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Interim report on data for the Independent Advisory Group on Police Use of Temporary Powers related to the Coronavirus Crisis

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Report Structure

	Page
Executive Summary	4
1. Introduction	8
2. Priority Setting and Data Gathering	9
2.1 Data sources	9
2.2 Structure of the report	9
3. Police Scotland's use of the temporary powers	10
3.1 Extent of use of interventions	10
3.2 Geographical profile of interventions	10
3.2.1 Number of interventions	10
3.2.2 Rate of intervention across Command Areas	11
3.2.3 Rate of intervention across Divisions	12
3.2.4 Geographical profile of intervention type	15
3.2.5 Geographical pattern of dispersals	16
3.2.6 Geographical pattern of enforcement	17
3.2.7 Geographical pattern of forcible removal	18
3.2.8 Geographical differences in rate of intervention	19
3.3 Change in use of interventions over time	20
3.4 Context of intervention use	23
3.4.1 Locus of encounter	23
3.4.2 Size of gatherings	24
3.5 Comparison with other countries	26
3.6 Impact of pandemic on wider policing context in Scotland	26
3.6.1 Change over time in police incidents recorded	27
3.6.2 Change over time in police resource allocation	28
3.6.3 Change in incident and resource allocation by crime type	29
4. Public views about police use of the powers in Scotland	37
4.1 Profile of responses to the Citizen Portal	37
4.2 Impact of the pandemic	37
4.3 Knowledge and experience of the policing powers	38
4.4 Opinion of police contact during lockdown	39
4.5 Opinion of police use of the powers	40

5.	Public complaints about police use of the powers	41
5.1	Number of complaints before and after lockdown	41
5.2	Number of complaints with frontline resolution	42
5.3	Rate of complaints across Divisions	44
5.4	Difference in complaints compared to previous year	46
5.5	Number of Operation Talla complaints	47
6.	Concluding points	49
7.	Acknowledgements	50
Appendix 1		51

Executive Summary

Police Scotland's use of the temporary powers

Number of interventions

- Between 27th March and 17th June 2020, there were 53,112 interventions using the temporary policing powers recorded in Scotland.
- Over ninety per cent of all interventions recorded involved police using their powers of dispersal, while less than one in ten encounters resulted in enforcement.
- Consistent with Police Scotland's messaging around the 4 E's, police officers have increasingly relied on engagement, explanation and encouragement as the lockdown has progressed.
- The number of interventions recorded under the temporary policing powers was highest in the West Command Area, with a third of all interventions occurring in Greater Glasgow.

Rate of interventions

- Taking account of population size, the rate per capita of all types of intervention was highest in the West of Scotland, although there was less difference in the rate of arrest between the West, East and North of Scotland.
- Difference in rates of intervention across Divisions are likely to have been influenced by a range of factors, including people travelling to parks, beaches and beauty spots and by differences in available policing resource.
- Argyll and West Dunbartonshire had by far the highest rate of intervention per capita. When taking account of police officer numbers, the rate of intervention in this Division was even higher and demonstrates by far the highest level of pandemic-related policing activity within Scotland.
- Greater Glasgow also had a high rate of intervention compared to most other Divisions, but when police officer numbers are taken into account the rate of interventions was more proportionate to some other Divisions.

Geographical profile of intervention type

- There was variation between Divisions in the relative use of the different intervention types during the early weeks of lockdown; however, this has reduced over time and there is now a fairly consistent picture in use of the powers across Divisions.
- Dispersals – especially those involving engagement and explanation – are by far the most common type of intervention used by officers across all Scottish Divisions.
- Use of Fixed Penalty Notices (FPNs) does vary across Divisions, although the differences have reduced significantly over time.
- Numbers of arrests are very low, but some Divisions with a very low number of interventions overall have had a higher than average rate of arrest.
- It is possible that officers in some parts of Scotland may at times have felt the need to use enforcement more often than those elsewhere.
- Nevertheless, the overall picture is one of broad consistency in relative use of the different powers across Divisions.

Change in use of interventions over time

- Temporal analysis shows a steady increase in police use of the temporary powers during April, followed by generally decreasing pattern punctuated by large spikes in activity during May and June.
- Large spikes in police activity typically coincide with three factors: weekends and holidays; hot and sunny weather; and public communications around changes to the lockdown.
- Spikes in policing activity primarily involved greater use of dispersals, not enforcement.

- Use of FPNs as a proportion of all interventions was highest during the first week that the powers came into being, but has gradually diminished over time.
- There is no single temporal pattern in the use of the police powers across Divisions, but some Divisions show similar trends to others.
- Police use of the temporary powers has reduced substantially since Phase 1 of lockdown began.

Context of intervention use

- The majority of interventions occurred in a public place (e.g. a street, park, beach or beauty spot), with just under one in five occurring in a private place (e.g. a residential dwelling or other building).
- There was a much greater use of sanctions when policing breaches of the lockdown in private places (e.g. house parties) compared to breaches in public spaces.
- Although gatherings of three or more people were banned, half of all encounters recorded by Police Scotland involved only one or two people. Less than 1% of encounters involved 50 or more people.
- Dispersals were most likely to involve larger gatherings of people, while incidents involving an arrest or a FPN were most likely to involve a small number of individuals.

Comparison with the wider UK

- It is difficult to provide an accurate comparison of policing activity during the lockdown in Scotland with similar activity in other parts of the UK, as there is little comparable data.
- Comparison of FPNs issued shows considerable variation between countries, with Wales having the highest rate of FPNs per capita and England having the lowest.
- The rate per capita of FPNs in Scotland was 2.1 times higher than that for England; while the rate in Wales is 2.6 times higher.
- Caution is required in interpreting these cross-country comparisons due to small numbers, and no strong conclusions can be drawn from these figures.

Change over time in police incidents recorded

- Taking account of the wider impact of the pandemic on policing demand and response during lockdown, the level of demand on Police Scotland was lower during the lockdown than previous months.
- Compared to the same period last year, the number of incidents recorded by Police Scotland in 2020 was much lower in the four weeks immediately before and after the lockdown.
- Overall, there was no discernable effect of the pandemic on the likelihood of Police Scotland responding to incidents that were recorded during this time.
- The reduction in demand but stable level of resource allocation indicates that Police Scotland was able to deal with the public policing requirements of the pandemic in terms of capacity.

Change over time by incident type

- Incidents recorded as **'Operation Talla'** (the UK policing response to the pandemic) increased dramatically in the early weeks of lockdown, peaked in late April, and remained high throughout May.
- However, there were distinct differences in patterns of demand and response across incident types
- **'Assisting the public'** incidents fell immediately prior to lockdown and remained lower than normal. A reduction in allocation of police resource to deal these types of (mainly low level) incident may have been due to resource being redeployed to other areas of operational business.
- **'Public nuisance'** calls (mainly relating to people breaking the Regulations) increased dramatically during lockdown, although warnings from Police Scotland that the high call volume would 'reduce response times for real policing matters' did result in a reduction in public nuisance calls.

Nevertheless, there was an increase in resource allocation for this type of incident, compared with the same period in 2019.

- **'Road traffic'** incidents reduced significantly as a result the pandemic. However, the proportion of incidents resulting in police resource allocation was higher than the equivalent period in 2019.
- **'Thefts'** reduced sharply in the two weeks immediately prior to and after lockdown. The rate of police resource allocation to theft incidents was lower than expected during the lockdown period, which was not explained by seasonal variation.
- **'Domestic violence'** incidents did increase following lockdown, but when seasonal variation is taken into account, this increase was not significantly higher than 2019. The rate of resource allocation to domestic violence cases remained very high during lockdown, but was slightly lower at points when incident numbers increased.
- **'Assaults'** declined by around 45% around the time of the lockdown and remained fairly low and stable throughout the first two months of lockdown. Police allocation of resource for assault incidents during lockdown was around 75-80%, which was lower than the same period in 2019.
- **'Noise complaints'** increased substantially as a result of the pandemic, and the police did allocate proportionately more resource to noise problems during the lockdown (most probably in response to house parties).
- **'Neighbour disputes'** also increased substantially during the first two months of lockdown. But, while noise complaints saw an increase in resource allocation by the police during lockdown, the reverse was true for neighbour disputes.

Public views about police use of the powers in Scotland

- A Citizen Portal was established to collect information from members of the public about their views on, and experiences of, the temporary police powers in Scotland.
- There is a lack of diversity amongst those who have responded to the portal so far, with more responses needed from younger age groups, those belonging to a wider range of religious and ethnic groups, and those with disabilities.
- All respondents said that the Coronavirus pandemic had impacted on them to some extent, but policing was rarely given as one of the factors that had impacted on them.
- Only a few people reported that they and/or a friend or family member had experienced police contact during lockdown, but most said that the police had treated them with fairness, respect and equality.
- Nevertheless, people were equally divided between those who said they were very or quite satisfied and those who were very or quite disappointed with the police contact.
- Most people had not changed their opinion of the police since the start of the lockdown, while the remainder were divided between those whose opinion had improved and those with a worse opinion.
- People's expressed a wide range of views on the policing of the pandemic and the use of the temporary powers in Scotland, which were both positive and negative.
- Some people expressed appreciation for the frontline role of police officers in supporting the public health crisis and were particularly complimentary about local policing.
- The challenges faced by the police in exercising their powers was recognised, particularly in relation to lack of clarity between the law and the guidance, but also in terms of the undermining impact of high profile breaches.
- Amongst those with more negative views some thought the police use of the powers was excessive and unnecessary, while others thought the police should use their powers more frequently.
- Some people were supportive of Police Scotland's 4 E's approach and their determination to use enforcement only as a last resort, while others thought it had been a factor in non-compliance with the law.

- There was a sense of frustration amongst those who felt the restrictions were no longer necessary.

Public complaints about police use of the powers

- There was no significant increase in complaints in the two months following lockdown compared to the prior two months, or compared to the equivalent two months of 2019.
- There were some differences in the number and rate of complaints received by Division, but only Lanarkshire saw a significantly increase in the number of complaints (note that Lanarkshire also had the highest rate of FPNs).
- The number of Operation Talla complaints received during lockdown was counteracted by a reduction in the number of 'standard' complaints during this period.
- During lockdown, there was an increase in the proportion of complaints being dealt with by frontline resolution (FLR), which typically involves explanation, apology or assurance. This was true across all Divisions, but especially those in the West.
- The higher resolution rate suggests that the complaints during lockdown may have been less serious than normal; however, it is also possible that the FLR method was used more frequently following lockdown.
- Overall, there was no evidence of a surge in complaints against the police as a result of the use of the temporary powers; no evidence of systematic bias across Divisions in the number or rate of complaints received; and some evidence to suggest that most of the Operation Talla related complaints were of a trivial and non-criminal nature.

1. Introduction

In response to the Coronavirus pandemic, the UK and devolved governments imposed a national 'lockdown' on 23rd March 2020 with clear advice to stay at home to avoid transmission of the disease, thus helping to save lives and enable the NHS to cope with the anticipated increase in demand. Two days later, the Coronavirus Act 2020 was passed by the UK Government and received Royal Assent on the same day. And on 27th March, the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations ('the Regulations') were laid before the Scottish Parliament and also came into force the same day. The Regulations provided a legislative framework 'for the purpose of preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection or contamination in Scotland (whether from risks originating there or elsewhere)' (Section 45C).

While the public were expected to comply with the law and related guidance for the sake of public health, the Regulations gave Police Scotland temporary new powers of enforcement to ensure compliance with the law where necessary. These powers were extraordinary in that they placed unprecedented restrictions on the freedom of members of the public to leave home, associate with others and go about their daily business. While recognising that the powers were necessary to support public health efforts to keep people safe and prevent the spread of the disease, it was also recognised that they placed an enormous burden on the Scottish public. For that reason, Police Scotland emphasised that police officers' approach to using the powers would be in keeping with the spirit of 'policing by consent' and focus on four E's: primarily *engaging* with the public and *explaining* the reasons for complying with the lockdown where possible, *encouraging* compliance where necessary, and moving to *enforcement* only as a last resort for flagrant breaches of the law.

In view of the extraordinary nature of the powers, Police Scotland (PS) and the Scottish Police Authority (SPA) established an Independent Advisory Group (IAG) to provide scrutiny of this new 'public health' model of policing and the use of the temporary powers. The aims of the IAG were to ensure that the temporary powers of enforcement were being used appropriately and only as a last resort; and to explore the views of the police and public around the use of, and compliance, with the powers. The IAG set out to gather appropriate data to assist in its deliberations and help it make recommendations to the SPA and PS about the current and future use of the police powers in relation to the pandemic.

The IAG was mindful of placing undue burden on PS during an exceptionally busy period, so only data considered essential to the IAG under its Terms of Reference (ToR) was collected.¹ The data collection was supported by the SPA, HM Inspector of Constabulary in Scotland (HMICS) and PS's Operation Talla Information Collation, Assurance and Liaison (OpTICAL) Group.

This interim report includes some of the data collected so far to support the work of the IAG. The main focus of the report is on the police use of the temporary powers, spatial differences in policing practice and temporal change in the use of different intervention types. The report also includes information on public views of the use of the powers and complaints (Coronavirus and non-Coronavirus related) against the police during the lockdown. The period covered by this report extends from January to June 2020, with a primary focus on the period of lockdown from 27th March onwards when the policing powers came into being. Depending on the data source used, not all data were available for the full time period.

¹ The terms of reference can be found on the SPA website: <http://www.spa.police.uk/assets/617667/iagtor>

2. Priority Setting and Data Gathering

The IAG identified three broad priority areas for which data relating to the use of the Coronavirus police powers was required. These were: police application of the powers; public acceptability of the powers and policing response; and public compliance with the powers. These three priority areas were mandated in broad terms under sections 1, 2, 4 and 5 of the IAG's ToR, as follows:

1. *To ensure that use of powers by Police Scotland is compliant - both in application and spirit - with:*
 - (a) *human rights principles and legal obligations, including those set out in the Human Rights Act 1998 and the Scotland Act 1998*
 - (b) *the values of Police Scotland - integrity, fairness and respect - and its 'safety and wellbeing' remit as laid out in the Police and Fire Reform Act (Scotland) 2012, and*
 - (c) *the purpose of the 2020 Act and Regulations, namely safeguarding public health.*
2. *The powers which will be considered by the Group include the powers:*
 - (a) *relating to potentially infectious persons under section 51 of the Coronavirus Act 2020 and schedule 21 to the Act;*
 - (b) *to issue directions relating to events, gatherings and premises under section 52 of the Coronavirus Act 2020 and schedule 22 to the Act; and*
 - (c) *to enforce requirements to close premises and businesses and restrictions on movement and gatherings, all under Part 4 of the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020.*
4. *To seek and take account of the views of police officers and members of the public in relation to the scope, clarity and use of the powers during the crisis period.*
5. *To pay particular attention to any use of powers involving children, young people, or persons within disadvantaged communities including those with protected characteristics under the Equality Act 2010, to ensure they are fully reflective of Police Scotland's duties.*

2.1 Data sources

The information contained in this report comes from 3 main sources:

- The Coronavirus Intervention (CVI) System established by Police Scotland to collect information on police activity in relation to the pandemic.
- Police incident, attendance and complaints data from Police Scotland's data systems.
- A citizen portal established by the SPA in order to canvas the views of the public.

Further information collected for the purpose of informing the IAG will be published separately:

- Two waves of a public opinion survey commissioned by the SPA.
- Interviews with Police Scotland officers and staff conducted by HMICS.
- Responses to Police Scotland's 'Your Police' and 'User Experience' Surveys.

2.2 Structure of the report

This report will focus on three main areas of the work of the IAG: (1) the police use of the temporary powers, how this was distributed by type of intervention and across different police Divisions, and how it changed over time; (2) public views about the police use of the powers; and (3) complaints from the public during the period of lockdown and how these were resolved.

3. Police Scotland's use of the temporary powers

3.1 Extent of use of interventions

In the 83 days from 27th March to 17th June 2020, a total of **53,112 interventions using the temporary policing powers were recorded** on the Police Scotland Coronavirus Intervention (CVI) system (an average of 640 per day).

Five main types of policing intervention to deal with individual non-compliance in relation to the Regulations are recorded on the CVI system:²

- Dispersal of a gathering after providing information
- Dispersal of a gathering after providing explicit instruction
- Forcible removal to a home address
- Issue of a Fixed Penalty Notice (FPN)
- Arrest

The vast majority (92.8%) of all interventions recorded on the CVI system involved dispersal, either after being informed of the public health risks by police officers (74.2%) or after being explicitly instructed to disperse (18.6%). Only 6.1% of all recorded interventions involved issue of a Fixed Penalty Notice (FPN) and 0.5% involved use of arrest powers. The remaining 0.6% of interventions involved forcible removal of a person to their home address.

During the first four weeks of lockdown, data from the CVI System showed that officers were using sanctions (i.e. FPNs or arrest) in around 22% of all recorded interventions; however, **as the lockdown continued police officers have increasingly relied on more informal measures**. This is consistent with Police Scotland messaging around use of the 3 E's (*engage, explain, encourage*) in the majority of cases, moving to the 4th E (*enforcement*) only when absolutely necessary. Change over time in the use of the powers is discussed in more detail in Section 3.3.

3.2 Geographical profile of interventions

3.2.1 Number of interventions

The number of **interventions recorded under the temporary policing powers was highest in the West Command Area (66.4%)**, followed by the East (22.0%) and the North (11.6%). This balance has remained fairly stable over time.

Figure 1 shows that by far **the largest number of interventions occurred in Greater Glasgow (32.4% overall)**. This was followed by Argyll and West Dunbartonshire (14.0%) and Forth Valley (8.4%). The smallest share of interventions occurred in Dumfries and Galloway (1.8%), the North East (2.8%) and the Lothians and Scottish Borders (3.0%).

² A further two types of intervention were introduced under the Regulations: closure of premises during lockdown and detention of an individual suspected of having Coronavirus; however these were extremely small in number and are not reported here.

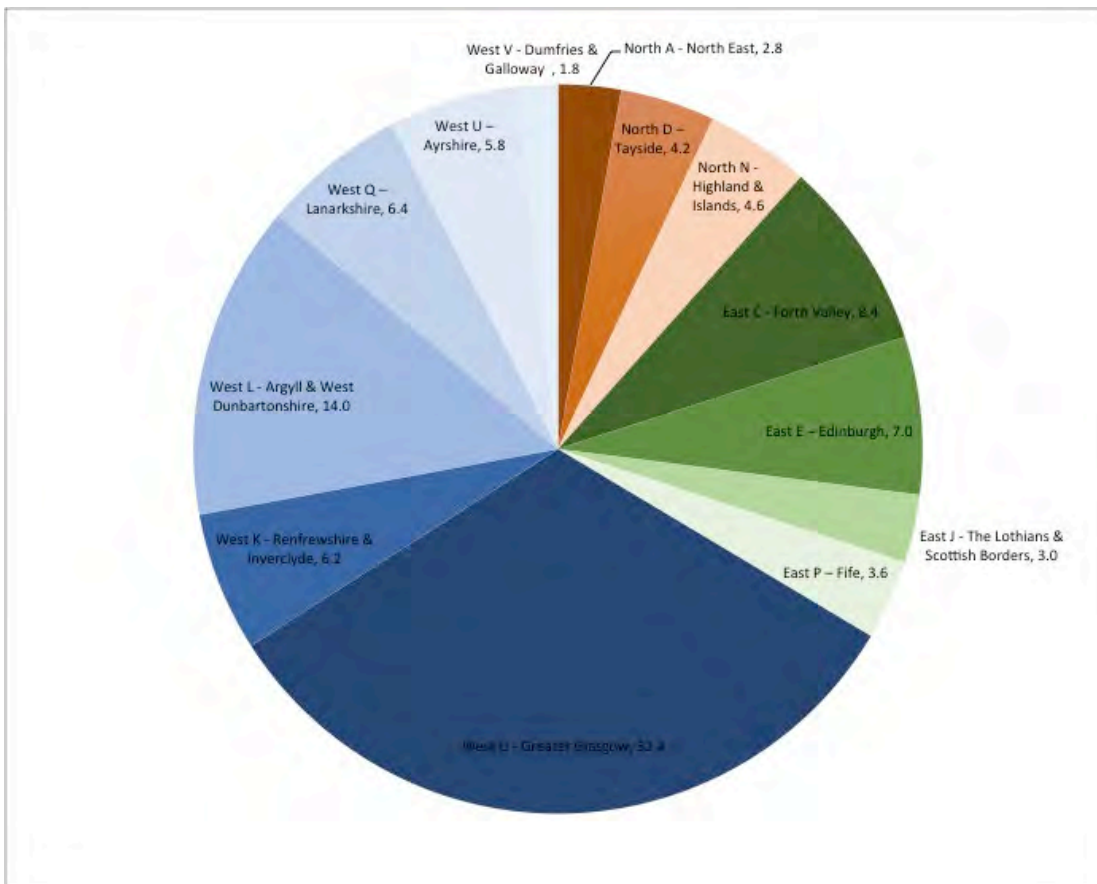


Figure 1: Distribution of the number of interventions using the temporary police powers by Division (27th March to 17th June 2020)

3.2.2 Rate of intervention across Command Areas

Comparing activity based on population rates allows a more comparable assessment of the proportionate use of each type of intervention in different parts of the country as it takes the population size into account. Rates per capita were calculated based on the population aged 16-59, based on the assumption that policing was most likely to focus on individuals within this age range (see Appendix 1).

The rate per capita of police use of the temporary powers was highest in the West (2,490 interventions per 100,000 people) compared to the East (1,171 per 100,000 people) and the North (830 per 100,000 people). **This suggests that, all else being equal, people living in the West of Scotland were more likely to be subject to the temporary policing powers than anywhere else in the country.**

Looking at the four main types of intervention under the temporary police powers, Figure 2 shows that the **rates per capita were higher in the West Command Area for all types**. The rate of dispersal after being informed varied substantially across the three Command Areas, but the rates of dispersal after instruction and issue of FPNs were similar in the North and East Command Areas.

There was little absolute difference in the rate of arrest across Command Areas, as the numbers were very small, but the overall pattern in terms of being highest in the West and lowest in the North remained.

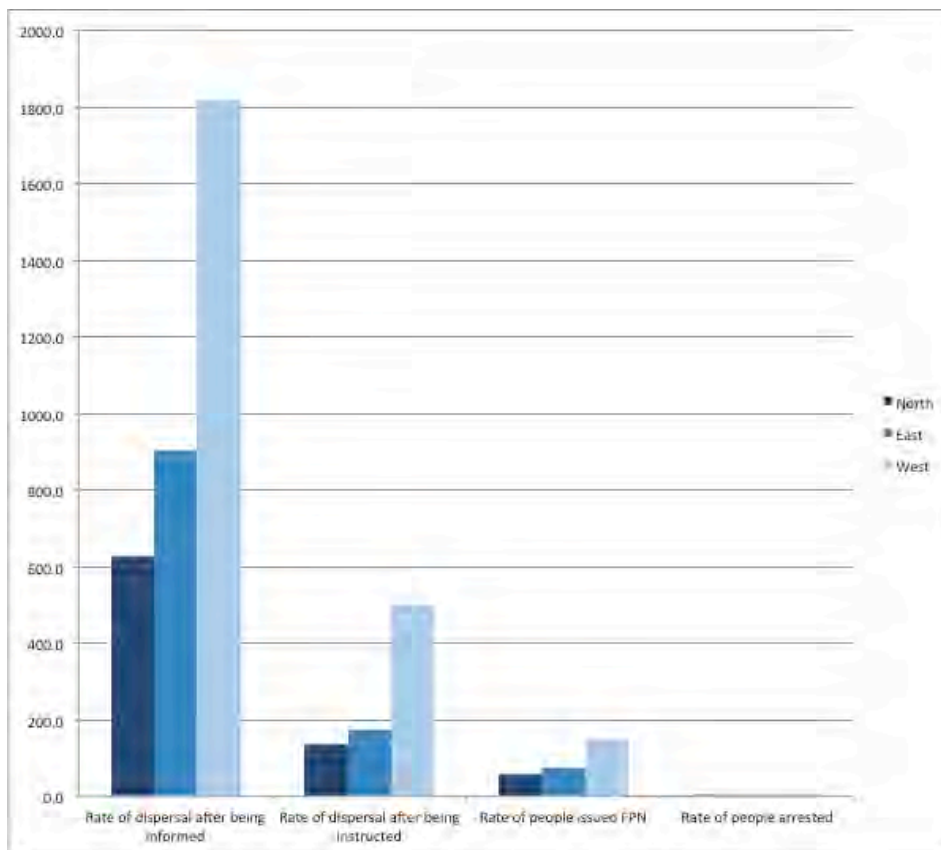


Figure 2: Rate of intervention per 100,000 people age 16-59 by type, by Command Area (27th March to 17th June 2020)

3.2.3 Rate of intervention across Divisions

Rates of intervention per capita were also calculated for the thirteen Scottish police Divisions. However, it should be noted that population rates may not entirely reliable as a means of providing geographic comparisons due to the influx of people to local beauty spots and tourist attractions that occurred during lockdown, especially in certain Divisions.

Figure 3 compares the total number of interventions (blue bars) and the rate of activity per 100,000 people aged 16-59 (red bars) across the Divisions. If the use of the powers was exactly the same across all Divisions and proportionate to population size, we would expect the blue bars to be different but the red bars to be similar.

Figure 3 is ordered in terms of the total number of interventions, and shows clear differences across the country not only in terms of numbers but also in terms of rates. It is important to note that **Divisions with higher rates of intervention do not necessarily indicate more police activity against, or less compliance amongst, those living in that area.** This is likely to be at least partially explained by people travelling from outwith the area to specific localities in order to take advantage of local amenities and beauty spots. It may also be partly explained by differences in available policing resource (i.e. police officer numbers per head of population).

Greater Glasgow not only had the highest number of interventions, but it also had a much higher rate of interventions compared to most other Divisions, with 4,189 per 100,000 people aged 16-59. That is far higher than the West Command Area average (2,490) and almost four times larger than the rate for Edinburgh (1,104), which is the next largest Division in terms of population size. Police officer numbers are higher per head of population in Greater Glasgow than any other

Division (62 per 10,000 people compared to an average of 40), so activity is likely to have been higher across the city. In addition, hot weather in April and May resulted in a large influx of visitors to Greater Glasgow's parks, resulting in a strong proactive policing response.

Despite having around half the number of interventions compared to Greater Glasgow, **Argyll and West Dunbartonshire had the highest rate of interventions by far** (4,832 per 100,000 per capita). This rate is highly likely to have been inflated due to the influx of visitors to beauty spots and popular tourist destinations in this part of Scotland (including Loch Lomond), although it cannot be determined whether this level of enforcement was higher given tourist numbers in this area compared to other similar beauty spots in Scotland.

The rate of interventions was high in some Divisions containing large urban conurbations; however, this does not fully explain differences observed in Figure 3, as rates of intervention were so much lower in the City of Edinburgh, Tayside (containing Dundee) and the North East (containing Aberdeen) compared to Greater Glasgow.

Moreover, some Divisions with similarities in terms of remoteness and rurality had different rates of intervention, such as Dumfries and Galloway (1,123 per 100,000 people) compared to the Lothians and Scottish Borders (452 per 100,000 people).

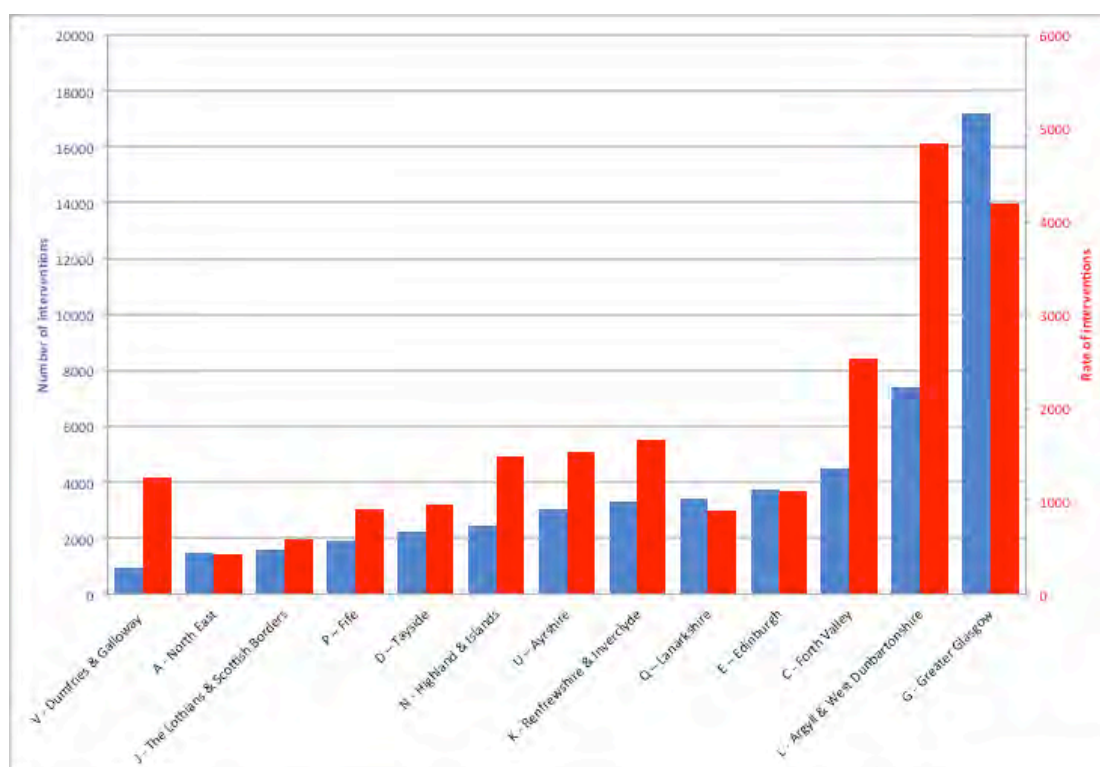


Figure 3: Number and rate of intervention per 100,000 people aged 16-59, by Division (27th March to 17th June 2020)

As noted earlier, it is possible that differences in police officer numbers may have driven some of the variation in police use of the temporary powers (i.e. a Division with a larger number of officers, per head of population, could be expected to have conducted more proactive policing during this period). Therefore, the rate of intervention per 1,000 police officers was calculated for each Division (see Appendix 1).

Figure 4 compares the rate of interventions per 100,000 people aged 16-69 (blue bars) with the rate per 1,000 police officers (red bars). The pattern of activity across Divisions shows little

deviation whether the rate is based on police officer numbers or population size. There are, however, two exceptions: **Greater Glasgow had a lower rate of intervention, and Argyll and West Dunbartonshire a higher rate, based on police officer numbers.**

Looking at the red bars in Figure 4, the rate of activity based on police officer numbers in Greater Glasgow was almost identical to that in Forth Valley and only slightly higher than Renfrewshire and Inverclyde. In other words, **the much higher rate of policing activity per head of population in Greater Glasgow is explained to a large extent by the fact that there were proportionately more police officers working in the city than there were in other Divisions.**

Meanwhile, the rate of intervention based on police officer numbers was almost twice as high in Argyll and West Dunbartonshire as it was in Greater Glasgow or Forth Valley. This indicates that **officers based in Argyll and West Dunbartonshire were using the temporary powers to a much greater extent than anywhere else in the country.** This is almost certainly due to the high level of illegal travel to beauty spots such as Loch Lomond; however, it is notable that West Dunbartonshire had a much higher rate of Coronavirus-related deaths compared to most other council areas, which may also have impacted on policing activity.³

It is impossible to be accurate about the actual number of police officers available during the lockdown period (i.e. it may have differed due to higher than usual absence rates and due to reassignment of officers from desk-based duties to more operational tasks). It may also be the case that some officers typically working in Command Area or national roles were assigned to local Divisions to assist with policing the pandemic. **It is likely, however, given the very high profile policing response to the pandemic – especially in the early weeks – that police officer availability had some bearing on the rates of intervention in different parts of the country.**

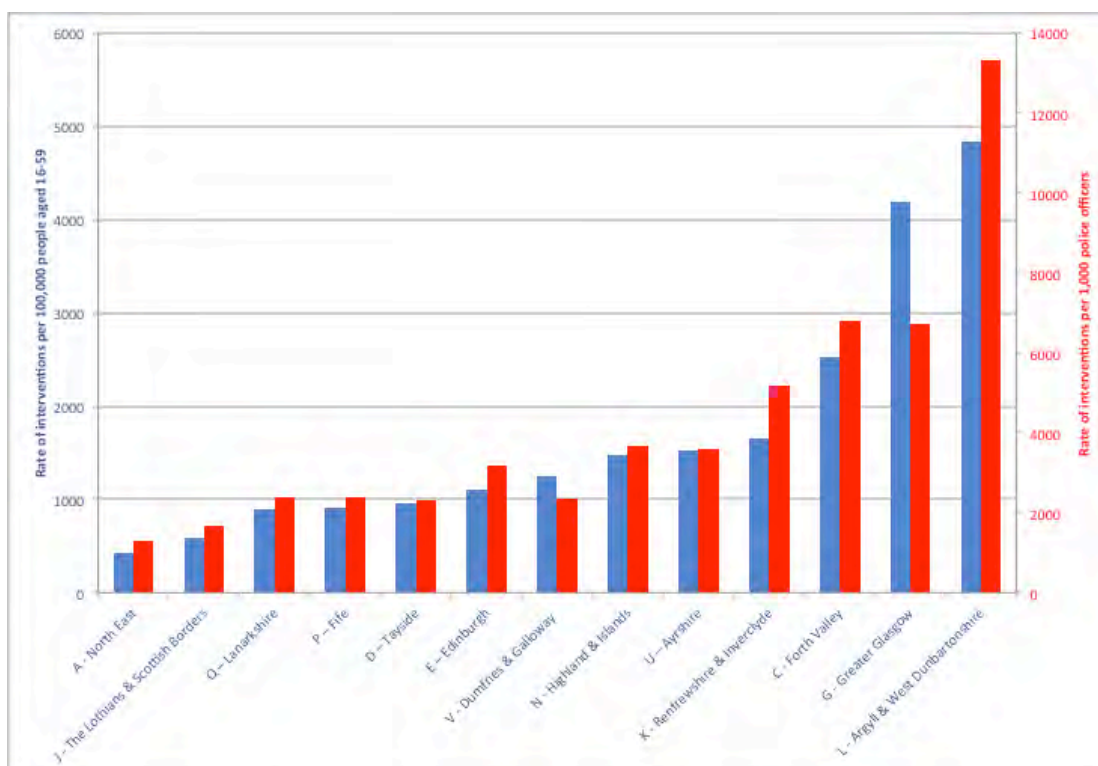


Figure 4: Comparison of rate of interventions based on population size and number of police officers, by Division (27th March to 17th June 2020)

³ Figures published by the National Records of Scotland on 24th June showed that the death rate from Coronavirus was 14 per 10,000 people in West Dunbartonshire, second only to Inverclyde with 15 per 10,000 people.

3.2.4 Geographical profile of intervention type

Figure 5 provides a summary of the five types of intervention as a percentage of all activity within each Division. This provides a picture of the 'relative' use of different interventions across different parts of Scotland.

Although there are some differences, Figure 5 indicates that **there is a fairly consistent picture across Divisions in the relative use of the different intervention types**. Analysis (not presented here) suggests that this was not the case in the early days of the lockdown, but **over time the Divisions have become more consistent in their practice**. This is likely to be due to a combination of factors, including close supervisory oversight of police officers' use of the powers, sharing of organisational learning across Divisions and consistency of messaging from Police Scotland around the use of the 4 E's.

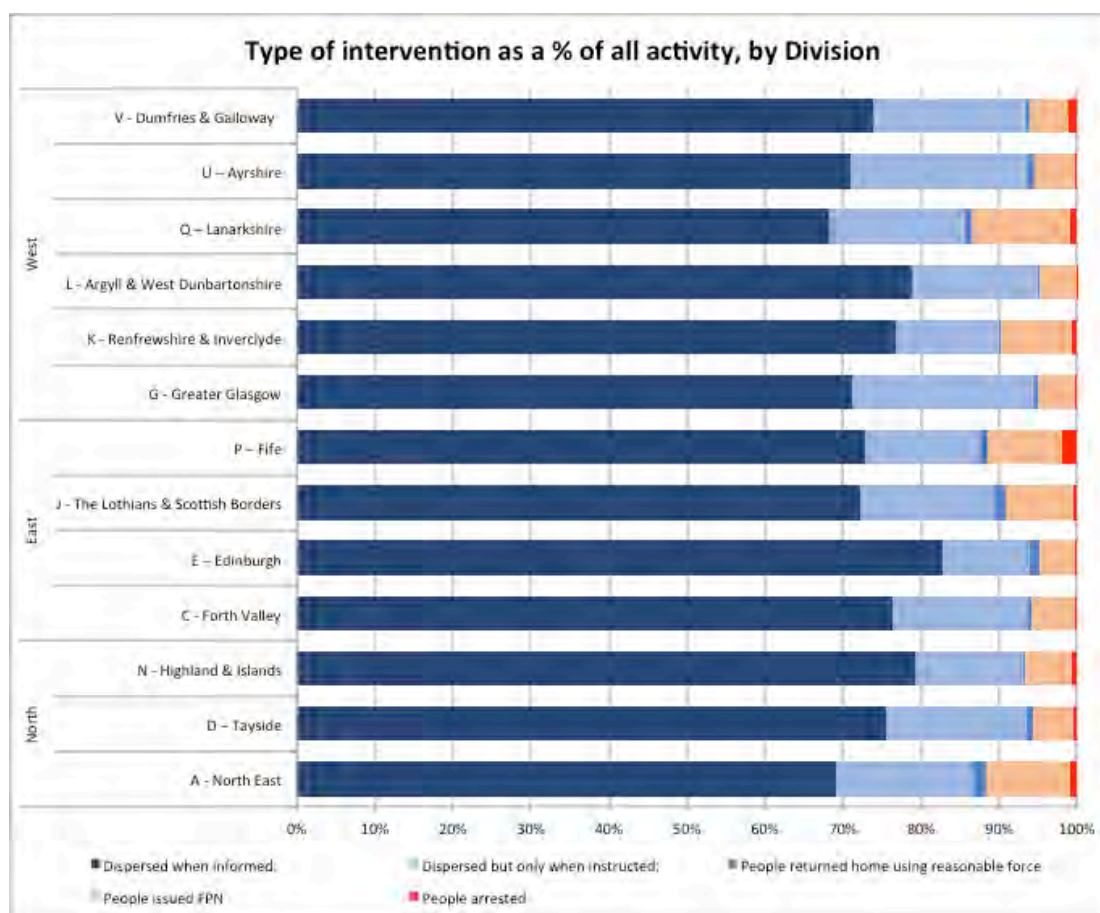


Figure 5: Summary of types of intervention as a percentage of all interventions, by Division (27th March to 17th June 2020)

Consistent with the Police Scotland messaging around use of the first 3 E's, **dispersals were by far the most common type of intervention used by officers across all Scottish Divisions**. This ranged from 85.7% in Lanarkshire to 94.9% in Argyll and West Dunbartonshire. So, even though Argyll and West Dunbartonshire had a very high rate of intervention, the bulk of it was clearly focused on low level policing.

There are some differences in how the interventions have been applied across the country. For example, **police officers in the City of Edinburgh were the most frequent users of informal dispersal** (based on informing people about the public health implications), representing 82.8% of

all activity. Whereas, officers in Lanarkshire and the North East used this type of intervention least frequently overall (just less than 70% of all activity).

At the enforcement end of the spectrum, **FPNs made up a greater proportion of all interventions in Lanarkshire (12.6% of all activity) compared to any other Division**; whereas, they made up only around 5% or less of activity in Edinburgh, Tayside, Greater Glasgow, Ayrshire, and Dumfries and Galloway. The high rate of enforcement in Lanarkshire is most likely related to a series of large gatherings and parties that occurred in and around Coatbridge in the early weeks of lockdown during a period of extremely hot weather.

Only 252 arrests using the temporary powers occurred over this period, so the percentage of interventions involving arrest was very small (only 0.5% overall). Relatively speaking, use of arrest was highest in Fife (1.9% of all activity), but this represented only 35 arrests in total. Despite having the highest rate of interventions overall, use of arrest was lowest in Argyll and West Dunbartonshire (0.1% of all activity), representing only 20 arrests in total.

These figures suggest that the police powers have been used differently across the country; however, this does not mean they have been used disproportionately. These patterns of activity could have been driven by different underlying demand or behaviours in different parts of the country. **The overall picture is one of broad consistency in practice across Divisions.**

3.2.5 Geographical pattern of dispersals

During the first four weeks of the lockdown, dispersals represented 76.6% of all interventions; however, by 17th June this had risen to 92.8%. It is clear that **as the lockdown has gone on, use of the first 3 E's has increasingly taken priority.**

Four out of five dispersals involved officers providing information only, while one in five occurred after an explicit instruction had been given. This suggests that **in the vast majority of instances officers were able to rely on the first 2 E's, engagement and explanation.**

Two thirds of all dispersals (66.7%) occurred in the West Command Area, 21.8% in the East and 11.5% in the North. This balance remained stable over time. Nevertheless, **the use of dispersal as a proportion of all activity was practically identical across Command Areas**: 93.2% in the West, 92.2% in the East and 91.7% in the North. This became more consistent over time (in the early weeks the use of dispersal was higher in the West than the North and East).

Looking in more detail at the profile of dispersals, Figure 6 shows that **dispersal after an explicit instruction represented a minority of all dispersals in most Divisions** (typically less than 20%). Edinburgh stands out as being the Division with the lowest reliance on dispersals requiring an explicit instruction (12% of all dispersals). By contrast, the equivalent figure for Ayrshire and Greater Glasgow was around double that for Edinburgh.

These data suggest that **officers in some Divisions may have felt more need to issue explicit instructions to disperse, as opposed to simply providing information, than others** (although this could also be due to some degree of variation across Divisions in how officers defined 'informing' and 'instructing' when recording interventions).

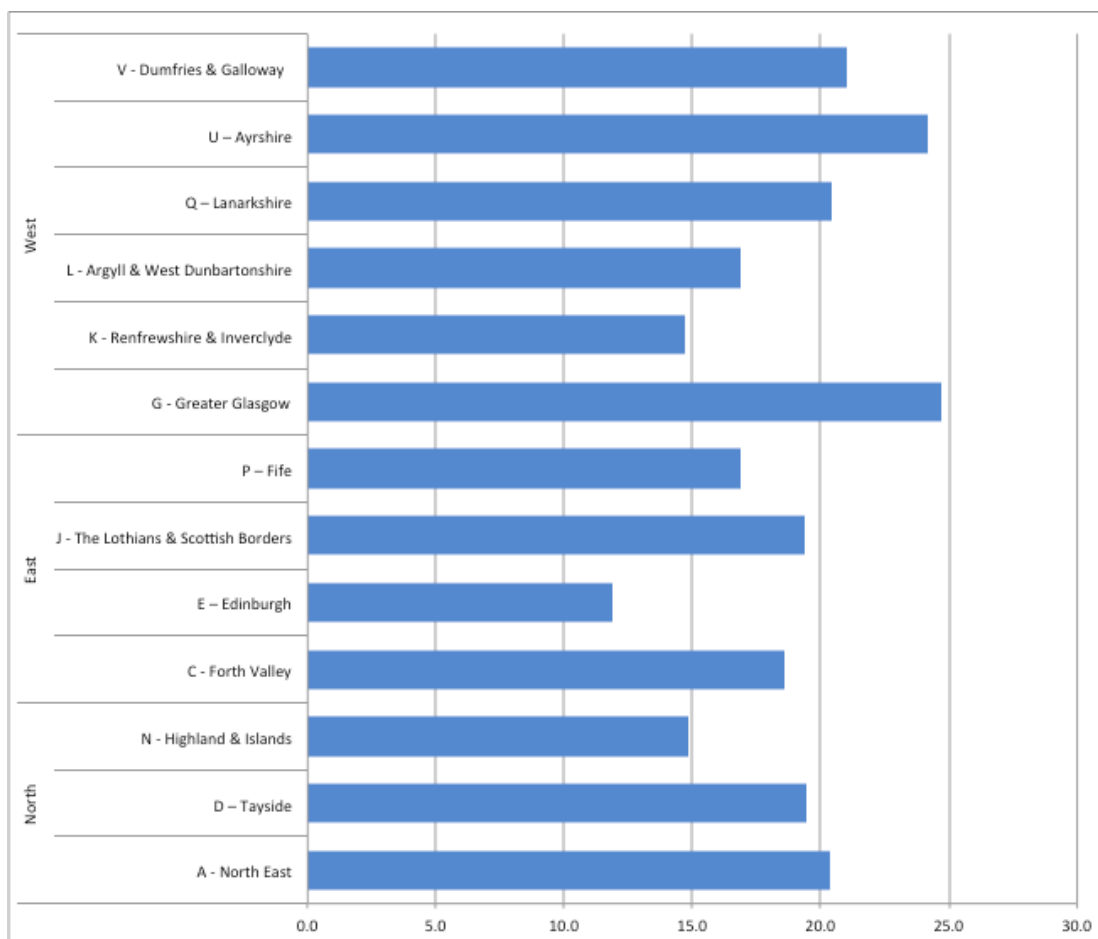


Figure 6: Dispersal after instruction as a percentage of all dispersals, by Division (27th March to 17th June 2020)

3.2.6 Geographical pattern of enforcement

Enforcement represented only 6.6% of all interventions during the period to 17th June. This is a marked reduction on the equivalent figure of 21.9% during the first four weeks of lockdown. Most enforcement involved issue of FPNs (6.1% of all activity) with the use of arrest being rare (0.5% all activity).

The majority of FPNs or arrests occurred in the West Command Area (63.7%), with 23.0% in the East and 13.3% in the North. This balance remained stable over time. The use of enforcement as a percentage of all interventions across Command Areas was broadly similar for the North (7.6%), East (6.9%) and West (6.3%). This balance has become more consistent over time.

There was some variation between Divisions in the proportion of all interventions that involved use of enforcement. FPNs or arrests made up only around 5% of all activity in Edinburgh, Greater Glasgow, Argyll and West Dunbartonshire and Ayrshire, but they made up 13.6% in Lanarkshire, 11.8% in the North East, and 11.4% in Fife Division. Lanarkshire has consistently had the highest proportion of interventions involving enforcement across all Divisions since the start of the lockdown, although the gap has closed substantially over time.

Only a small proportion of all enforcements involved the use of arrest (7.2% on average). Figure 7 shows that this varied considerably across Divisions, with only 2.3% of all enforcement in Argyll and West Dunbartonshire involving arrest compared to 16.3% in Fife and 16.9% in Dumfries & Galloway.

It is important to view these figures in context, as the number of arrests was very small (only 252 in total, including 9 in Dumfries and Galloway). Nevertheless, these figures suggest that **officers in some parts of Scotland may have felt the need to use stronger enforcement proportionately more often than those elsewhere.**

More would need to be known about the context of these encounters, and the profile of those who were subject to different forms of enforcement, to determine whether there were any substantive differences in policing practice across Divisions.

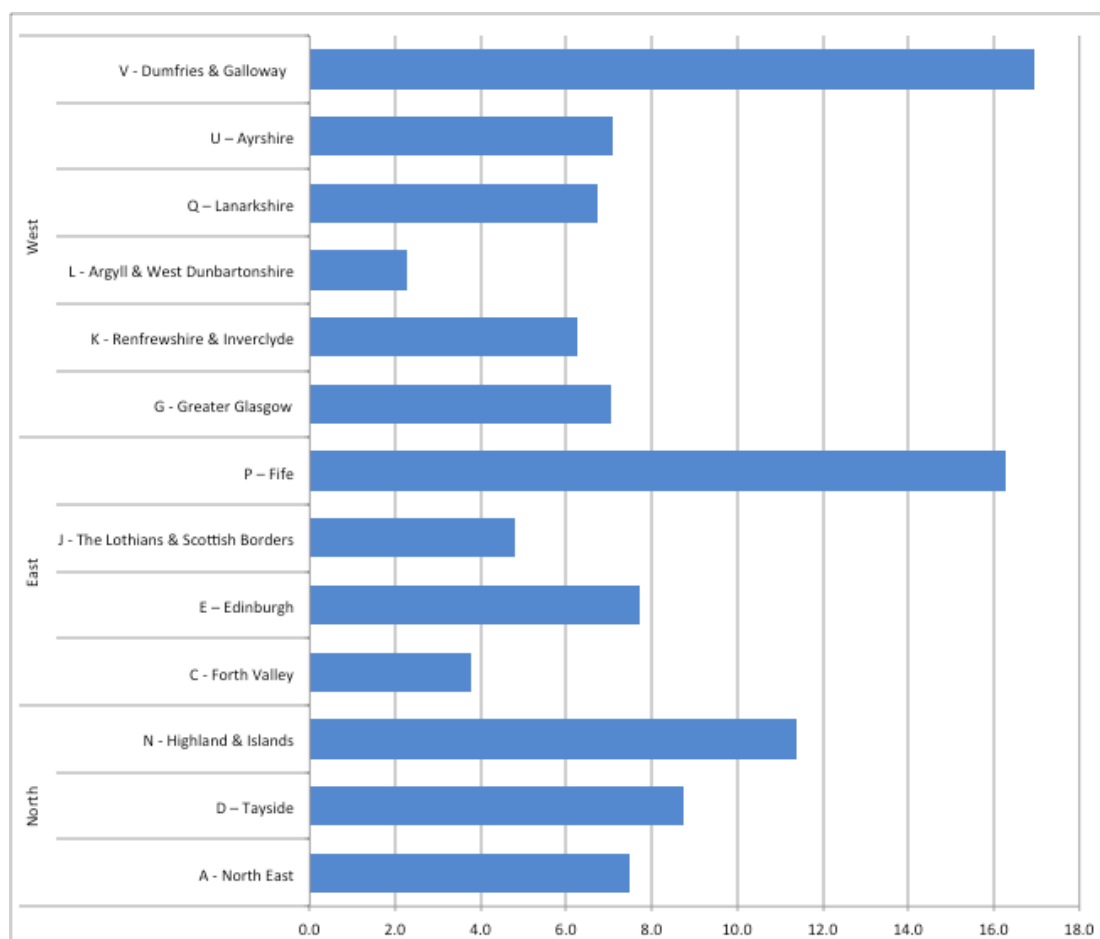


Figure 7: Arrests as a percentage of all enforcement, by Division (27th March to 17th June 2020)

3.2.7 Geographical pattern of forcible removal

There were only 320 occasions when police officers exercised their powers to forcibly remove someone to their home address. These cases represented 0.6% of all activity.

The total number of forcible removals was highest in the West (170), followed by the East (105) and then lowest in the North (45). Greater Glasgow had the highest number of forcible removals (82) followed by Edinburgh (44).

As a percentage of all activity, forcible removals were highest in the North East (1.6% of all activity) and the Lothians and Scottish Borders (1.4%). However, this represents a relatively small number of actual cases (23 in each Division). These are not discussed further in this report.

3.2.8 Geographical differences in rate of intervention

Figure 8 compares the rates of intervention (per 100,000 people aged 16-59) for the four main types of policing power. It shows that **rates of dispersal after being informed and rates of**

dispersal on instruction were consistently highest in Greater Glasgow and Argyll & West Dunbartonshire, with rates being much lower elsewhere. Indeed there is a very similar pattern in terms of population rates in both of the top two graphs.

Rates of FPN show a similar pattern in some respects to the top two graphs. Greater Glasgow and Argyll and West Dunbartonshire continue to have the highest rates overall; however, they are less dominant. Both Renfrewshire and Inverclyde, and Forth Valley, have rates of FPN that are approaching those of Greater Glasgow, and rates in Lanarkshire and Fife appear to be higher than other Divisions, when compared to rates of dispersal.

Rates of arrest (which were much smaller in number and so may be subject to more fluctuation) show a different picture again. There were uncharacteristically high rates of arrest in Fife, Dumfries and Galloway, and the Highlands and Islands compared to other Divisions. Meanwhile, the rate of arrest in Argyll and West Dunbartonshire was much smaller than elsewhere and suggests that, while there was a lot of Coronavirus-related policing activity in this Division, very little of it required the use of enforcement.

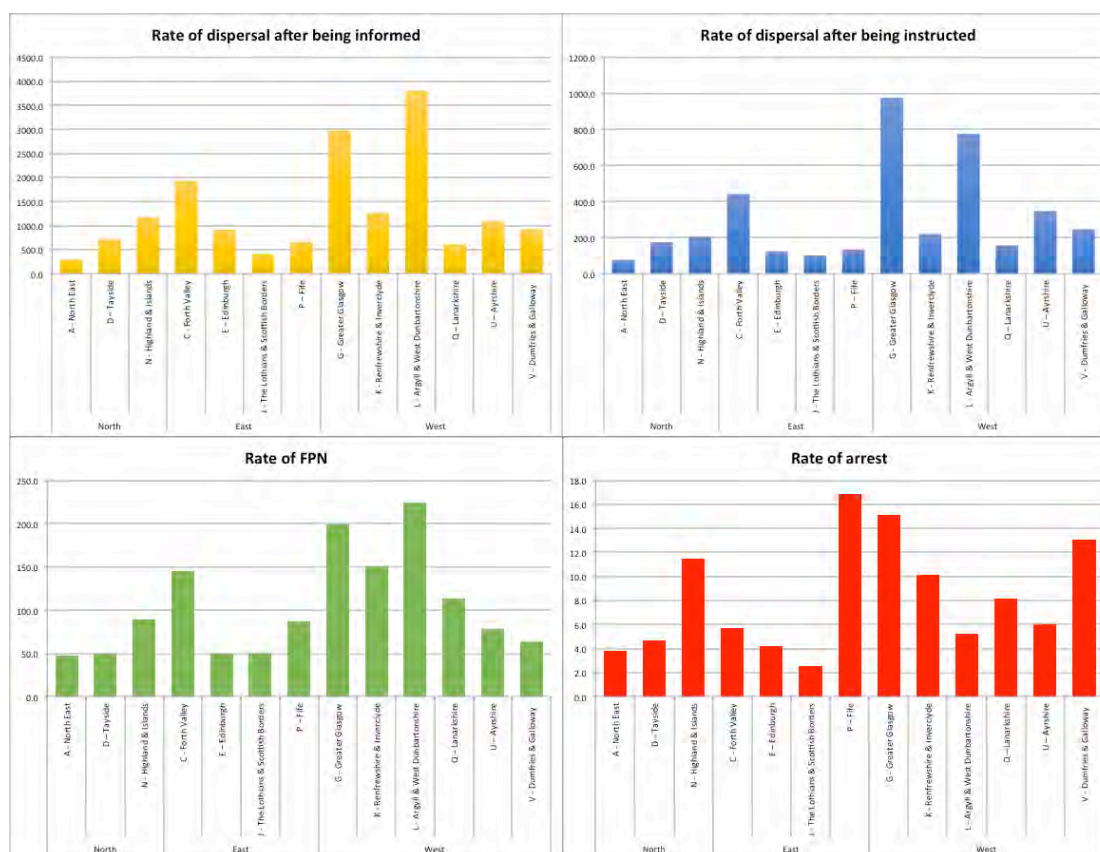


Figure 8: Rate of intervention by type per 100,000 people age 16-59, by Division (27th March to 17th June 2020)

With the exception of Greater Glasgow, those Divisions with the highest rates of arrest were typically those where the total number of interventions was small. Interviews with police officers conducted by HMICS did pick up some differences in practice across the Divisions. Therefore, such differences could be at least partly explained by lack of experience amongst officers in using the temporary policing powers in areas where they were used less frequently, or they could be a function of differences in the types of incidents encountered. Without further information on the circumstances in which the arrests occurred, or comparing the characteristics of those who were subject to arrest, it is not possible to tell.

3.3 Change in use of interventions over time

Figure 9 shows the daily count of interventions recorded on the CVI System from 27th March to 24th June. It is hard to determine an exact pattern because there is so much variation on a daily basis, with large peaks in activity at irregular intervals. Generally speaking, it shows that **there was a steady increase in police use of the temporary powers during April, followed by generally decreasing pattern punctuated by large spikes in activity during May and June.**

The small number of interventions recorded in late March/early April are likely to be due to a combination of factors during the early days of lockdown, including: Police Scotland guidance and training taking time to filter through to officers; officers taking time to get used to the new rules and guidelines; higher than normal levels of staff absence; high levels of compliance from the public; and time taken for officers to get used to, and start using, the new recording system. While there was some evidence of non-recording of policing activity at the start of lockdown, a recent comparison between the number of FPNs recorded on the CVI System and those on the court ticketing system found that **the CVI System has provided an accurate record of activity over time.**

While it is difficult to accurately establish cause and effect, **the characteristic spikes in activity typically coincide with three main factors: weekends and holidays; hot and sunny weather; and public communications around changes to the lockdown.** There were two particularly large spikes in early May (6th and 9th), which reflect heavy policing presence at beaches, parks and beauty spots during several days of extremely hot weather. However, these spikes also occurred during a period in which the UK Government messaging around the Coronavirus rules was starting to change (i.e. Boris Johnson announced his plans to publish a roadmap to ease the restrictions on 2nd May before making his formal public announcement on 10th May) which may have impacted on individual compliance levels.

There is a clear downward trend in intervention from around the 11th May, the date that Nicola Sturgeon relaxed the restrictions on going out to exercise once a day. This period also coincides with an increase in the opening of retail outlets and a noticeable rise in people starting to move around in public, making active policing of the lockdown much more difficult. There are two further large spikes, one on the 21st May, which coincides with the Scottish Government's publication of the Covid-19 route-map, and the other on the 25th of May, which coincides with the Scottish Spring Bank Holiday and more sunny weather.

The final large spikes in activity occurred on the 1st and 6th of June, following the start of the Phase 1 changes to the lockdown in Scotland (which began on 29th May). However, **police use of the temporary powers during Phase 1 has been substantially lower than at any other period of lockdown.** Indeed, by 24th of June there were virtually no interventions recorded.

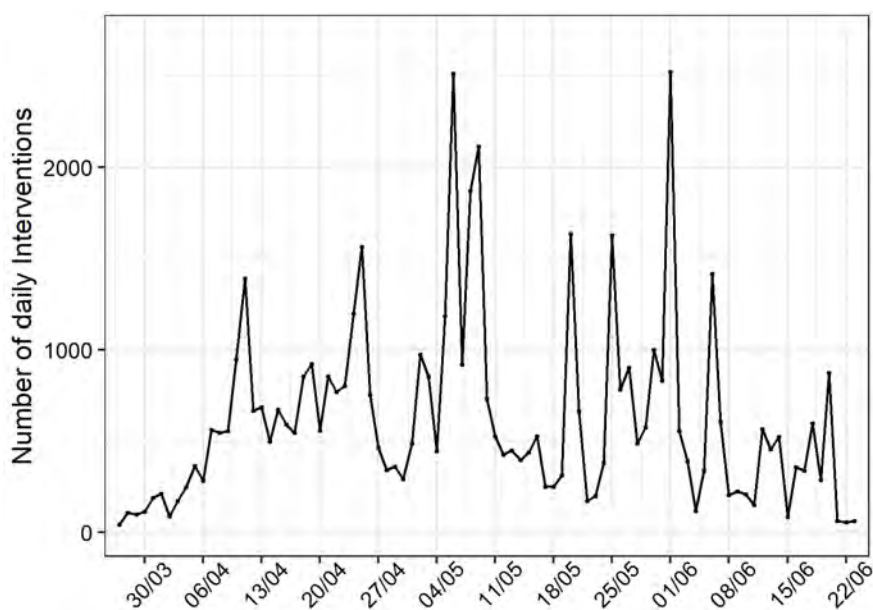


Figure 9: Daily number of intervention across Scotland (27th March to 24th June)

Looking at the number of interventions by type (this time weekly rather than daily), Figure 10 shows the predominant use of dispersals following information. This shows **there was a steady increasing trend during the first four weeks after the introduction of the new police powers followed by a gradual decline punctuated by some characteristic spikes in activity.** Dispersals following a specific instruction generally follow the same trend, with large spikes in weeks 19 (mid May) and 22 (early June), although the 'peak' for this type of intervention was later than that for information-based dispersals. It is much harder to discern a trend for the other three types of intervention, as the numbers are so small; however, they do not show large spikes in activity at the same time as those for dispersals. Indeed the largest number of FPNs was recorded in week 15 (mid April). This indicates that, **while there were large spikes in policing at various points during lockdown, this primarily involved very low-level intervention.**

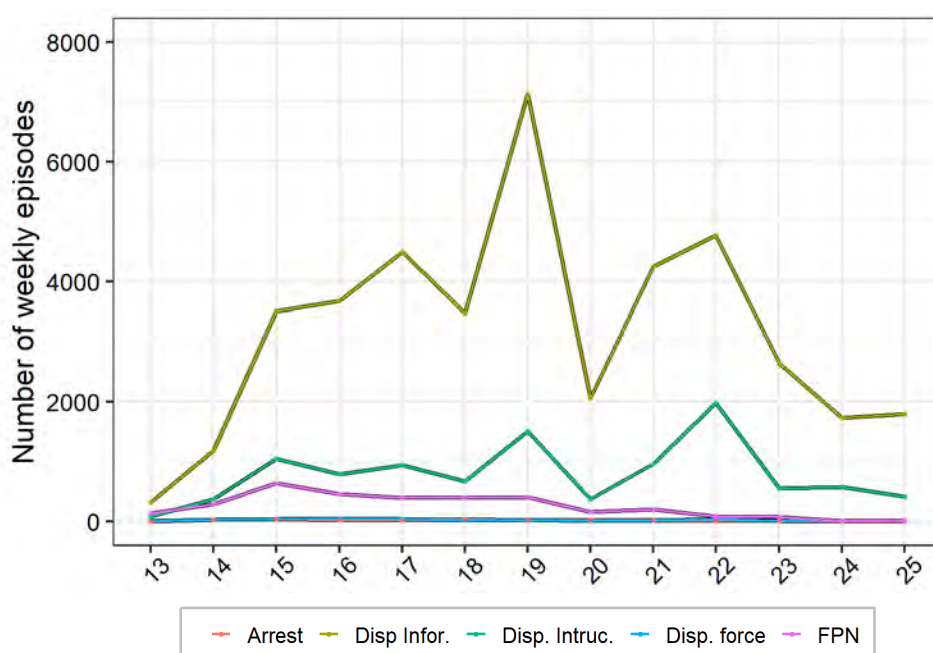


Figure 10: Weekly number of intervention by type (27th March to 24th June)

Figure 11 illustrates the changing use of the different intervention types over time. This helps us to see the *relative use* of each type of intervention, which is different to the absolute number. For each week, it shows the proportion of all activity that was represented by each type of intervention. The most obvious trend is the gradually increasing proportion of all interventions that involved dispersal (especially dispersals after being informed). It is also evident that **the use of FPNs as a proportion of all interventions was highest during the first week of the powers coming into use, and then gradually diminished in use over time.** It is harder from this chart to see any trend in the use of arrests or of forcible removals to a home address; however, those also diminished as a proportion of all interventions over time.

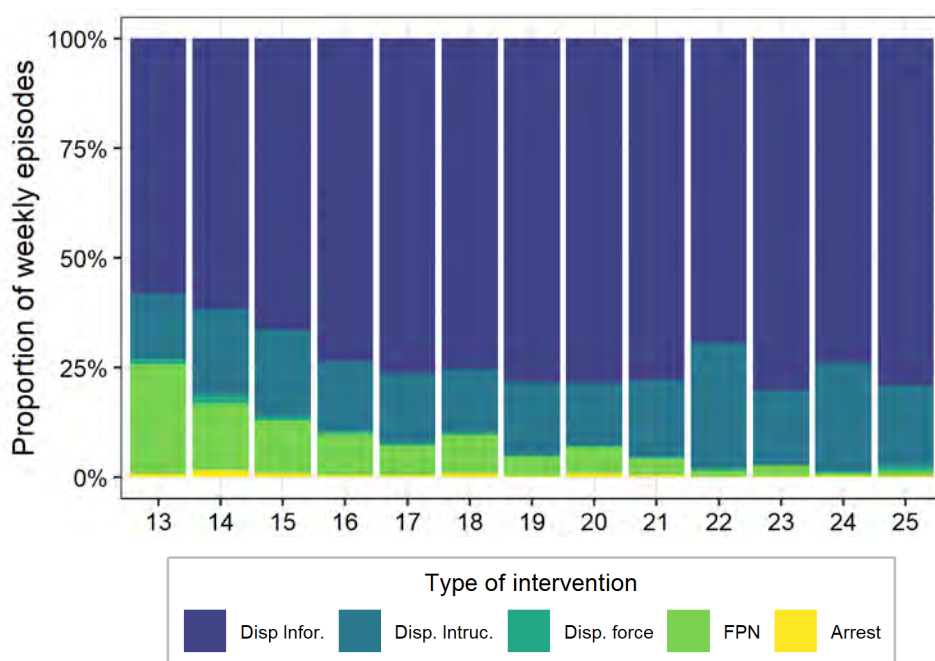


Figure 11: Weekly proportion of all intervention by type (27th March to 24th June)

The number and pattern of interventions recorded across the thirteen police Divisions varied widely. Figure 12 shows the number of interventions recorded on a weekly basis by Division. While **there is no single temporal pattern in the use of the police powers across Divisions**, some trends can be identified although they do not cluster in terms of the three Command Areas.

Four Divisions (North East, Tayside, Lanarkshire and the Lothians and Scottish Borders) had a peak in activity early on in lockdown (around weeks 15-16) followed by a gradually diminishing number of interventions. The North East had a steady decline in numbers, whereas Tayside, Lanarkshire and the Lothians and Scottish Borders had a more erratic decline in numbers with smaller spikes later in lockdown (albeit at different times for each Division).

Three Divisions (Greater Glasgow, Forth Valley and Renfrewshire and Inverclyde) had a gradually rising trend in the number of interventions, peaking at week 19, and then a gradually diminishing number (with one or two smaller peaks in activity around weeks 21-23).

Two Divisions (Highlands and Islands and Ayrshire) had a strong peak in activity near the start of lockdown (week 15) followed by a decline in numbers before then starting to increase again towards the end of the period (possibly reflecting an increase in tourists heading to these areas).

While four Divisions (Edinburgh, Fife, Argyll and West Dunbartonshire, and Dumfries and Galloway) showed peaks and troughs in activity across the whole period with no clear trend.

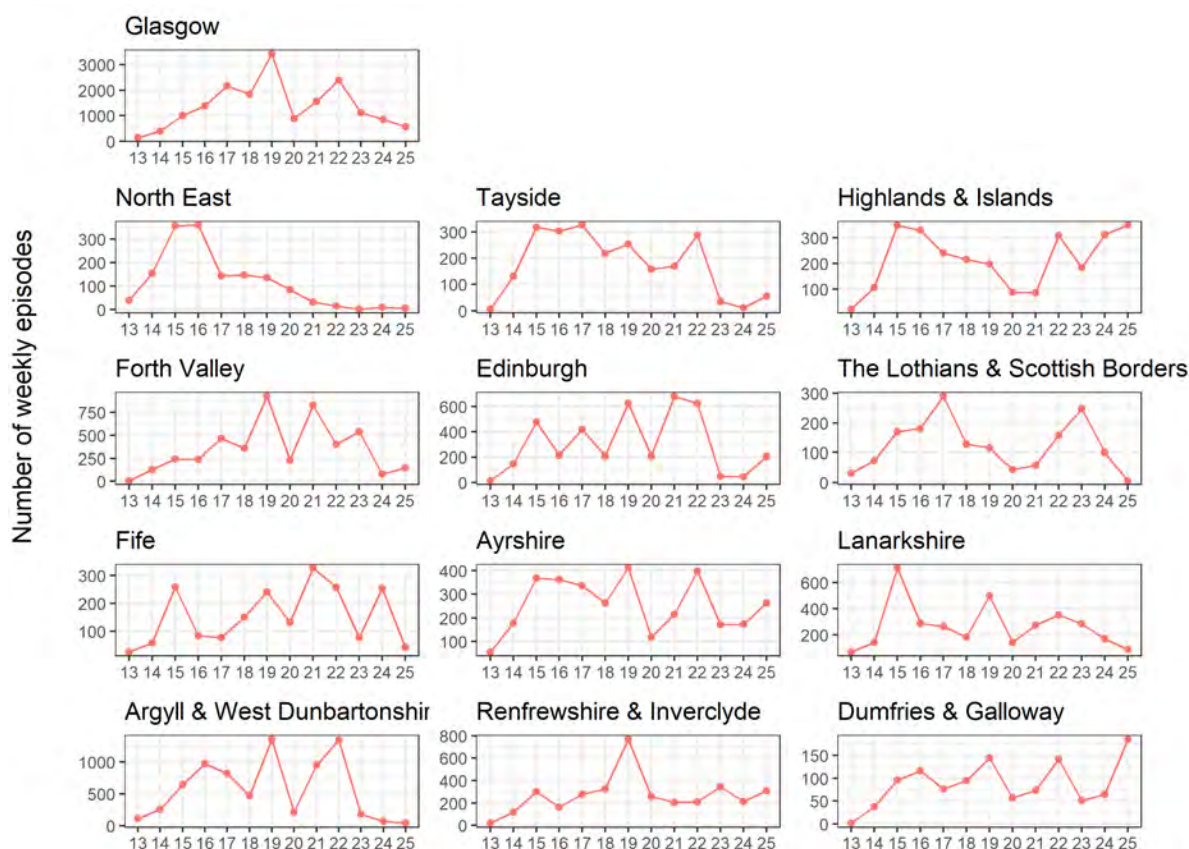


Figure 12: Weekly number of interventions by Police Division (27th March to 24th June)

3.4 Context of intervention use

3.4.1 Locus of encounter

The CVI System also recorded where each intervention took place, in terms of whether it occurred in a public or private place. Overall, **82.8% of all interventions occurred in a public place (e.g. a street, park, beach or beauty spot) and the remaining 17.8% in a private place (e.g. a residential dwelling or other building)**. Looking at the distribution of interventions according to where they happened, dispersal following information was the most common outcome during encounters that occurred in both private (60.6%) and public places (77.3%). However, interventions that occurred in private places were far more likely to result in an FPN being issued (13.5%) or an arrest (1.3%) compared to those in public spaces (4.3% and 0.3%, respectively).

Analysing these data slightly differently, Figure 13 shows the percentage of all incidents that occurred in a public or private place by type of intervention. Interestingly, half of all arrests, 40% of all FPNs and 37% of incidents where a person was forcibly taken home occurred in a private place, whereas this was the case a much smaller proportion of dispersals. **This indicates a much greater use of sanctions when policing breaches of the lockdown in places such as people's homes (e.g. house parties) compared to breaches in public spaces.**

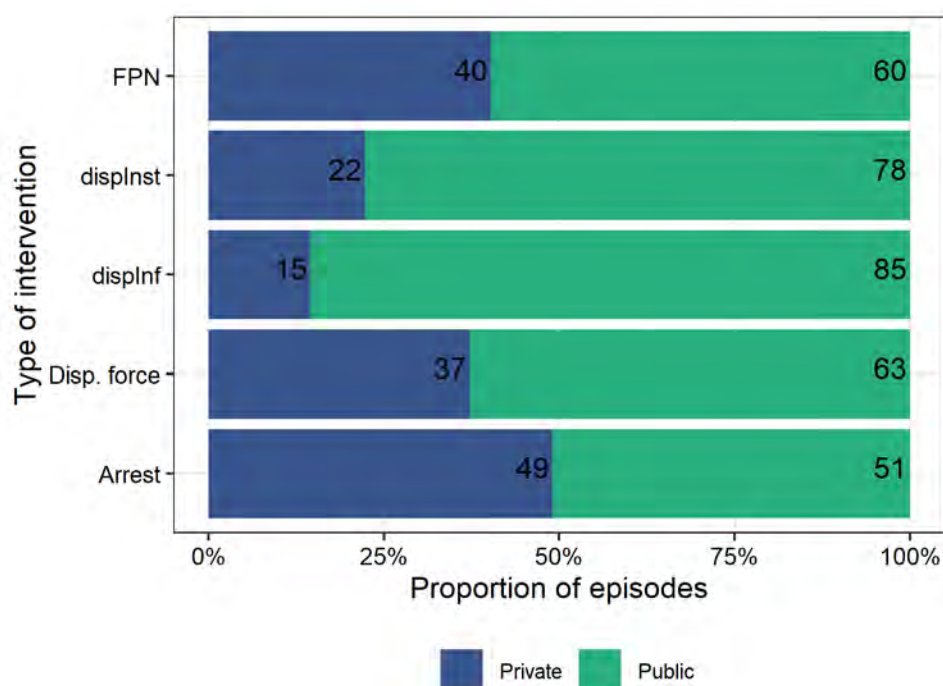


Figure 13: Proportion of each type of intervention occurring in private or public place (27th March to 24th June)

3.4.2 Size of gatherings

The CVI System also recorded how many people were involved in each encounter that involved use of the temporary police powers. When the lockdown was introduced on 23rd March gatherings of three or more people were banned. However, **half (50.2%) of all encounters recorded by Police Scotland involved only one or two people**; a third (30.8%) involved 3 to 5 people and around a tenth (11.5%) involved between 6 and 10 people. Only 6.7% of incidents involved between 11 and 50 people, and 0.7% involved more than 50 people.

Of course, this also varied by intervention type. Figure 14 shows that **dispersals were most likely to involve larger gatherings of people, while incidents involving an arrest or a FPN were most likely to involve a small number of individuals**. There were very few incidents involving enforcement that involved very large gatherings. Nevertheless, this also varied geographically. Looking at the use of enforcement only, Figure 15 shows that arrests and FPNs were more likely to be used in incidents involving very large gatherings of people in Greater Glasgow and the Lothians and Scottish Borders, but also moderately sized gatherings in Forth Valley, Edinburgh, Ayrshire and Fife. Whereas, enforcement was predominantly used in incidents involving very small numbers of people in Dumfries and Galloway, Tayside, Highlands and Islands, and Argyll and West Dunbartonshire. Of course, these trends are likely to reflect the underlying context and circumstances of encounters as well as any possible differences in policing practice.

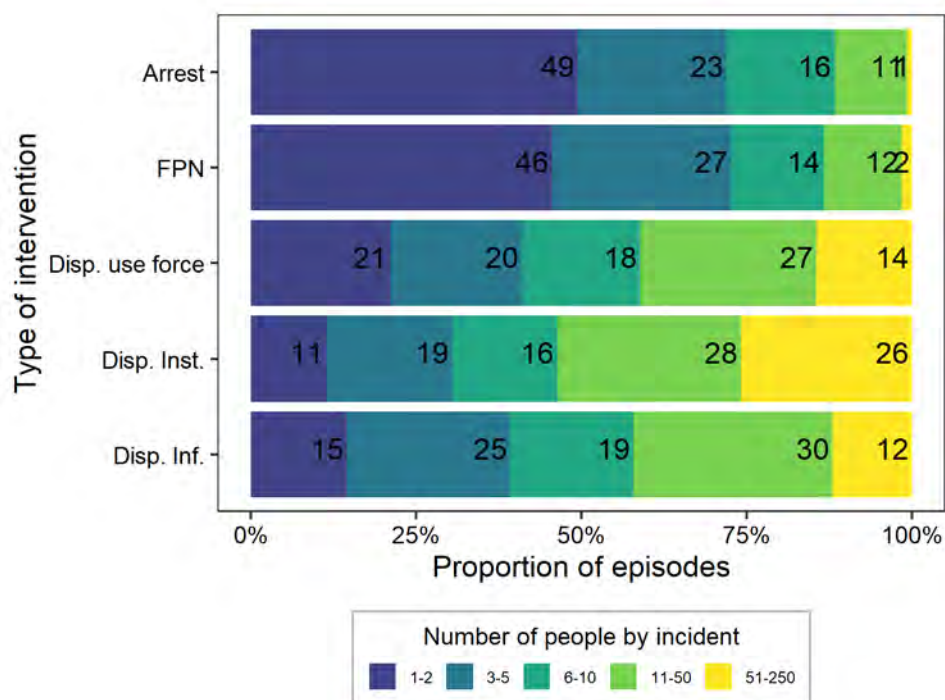


Figure 14: Proportion of each type of intervention by number of people involved in the incident (27th March to 24th June)

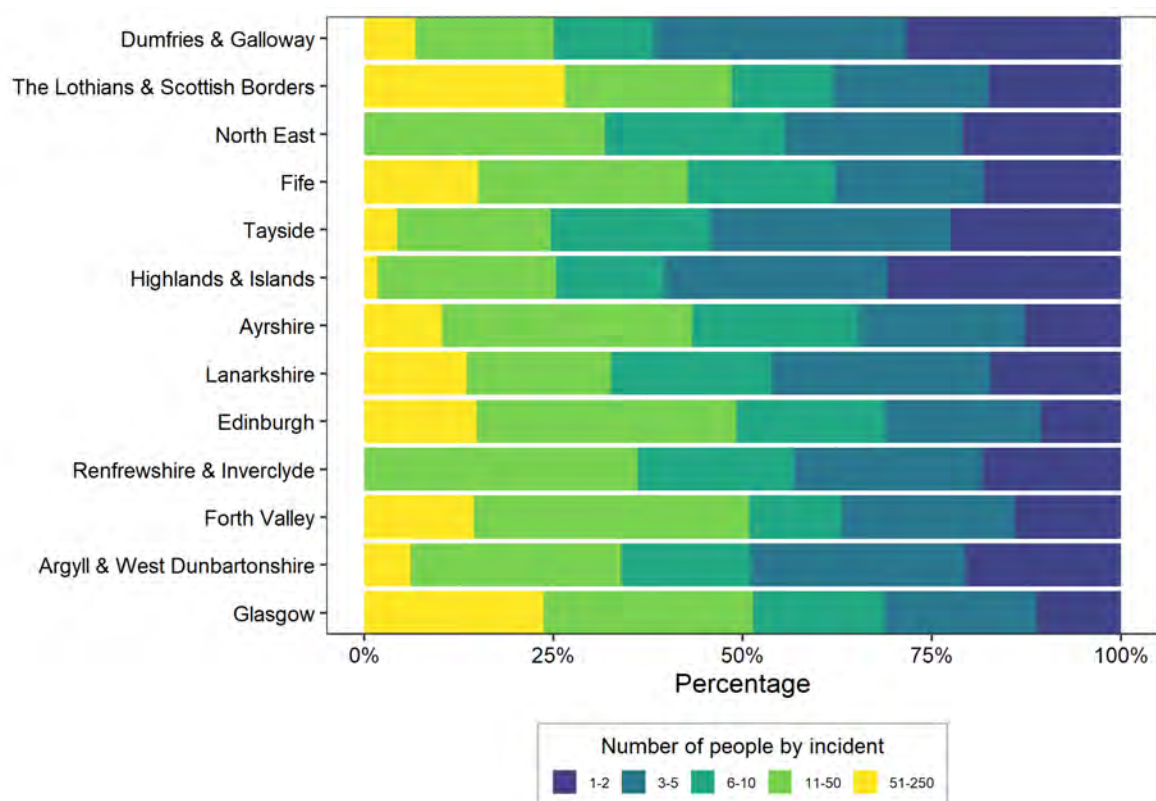


Figure 15: Proportion of enforcement interventions by number of people involved in the incident, by Division (27th March to 24th June)

3.5 Comparison with other countries

It is difficult to provide an accurate comparison of policing activity during the lockdown in Scotland with similar activity in other parts of the UK, as there is little comparable data. As demonstrated in earlier sections of this report, the Police Scotland's Coronavirus Intervention (CVI) system has proved to be an extremely useful tool for evaluating the policing response to the pandemic and how this has changed over time. However, no equivalent system was established in other parts of the UK.

The only aspect of the temporary policing powers that can be compared is the published number of FPNs issued. Comparable data for Scotland, England and Wales are publically available from 27th March to 8th June; however, data for Northern Ireland is only available from 1st April to 4th May, and so cannot be used as a robust comparator.

Table 1 shows the total and average daily number of Fixed Penalty Notices (FPNs) issued in response to the Coronavirus pandemic in each country. This is converted into an average daily rate per 10 million people, to take account of the different population size. It shows that **there is considerable variation between countries, with Wales having the highest overall rate of FPNs per capita and England having the lowest**. Notably, the rate per capita of FPNs in Scotland is 2.1 times higher than that for England; while the rate in Wales is 2.6 times higher.

Table 1: Total number of Fixed Penalty Notices issued under the temporary policing powers (27th March to 8th June)

Country	Total number of FPNs issued	Average per day	Population size	Average daily rate per 10m people
Wales	2,282	30.84	3,138,631	98.3
Scotland	3,240	43.78	5,438,100	80.5
England	15,715	212.36	55,977,178	37.9

Caution is required in interpreting these cross-country comparisons. Overall, the number of FPNs issued in each country is small in absolute terms and the population sizes are large, which makes comparing rates problematic. For example, if the total number of FPNs in Scotland had been increased by just over 700 (or 22%) - which would equate to around 10 additional FPNs per day - it would reach the same average daily rate as Wales. Likewise, if the number of FPNs in England were increased by around 25,000 (or 160%) - equating to around 340 per day nationally, or an additional 8-9 FPNs per day per police force - it would have the same effect. Thus, relatively small changes in daily numbers either way could have significantly influenced these rates. In addition, it is clear that there has been varying practice in terms of how police forces have responded to the pandemic across the UK; therefore, **no strong conclusions can be drawn from these figures**.

3.6 Impact of pandemic on wider policing context in Scotland

In considering the police use of the temporary powers **it is important to take account of wider impacts on policing demand and response during lockdown**. This section of the report presents data on the number of incidents recorded on the Police Scotland STORM system, by type of

incident.⁴ It also presents information on the number and proportion of those incidents to which resource was allocated. Resource allocation may have included attendance of police personnel or it may have involved the incident being dealt with in some other way, such as by telephone, email or some other form of non-physical contact.

The period covered for this analysis was 1st January to 25th May 2020. This allows comparison of the number of incidents, and the proportion of those incidents involving resource allocation, in the weeks prior to lockdown (which started 23rd March) with those recorded in the two months following lockdown. Data for the same period in 2019 were also analysed, to see whether there any differences between the two periods in 2020 might be explained by an underlying seasonal trend. It should be noted that the number of incidents recorded is not a universal measure of demand for policing, as it does not include all calls to the police or measure all demand generated through street-based operational policing; however, it does provide a consistent measure of underlying activity requiring police involvement.

The data on resource allocation reflects a range of types of police intervention. It is worth noting that there may have been differences in the nature of the resource allocation during the lockdown period. Since early 2019, Police Scotland has been working towards implementing a Contact Assessment Model (CAM) for dealing with calls to 101 and 999 in an effort to improve its response to public demand for service. This involves taking a risk-based approach to determining whether a physical police presence is required at incidents. At the start of lockdown, Police Scotland escalated the CAM approach in order to ensure that it could deal with any increase in demand from the public as a result of the pandemic. It is likely, therefore, that more resource allocation than usual involved non-attendance of an officer. However, data on the nature of the police response is not included in this report.

3.6.1 Change over time in police incidents recorded

The number of incidents recorded daily by Police Scotland between January and May is shown in Figure 16. **The number of incidents recorded in 2020 (denoted by the blue line) was slightly lower across the whole period compared to 2019 (denoted by the grey line), but this is especially true in the four weeks immediately before and after the lockdown.** Figure 16 shows a substantial reduction in the total number of incidents recorded in the month prior to the lockdown; however, this started to increase again immediately following lockdown. The number of incidents recorded then increased throughout April, before there was another, smaller, decline in May.

These data indicate that the Coronavirus pandemic did have an impact on policing in terms of a reduction in demand; however, this began in the very earliest phase of the pandemic (well before lockdown) and, while there was some resurgence after lockdown, the level of police demand did not quite reach the levels that might have been expected during this period when compared with the previous year. In other words, **the general level of demand on Police Scotland was lower during the lockdown than it would normally have been, offering it greater than usual capacity to deal with the public policing requirements of the pandemic.**

⁴ Incidents recorded by Police Scotland include a wide range of occurrences, not all of which are crime-related. This includes missing persons, disturbances, road traffic accidents and sudden deaths.

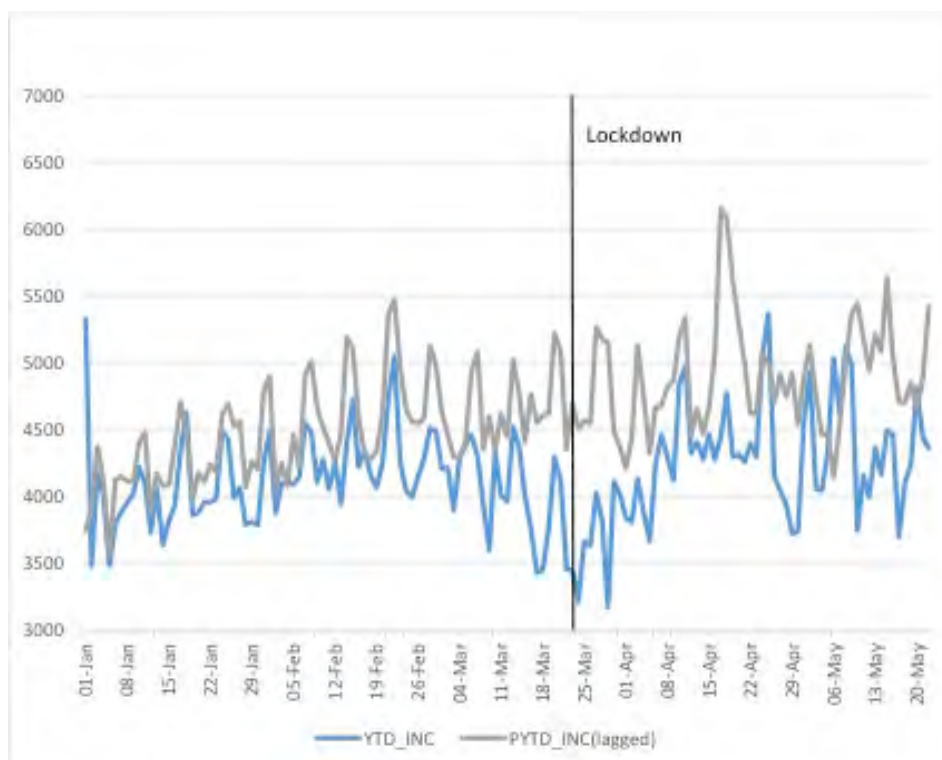


Figure 16: Total number of incidents recorded per day by Police Scotland (1st January to 25th May 2020 YTD and 2019 PYTD)

3.6.2 Change over time in police resource allocation

Figure 17 shows the percentage of all incidents recorded by the police that involved resource allocation. This remained relatively stable at around 60% both before and after lockdown, so **there was no discernable effect of the pandemic on the likelihood of Police Scotland responding to incidents that were recorded during this time.** The level of resource allocation was slightly lower in 2020 than 2019 in the pre-lockdown period; however, with the exception of a brief dip in the week immediately following lockdown, there was no difference at all in the level of resource allocation following lockdown compared to the same period of the preceding year.

As noted earlier, the increased use of the CAM approach during lockdown may have resulted in changes to the actual nature of the resource allocation (e.g. in terms of whether a police officer was deployed in person or not); however, these data were not available for this report.

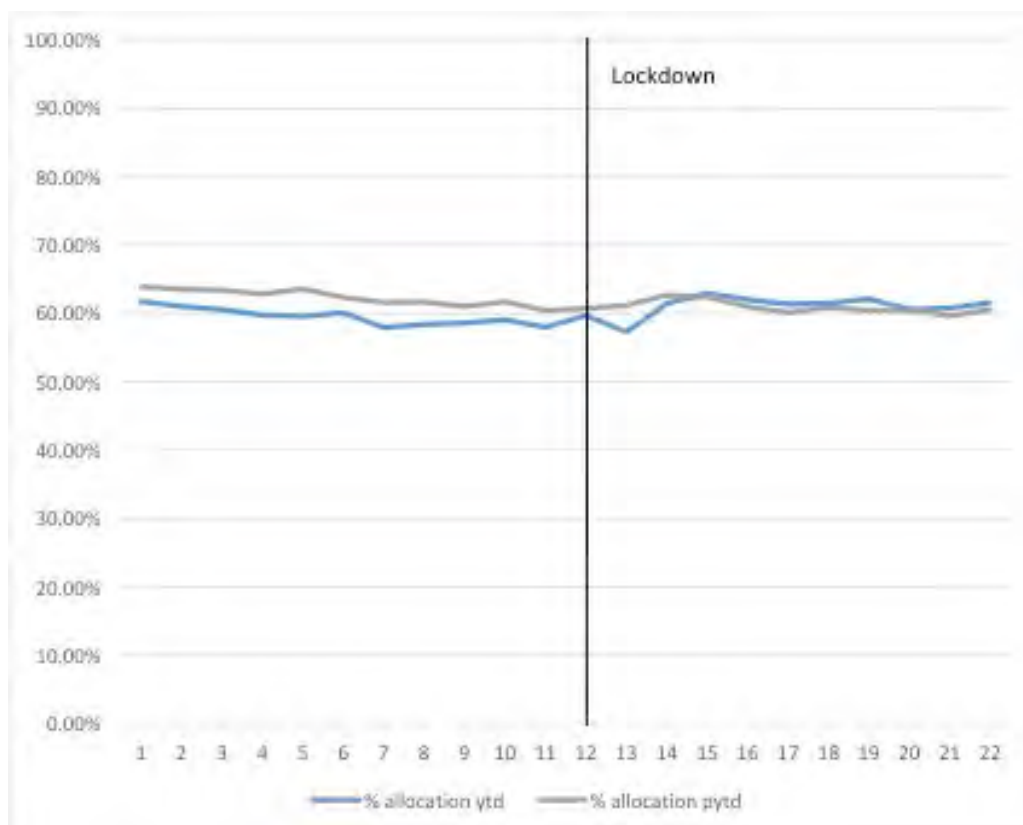


Figure 17: Percentage of recorded incidents per week involving resource allocation from Police Scotland (1st January to 25th May 2020 YTD and 2019 PYTD)

3.6.3 Change in incident and resource allocation by crime type

Figures 16 and 17 do not show the whole picture as they amalgamate all incidents together. However, **there were some distinct differences over time in terms of level of demand and response according to the type of incident recorded.**

Figure 18 shows the overall trend in terms of the number of incidents recorded each week by type of event before and after lockdown. Any incident that related directly to the policing of the lockdown was labelled 'Talla' (referring to Operation Talla, the name given to the UK police operation in response to the pandemic). Talla incidents were also recorded under another category heading according to the nature of the event, so there is some element of double counting here. Amongst the 'noise' of the different incident types, three stand out as being impacted during lockdown – 'Talla', 'Public Nuisance' and 'P.N. – Talla' (i.e. public nuisance minus Talla incidents).

Not surprisingly, incidents relating to Operation Talla incidents (represented by the solid red line) were non-existent until just before lockdown, but then increased dramatically in the early weeks of lockdown before gradually diminishing in number from late April onwards. The trend in public nuisance incidents (denoted by the dotted red line) mirrors that of Talla because **a large proportion of the calls received from the public during lockdown related to perceived breaches of the government regulations and guidelines** by neighbours or other members of the public (e.g. going out to exercise more than once a day or leaving home without a 'reasonable excuse').

The fall in public nuisance calls from late April coincides with a public announcement from Police Scotland around concerns that the high call volume would 'reduce response times for real policing matters'.⁵ Members of the public were asked to consider whether such breaches were 'serious' enough to report to the police and encouraged to deal with the matter themselves, where possible (e.g. discussing it with their neighbours). While public nuisance calls did reduce substantially from early May onwards, it appears that this was not entirely due to the public messaging around Operation Talla because there was also a reduction in non-Talla public nuisance (represented by the broken red line). Indeed, the gap between the dotted red line and the broken red line makes it clear that **pandemic-related calls continued to make up the bulk of public nuisance incidents recorded until the end of May.**

Prior to lockdown, the most frequently recorded incident type was 'assisting the public' (which encompasses a broad range of issues requiring general assistance for members of the public around complaints, welfare concerns and low level disorder). Despite a slight dip in this type of incident (represented by a solid orange line) during the early weeks of lockdown, the trend in incidents requiring public assistance remained fairly stable. Road traffic incidents (represented by a solid grey line) was the second most frequent recorded incident prior to lockdown; however, **road traffic incidents fell dramatically in the month leading up to lockdown and then continued to remain low throughout the lockdown period.** The most likely explanation for this trend is the reduction in vehicles on the road as people were complying with the government regulations and guidelines.

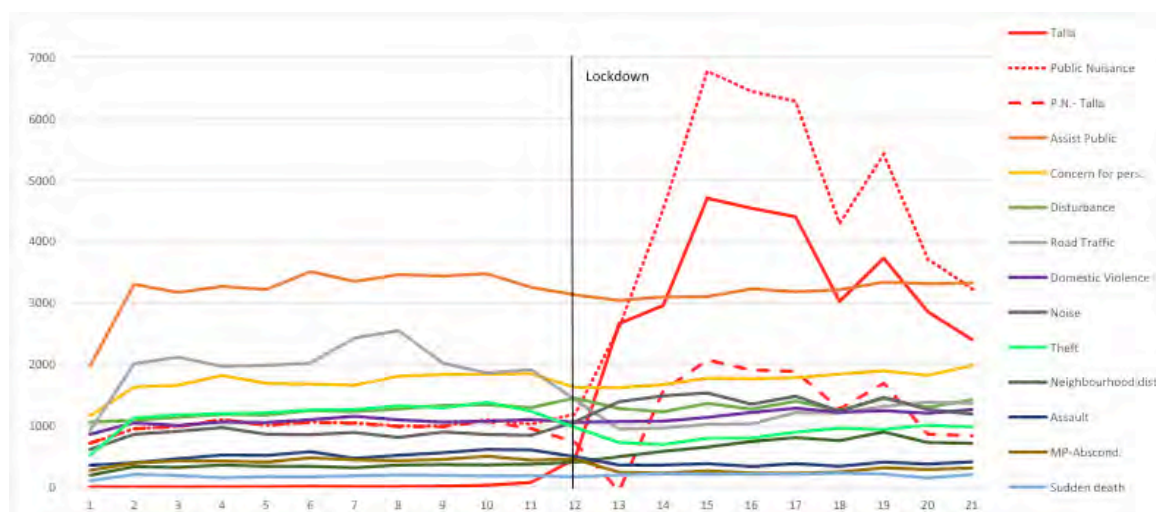


Figure 18: Total number of incidents recorded per week by type (1st January to 25th May 2020)

It is hard to differentiate any further trends from Figure 18 because the number of incidents recorded in the remaining categories is so much smaller. It is also impossible to differentiate any seasonal trends that were not related to lockdown. Therefore, further discussion about some specific incident types is provided below.

(i) Assisting the public

As noted above, incidents recorded as 'assisting the public' are amongst the most common types of occurrence dealt with by the police and typically involve minor or low-level problems. Figure 19 (left) shows that **the number of incidents recorded under 'assisting the public' fell immediately prior to lockdown and remained lower than normal.** The number of incidents recorded under assisting the public was lower in 2020 compared to 2019 both before and after lockdown, although

⁵ Police Scotland website - <https://www.scotland.police.uk/about-us/covid-19-policescotlandresponse/>

the gap was wider after lockdown. There was a slight increasing trend over time after lockdown, although this largely mirrors the seasonal trend observed in 2019.

Figure 19 (right) shows that the number of public assistance incidents allocated policing resource was also lower in 2020 than 2019. Around 70% of these incidents received resource allocation in 2019; however, this was around 2-3% lower in 2020 prior to lockdown, and then around 10% lower after lockdown. **It is likely that the reduction in allocation of police resource to deal these types of (mainly low level) incident may well have been a result of the pandemic and resource being deployed to other areas of operational business.**

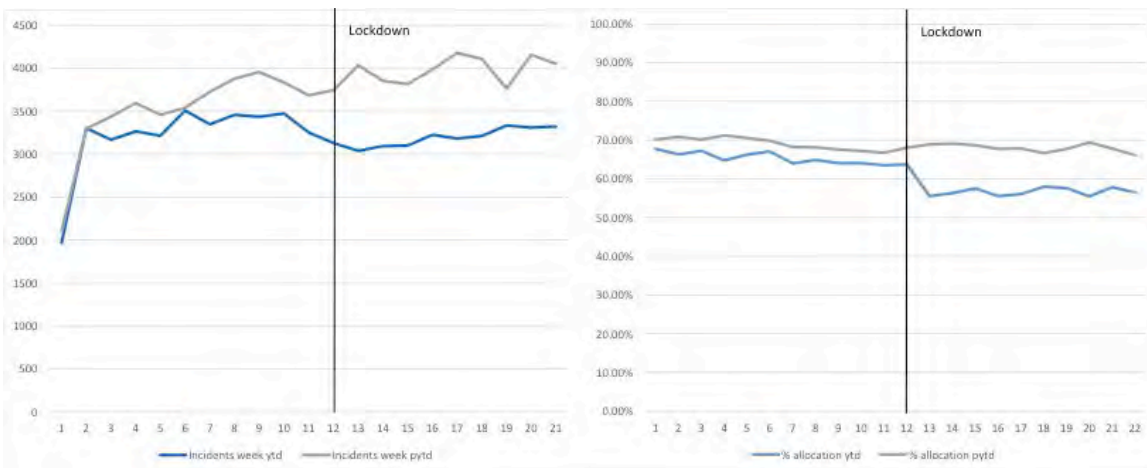


Figure 19: 'Assisting the public' – Number of incidents recorded (left) and percentage of incidents involving police resource allocation (right) per week (1st January to 25th May 2020 YTD and 2019 PYTD)

(ii) Public nuisance

Calls to the police about reports of non-compliance with the Coronavirus regulations and guidelines were typically recorded as 'public nuisance'. Not surprisingly, therefore, the number of 'public nuisance' incidents increased dramatically following lockdown. When compared with the same figures for 2019, in Figure 20 (left), it is clear that **lockdown resulted in a surge of public nuisance incidents.**

The number of public nuisance incidents recorded reached its peak in mid-April, at which point it was more than three times higher than the previous year. Despite the large increase in demand, Figure 20 (right) shows that the police allocated resource to deal with between 70% and 80% of all incidents. Indeed, with the exception of a sharp reduction in resource allocation during the first week of lockdown, the proportion of public nuisance incidents that received resource allocation was slightly higher during lockdown than it had been during the same period in 2019.

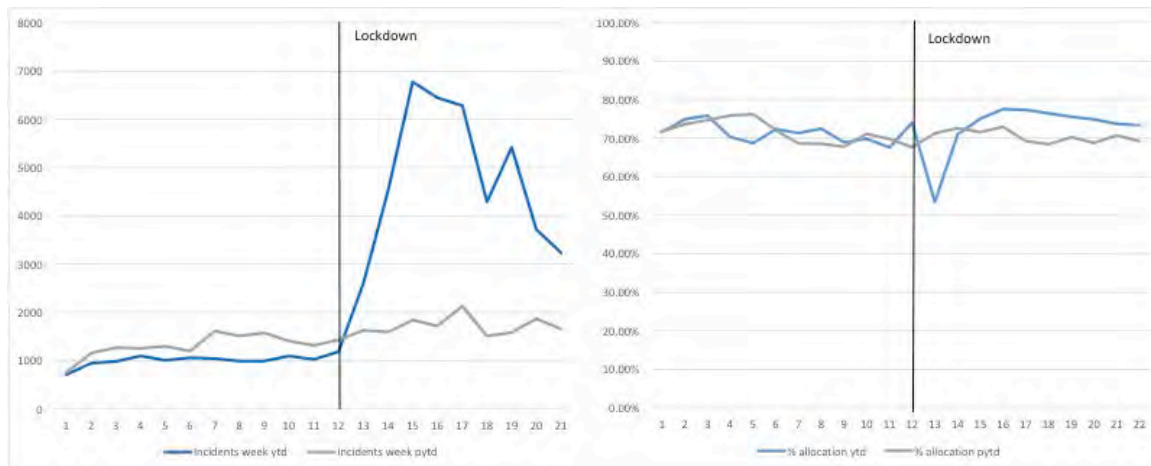


Figure 20: 'Public Nuisance' – Number of incidents recorded (left) and percentage of incidents involving police resource allocation (right) per week (1st January to 25th May 2020 YTD and 2019 PYTD)

(iii) Road traffic

The number of road traffic incidents recorded by Police Scotland (shown in Figure 21, left) started to decrease a month before lockdown, reaching its lowest number on the 29th of March (a week after lockdown). This slowly increased over the next two months, although by the end of May they had not returned to anything near pre-lockdown levels. It is clear from comparing the number of incidents in 2020 with that in 2019 that **road traffic incidents were significantly reduced as a result the pandemic.**

The proportion of road traffic incidents resulting in police resource allocation was around 50-55% prior to lockdown, but increased to around 60% after lockdown, and was higher than the equivalent period of 2019. This suggests that, while the number of incidents was lower, the level of policing remained at a consistent level.

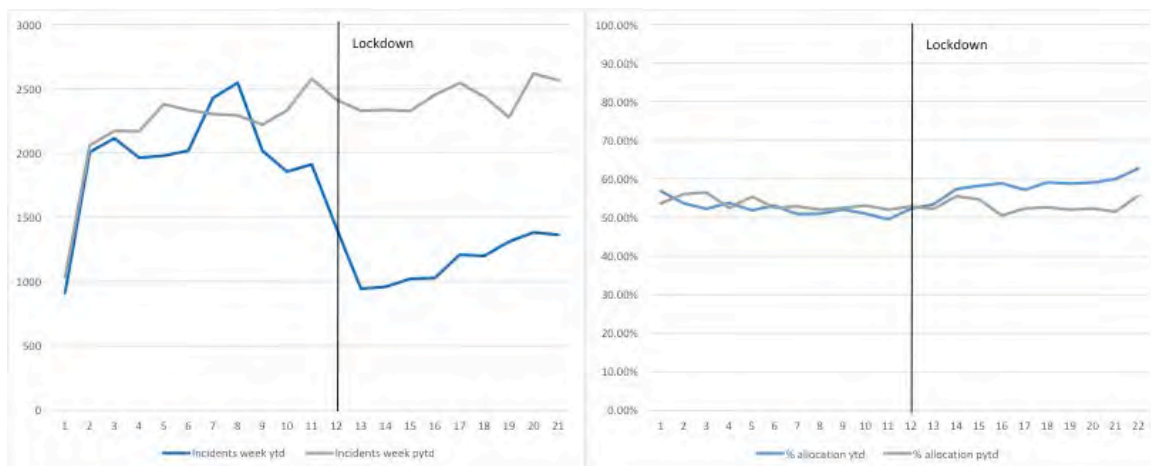


Figure 21: 'Road traffic incidents' – Number of incidents recorded (left) and percentage of incidents involving police resource allocation (right) per week (1st January to 25th May 2020 YTD and 2019 PYTD)

(iv) Theft

The number of recorded 'theft' incidents was consistently lower in 2020 compared to 2019, as shown in Figure 22 (left). Nevertheless, **there was a sharp reduction in thefts the two weeks immediately prior to and after lockdown which are almost certainly a result of the pandemic.** Despite a steady increase throughout April and May, the number of theft incidents had not returned to anything like their normal level two months after lockdown.

Rate of resource allocation for theft incidents in 2019 varied from 40-50%, but in 2020 it was lower and varied from around 25-40% in 2020. It looks likely that **the rate of police resource allocation to theft incidents was lower during the lockdown period, and this was not explained by seasonal variation.** It is possible that this is explained by a greater reduction in more serious types of incident (such as housebreaking, because people were staying at home).

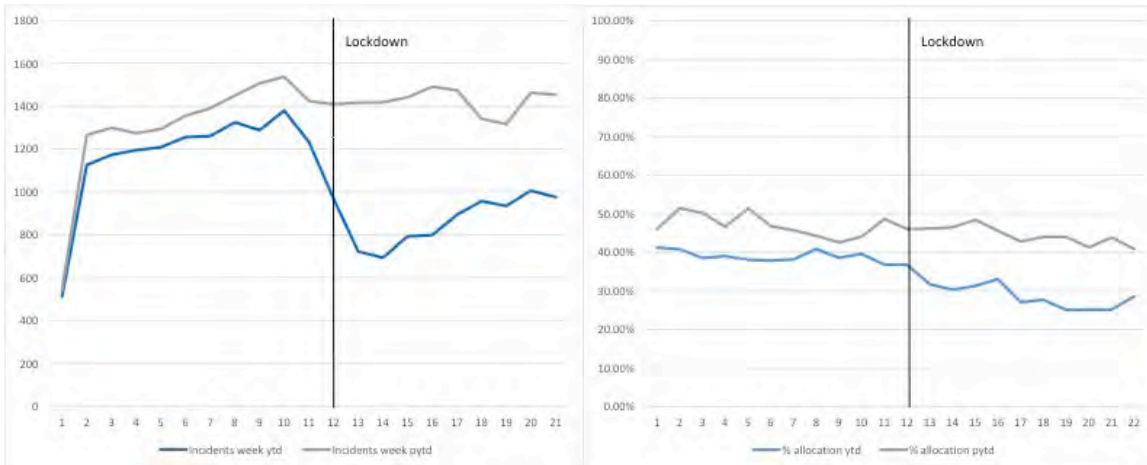


Figure 22: 'Theft incidents' – Number of incidents recorded (left) and percentage of incidents involving police resource allocation (right) per week (1st January to 25th May 2020 YTD and 2019 PYTD)

(v) Domestic violence

The number of domestic violence incidents recorded by the police increased during lockdown compared to previous weeks. However, Figure 23 (left) shows that Police Scotland recorded around as many incidents of domestic violence in 2020 as in 2019. This means that **the post-lockdown increase in domestic violence incidents recorded by the police was no different to that which would be expected as a result of seasonal variation.** This does not mean that domestic violence did not increase more than usual during this period (as there was a 50% increase in reports to Crimestoppers); however, this is not reflected in the policing data.

Resource allocation for domestic violence incidents is high, at almost 100% overall. Rate of **resource allocation to domestic violence cases remained very high during lockdown**, but was slightly lower at certain points – dropping to closer to 90% in weeks 16 and 22, when incident numbers increased.

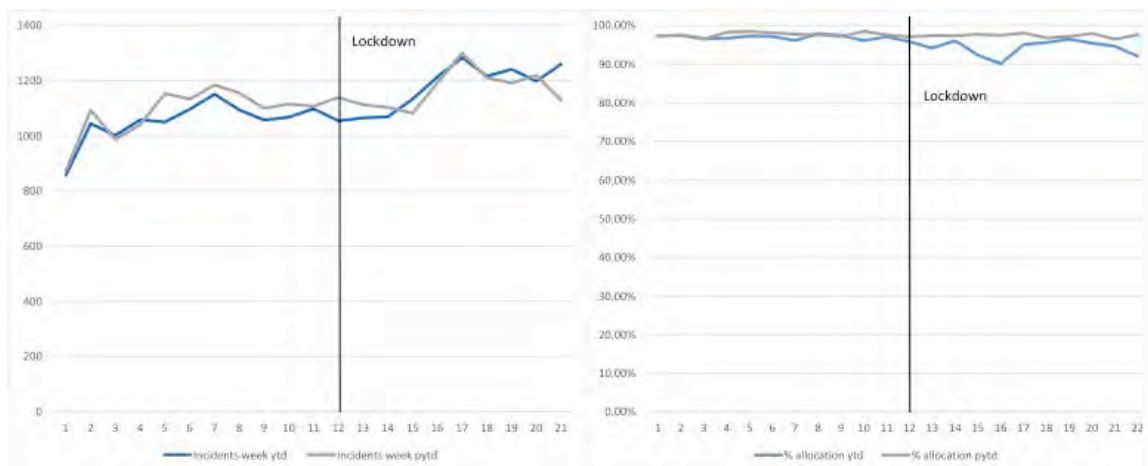


Figure 23: 'Domestic violence incidents' – Number of incidents recorded (left) and percentage of incidents involving police resource allocation (right) per week (1st January to 25th May 2020 YTD and 2019 PYTD)

(vi) Assault

Figure 24 shows that the number of assaults recorded by the police prior to lockdown was broadly similar to that during the previous year (although the number of assaults in 2020 did show a drop in mid-February that was not replicated in 2019). Nevertheless, **the number of recorded assaults declined by around 45% around the time of the lockdown and remained fairly low and stable throughout the first 2 months of lockdown.**

The pattern of resource allocation to incidents of assault in the pre-lockdown period of 2020 was broadly similar to the pattern for 2019, with around 90% of all incidents receiving resource allocation. However, **police allocation of resource for assault incidents during lockdown declined to around 75-80%, which was lower than the same period in 2019.** Again, it is possible that the overall reduction in assaults may have involved a greater reduction in serious assaults, which could explain the reduced likelihood of resource allocation.

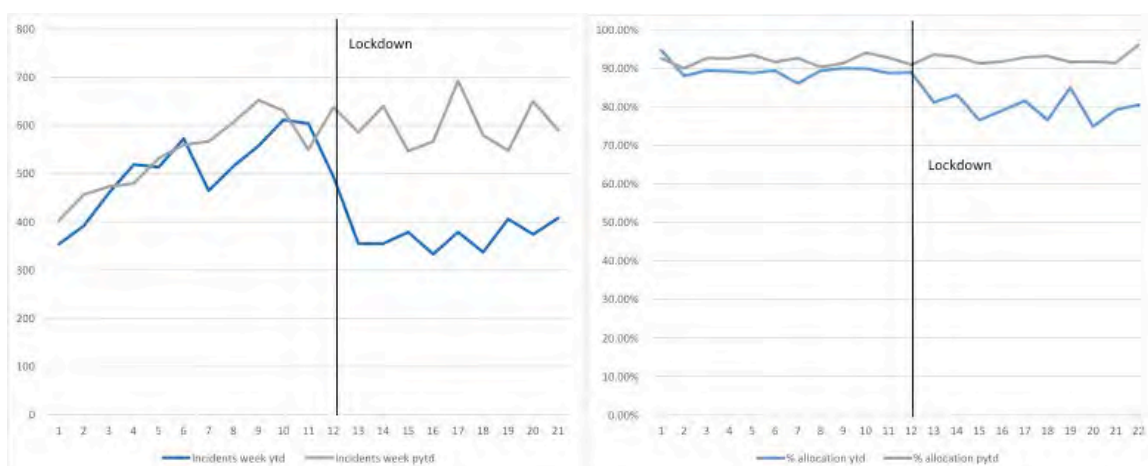


Figure 24: 'Assault incidents' – Number of incidents recorded (left) and percentage of incidents involving police resource allocation (right) per week (1st January to 25th May 2020 YTD and 2019 PYTD)

(vii) Noise

One of the main areas of concern reported by Police Scotland during lockdown was house parties and noisy neighbours. The number of incidents recorded that involved excessive noise did increase dramatically around lockdown, and remained high (albeit reducing slightly) during April and May.

Interestingly, Figure 25 (left) shows that more noise complaints were recorded in the pre-lockdown period during 2019 than 2020, but this position reversed following lockdown in 2020. There is evidence that the increase in noise complaints reflects some degree of seasonality; however, even taking account of that, **the number of noise complaints recorded was substantially increased as a result of the pandemic.**

During 2019, the level of resource allocation for noise-related incidents declined slightly over time, from around 70% to 60%. In 2020, resource allocation showed a similar pattern to the previous year in the pre-lockdown period; however, police resource was allocated for up to 80% of incidents following lockdown. So **not only were the police dealing with a much higher than normal number of noise complaints, but they were allocating proportionately more resource to such problems as a result of the lockdown.** This is most likely because these noise complaints related to house parties or other social gatherings that constituted a significant risk to public health.

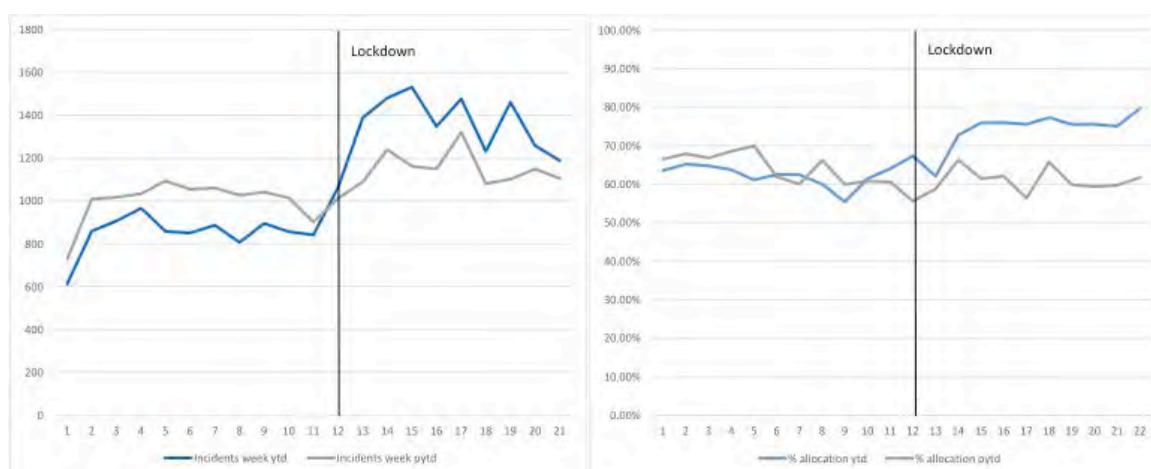


Figure 25: 'Noise incidents' – Number of incidents recorded (left) and percentage of incidents involving police resource allocation (right) per week (1st January to 25th May 2020 YTD and 2019 PYTD)

(viii) Neighbour disputes

Like noise complaints, the number of incidents recorded as 'neighbour disputes' showed a similar pattern in the first three months of 2020 to that of 2019. However, Figure 26 (left) shows **there was a large and sustained increase in the number of neighbour disputes recorded during the first two months of the lockdown that is not explained by a seasonal trend.** The number of neighbour disputes reached a peak in week 19, which coincides with the UK Government's announcement about plans to start relaxing the lockdown and a period of extremely hot weather, before reducing slightly.

As can be seen in Figure 26 (right), **while noise complaints saw an increase in resource allocation by the police during lockdown, the reverse was true for neighbour disputes.** The proportion of disputes receiving police officer allocation fell from around 80% prior to lockdown to around 40% at its lowest point. This suggests that the increase in neighbor disputes was most likely driven by low-level complaints (such as those described above under 'public nuisance') about breaches of lockdown rules, which were not indicative of a public health concern and, therefore, did not necessitate any specific resource allocation.

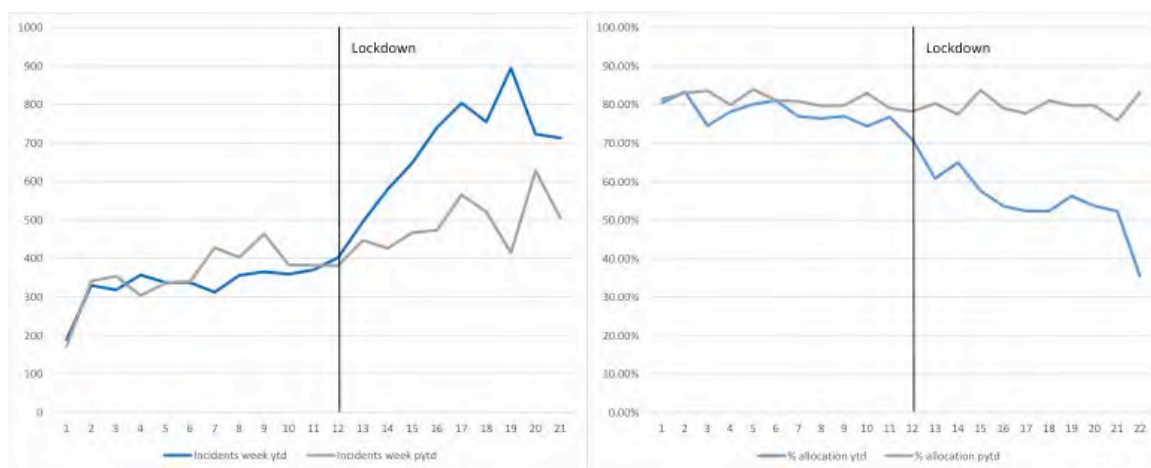


Figure 26: 'Neighbour disputes' – Number of incidents recorded (left) and percentage of incidents involving police resource allocation (right) per week (1st January to 25th May 2020 YTD and 2019 PYTD)

4. Public views about police use of the powers in Scotland

4.1 Profile of responses to the Citizen Portal

Under the Terms of Reference established for the IAG, it was important to gauge the views of member of the public about the police use of the temporary powers. Therefore, on 1st June 2020, the SPA launched a Citizen Portal to collect information from members of the public about their views on, and experiences of, the temporary police powers in Scotland. As of 16th June, 40 responses had been received.⁶ This section of the report provides a summary of these responses.

Amongst those who provided their demographic information, there was a fairly even split between male (19 out of 37) and female (18 out of 37); however, the age profile was skewed towards older participants. Most (29 out of 38) of the respondents were aged between 35 and 64, with only 7 being below age 35 and none under age 18. Most (28 out of 36) did not declare any religious affiliation, but a few identified as being Church of Scotland (4), Roman Catholic (3) or Jewish (3). Almost all (38 out of 39) respondents identified as belonging to a white ethnic group. Only one respondent identified as having a disability; and three individuals self-identified as belonging to the LGBT community.

It is clear that **there is a lack of diversity amongst those who have responded to the portal thus far**. It was not the purpose of the portal to generate a sample that would be representative of the population; rather, it was intended that as many people from different communities as possible would participate, especially those most likely to have been impacted by the Coronavirus pandemic and by the change in policing powers. Therefore, **achieving further responses from those in younger age groups, those belonging to a wider range of religious and ethnic groups, and those with disabilities would be desirable**.

4.2 Impact of the pandemic

All respondents said that the Coronavirus pandemic had impacted on them to some extent, but many (25 out of 40) reported that it had had a high impact.

A wide range of issues was presented in terms of both challenges and opportunities as a result of the lockdown. The three most common negative impacts were the disruption to people's jobs and work life, their sense of social isolation or loneliness, and the detrimental effect on their mental health and wellbeing. Also commonly reported were people's frustration at not being able to participate in their favourite leisure activities (such as hillwalking, golf and going to restaurants) and concern about economic hardship as a result of losing their job or having a reduction in income.

There were also some positive impacts reported, including getting more exercise, saving money, better eating habits and finding opportunities to help others, but these were far less commonly mentioned than the negative impacts. **Only one person mentioned fear of being caught by the police for breaking the lockdown regulations as a factor that had impacted on them**.

Respondents were asked whether there were particular circumstances that had made it easier or harder for them to cope during lockdown, which also elicited a wide range of responses. The two most commonly mentioned factors that had helped people to cope were having a stable job or secure employment, and being able to stick to their normal routine. Other positive factors mentioned were having a garden or living in a 'nice' location, continuing to have contact with family

⁶ Because the number of responses here is so small, percentages are not provided.

(through quizzes, technology, etc), having good neighbours or a strong neighbourhood spirit, and achieving improvements in their fitness or lifestyle.

The two most commonly reported issues that made lockdown harder were living alone, which induced a deep sense of loneliness and isolation, and lack of social or physical contact with people. **Only two people mentioned other people's non-compliance with the lockdown regulations as a factor that had made things harder for them.**

4.3 Knowledge and experience of the policing powers

Most respondents (34 out of 40) said they had a fair amount or a lot of knowledge about the policing powers. However, **only 13 people reported that they and/or a friend or family member had experienced police contact** in relation to the temporary powers during lockdown.

Looking just at those who reported either direct or indirect experience of policing, most (9 out of 13) had involved face-to-face contact with the police, while the rest were by telephone. When asked what the police contact involved, it included an equal mixture of incidents where the respondent (or other person) had called the police in relation to someone else breaching the lockdown rules and occasions when the respondent (or other person) had been spoken to by the police about something they had done during lockdown.

There was a range of opinions as to how the police had behaved during these encounters; however, **the overall experience of police contact during lockdown was positive.** Most said the police had treated them (or the other person) very or quite fairly (8 out of 13) and had shown them a high level of respect (9 out of 12). Nobody stated that they thought the police had treated them differently to how they would have treated anyone else, although some (5 out of 13) were not sure. Some of those who'd had police contact (5 out of 12) thought that there were particular reasons or circumstances that had influenced the police's treatment of them (or the other person), although there was no clear or predominant pattern to these responses.

The most common outcome from these encounters was that the police took no further action (7 out of 13) or took the person's report (3 out of 13). On only one occasion was a fixed penalty notice issued. While most people reported having positive contact with the police during lockdown; overall, **they were around equally divided between those who said they were very or quite satisfied and those who were very or quite disappointed** (7 and 6 out of 13, respectively) with the police response received.

4.4 Opinion of police contact during lockdown

All respondents (regardless of whether or not they had reported police contact) were asked whether their opinion of the police had changed since the start of lockdown. **Most people (27 out of 38) said they had not changed their opinion of the police,** while the remainder were fairly evenly split between those who said their opinion had improved (6) and those whose opinion had got worse (5). In the case of those whose opinion had got worse, this included some people who had reported an incident of police contact during lockdown (2) and some who had not (3).

Amongst those who said their opinion had improved⁷, **respondents referred to their appreciation of the frontline role of police officers in supporting the public health crisis** and were complimentary about Police Scotland's use of the 4 E's approach:

Police Officers have put themselves at risk to protect the health of our nation - is that really a police job? The fact that they've done it shows compassion and kindness

During lockdown, the police have been visible but have handled any situation I have seen in a calm and professional manner. They have not been heavy handed.

Amongst those who offered positive comments, **specific reference was made to local policing:**

My opinion has not changed much, I already have a high opinion. Our Community Police, in particular, are very good.

The police do a great job and Argyll and Bute officers are always courteous and helpful.

Amongst those who said their opinion had got worse, **some respondents thought the police use of the powers was excessive and unnecessary:**

Policing our common sense in these hard times, very disappointing.

While other respondents felt that the police were not using their powers effectively or frequently enough, especially as the lockdown progressed:

Additional powers are utterly futile if there is an unwillingness to use them.

They are letting the ... area be in total breach of lockdown with risks to community health.

At the beginning you could not fault them, stopping people in cars etc; but now they are not doing anything about the breaches.

There was some critique of the 4 E's policy and a concern that it had been a factor in non-compliance with the law:

Police Scotland made it public knowledge their policy was talking over enforcement and in doing so fatally undermined the new powers as a deterrent for behaviour change. The increase in lockdown breaches in recent weeks is the direct result of this flawed policy as the public know no action will be taken.

⁷ Quotations have been extracted from portal responses to provide context, but only if respondents gave permission.

4.5 Opinion of police use of the powers

Many (19 out of 40) respondents offered their views on the police use of the temporary powers. **Some recognised the challenges faced by the police in exercising their powers**, particularly in relation to lack of clarity between the law and the guidance, but also in terms of the undermining impact of high profile breaches. For example:

I think it's been very difficult for the Police to enforce the new powers as government guidance is too vague & government officials have not been sticking to the guidance so are not leading by example.

We don't know what is law and what is not, neither do a lot of your officers.

Others recognised the value of Police Scotland's commitment to the 4 E's approach and determination to use enforcement only as a last resort. Mention was made of witnessing local police officers acting 'sensitively' and 'without fuss', and positive reference was made to Police Scotland's communications strategy:

I thought that the announcement by Malcolm Graham at the start of Phase 1 of lifting lockdown was really welcome. He made it clear that the police would aim to be proportionate in any intervention on COVID and use the powers in a permissive and sensible way rather than being heavy handed and restrictive.

Nevertheless, **the desire for more direct action or enforcement was reflected in some responses**. Such comments were often based on a perceived lack of fairness that some people were 'getting away with' breaching the rules, while others were working hard to follow the guidelines to the letter. For example:

I'm disappointed about the lack of police presence I've seen on foot. For example, at nearby NAME Park, several groups flout the legislation and could easily be dispersed, but nothing is ever done (I have seen cars and vans go past on occasion).

Police should have been tougher with their powers. Exceptions were abused and police didn't take strong enough stance from the start resulting in people taking advantage of this.

Those I knew of regularly breaking the rules didn't care because they knew regardless of what they were doing, as long as they at least made it look like they were leaving, they could continue as soon as the officers left.

There was also a sense of frustration amongst those who felt the restrictions were no longer necessary. There was a perception amongst some respondents that the (increasingly unnecessary) rules should be lifted, and police work should be allowed to get back to normal:

I recognise that Police Scotland has to do what the Government dictates so if there is a chance for Police Scotland to feed back to the Government that the public consider it is now time to lift the COVID restrictions ... and let the Police get back to dealing with real crime, that would be most welcome.

5. Public complaints about police use of the powers

5.1 Number of complaints before and after lockdown

The public portal provides one source of data for ascertaining the views of the public about the new policing powers. Another source of data is the number of complaints received by Police Scotland. This section of the report examines the complaints received from members of the public during lockdown, and the extent to which this has been impacted by the lockdown.

In the two months following the start of the lockdown (25th March to 24th May), Police Scotland received 1,079 complaints. This compares to 1,071 in the preceding two months (25th January to 24th March), and represents **a non-significant increase in complaints of only 0.7%**. Of these complaints, just over 10% in each period (112 pre-lockdown and 117 post-lockdown) were made against centralised national policing units including: Contact, Command and Control; Criminal Justice Services Division; Operational Support Division; Corporate Services; and Specialist Crime Division. For the purposes of this briefing paper, we will focus on the other 90% that were made against officers or staff within local policing Divisions.

Figure 27 compares the number of complaints made per division in the pre-lockdown and post-lockdown periods (ordered by highest to lowest number of complaints post-lockdown). **Divisions containing larger populations or urban conurbations** (including Glasgow, Aberdeen and Edinburgh) **tended to receive a higher number of complaints** than more sparsely populated or rural Divisions. Although, this was not always true, as demonstrated by the Scottish Lothians and Borders which is a fairly rural Division with several moderate sized towns.

For all but one Division, there was **no statistically significant difference in the number of complaints received pre and post-lockdown**. Only Lanarkshire had a **significantly higher number of complaints in the two months following lockdown** than the two months before. **Dumfries and Galloway had the greatest reduction in complaints** in the post-lockdown period, although the difference was not quite statistically significant.

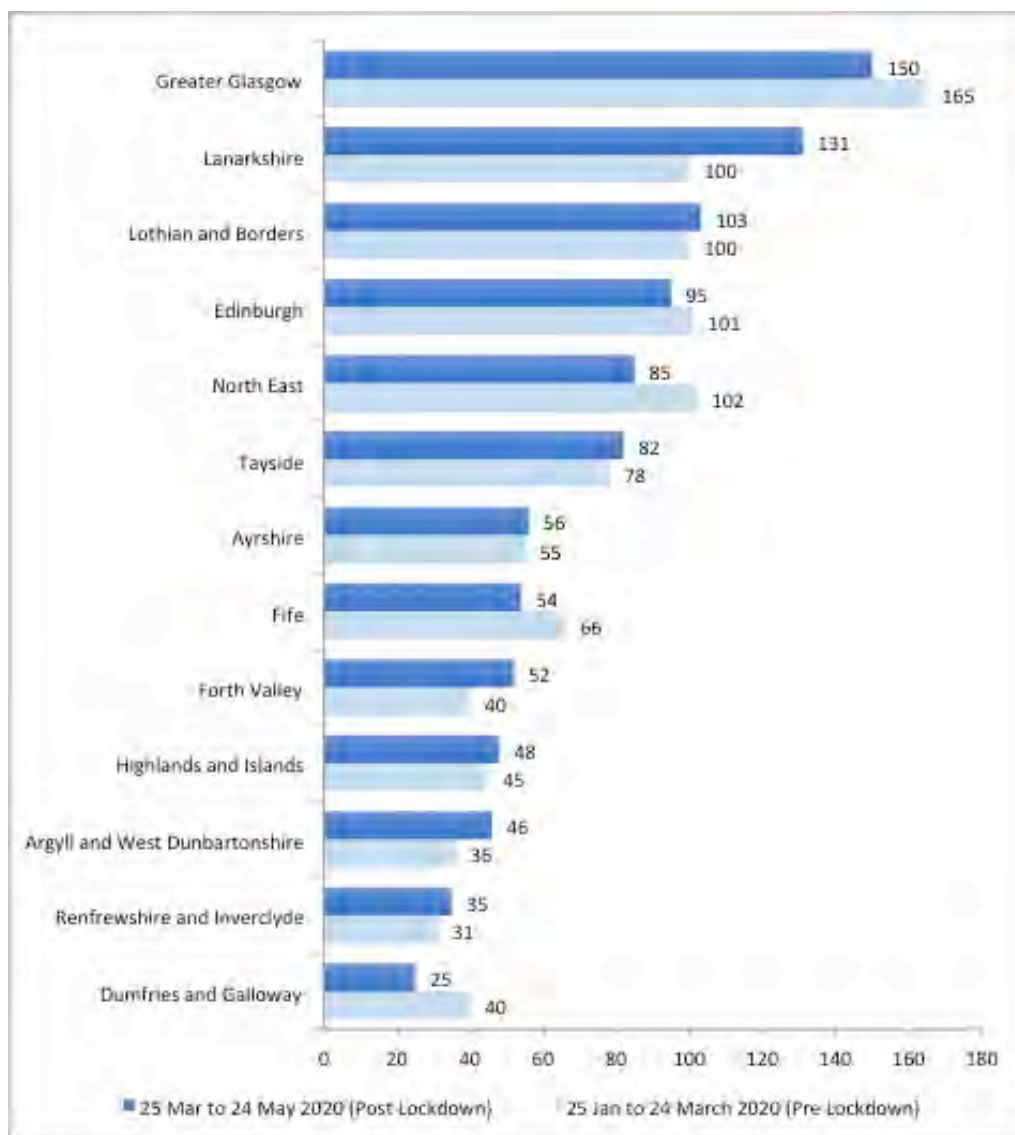


Figure 27: Number of complaints made against Police Scotland pre- and post-lockdown, by Division (25th January to 24th May 2020)

5.2 Number of complaints with frontline resolution

A large proportion of complaints against the police are resolved by frontline resolution (FLR). This process typically involves explanation, apology or assurance. The Professional Standards Department National Complaints and Resolution Unit (PSD NCARU) assess complaints to determine whether they are suitable for FLR. Where the complaint is assessed as non-criminal, minor or trivial in nature, the PSD NCARU will contact the complainer and attempt to resolve the complaint at an early stage.

The overall proportion of complaints resolved through FLR in the two months prior to the lockdown was 42%. This increased significantly to 64% in the two months after lockdown. In other words, **more of the complaints received in the first two months of the lockdown period were resolved through explanation, apology and assurance than in the prior two months**. This suggests that the PSD NCARU was assessing a much higher proportion of all complaints received during lockdown as being non-criminal, minor or trivial in nature.

Figure 28 presents the percentage of all complaints received during both periods in each Division that were resolved using FLR, ordered from highest to lowest in the post-lockdown period. It shows that **there was an increase in the proportion of complaints resolved within all Divisions after lockdown**, although the biggest increases tended to be in those Divisions that had a lower proportion of resolved complaints during the pre-lockdown period.

Five of the six Divisions in the West Command Area experienced a large and significant increase in the number of complaints resolved by FLR. This included Ayrshire, Renfrewshire and Inverclyde, Argyll and West Dunbartonshire and Lanarkshire (in which the number of complaints resolved had more than doubled) and Greater Glasgow (where they had increased by about 50%).

In the North Command Area, the number of complaints resolved in Tayside increased significantly and the percentage increase in the Highlands and Islands was almost statistically significant. In the East Command Area, only Forth Valley had a significant increase in the number of complaints resolved after lockdown.

These findings suggest that, **while there was no significant increase in the number of complaints in the two months following lockdown (with the exception of Lanarkshire), the nature of the complaints may well have become more minor, trivial and non-serious in nature** as they were more likely to be resolved by frontline resolution methods than the preceding months.

The conclusions drawn here are based on the assumption that there was no change in the process by which the PSD NCARU made decisions about complaints and that the number of complaints dealt with by FLR did not increase as a result of more resource being available. This is deserving of further investigation.

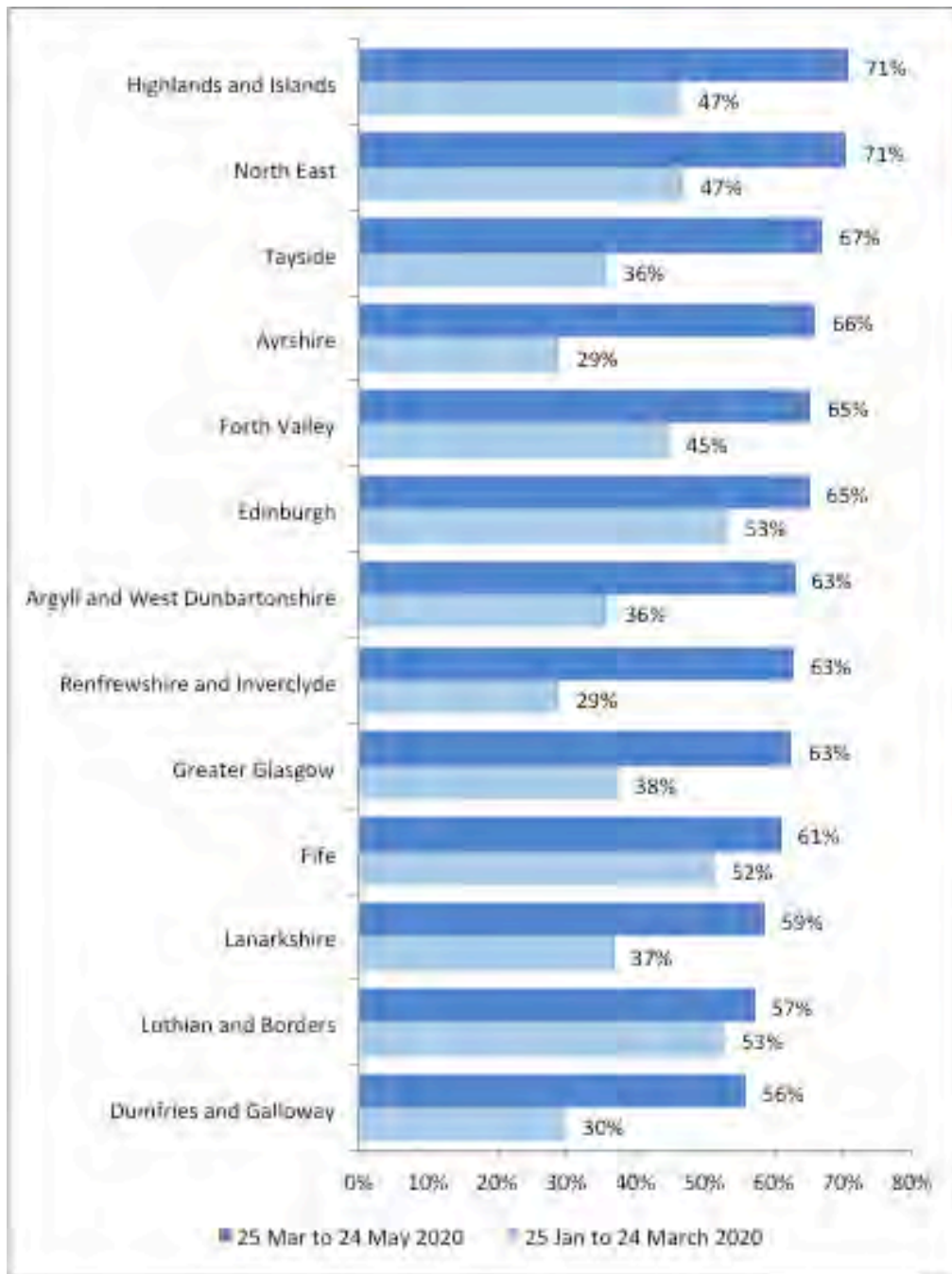


Figure 28: Percentage of all complaints resolved by frontline resolution pre- and post-lockdown, by Division (25th January to 24th May 2020)

5.3 Rate of complaints across Divisions

Comparing the number of complaints across Divisions is problematic as it does not take account of difference in population size (which is also typically related to police officer numbers and level of activity). For that reason, the rate of complaints was calculated using population data for 2018 (the most recently available). Rates were calculated per 100,000 people based on the population aged 16-59 in each Division.

Figure 29 shows the rate of complaints against the police per capita across the thirteen Divisions. Overall, the lowest rate of complaints was in Renfrewshire and Inverclyde, while the highest was

in **Greater Glasgow** which had a rate that was more than double that for Renfrewshire and Inverclyde.

Dumfries and Galloway stands out as having a much higher rate of complaints in the pre-lockdown period compared to that after lockdown. The rate of complaints in the other Divisions was broadly similar across the two periods, with Lanarkshire showing the biggest increase.

This ordering of the Divisions by rate of complaint was fairly similar to that shown in Figure 27 for the number of complaints. However, **the North East is further down the ranking in terms of rate of complaints compared to the number of complaints; whereas Dumfries and Galloway is higher up the ranking.**

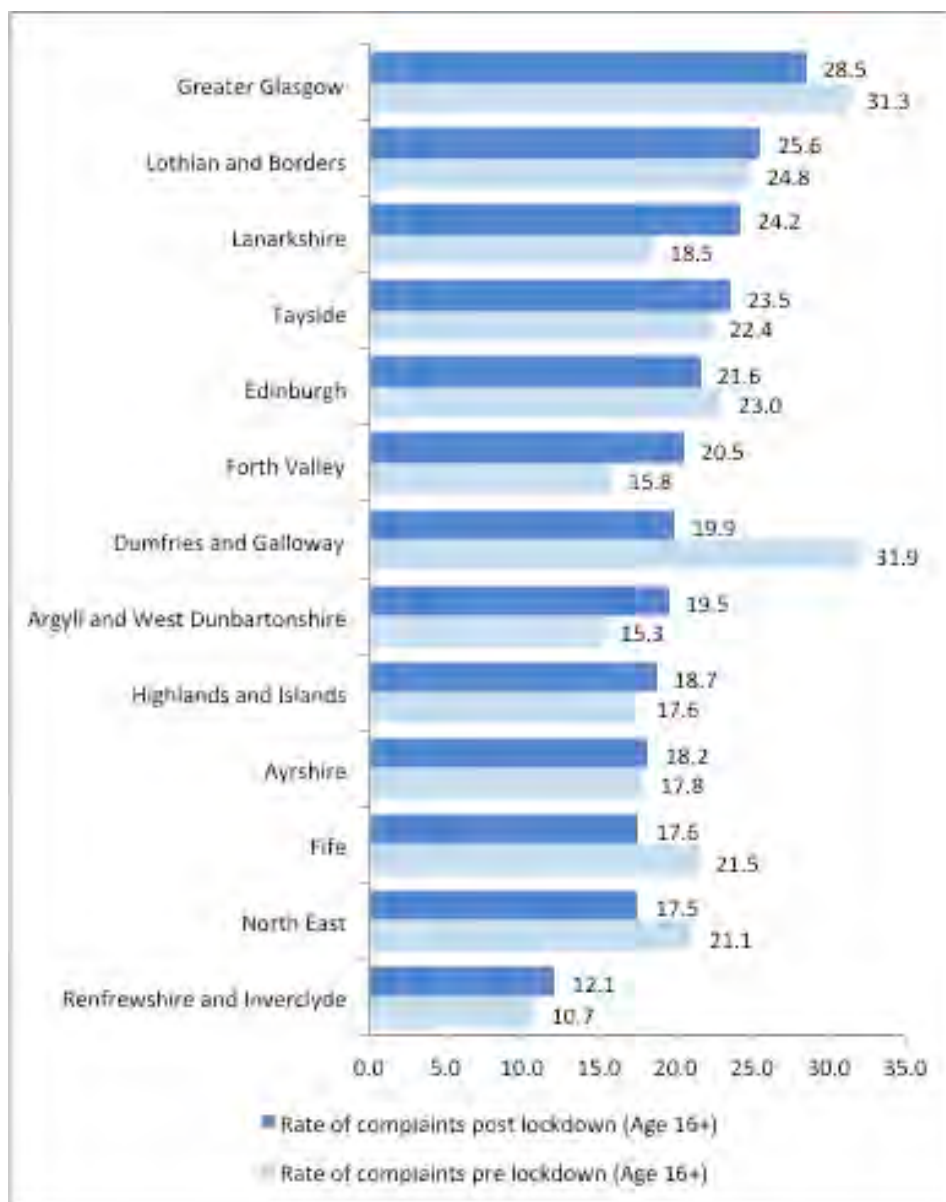


Figure 29: Rate of complaints per 100,000 people aged 16-59 pre- and post-lockdown, by Division (25th January to 24th May 2020)

Figure 30 shows the rate of complaints per capita during just the post-lockdown period with the average rate for the whole of Scotland shown in the lighter colour. Analysis shows that **Greater Glasgow was significantly higher than average and Renfrewshire and Inverclyde was significantly**

lower than average; however, the rates for the other Divisions were not significantly different to the average.

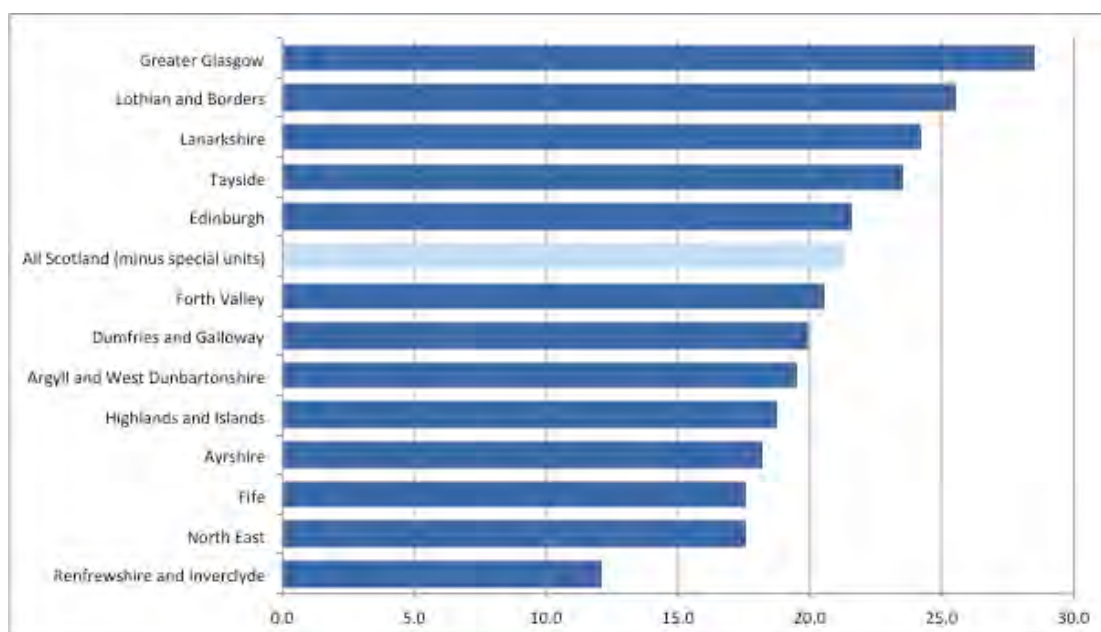


Figure 30: Rate of complaints per 100,000 people aged 16 or over post-lockdown, by Division (25th January to 24th May 2020)

These findings show that, **although there is a fairly substantial difference between Divisions in terms of the number of complaints, there is less difference in terms of the rates per capita.** During the lockdown period, the level of complaints was fairly evenly spread across Divisions with only Greater Glasgow and Renfrewshire and Inverclyde being outliers.

5.4 Difference in complaints compared to previous year

To take account of the possibility of any seasonal difference in the number of complaints, analysis was undertaken to compare the number of complaints for the period 25th March to 24th May 2020 with the same period in the previous year. This analysis was also conducted using rates per capita.

There were 1,016 complaints in the period from 25 March to 25th May 2019. That was only 63 fewer than the same period in 2020 and was not statistically significant. Thus, **there is no evidence of a significant change in complaints during lockdown compared to the same period last year.**

Figure 31 shows the difference in the number of complaints between the two time periods. Some Divisions had a higher number of complaints in 2020 and others that had a lower number. But the numbers are very small, and there is no evidence of any systematic difference across the two years.

Only two Divisions had a significantly higher number of complaints in 2020 compared to 2019: the Scottish Lothians and Borders and Argyll and West Dunbartonshire.

There was also a significantly higher number of complaints for Contact, Command and Control; although significantly lower numbers of complaints for some other specialist divisions (these are not shown here).

The number of complaints that was resolved through FLR was significantly higher during the 2020 period. Between 25th March and 24th May 2019, only 39% of all complaints compared to 64% during 2020 (as reported in section 5.2).

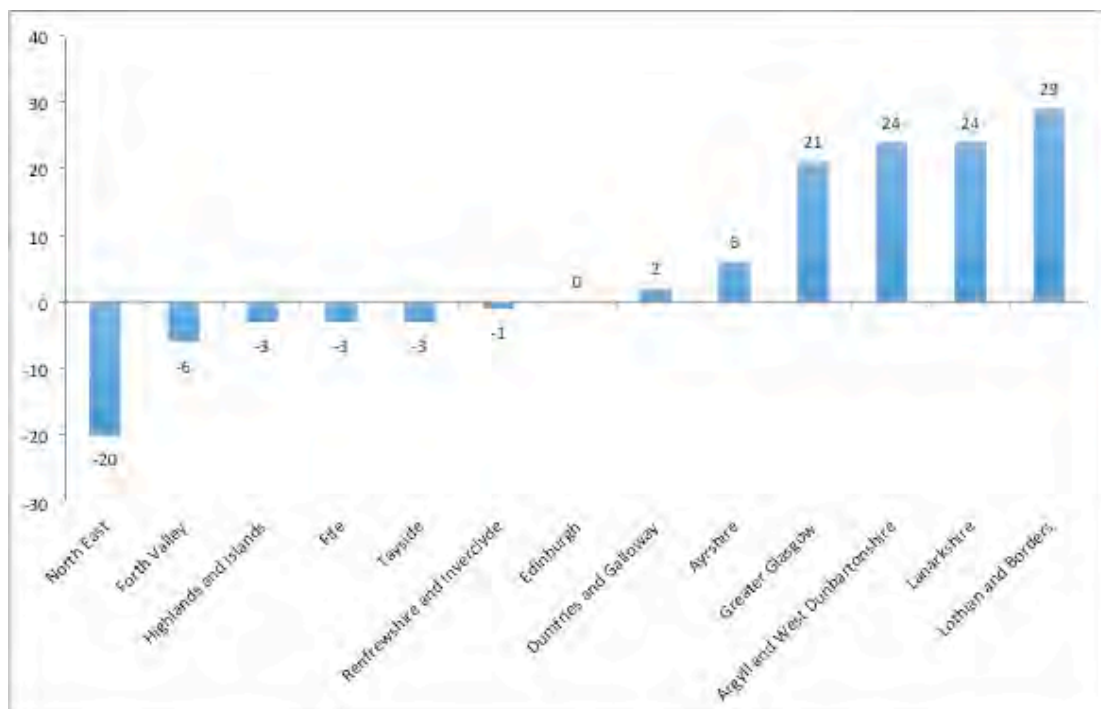


Figure 31: Change in the number of complaints from 25th March to 24th May 2020 compared to 2019, by Division

Overall, these findings suggest some slight variation in the number of complaints during lockdown when compared with the same period of the previous year, but nothing to suggest the difference was either universal or substantial. Nevertheless, there was clearly a qualitative difference in the nature of the complaints during the lockdown period, with a far higher proportion of them being resolved through engagement, apology or assurance.

5.5 Number of Operation Talla complaints

Finally, data was provided on the number of complaints during the lockdown period that were related in some way to the use of the temporary policing powers. Figure 32 shows the percentage of all complaints received during the two month lockdown period that were recorded as being related to Operation Talla. As can be seen, this varied quite widely from the highest proportion in Edinburgh and Tayside (just over 40%) down to Dumfries and Galloway at around 20%.

When the Operation Talla related complaints are excluded, **most of the police Divisions did have a significantly lower number of complaints in the two months after lockdown than the period before.** However, this is not an especially useful comparison.

On average, there were just under 25 Operation Talla complaints per Division. Edinburgh, Greater Glasgow and Ayrshire were found to have significantly higher numbers on average; whereas, Highlands and Islands, Fife, Renfrewshire and Inverclyde, and Dumfries and Galloway had lower than average numbers.

When calculated as a population rate, the North East and Renfrewshire and Inverclyde had a significantly lower rate of complaints compared to the average; however, there were none that were significantly higher than average.

The majority (71%) of all Operation Talla complaints were resolved through FLR, which suggests that they were primarily non-criminal, trivial and minor in nature. This is likely to explain the high level of resolution overall during the lockdown period.

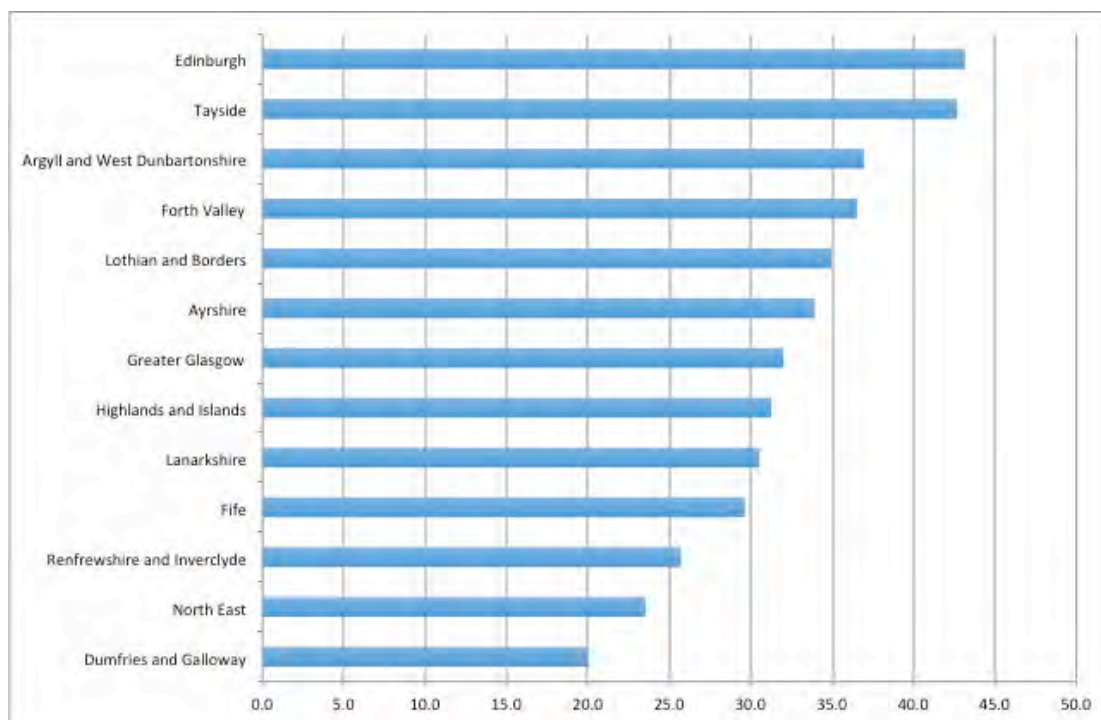


Figure 32: Percentage of all complaints during lockdown that were related to the use of the temporary powers, by Division (25th March to 25th May 2020)

These findings suggest that **there was a reduction in the number of 'standard' complaints during the first two months of the lockdown and that these were replaced with a similar number of Operation Talla complaints.** In some Divisions, Operation Talla made up a higher percentage of all complaints than others, most especially in Edinburgh and Tayside. Some Divisions had a higher than average number of Operation Talla complaints overall; however, when calculated as a rate per capita there were few differences, with no Divisions being significantly higher than the Divisional average.

Overall, therefore, there is **no evidence of a huge surge in complaints** against the police as a result of the use of the temporary powers; **no evidence of a systematic bias** across Divisions in the number or rate of complaints received; and evidence to suggest that **most of the Operation Talla related complaints were of a trivial and non-criminal nature.**

6. Concluding points

This report provides detailed analysis of some of the data gathered by the Independent Advisory Group (IAG) in its review of Police Scotland's use of the new temporary powers created under the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations. The data presented in this report were provided by Police Scotland's Operation Talla Information Collation, Assurance and Liaison (OpTICAL) Group or collected through the Scottish Police Authority's Citizen Portal. Further data collected to support the work of the IAG includes two waves of a public survey commissioned by the SPA, findings of which are published on the SPA website⁸; and qualitative interviews with police officers from three Divisions conducted by HM Inspector of Constabulary in Scotland. The findings presented in this report should be considered in the wider context of these other sources of data.

The data presented in this report suggest that the lockdown has had a significant impact on policing in Scotland. It resulted in the introduction of a new set of temporary policing powers that required Police Scotland to adapt many aspects of operational and tactical policing, including substantial changes to its resource deployment strategy, to meet the challenges of maintaining public health in the context of a global pandemic. It also contributed to significant fluctuations in levels of demand for, and capacity to respond to, wider incidents of crime, disorder and public safety. The speed with which the new policing powers were introduced undoubtedly caused some confusion, and it is clear that in the early weeks of the lockdown policing practice developed somewhat differently across the country. However, as time has gone on, differences in practice have diminished, and the consistent messaging around the use of engagement, explanation and encouragement, before moving to enforcement, has led to a predominant use of dispersals with only a small proportion of encounters involving Fixed Penalty Notices or arrests.

Differences in the use of the powers in terms of absolute numbers and rates per capita are clear across the thirteen Divisions. These are likely to be due to a wide range of factors including geography, local context and policing capacity. However, discrepancies in the relative use of the different intervention types (from the lowest levels of dispersal through to arrests) have gradually diminished over time, to the extent that practice is now fairly consistent across the country. Changes in the nature and extent of wider policing demands during lockdown, both crime and non-crime related, created more challenges for policing in some respects (particularly in terms of public nuisance, noise complaints and neighbour disputes) but diminished in others (such as road traffic incidents, theft and assaults). Nevertheless, the level of police response remained fairly consistent, albeit varying to respond to the level and nature of demand across incident types. Overall, it appears that policing capacity has been redeployed where necessary to cope with the emerging challenges during lockdown.

Public opinion is, perhaps unsurprisingly, split between those who support Police Scotland's measured approach to the use of the new powers and those who feel it should have been more robust. This is a difficult, if not impossible, balance to achieve and the pandemic has only thrown into sharp relief the perpetual challenge for policing organisations to meet the wide and varied expectations of the public. Nevertheless, there has been no increase in complaints against the police in Scotland as a result of the pandemic and no evidence of systematic bias in levels of concern across the country. Moreover, the data suggest that the bulk of the complaints received during lockdown have been dealt with quickly by explanation, apology or assurance, rather than through formal mechanisms. While comparisons with other countries are difficult to make, and conclusions must be drawn with caution; rates of Fixed Penalty Notices suggests that Police Scotland's approach has

⁸ See findings of Wave 1 published on 5th May - <http://www.spa.police.uk/assets/128635/616689/618686/618690>; and Wave 2 published on 18th May 2020 - <http://www.spa.police.uk/assets/128635/616689/618686/619616>.

been somewhat more robust than that of police forces in England and yet more lenient than that of forces in Wales. So perhaps it has found the difficult 'middle ground' in terms of its approach to exercising the temporary policing powers.

The main area that this report has not considered is the profile of those individuals who have been subject to enforcement under the temporary policing powers. Data collection to support this aspect of the IAG's deliberations is ongoing, but expected to be completed before the end of July. These data will enable the IAG to examine the demographic characteristics (including age, sex and ethnicity) and personal circumstances (including employment status and criminal history) of those individuals who were issued with a FPN or were arrested during the course of the lockdown. This will be a valuable addition in terms of considering whether the police use of the powers has disproportionately impacted on particular groups within the population. Results of this work will be published in future reports.

7. Acknowledgements

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Appendix 1

Rates based on population size

Rates of intervention according to population size were based on Mid Year Population Estimates for 2019 (the most recent available) from the National Records of Scotland. Population estimates were calculated for all those aged 16-59 based on the assumption that the majority of interventions would involve people within this age range. These figures can be adjusted once further information on the age profile of interventions is available. See <https://www.nrscotland.gov.uk/statistics-and-data/statistics/statistics-by-theme/population/population-estimates/mid-year-population-estimates/mid-2019>

Rates based on police officer numbers

To provide an alternative comparator for policing activity, rates of intervention according to police officer numbers were based on the number of police officers assigned as local resources to each Division within Scotland. Note that the figures used did not take account of police officers assuming positions that cover the whole of Scotland or the three Command Areas. Data were based on the figures for 31st March 2020 (the most recent available). See <https://www.scotland.police.uk/assets/pdf/138327/212520/police-scotland-officer-numbers-quarter-4-31st-march-2020?view=Standard>

Sources of information on Fixed Penalty Notices

England & Wales: <https://news.npcc.police.uk/releases/statistical-update-on-lockdown-fines-given-by-police-in-england-and-wales>

Scotland: <https://www.scotland.police.uk/about-us/covid-19-policescotlandresponse/enforcement-and-response-data>