

This report presents information on complaints about **Lothian and Borders Police** for the year 1 April 2012 to 31 March 2013

1 All complaints

- At 791, the total number of complaint cases received by Lothian & Borders Police in 2012-13 is down -10.5 per cent on last year, compared with an overall decrease for Scotland of -1.7 per cent.
- At 1,261, the number of complaint allegations received by the force in 2012-13 is down by -20.3 per cent on last year compared with a fall of just -0.5 per cent nationally.
- The majority of allegations received concerned on-duty conduct (87.6 per cent), followed by 10.2 per cent about the quality of service and 2.2 per cent for off-duty conduct.
- The majority of on- and off-duty allegations received were directed at police officers (94.2 per cent), followed by 5.9 per cent at police staff and 0.4 per cent at special constables¹.
- At 1,782 the number of all allegations disposed of is up 16.8 per cent on last year, compared with a rise of just 0.9 per cent nationally.

Table 1: Summary statistics: Central Scotland Police, 2007-08 to 2012-13⁴

Fiscal year	07-08	08-09	09-10	10-11	11-12	12-13
Complaint cases recorded	788	991	899	843	884	791
Complaint allegations received: on duty	771	1,076	1,153	1,083	1,357	1,105
Complaint allegations received: quality of service	175	135	131	82	166	128
Complaint allegations received: off duty	78	105	54	53	59	28
Complaint allegations received: total	1,024	1,316	1,338	1,218	1,582	1,261
Complaint allegations disposed of: on duty	586	944	1,329	1,211	1,330	1,553
Complaint allegations disposed of: quality of service	148	103	142	96	144	182
Complaint allegations disposed of: off duty	37	114	60	55	52	47
Complaint allegations disposed of: total	771	1,161	1,531	1,362	1,526	1,782
Complaint cases recorded per 10k population: L&B	8.6	10.7	9.6	8.9	9.3	8.2
Complaint cases recorded per 10k population: Scotland	8.3	9.4	8.8	8.1	8.4	8.2
Complaint allegations received per 10k population: L&B ³	11.1	14.2	14.3	12.8	16.7	13.1
Complaint allegations received per 10k population: Scotland ⁴	13.3	16.6	14.8	13.4	15.2	15.0

Reasons for differences in these statistics vary and may include the nature and extent of training undertaken by staff, new procedures becoming established or fluctuating public confidence in reporting dissatisfaction:

- The latest drop in cases received has brought Lothian and Borders Police's rate per 10,000 population down to that of the Scottish average. This is the first time in six years that it has not exceeded the national average.
- The fall in allegations received per 10,000 population received this year has brought the force's rate to below the the national average here too.

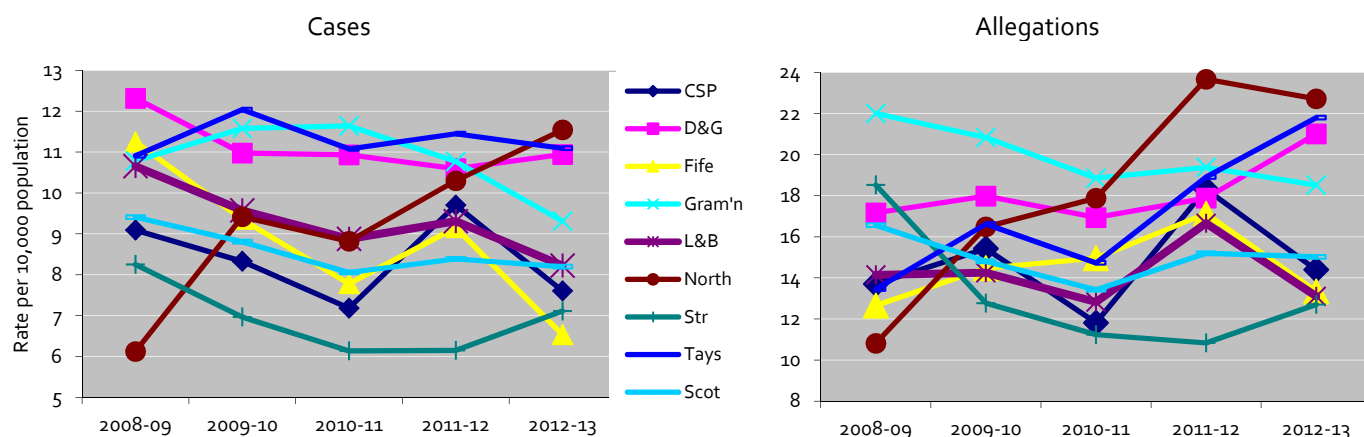
^[1] A single allegation may be directed at more than one member of a police force – hence percentages may not add up to 100%.

^[2] Complaints prior to April 2007 were recorded under an earlier definition that did not include off-duty and quality of service complaints.

^[3] Following recalculation, revised figures are presented for allegations prior to 2009/10 from those in the 2008/09 version of this report.

^[4] Following recalculation, revised figures are presented for allegations prior to 2009/10 from those in the 2008/09 version of this report.

Figure 1: Complaints received per 10k population for all forces and Scotland overall, 2007-08 to 2012-13



2 On-duty complaints

- A total of 87.6 per cent of all allegations received by Lothian and Borders Police in 2012-13 were allegations concerning on-duty conduct – higher than that for Scotland as a whole (84.5 per cent).
- At 1,105, the number of on-duty allegations received by the force in 2012-13 fell -18.6 per cent on last year compared with an overall rise for Scotland over the same period of 2.8 per cent.
- The majority of on-duty allegations received were directed at *police officers* (95.1 per cent compared with 95.7 per cent for Scotland as a whole), followed by 5.2 per cent at *police staff* (5.1 per cent for Scotland) and 0.3 per cent at *special constables*⁵ (0.7 per cent for Scotland).
- At 1,553, the number of on-duty allegations disposed of is up 16.8 per cent on last year compared with a 3.5 per cent rise nationally.
- The most common types against on-duty members of the force disposed of were allegations of *irregular procedure* (50.9 per cent), *incivility* (13.5 per cent) and *oppressive conduct* (10.8 per cent).
- The most common outcomes of these allegations were *concluded by explanation to the complainant*⁶ (53.1 per cent), *unsubstantiated / not upheld due to insufficient evidence*⁷ (29.2 per cent) and *leading to a decision of "no proceedings"* by the procurator fiscal (6.6 per cent).

Table 2⁷: Top three allegations types closed by L&B Police, 2007-08 to 2012-13

Fiscal year	07-08	08-09	09-10	10-11	11-12	12-13
Irregular procedure - number disposed of	194	377	576	575	712	790
Percentage change on previous year (%)	162.2	94.3	52.8	-0.2	23.8	11.0
Incivility - number disposed of	107	107	125	142	153	210
Percentage change on previous year (%)	-9.3	0	16.8	13.6	7.7	37.3
Oppressive conduct - number disposed of	113	175	202	150	101	168
Percentage change on previous year (%)	-13.1	54.9	15.4	-25.7	-32.7	66.3

- The force has experienced a virtually uninterrupted run of increases in disposals of irregular procedure allegations over the last six years at least. These allegations make up half of all the force's on-duty disposals (see Figure 2).
- Incivility too, has seen a long-term rise in disposals.
- Elsewhere, the force has seen declines in disposals of assault by over a third (-34.4 per cent) and in neglect of duty by a fifth (-20.0 per cent).

^[5] A single allegation may be directed at more than one member of a police force – hence percentages may not add up to 100%.

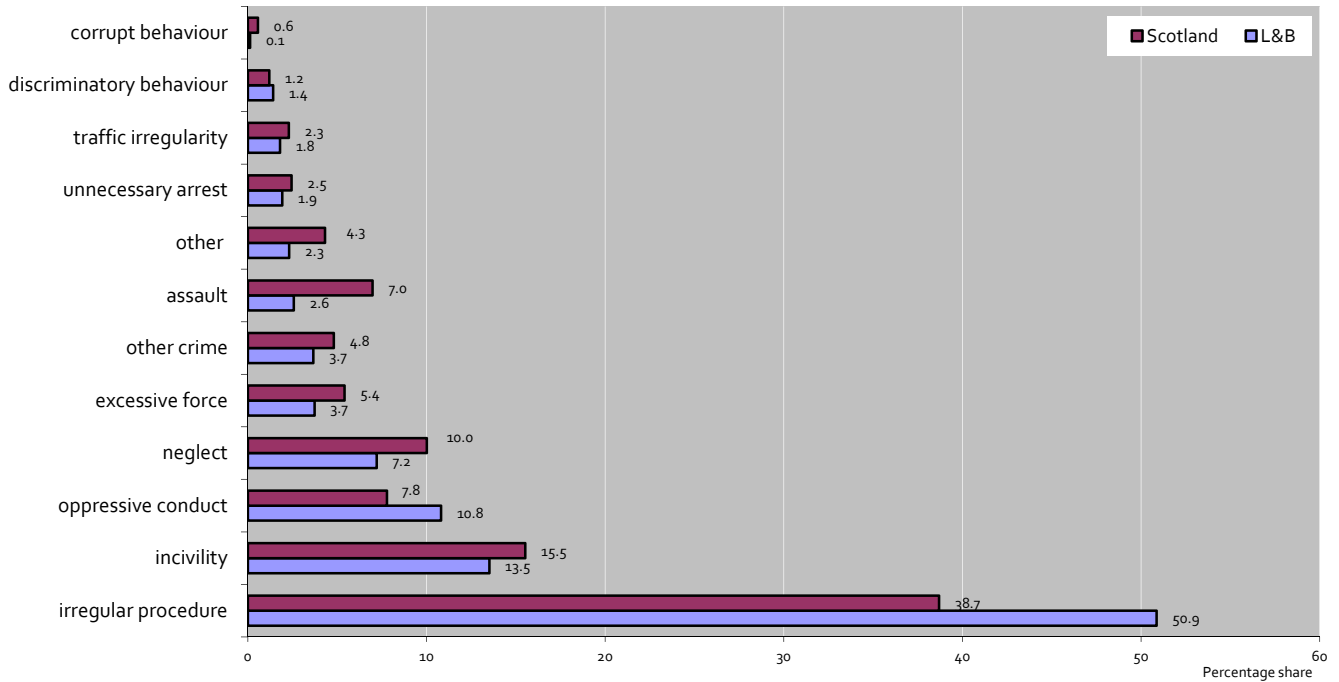
^[6] Resolved by explanation may now include allegations concluded by explanation, regardless of whether or not they were upheld.

^[6] NB: Large percentage changes can be a consequence of small raw numbers.

^[7] "Unsubstantiated" is in the process of being replaced by new closure code 'not upheld due to insufficient evidence'.

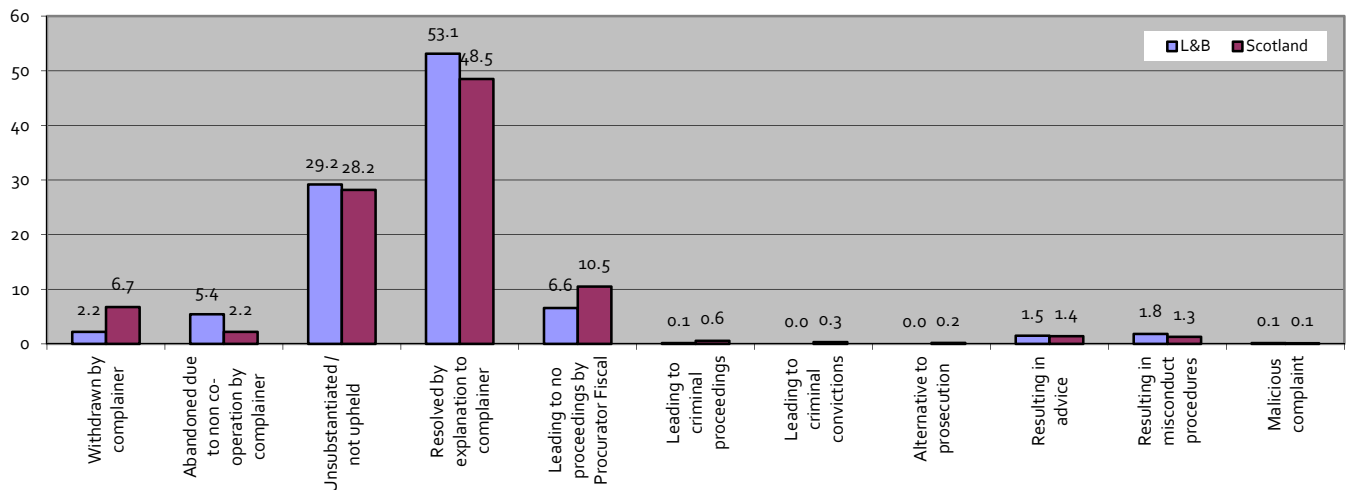
- The force has a higher than (Scottish) average share of disposed of allegations of irregular procedure (the highest proportion in Scotland), oppressive conduct and discriminatory behaviour..
- In all other categories Lothian and Borders Police has a lower than (Scottish) average share of disposals, including assault and corrupt practice (the lowest proportion in Scotland).

Figure 2: Percentage share of on-duty allegations disposed of - L&B and Scotland 2012-13



- The most common disposal for on-duty allegations in Lothian and Borders has been *resolved (now concluded) by explanation* to complainer, for at least the last five years.
- For this reason, unlike most other forces in Scotland L&B has not witnessed either a dramatic increase in this type of disposal nor a corresponding sharp drop in *unsubstantiated / not upheld due to insufficient evidence*⁷ allegations.
- The most dramatic change for the force this year has been a drop of 10.6 percentage points in its share of on-duty allegations *resulting in advice*.
- Elsewhere, the force continues to exhibit the highest individual share in Scotland of allegations *abandoned due to the non-co-operation of the complainer*. The force also recorded a drop in allegations *leading to a "no proceedings"* decision by the area procurator fiscal for a third consecutive year.

Figure 3: Outcomes of on-duty allegations - L&B and Scotland, 2012-13



3 Off-duty complaints

- The proportion of allegations received by L&B in 2012-13 concerning off-duty conduct fell for a second consecutive year to just 2.2 per cent. The proportion for Scotland as a whole fell to 3.1 per cent.
- At 28 the number of off-duty allegations received by the force in 2012-13 fell -52.5 per cent on last year, compared with an overall fall for Scotland of -31.9 per cent. At 47 the number disposed of fell by -9.6 per cent, compared with -19.2 per cent nationally.
- Although the majority of allegations received were directed at *police officers* (57.1 per cent), 35.7 per cent were directed at *police staff* - the highest proportion in Scotland - and 7.1 per cent at *special constables*. The equivalent proportions for Scotland as a whole were 80.5, 14.2 and 5.7 per cent respectively.
- Just over half of all allegations disposed of by the force were criminal, (53.2 per cent versus 73.4 per cent nationally). By far the most common disposal in L&B was *unsubstantiated/not upheld*, followed by *action taken*.

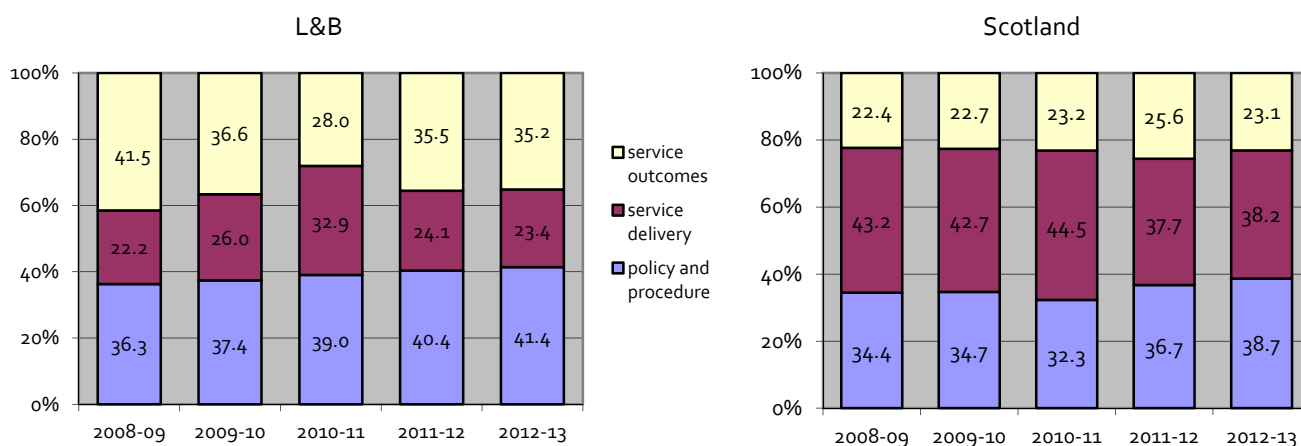
Table 3: Outcomes of all off-duty allegations - L&B and Scotland, 2009-10 to 2012-13

Fiscal year ⁷	Lothian and Borders Police				Scotland			
	09-10	10-11	11-12	12-13	09-10	10-11	11-12	12-13
% Action taken	56.7	21.8	23.1	19.1	52.9	51.3	50.7	39.3
% Unsubstantiated / Not upheld	23.3	52.7	44.2	72.3	30.1	37.6	38.2	47.6
% Resolved	10.0	16.4	11.5	8.5	11.1	7.4	3.1	12.1
% Withdrawn	6.7	9.1	19.2	0.0	5.3	3.6	7.2	0.3
% Abandoned	3.3	0.0	1.9	0.0	0.6	0	0.8	0.7
TOTAL - number	60	55	52	47	342	417	359	290

4 Quality of service complaints

- Just over one in ten (10.2 per cent) of all allegations received by Lothian and Borders Police in 2012-13 were concerned with quality of service. The equivalent proportion for Scotland is 12.4 per cent.
- At 128, the number of quality of service allegations received by the force in 2012-13 is down -22.9 per cent on last year, compared with a fall of -9.9 nationally.
- The majority of allegations received were directed at aspects of *policy and procedure* (41.4 per cent), followed by 35.2 per cent *service outcomes* and 23.4 per cent at *service delivery* - showing minimal change on last year.
- At 182 the number of quality of service allegations disposed of by the force rose 26.4 per cent on last year the highest individual rise recorded here - compared with a fall of -8.2 per cent for Scotland as a whole.

Figure 4: Percentage share of type of quality of service allegations received, 2012-13



5 Complainer characteristics

- Nearly all complainers (98.4 per cent) made their complaint to the force as opposed to having someone else do so on their behalf. This is similar to the 97.7 per cent recorded nationally. Where someone else did so on their behalf, it was most likely to be a witness (1.3 per cent).
- The majority of complainers were male (61.2 per cent), only slightly higher than the Scottish average of 62.4 per cent. The gender of the complainer was unknown in just 1.2 per cent of cases.
- In 37.0 per cent of cases the age of the complainer was unknown; in an even higher proportion (49.8 per cent) the occupational status of the complainer was unknown; and in the majority of cases (51.1 per cent) the ethnicity of the complainer was unknown or not stated. These are some of the highest proportions unknown nationally. For this reason we remain unable to make further comment about complainer characteristics.

Figure 5a: Age of complainer - L&B and Scotland, 2012-13

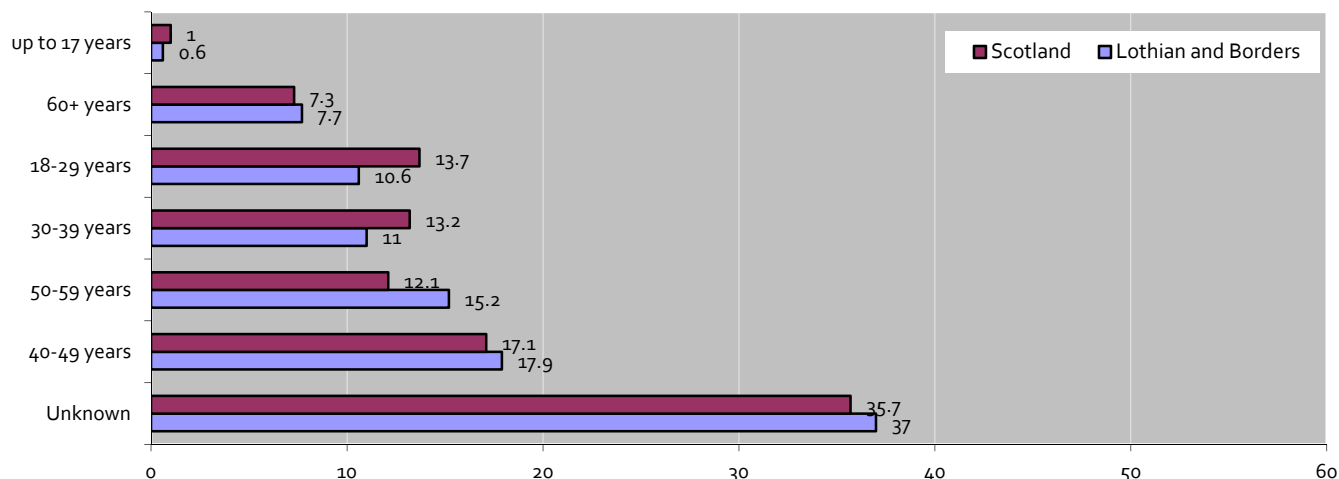
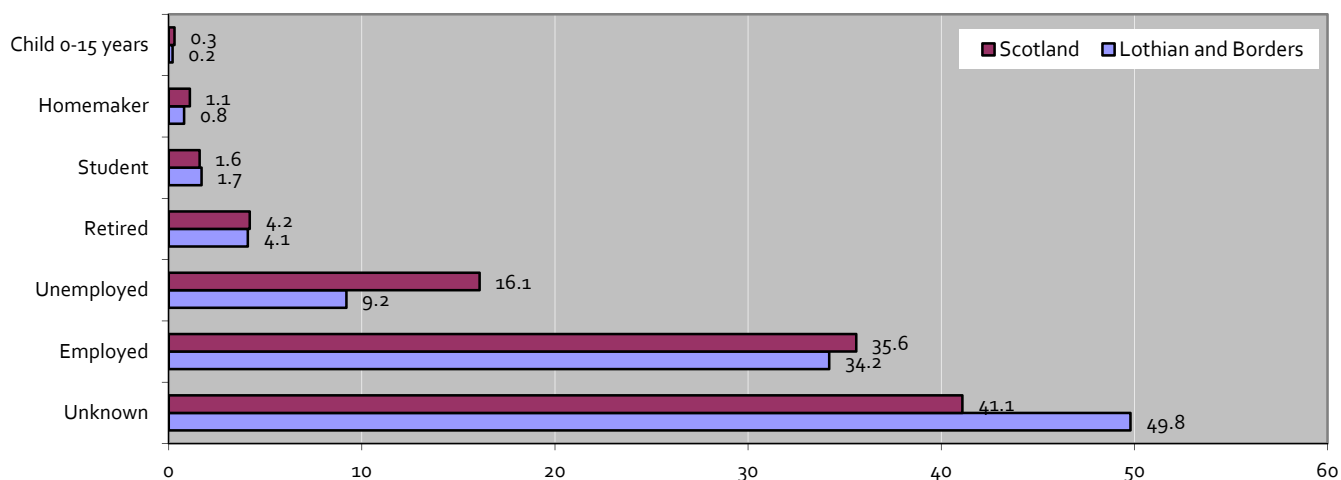


Figure 5b: Occupation of complainer - L&B and Scotland, 2012-13



6 Subject of complaint characteristics

- We have said elsewhere that the majority of subjects of allegations were police officers. Over three in every five of all those complained about in the force were male (62.7 per cent), 20.2 per cent were female and 17.2 per cent were unknown. The equivalent figures for Scotland are 72.5 per cent, 20.7 per cent and 6.8 per cent respectively.
- The peak ages for being complained about in the force are 40-49 (29.4 per cent, compared with 28.2 per cent nationally) and 30-39 (28.9 per cent, compared with 27.2 per cent nationally). This is only indicative, however, given that in 17.6 per cent of cases the age of the subject was unknown.
- In nearly half of all cases (46.0 per cent), the ethnicity of the subject of the complaint was also unknown.