading to a “no proceedings” decision by the procurator fiscal has now overtaken resulting in advice to reach third place. Together, all three categories account for nearly nine in every ten (87.2 per cent) on-duty allegations disposed of 2012-13 (see Table 8 on page 10).

Concluded by explanation is now the most frequent disposal for the majority of non-criminal allegations and particularly those of *neglect of duty, irregularity in procedure and other non-criminal*.

⁸ We have previously explained that Fife Constabulary effected a change in recording practice this year, whereby complaints that are resolved at the (frontline) point of complaint are no longer recorded on its central complaints database.

⁹ A single allegation can refer to more than one member of a force. For this reason, percentage shares may not add up to 100%.

¹⁰ Forces are in the process of assigning allegations that would previously fall under ‘unsubstantiated by available evidence’ to the new closure code of ‘not upheld due to insufficient evidence’. At the time of writing this transition was not complete and so both categories were still being used by some forces.

The findings

At the same time, *neglect of duty, traffic irregularity, incivility and irregularity in procedure* have seen considerable drops in allegations resulting in advice being given to the member of staff implicated. Complaints alleging criminal behaviour, such as *assault, other crime and traffic irregularity*, are commonly dealt with by area procurators fiscal. Allegations of *other criminality* are the most likely to result in criminal proceedings and convictions, although at 0.6 and 0.3 per cent respectively of all disposals they account for only very small proportions overall. The highest proportions of complainers withdrawing their complaint can be found for allegations of *assault and excessive force*, while *neglect of duty* tends to exhibit the highest share of allegations leading to misconduct procedures.

Cases containing potentially criminal allegations are referred directly to the area procurator fiscal (APF). The APF then determines whether there is sufficient evidence to merit a prosecution and, subject to the guidance of the Lord Advocate, whether or not to instigate proceedings. Where no proceedings are taken, the complaint is returned to the deputy chief constable of a force to consider whether any misconduct procedures should be instigated.

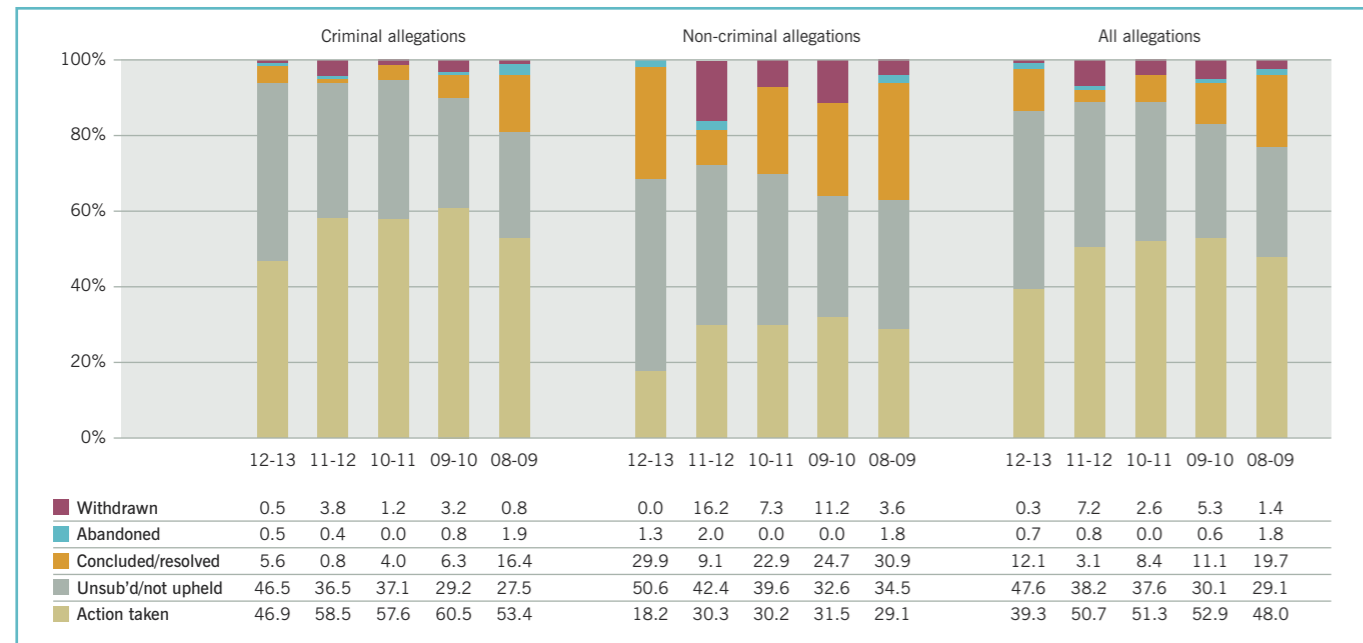
TABLE 8: ON-DUTY ALLEGATIONS DISPOSED OF BY METHOD OF DISPOSAL, 2011-12 TO 2012-13

Method of disposal	2012-13	% share	2011-12	% share
Concluded/resolved by explanation to complainer	3,296	48.5	1,350	20.6
Unsubstantiated/not upheld (insufficient evidence)	1,917	28.2	2,874	43.8
Leading to no proceedings by procurator fiscal	710	10.5	684	10.4
Withdrawn by complainer	454	6.7	394	6.0
Abandoned due to lack of co-operation by complainer	152	2.2	132	2.0
Resulting in advice	94	1.4	906	13.8
Resulting in misconduct procedures	90	1.3	152	2.3
Leading to criminal proceedings	38	0.6	24	0.4
Leading to criminal convictions	22	0.3	29	0.4
Alternative to prosecution	11	0.2	16	0.2
Malicious complaint	8	0.1	0	0.0
Scotland	6,792	100	6,561	100

TABLE 9: COMPLAINT CASE REFERRALS TO THE APF AND PERCENTAGE WHERE PROCEEDINGS TAKEN, 2008-09 TO 2012-13

	2012-13	2011-12	2010-11	2009-10	2008-09
Complaint cases referred to APF	370	479	649	776	1,025
Of which proceedings taken	28	39	30	11	7
% of which proceedings taken	7.6	8.1	4.6	1.4	0.7

Figure 9: Percentage shares of off-duty disposals, 2008-09 to 2012-13



The findings

This year saw a fourth successive annual drop in cases referred to the APF, down 22.8 per cent to 370 in total (see Table 9 opposite). The percentage then leading to proceedings also fell, from 8.1 last year to 7.6 per cent or 28 cases, 15 (or 53.6 per cent) of which concerned off-duty behaviour. The majority of cases where the enquiry was directed by the APF (83.1 per cent) were processed within the target timescale of 70 days, up nearly six percentage points on 2011-12.

Off-duty disposals

A total of 290 off-duty allegations were disposed of in 2012-13, a decrease of 19.2 per cent on 2011-12 and of 22.2 per cent on the previous three year average. As in previous years, the majority (73.4 per cent) were of a criminal nature¹¹.

Looking at off-duty allegations as a whole, the latest rise in disposals concluded by way of explanation to the complainer seen for on-duty complaints is also apparent here. *Unsubstantiated/not upheld due to insufficient evidence* allegations too are rising while those resulting in some form of action being taken continue to decline. Understandably, non-criminal allegations are more likely than criminal ones to be concluded by explanation, while action taken remains the most frequent disposal for those of a criminal nature, but only just.

Quality of service disposals

A total of 1,002 quality of service allegations were disposed of in 2012-13. This is a fall of 8.2 per cent on last year and a rise of just 1.8 per cent over the long term. As Table A1.7 in Annex A shows, five forces are driving the year-on-year reduction, particularly Grampian Police (-39.8 per cent year-on-year). Overall, though, there is probably too much fluctuation both within and between the forces to discern a stable pattern to these complaints.

Nationally the majority (54.8 per cent) were disposed of within the 56-day timescale. Nevertheless in both Lothian and Borders and Central Scotland police forces, the majority took more than 56 days to be closed (see Table A1.12 in Annex A). The same is true for Fife Constabulary. Accounting for the largest share of these disposals for the first time in the six years that they have been recorded are complaints about policy and procedure (39.2 per cent), followed by service delivery and finally service outcomes (see Figure 10). This pattern of shares is similar to that of allegations received.

Figure 10: Quality of service allegations disposed of by type of allegation, 2008-09 to 2012-13

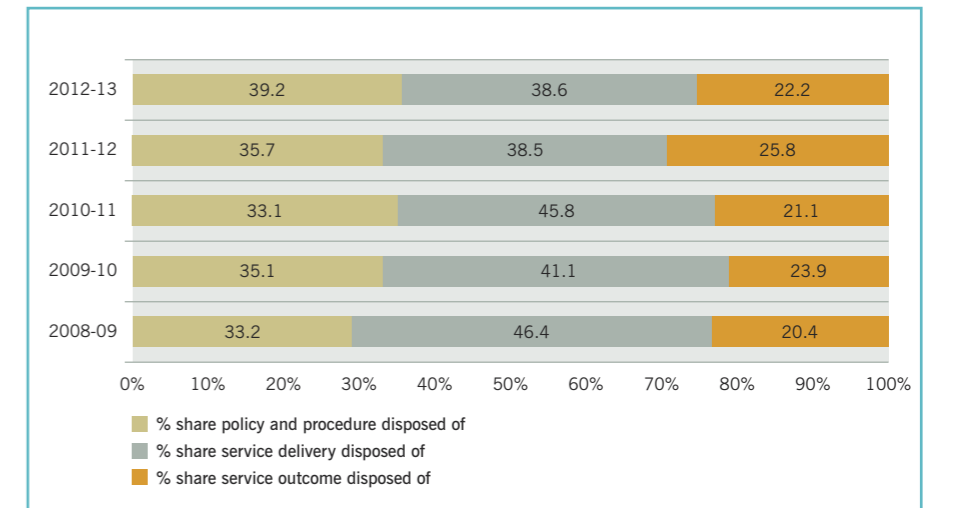


TABLE 10: COMPLAINTS RECEIVED BY POLICE AUTHORITIES (PA) AND JOINT POLICE BOARDS (JPB), 2011-12 AND 2012-13

Police authority/joint board	Concerning authority/board		Concerning force/quality of service		Concerning senior officers		TOTAL	
	2012-13	2011-12	2012-13	2011-12	2012-13	2011-12	2012-13	2011-12
Central Scotland JPB	2	0	0	0	2	0	4	0
Dumfries and Galloway PA	0	1	0	0	1	1	1	2
Fife PA	0	0	0	0	0	0	0	0
Grampian JPB	0	0	0	0	1	4	1	4
Lothian and Borders JPB	0	0	0	0	0	1	0	1
Northern JPB	1	0	1	5	4	4	6	9
Strathclyde PA	2	0	14	20	13	0	29	20
Tayside JPB	3	0	0	0	2	0	5	0
Total	8	1	15	25	23	10	46	36

¹¹ The categories under which off-duty allegations are recorded are as follows: crimes of violence, indecency or dishonesty; fire-raising, malicious mischief etc; miscellaneous offences; dangerous and careless driving; incivility; and other crimes.

The findings

Other relevant authorities

Police authorities (PA) and joint police boards (JBP) can receive complaints about the quality of service provided by their respective police force and complaints against senior officers, i.e. a police officer holding a rank above chief superintendent. Authorities and joint police boards can also themselves be the subject of complaint, as can members of a range of UK police bodies operating in Scotland with whom the Commissioner has a memorandum of understanding.

In 2012-13 the eight police authorities and joint boards received a total of 46 complaint cases concerning the discharge of their own functions, the conduct of senior police officers or the quality of service of their home force. This is an increase of 27.8 per cent on the figure for 2011-12. Table 10 on page 11 shows the cases broken down by individual authorities and joint boards.

In terms of how these were then dealt with, all complaints concerning the police authority or joint board were formally considered by a complaints sub-committee. Where the outcome is known, two allegations were upheld and four were found to be unsubstantiated. All 15 complaints about quality of service were passed to the relevant chief constable for consideration rather than being dealt with by the police authority or joint board. Finally, of the 23 new complaints about senior officers and ten carried over, 18 were forwarded for consideration by a complaints sub-committee or working group and 15 were disposed of. One resulted in an investigating officer being appointed under regulation 4(1) of the Police (Conduct) (Senior Officers) (Scotland) Regulations 1999 and 14 led to no action being taken under regulation 4(2).

Table 11 shows the complaints received by other UK organisations with police-type powers operating in Scotland in 2012-13, as well as by the Scottish Police Services Authority (SPSA) and the Scottish Crime and Drug Enforcement Agency (SCDEA). The 165 received this year marks a substantial rise of 132.4 per cent on 2011-12, mainly down to rising complaints against UKBA although both the Serious Organised Crime Agency and Scottish Police Service Authority saw increases too. Quality of service accounted for under three in every four cases (72.7 per cent), while the on- and off-duty actions of staff or officers were the subject of just over one in every four cases (26.7 per cent) and 2.4 per cent respectively.

Of the 57 on-duty allegations disposed of, the most common involved *other non-criminal* (35.1 per cent) and *incivility* (28.1 per cent). The majority (46 or 80.7 per cent) were unsubstantiated, four led to advice being given and two to misconduct procedures. None was forwarded to the area procurator fiscal. All seven off-duty disposals were unsubstantiated.

TABLE 11: COMPLAINTS RECEIVED BY OTHER UK ORGANISATIONS WITH POLICE-TYPE POWERS, 2011-12 TO 2012-13

Police authority/joint board	On-duty		Off-duty		Quality of service		TOTAL	
	2012-13	2011-12	2012-13	2011-12	2012-13	2011-12	2012-13	2011-12
UK Border Force and Enforcement	27	9	-	-	112	45	139	54
British Transport Police	11	10	1	0	3	0	12 ¹²	10
Civil Nuclear Constabulary	0	1	0	0	0	0	0	1
Serious Organised Crime Agency	3	0	1	0	2	-	6	0
Ministry of Defence Police	1	1	1	2	0	0	2	3
Scottish Police Services Authority	2	0	1	0	3	1	6	1
Scottish Crime and Drug Enforcement Agency	0	2	0	0	0	0	0	2
Total	44	23	4	2	120	46	165	71

¹² A complaint case can be directed at more than one subject, hence totals may not tally.

Annex A: Tables of complaints and allegations about the police

TABLE A1.1: COMPLAINT CASES OUTSTANDING* AT THE END OF THE YEAR – BY POLICE FORCE IN SCOTLAND, 2011-12 TO 2012-13

Police Service	12-13	11-12	% change
Strathclyde Police	571	449	27.2
Lothian and Borders Police	398	330	20.6
Tayside Police	101	113	-10.6
Northern Constabulary	92	85	8.2
Grampian Police	91	108	-15.7
Central Scotland Police	87	64	35.9
Fife Constabulary	43	59	-27.1
Dumfries and Galloway Constabulary	30	20	50.0
Total	1,413	1,228	15.1

*The term 'outstanding' relates to cases that were open at the end of the previous period.

TABLE A1.3: COMPLAINT CASES COMPLETED – BY POLICE FORCE IN SCOTLAND, 2011-12 TO 2012-13

Police Service	12-13	11-12	% change
Strathclyde Police	1,079	1,307	-17.4
Lothian and Borders Police	759	768	-1.2
Grampian Police	479	597	-19.8
Tayside Police	445	457	-2.6
Northern Constabulary	288	261	10.3
Central Scotland Police	261	263	-0.8
Fife Constabulary	213	342	-37.7
Dumfries and Galloway Constabulary	159	137	16.1
Total	3,683	4,132	-10.9

TABLE A1.2: COMPLAINT CASES RECEIVED – BY POLICE FORCE IN SCOTLAND, 2011-12 TO 2012-13

Police Service	12-13	11-12	% change
Strathclyde Police	1,585	1,366	16.0
Lothian and Borders Police	791	884	-10.5
Grampian Police	517	593	-12.8
Tayside Police	450	461	-2.4
Northern Constabulary	336	299	12.4
Fife Constabulary	240	334	-28.1
Central Scotland Police	225	285	-21.1
Dumfries and Galloway Constabulary	162	157	3.2
Total	4,306	4,379	-1.7

TABLE A1.4: COMPLAINT CASES STANDING OVER* – BY POLICE FORCE IN SCOTLAND, 2011-12 TO 2012-13

Police Service	12-13	11-12	% change
Strathclyde Police	1,077	508	112.0
Lothian and Borders Police	430	446	-3.6
Northern Constabulary	140	123	13.8
Grampian Police	129	104	24.0
Tayside Police	106	117	-9.4
Fife Constabulary	70	51	37.3
Central Scotland Police	51	86	-40.7
Dumfries and Galloway Constabulary	33	40	-17.5
Total	2,036	1,475	38.0

*The term 'standing over' relates to cases that were outstanding and cases received that were then not completed by the end of the year.

TABLE A1.5: COMPLAINT ALLEGATIONS RECEIVED – BY POLICE FORCE IN SCOTLAND AND CATEGORY OF COMPLAINT, 2011-12 TO 2012-13

Police Service	On-duty			Off-duty			Quality of service		
	12-13	11-12	% change	12-13	11-12	% change	12-13	11-12	% change
Strathclyde Police	2,393	2,001	19.6	141	183	-23.0	298	224	33.0
Lothian and Borders Police	1,105	1,357	-18.6	28	59	-52.5	128	166	-22.9
Grampian Police	876	806	8.7	2	16	-87.5	150	245	-38.8
Tayside Police	777	656	18.4	28	29	-3.4	79	76	3.9
Northern Constabulary	552	593	-6.9	27	20	35.0	82	74	10.8
Fife Constabulary	394	493	-20.1	5	21	-76.2	91	111	-18.0
Central Scotland Police	361	428	-15.7	13	27	-51.9	52	83	-37.3
Dumfries and Galloway Constabulary	211	152	38.8	2	6	-66.7	98	107	-8.4
Total	6,669	6,486	2.8	246	361	-31.9	978	1,086	-9.9

Annex A: Tables of complaints and allegations about the police

TABLE A1.6: COMPLAINT ALLEGATIONS RECEIVED BY POLICE FORCE IN SCOTLAND – ALL ALLEGATIONS BY NUMBER AND PER 10,000 POPULATION AND ALLEGATIONS AGAINST POLICE OFFICERS BY NUMBER AND PER 1,000 POLICE OFFICERS, 2011-12 TO 2012-13

Police Service	All allegations received			All allegations received per 10,000 population		Allegations received about police officers only		Allegations received per 1,000 police officers*	
	12-13	11-12	% change	12-13	11-12	12-13	11-12	12-13	11-12
Strathclyde Police	2,832	2,408	17.6	12.7	10.8	2,425	2,054	288.4	243.2
Lothian and Borders Police	1,261	1,582	-20.3	13.1	16.7	1,067	1,337	358.0	445.7
Grampian Police	1,028	1,067	-3.7	18.5	19.4	832	753	552.4	507.1
Tayside Police	884	761	16.2	21.8	18.9	776	664	626.0	536.3
Northern Constabulary	661	687	-3.8	22.7	23.7	551	588	705.2	756.8
Fife Constabulary	490	625	-21.6	13.3	17.1	381	441	341.1	399.5
Central Scotland Police	426	538	-20.8	14.4	18.3	352	427	399.2	489.7
Dumfries and Galloway Constabulary	311	265	17.4	21.0	17.9	198	151	381.5	294.9
Scotland*	7,893	7,933	-0.5	15.0	15.2	6,582	6,415	377.6	367.9

*Police officer figures are full-time equivalent numbers taken from the Scottish Government's police quarterly strength publication.

TABLE A1.7: COMPLAINT ALLEGATIONS DISPOSED OF BY POLICE FORCE IN SCOTLAND – BY CATEGORY OF ALLEGATION, 2011-12 TO 2012-13

Police Service	On-duty			Off-duty			Quality of service		
	12-13	11-12	% change	12-13	11-12	% change	12-13	11-12	% change
Strathclyde Police	1,940	1,906	1.8	138	189	-27.0	220	228	-3.5
Lothian and Borders Police	1,553	1,330	16.8	47	52	-9.6	182	144	26.4
Grampian Police	881	918	-4.0	7	12	-41.7	145	241	-39.8
Tayside Police	756	686	10.2	39	37	5.4	85	86	-1.2
Northern Constabulary	539	584	-7.7	19	13	46.2	85	78	9.0
Central Scotland Police	464	440	5.5	35	20	75.0	70	81	-13.6
Fife Constabulary	409	570	-28.2	4	30	-86.7	96	135	-28.9
Dumfries and Galloway Constabulary	250	127	96.9	1	6	-83.3	119	98	21.4
Total	6,792	6,561	3.5	290	359	-19.2	1,002	1,091	-8.2

Annex A: Tables of complaints and allegations about the police

TABLE A1.8: ON-DUTY COMPLAINT ALLEGATIONS DISPOSED OF – BY TYPE OF ALLEGATION, 2011-12 TO 2012-13

Allegation Category	12-13	11-12	% change
Irregularity in procedure	2,630	2,424	8.5
Incivility	1,053	1,004	4.9
Neglect of duty	679	763	-11.0
Oppressive conduct or harassment	528	502	5.2
Assault	476	487	-2.3
Excessive force	367	418	-12.2
Other criminal	324	331	-2.1
Other non-criminal	292	203	43.8
Unlawful or unnecessary arrest or detention	169	137	23.4
Traffic irregularity	154	154	0.0
Discriminatory behaviour	81	92	-12.0
Corrupt practice	39	46	-15.2
Total	6,792	6,561	3.5

TABLE A1.9: ON-DUTY COMPLAINT ALLEGATIONS DISPOSED OF – BY METHOD OF DISPOSAL, 2011-12 TO 2012-13

Allegation Disposal	12-13	11-12	% change
Concluded by explanation to complainer*	3,296	1,350	144.1
Unsubstantiated by available evidence/not upheld due to insufficient evidence	1,917	2,874	-33.3
Leading to no proceedings by procurator fiscal	710	684	3.8
Withdrawn by complainer	454	394	15.2
Abandoned due to lack of co-operation of complainer	152	132	15.2
Resulting in advice	94	906	-89.6
Resulting in misconduct procedures	90	152	-40.8
Leading to criminal proceedings	38	24	58.3
Leading to criminal convictions	22	29	-24.1
Alternative to prosecution	11	16	-31.3
Malicious complaint	8	0	-
Total	6,792	6,561	3.5

*Since 2012-13, includes all allegations concluded by explanation, whether upheld or otherwise.

TABLE A1.10: COMPLAINT ALLEGATIONS BY NATURE OF ALLEGATION AND DISPOSAL, 2012-13

Scotland – allegations disposed of	Withdrawn by complainer	Abandoned due to lack of co-operation of complainer	Unsubstantiated/not updated due to insufficient evidence	Resolved by explanation to complainer	Leading to no proceedings by Procurator Fiscal	Leading to criminal proceedings	Leading to criminal convictions	Alternative to prosecution	Resulting in advice	Resulting in misconduct procedures	Malicious complaint	Total
Irregularity in procedure	147	56	716	1,637	4	0	0	0	46	21	3	2,630
Incivility	77	24	448	475	1	0	0	0	16	12	0	1,053
Assault	69	3	10	3	384	3	1	2	0	0	1	476
Neglect of duty	15	10	158	450	7	0	0	0	11	28	0	679
Oppressive conduct/harassment	28	23	216	243	1	0	0	0	6	11	0	528
Excessive force	46	14	151	110	42	0	0	0	2	1	1	367
Other criminal	19	3	21	15	210	28	16	4	0	8	0	324
Other non-criminal	23	7	69	181	0	0	0	0	5	6	1	292
Unlawful or unnecessary arrest or detention	12	6	55	87	5	0	0	0	2	1	1	169
Traffic irregularity	9	4	29	52	38	7	5	5	4	1	0	154
Discriminatory behaviour	7	1	29	30	13	0	0	0	1	0	0	81
Corrupt practice	2	1	15	13	5	0	0	0	1	1	1	39
Total	454	152	1,917	3,296	710	38	22	11	94	90	8	6,792

TABLE A1.11: OFF-DUTY COMPLAINT ALLEGATIONS DISPOSED OF – NUMBER AND PERCENTAGE SHARE BY METHOD OF DISPOSAL, 2009-10 TO 2012-13

Number	Criminal allegations				Non-criminal allegations				Total allegations			
	12-13	11-12	10-11	09-10	12-13	11-12	10-11	09-10	12-13	11-12	10-11	09-10
Action taken	100	152	185	153	14	30	29	28	114	182	214	181
Unsubstantiated/not upheld	99	95	119	74	39	42	38	29	138	137	157	103
Resolved	12	2	13	16	23	9	22	22	35	11	35	38
Abandoned	1	1	0	2	1	2	0	0	2	3	0	2
Withdrawn	1	10	4	8	0	16	7	10	1	26	11	18
Total	213	260	321	253	77	99	96	89	290	359	417	342
Percentage share	12-13	11-12	10-11	09-10	12-13	11-12	10-11	09-10	12-13	11-12	10-11	09-10
Action taken	46.9	58.5	57.6	60.5	18.2	30.3	30.2	31.5	39.3	50.7	51.3	52.9
Unsubstantiated/not upheld	46.5	36.5	37.1	29.2	50.6	42.4	39.6	32.6	47.6	38.2	37.6	30.1
Resolved	5.6	0.8	4.0	6.3	29.9	9.1	22.9	24.7	12.1	3.1	8.4	11.1
Abandoned	0.5	0.4	0.0	0.8	1.3	2.0	0.0	0.0	0.7	0.8	0.0	0.6
Withdrawn	0.5	3.8	1.2	3.2	0.0	16.2	7.3	11.2	0.3	7.2	2.6	5.3
Total	100	100	100	100	100	100	100	100	100	100	100	100

TABLE A1.12: PERCENTAGE OF QUALITY OF SERVICE ALLEGATIONS DISPOSED OF WITHIN 56-DAY TIMESCALE, 2011-12 AND 2012-13 (40-DAY TIMESCALE, 2009-10 AND 2010-11)

Police Service	2012-13	2011-12	2010-11	2009-10
Strathclyde Police	74.1	64.9	54.9	74.1
Tayside Police	71.8	60.5	54.9	50.8
Grampian Police	63.4	65.6	43.5	37.2
Dumfries and Galloway Constabulary	60.5	79.6	58.5	55.6
Northern Constabulary	58.8	42.3	22.0	19.5
Fife Constabulary	42.7	57.8	37.0	50.0
Central Scotland Police	35.7	39.5	30.8	66.1
Lothian and Borders Police	24.7	45.8	22.9	16.9
Scotland	54.8	59.1	43.1	47.4

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