Improving Policing Across Scotland

HMICS

June 2021

Independent Advisory Group
Report on interviews with Police Scotland Officers and Staff – Phase II

Introduction

1.   This document provides a summary of findings from research interviews carried out by Her Majesty's Inspectorate of Constabulary in Scotland (HMICS) on behalf of the Independent Advisory Group (IAG) established to review Police Scotland's use of the emergency powers provided by the Coronavirus Act 2020 and the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020.

2.   The aim of the research interviews was to understand the experiences and views of police officers and staff involved in exercising the new powers during the pandemic, in particular how this has changed over time, by interviewing:

- police officers involved in applying the new powers on the front line;

- police officers in supervisory positions involved in giving advice and instruction to police officers involved in front line duties;

- police officers/staff working in Contact, Command and Control (C3) involved in receiving and dealing with calls from the public about coronavirus related issues.

Methodology

3.   The research was limited to one to one interviews and in line with public health guidance, conducted by teleconference, with the exception of one interview which was conducted using Microsoft Teams. HMICS did not inspect any police briefing materials or other documentation prior to or during the interviews. The methodology and developed question set (Appendix A) were approved by the IAG and were designed to explore the following themes:

- Training and support around the introduction of the new policing powers

- Public compliance with the powers

- Experience of policing the pandemic and using the new powers

- Future Lessons

4.   The HMICS inspection team selected officers for interview from a list provided by Police Scotland, which included front line response, community and supervisory officers and those working in Resolution Teams within C3. This method provided a degree of randomisation in the selection process.

5. Data recorded by Police Scotland were analysed by the IAG on the extent and nature of policing during the course of the last 12 months. From this a small number of sub-divisions were selected based on levels of interventions/enforcement and changes in such activity over the period. In respect of call handling, an officer from the Resolution Teams situated in Govan, Bilston Glen and Inverness were interviewed. In addition, the Divisional Commander for C3 Division, Chief Superintendent Roddy Newbigging, was interviewed.

6. A total of 32 interviews were conducted between Monday 26 April and Friday 6 May.

Interview Sample

7. The interview sample provided a cross section of frontline roles and age, gender and length of service within the specific geographical areas selected to capture the experience of policing across these different communities.

8. None of the officers selected were involved in the first round of police interviews conducted by HMICS on behalf of the IAG.[1] This was not logistically possible and, in any event, the focus of round two was to capture the experience of officers working in specific contexts and in smaller geographical areas than the larger divisional areas which featured in round one.

9. Given the small numbers of individuals interviewed and the specific smaller geographical areas selected care should be taken in drawing any definitive conclusions as the views expressed may not necessarily present a representative view of all officers across Scotland.

10. Those interviewed were comprised of the following:

    ■ South East Edinburgh (E Division), one community officer, one response officer, one community supervisor and one response supervisor

    ■ Glasgow City Centre (G Division) , two response officers and two response supervisors

    ■ West Dunbartonshire (L Division), one community officer, one response officer, one community supervisor and one response supervisor

    ■ Paisley (K Division), two response officers and two response supervisors

    ■ Stirling (C Division), two response officers, one community supervisor and one response supervisor

    ■ Central/East Fife (P Division), two response officers, one community supervisor and one response supervisor

    ■ South Highlands (N Division), two response officers and two response supervisors

    ■ Contact, Command and Control (C3) Division, three Resolution Team officers and the Divisional Commander

---

[1] Independent Advisory Group on Police Use of Temporary Powers related to the Coronavirus Crisis SPA Board Meeting 30 June 2020 (Item 5, Appendix E)

Key Findings

11.   The research themes and responses are explored in broader detail however the following high level feedback from officers has been summarised:

- Although some officers felt wearied by the experience of policing during the pandemic, there was also a strong sense of achievement and of fulfilling an important role in helping to keep the public safe

- Overall view was that the force had responded well in terms of providing guidance and instruction initially, given the speed of introduction of emergency legislation

- Although guidance was comprehensive the frequent updates, in line with legislative changes, made it too cumbersome and unwieldy over time, such that it was challenging for officers to navigate

- More user friendly, scenario based, guidance would have assisted officers together with opportunities for shared learning

- Lack of clarity on what was legislation and what was guidance, the introduction of local levels/restrictions and the various exceptions all created confusion and some anomalies which made policing more difficult

- The "four Es" approach (Engage; Explain; Encourage; and Enforce) was well understood by officers and viewed positively, in keeping with the force values

- The four Es approach allowed a consistency in policing tone and style in the early stages of the pandemic and has remained the fundamental approach to policing throughout

- The main emphasis of the police has been on engaging, explaining and encouraging compliance with enforcement being the last resort

- With the passage of time, whereby the public health objectives became well understood, the approach to the four Es flexed with a quicker acceleration to enforcement, aligned to public health considerations within local areas together with other factors

- A swifter acceleration through the four Es was more prevalent in more densely populated areas where house parties and large gatherings were a particular issue

- Whilst the vast majority of the public have been compliant and have remained supportive of the police, public compliance has waned over time and latterly there has been a greater incidence of individuals interpreting the rules to suit their own ends

- Although the majority of the public were generally supportive of the police, either in accepting advice or in receiving a fixed penalty, some officers had experienced a lack of support. This was largely associated with officers who had attended house parties/gatherings. Some had experienced abuse and a small minority had either been subject to assault or had witnessed colleagues being assaulted.

- Some groups have found it more difficult to comply with the restrictions, notably those suffering from mental ill health and young people. The policing approach was tailored for these groups of people[2]

---

[2] See paragraphs 35,36, 53 and 54

- Officers experienced a rise in incidents relating to mental ill health. The availability of local mental health protocols and the Mental Health Pathway to access advice/support from mental health practitioners was a positive development

- The impact of staff absences either due to officers contracting Covid-19 or having to self-isolate has been considerable at times. One supervisor advised that the mental health of some officers had suffered and there were currently waiting lists for counselling to be received

- Officers felt the police service had been required to fill the gaps for other services, such as Social Work and Housing. They perceived this as being the result of insufficient flexibility or lack of resilience to provide the same level of service. Support was also provided to the ambulance service when they were busy

- The roll out of the Contact Assessment Model (CAM) and the introduction of on-line reporting in December 2020 provided a measure of flexibility to cope with increasing workload and staff absences within the C3 environment

- The force-wide roll out of CAM, the limited attendance policy and the positive impact Resolution Teams had on fielding/dealing with calls without the necessity of officers attending were all viewed positively by frontline officers

- The main challenge for C3 has been the lack of ability to forecast demand as it tended to fluctuate/spike with Government messaging in relation to easing or tightening restrictions

- Operational police officers highlighted challenges in keeping pace with the legislative changes

- A potential gap in the policing response was the lack of ability to require individuals to provide their details and to use a formal recorded warning system, or similar recording system, to retain details of individuals the police had repeatedly engaged with

- Looking to the future the main concerns are: the potential for an increase in disorderly conduct as licensed premises return to normal service, and the level of public compliance reducing should further lockdowns be in introduced in the future

- Consistent messaging from political leaders and others in authority out with Police Scotland was considered important

- Overall the police service responded well and demonstrated the ability to be flexible, resilient and provide an ongoing service in difficult times, assisting other services that were periodically struggling

- Frontline officers felt disappointed they had not been prioritised for the vaccination programme, given their front facing role in keeping the public safe

12.   The report will now take each research area in turn and summarise the interview responses.

Training and support around the introduction of the new policing powers

13. The fundamental role of the response officers interviewed remained unchanged throughout the pandemic, although call demand/type changed with: closure of retail and licensed premises, the introduction of Covid-19 related calls and a rise in "cause for concern" calls, many of which were associated with mental ill health.

14. In contrast, the traditional role of community officers changed significantly. Most community engagement meetings with partners such as local councils stopped, and whilst some of this work has returned it is generally being undertaken remotely. Community officers were re-deployed to assist with Police Scotland's Covid-19 response. In more rural areas they were deployed to local beauty spots to engage with members of the public who may have travelled there. In urban areas they were involved in patrolling parks, beaches and other public spaces known to attract large groups of people to support the public health objectives.

15. Significant changes also occurred within the C3 environment. The already planned roll out of the Contact Assessment Model (CAM), in areas of Scotland where it had not yet been introduced, was accelerated.[3] The West Command area provided support to these areas during the transition period. The THRIVE[4] assessment was also adapted to include questions regarding householders who may be vulnerable, shielding or displaying Covid-19 symptoms, in order to assess the appropriate response. A limited attendance policy was introduced to ensure, following risk assessment, that officers only attended where absolutely necessary and otherwise calls were resolved remotely by service advisors or the Resolution Teams.

16. Overall, officers interviewed were positive about the force's initial response to the introduction of emergency legislation, acknowledging the speed with which the legislation was enacted which provided little time for the force to consider and prepare.

17. Information was provided for officers and staff through an extensive PowerPoint which was regularly updated with changes to the legislation. In addition, updates were circulated regularly by e-mail. Face to face briefings were provided by some supervisors, taking into account the level of experience and needs of their teams, but this was limited in duration and emphasis was placed on officers self-briefing. A microsite was created on the force intranet containing Covid-19 guidance and health and safety information.

18. Most felt that although the PowerPoint guidance was very comprehensive, it became too cumbersome and unwieldy given the volume of updates received over time, as legislative changes were made. The experience was that It was hard to wade through the volume of information to find what was relevant. Consequently it became a challenge for officers to keep up to date with restrictions that were applicable, and a feeling of playing catch up developed. There was not always time to self-brief before starting a shift and officers had to also rely on word of mouth from colleagues, advice from supervisors and/or keeping abreast of news reports and Government briefings in their own time. The guidance was generally viewed more positively by those working in C3 who had immediate access to the intranet whilst doing their work.

19. Despite these observations some acknowledged they could see no other way for the force to respond given the quick and constant pace of change.

---

[3] CAM is used by Area Control Room (ACR) – officers are dispatched to attend using CAM which involved undertaking a THRIVE assessment.

[4] THRIVE (Threat, Harm, Risk, Investigation, Vulnerability and Engagement) is a risk management tool with considers 6 elements to assist in identifying the appropriate response grade based on the needs of the caller and the circumstances of the incident.

20.   Others provided suggestions for improvement to make guidance more user friendly and easier to apply:

■   Breaking information down to smaller chunks with key points

■   Including a dedicated and regularly updated Frequently Asked Questions section

■   Providing more scenarios and practical examples

■   Including flowcharts to demonstrate different processes for different situations

■   Greater use of technology, perhaps creating an App accessible to officers on patrol. Although an Aide memoire had been added to officers' mobile devices, which was helpful, we were told this was not refreshed as time went on to take into account legislative changes.

21.   The heavy reliance on self-brief did not suit the learning style of some officers who would have preferred either face to face or virtual training. The opportunity to share learning, perhaps by use of a forum, was also suggested as a means to improve knowledge and understanding.

22.   The force briefings followed the UK approach, characterised by the four Es: Engage; Explain; Encourage; and Enforce. The use of the four Es approach was universally known and understood by the officers interviewed. It was viewed as a positive approach, in line with the manner in which they go about their duties in general. Its use allowed a consistency in policing tone and style in the early stages of the pandemic. This was seen as being important for public confidence when society was trying to understand what was required/expected of them in a public health crisis.

23.   Those interviewed were clear that use of the 4 Es has remained the fundamental approach to policing throughout. However, most stated that as the pandemic continued, in the latter part of 2020 and beyond, there was a shift towards accelerating more quickly through the 4 Es and utilising enforcement more frequently (predominantly the issuing of fixed penalty notices). This was aligned to public health considerations within local areas and took into account levels of public non-compliance and the nature of the conduct/breach. This approach was more prevalent in more densely populated urban areas.

Officers working in urban areas advised that on a night shift they would expect to attend 3 or 4 calls regarding house parties. This would be replicated across the other teams working.

24.   Most felt supported by their line managers/supervisors in their application of the four Es. However, there was a clear frustration from many officers in urban areas that the shift to quicker enforcement should have happened earlier in the pandemic, given the frequency and blatant nature of breaches encountered and the passage of time where it was considered the public were well aware of the rules.

25.   Some officers were acutely aware of their decisions being scrutinised and that justification for their approach to the 4 Es could/would be required by supervisors. Again, this was more prevalent in urban areas. A small number felt this influenced decision making and inhibited use of discretion at times.

26. Many thought that there were too many grey areas in relation to what is law and what is guidance. Although there was an understanding of the legislation, on drilling down it was vague and prone to different interpretations thus providing loopholes. Unlike other legislation they had dealt with, the speed and frequency of changes also made it particularly challenging and difficult to enforce.

27. Following introduction of the tier system it became increasingly difficult to keep up to date with restrictions on the number of people allowed to mix in particular situations and in relation to travel. Certain anomalies emerged, such as:

> In Tier 3, travel out with your Local Authority area was not permitted but when restrictions tightened after Christmas and everyone was placed in Tier 4 travel was allowed 5 miles out with your Local Authority boundary area for certain purposes.

28. Such anomalies caused confusion, resulted in an increased number of calls from the public seeking clarification and made policing more difficult.

Public compliance with the powers

29. The consensus was that the vast majority of the public have been compliant in relation to restrictions and generally supportive of the police. This was particularly so at the early stages of the pandemic, driven by uncertainty and fear of the virus. However, officers felt public compliance has waned over time, particularly in the latter part of 2020 and post-Christmas. Individuals, including those who are normally law abiding, had started to conduct their own risk assessments and interpret the rules to suit their behaviour rather than strictly adhere.

30. A small minority of individuals have been non-compliant throughout, largely formed by sections of the community who live chaotic lifestyles and do not conform to regulation generally. They remained intent on non-compliance, regardless of attempts to utilise all strands of the four E approach. When fixed penalties were issued this had little/no deterrent effect.

31. In urban areas where there were large student populations, officers found this group to be generally non-compliant, with a large number of calls relating to house parties at student accommodation/student lets. Universities worked jointly with the police and also took action internally in an attempt to curb such behaviour.

32. Most felt there was general support from the majority of those they had dealt with, either in accepting advice or receiving a fixed penalty. However, a sizeable minority of officers had experienced a lack of support from those they engaged with. This view was largely associated with officers who had attended house parties/gatherings who were often challenged by those present. Some had experienced abuse and a small minority had either been subject to assault or had witnessed colleagues being assaulted. Some officers felt the anger and abuse directed towards them by students, and from young people in particular, went beyond what would ordinarily be expected, which may have been influenced by other world-wide events reported in the media.

> Repeat calls were received regarding house parties within student accommodation in South East Edinburgh. When officers attended students often indicated they were not bothered about the fixed penalty notices as their parents would pay.

> Officers deployed to patrol "The Meadows" in South East Edinburgh, as part of Police Scotland's Covid response due to the large numbers gathering there, had occasion to speak to a 14 year old about anti-social behaviour whereupon a group gathered and started throwing objects at the officers and abusing them.

33. Competing expectations have, at times, proved challenging for officers. Some had experienced criticism from law abiding members of the public for not using enforcement at public protests/football gatherings and, on the opposite side of the coin, criticism when using enforcement at unlawful house parties/indoor gatherings for exercising double standards – "why us and not them?"

34. Meeting public expectations whilst applying the four E approach also created challenges in rural communities when there was an influx of visitors from more highly populated areas for the purposes of exercise, to holiday or to visit second homes.

> People travelling from other areas caused the biggest issue as it caused friction with those living locally. Some people felt that the police should be moving straight to enforcement, however the first 3 Es were usually successful in removing people from the area.

> The police would get calls about people visiting second homes and would attend but often the individual would explain they were there to conduct essential maintenance. The local community would get frustrated that the police were not doing enough and sometimes make multiple complaints.

35. In contrast to frontline policing, officers in the Resolution Teams felt the public were largely appreciative and accepting of advice. User experience surveys are conducted regularly by an independent company, Progressive Partnership Limited, on behalf of Police Scotland. Questions are included to measure the level of user satisfaction with: the ease of contact, how they were treated during the initial contact, and whether they felt the staff member had properly understood what they needed. The satisfaction rates for the third quarter, October to December 2020/21 ranged between 75-89%.[5]

36. A rise in incidents relating to mental ill health was a common experience of officers. This group had found it particularly difficult to cope with restrictions, feeling more socially isolated and without the same access to support networks. In dealing with these "cause for concern" calls wellbeing was put at the heart of the policing response.

37. Some front line officers praised the availability of local mental health protocols which provided access to mental health professionals by phone to those who required support, thereby reducing the need for hospital attendance, which is often very time consuming. This was echoed by officers working in the Resolution Teams who could use the Mental Health Pathway to access advice from mental health practitioners and thereafter refer some individuals to NHS community psychiatric nurses.[6]

---

[5] Scottish Police Authority Quarter 3 Performance Report October - December 2020 - Appendix A page 60
[6] Following a THRIVE assessment mental health pathway is available - a collaboration between Police Scotland, NHS 24 and the SAS providing a dedicated mental health hub within the NHS 24 Contact Centre staffed by appropriately qualified mental health practitioners. Similar protocols exist within divisions using local arrangements with the local Mental Health Assessment Services.

38.   Responding to the pandemic, partner agencies had placed vulnerable groups such as the homeless in local hotels, converted into temporary hostels to provide shelter and food. Officers found that, despite this, they struggled to comply with restrictions. Placing so many people with vulnerabilities together inevitably led to them socialising together and breaching regulations. In addition, it resulted in some violent incidents as rivalling factions had been inadvertently housed together.

39.   Many thought young people had also struggled to cope with restrictions. A combination of having been kept in their houses, schools being closed and apathy towards the pandemic due to messaging that they were not as susceptible to becoming ill, fuelled a lack of compliance. Large groups of young people gathering to socialise in public spaces was common place, often organised in advance. During periods where schools were closed there was not the same opportunity for youth engagement officers to access this group and get public health messages across. Some officers advised that for those young people where enforcement was not an option, which they stated applied to those under 16 years old[7], they sometimes resorted to taking them home to their parents to emphasise the public health objectives.

40.   The 4 Es has remained the fundamental policing approach throughout and on the vast majority of occasions the first 3 Es has proved effective. However, with the passage of time, whereby the public gained a better understanding of the public health objectives the approach has flexed. In recent months, where there is a blatant disregard for the legislation and the public health objectives, officers are more likely to accelerate through the 4 Es to enforcement. Whilst public compliance with the restrictions has reduced over time, the experience of the majority of officers is that the public remain broadly supportive of the police, although some officers thought this too may be waning.

Experience of policing the pandemic and using the new powers

41.   The pandemic has impacted the day to day work of officers in a number of ways:

■   The need to consider the risks of contracting and/or spreading Covid-19 changed the way officers engaged with members of the public: a greater number of calls were resolved remotely by telephone or on-line; witness statements were taken over the phone, where appropriate; PPE was worn when face to face contact was necessary

■   Many community police officers were re-deployed to assist in the COVID-19 response

■   Within the workplace, safety measures have evolved over time with the introduction of signage and social distancing measures, hand sanitisers and improved cleaning regimes, COVID-19 marshalls, and more recently, lateral flow testing within the Area Control Room (ACR) environment

■   For Supervisors, additional health and safety checks are now an additional feature of their day to day work to secure the safety of officers and staff

42.   Whilst acknowledged as necessary for safety, some officers felt the reduction in face to face interactions had affected the quality of service provided, as personal engagement can be more reassuring for victims and witnesses. Also some felt wearing PPE made interactions with the public more difficult and that when dealing with volatile suspects there was the potential for matters to escalate further than they perhaps would have previously.

---

[7] The Health Protection (Coronavirus)(Restrictions)(Scotland) Regulations 2020 originally enacted that a fixed penalty notice may be issued to a person aged 16 years or over however this was amended on 27 May 2020 by the Coronarvirus (Scotland) (No.2) Act 2020 section 16(1) and schedule 2, para 7 (2) to 18 years old

43. The impact of staff absences, either due to officers contracting Covid-19 or having to self-isolate, was considerable at times. Some of those interviewed had had to self-isolate which not only affected them but their families, some of which had vulnerable family members. One supervisor advised that the mental health of some officers had suffered during the pandemic and currently there were waiting lists for counselling to be received.

44. Across C3 it was reported that staff absences can normally run daily to 140-150 but at its peak there were 395 absences. Whilst some additional recruitment was undertaken, numbers were restricted due to social distancing requirements. The flexibility of CAM allowed work to be moved around the country in order to cope during these times. Online reporting was also introduced in December 2020 for lower level incidents which gave officers and staff greater control around the timing of providing a response.

45. In terms of workload, demand reduced initially across operational policing: the volume of acquisitive crime, violence and disorderly behaviour dropped due to the closure of retail and licensed previses; the limited attendance policy meant more calls were being dealt with remotely by the Resolution Teams; and in community policing, engagement/meetings with partners halted. However, demand soon picked up in other areas such as Covid-19 related incidents and increasing "cause for concern" reports, mostly associated with mental ill health. As time went on, workload associated with "business as usual" has fluctuated depending on the level of restriction imposed, particularly in relation to retail/licensed premises. It is now returning to more normal levels.

46. The Resolution Team officers interviewed in East and West command areas experienced an increase in calls, specifically related to the Covid-19 regulations. A combination of this and staff absences resulted in "call stacks" significantly increasing and consequently in poorer response times. Demand tended to increase coinciding with Government messaging around easing or tightening of restrictions, for example in relation to travel restrictions.

47. Whilst some experienced good partnership working with other agencies, the majority felt the police service had been required to fill the gaps for many others such as Social Work and Housing. This was perceived as being the result of either insufficient flexibility or lack of resilience to provide the same level of service during the pandemic. In addition a lot of support had to be provided to the ambulance service when they were busy, both in terms of triaging 999 calls within ACRs and by frontline officers attending calls.

Because the NHS were under pressure there were not enough ambulances and the police had to deal with this instead. For instance, an officer advised that they had taken an unconscious man who was rasping for breath to the hospital when an ambulance was not available.

On one occasion a police officer had to insist a Local Authority hold a crisis meeting to help a vulnerable individual who was living in unsuitable accommodation, resulting in a deterioration of their mental health.

48. There was a rise in house parties/gatherings in the latter part of 2020 and after the festive period which put additional pressure on resources, particularly as they were spread across a larger geographic area – unlike pre-pandemic night time activity which tended to be concentrated in town/city centres. Officers were also of the view these calls took longer to deal with than would normally be the case. When dealing with these parties/gatherings, the availability of resources was a factor that had to be taken into account in deciding what, if any, enforcement action to take.

49. The policy of custody suites not accepting individuals except for serious crimes, and the designation of a limited number of custody suites for those who were potentially positive for Covid-19 created logistical challenges for front line officers. There was no option but to issue repeated fixed penalty notices, even where this was having no deterrent effect. An increase in accused being released on undertaking was also difficult to explain to victims, particularly in domestic abuse incidents.

50. Some officers thought a backlog of work had built up in relation to enquiries into some low level crimes, which couldn't be progressed due to retail and licensed premises being closed, and in relation to executing some warrants.

51. Those supervising the use of the new powers (the 4 Es) found this relatively easy. Most officers also found exercising the new powers relatively straightforward, although some reported they initially lacked confidence which had built over time, and others felt it was made more difficult by the frequent changes to restrictions.

52. Most officers advised that the first three Es were used frequently, generally on a daily basis. The last E had been used less often but enforcement had become a more frequent occurrence in recent months, particularly in urban areas in relation to house parties and large gatherings. As such, enforcement was used more when officers were on back and night shifts.

> During the busy festive season 30-40 tickets could be issued on a Saturday night in Paisley

53. In more rural areas there was a different experience. Local communities were, in the main, compliant although there was one extreme example given where an individual was reported to the Procurator Fiscal for culpable and reckless conduct (see below). The issues encountered in rural areas were mainly associated with those travelling from more populated areas for exercise, day trips, holidays or to visit second homes. The experience in these areas has been frequent and often daily use of the first 3 Es and far less enforcement. However, more recently fixed penalty notices have been issued for blatant breaches of regulations and/or where those involved were unwilling to comply with advice.

> A licensee held a Christmas party for staff and friends knowing they had already tested positive for Covid-19. This subsequently came to the attention of the authorities and a police investigation was undertaken. A report was submitted to the Procurator Fiscal for culpable and reckless conduct. As a consequence of the licensee's actions medical staff and several officers, including custody staff, required to self-isolate. Additionally, some of those who attended the party tested positive for Covid-19. The impact on the community and local services was significant.

54. A different well-being approach has been taken in relation to those suffering from mental ill health. Where needed, support has been accessed from mental health professionals either through use of local mental health protocols or the mental health pathway. Some individuals with hidden disabilities, such as autism, also had difficulties complying as they were out of their normal routine. Those interviewed advised that such instances were dealt with sensitively.

> One supervisor was aware of a person with autism who had struggled to comply and briefed his officers that if they were dealing with a vulnerable member of the public they should use common sense and support them to comply rather than moving to enforcement.

55. The way young people were dealt with depended on their age, for instance, officers advised that for those where it was not possible to issue a fixed penalty notice, which they thought applied to those under the age of 16, they would sometimes be taken home to their parents to highlight the public health concerns[8]. In an effort to deal with large gatherings of young people, additional community patrols and youth engagement officers were utilised in some locations and one supervisor was aware of letters being sent to parents to re-enforce the public health objectives.

56. Whilst the four Es approach has remained the policing approach some supervisors, most of which were in response policing in urban areas, had promoted a swifter acceleration towards enforcement for blatant breaches of regulations, such as house parties. This change occurred towards the end of 2020 and continued beyond the festive period. The view taken was that the public were well aware of the rules given the passage of time. Officers interviewed confirmed this move towards enforcement, either because of messaging received from supervisors/management or as a natural progression when dealing with overt breaches and/or the same individuals repeatedly. Many shared a feeling of frustration that this had not happened sooner.

57. Whilst acceleration through the 4 Es has also occurred in rural areas when dealing with more blatant/extreme local breaches or for blatant breaches of travel restrictions, this has not been as prevalent and there has been greater use of discretion by officers. A supervisor and an officer from different rural areas advised that the four Es would be applied in the same way even where people had travelled a considerable distance breaking travel restrictions, or there were repeated breaches involving the same individual.

---

[8] The Health Protection (Coronavirus)(Restrictions)(Scotland) Regulations 2020 originally enacted that a fixed penalty notice may be issued to a person aged 16 years or over however this was amended on 27 May 2020 by the Coronarvirus (Scotland) (No.2) Act 2020 section 16(1) and schedule 2, para 7 (2) to 18 years old

58. Supervisors thought a consistent approach had been taken by those under their command and could cite no instances when the last E had been used ineffectively. To achieve consistency those interviewed cited a number of measures used:

   ■ Shift muster briefings

   ■ Handovers between supervisors, where details of incidents and police response were discussed

   ■ Incidents recorded on the sergeant's log, including details of repeat offenders/addresses to inform the next shift

   ■ Daily sheets completed by Inspectors, providing details of incidents and any fixed penalty notices issued, submitted to divisional command for feedback

59. Whilst local processes were used to log details of individuals/addresses, where interventions short of enforcement had been used, some officers thought the ability to require individuals to provide their details and to use a formal recorded warning system or similar recording system to retain details would have provided greater confidence to escalate the response for repeat offenders. A formalised system or policy would also have the benefit of ensuring GDPR compliance.

60. The main challenge encountered by those interviewed in operational policing was keeping up to date with the legislation at any given point throughout the pandemic and understanding the difference between what was legislation and what was guidance. Other challenges reported were: the restrictions on availability of custody and associated logistical issues, staff absences due to requirement to self-isolate, and policing large scale events and gatherings due to practical difficulties of issuing fixed penalty notices.

61. From a C3 perspective the main challenge has been the impact on the ability to forecast demand with any degree of certainty. Demand tended to fluctuate/spike coinciding with Government public health messaging and thus was difficult to predict. This coupled with staff absences, and reduced staff capacity in order to comply with social distancing requirements, negatively affected response times to calls.

62. Those interviewed had not required to use force that often. Of those that had, use of spit hoods when officers were being coughed at or spat on, and forced entry to premises were the most common. Officers welcomed the addition of the power to force entry and explained that often the threat of this was enough to gain access to premises. Other uses of force had been used sparingly and only in extreme circumstances:

> One supervisor was aware that PAVA spray had been used when officers had been called to a gathering where an officer had been hit on the head with a bottle. Another supervisor was aware that an attempt had been made to use PAVA spray when an officer had been placed in a choke hold, but it failed to operate.

Future Lessons

63. As progressive easing of public health restrictions continues across large parts of Scotland, many officers were concerned that this may lead to an increase in disorder, particularly as licensed premises return to normal service. There was an associated concern by some that this may put officers at risk of contracting Covid-19, when many have not yet been vaccinated or lead to further periods of having to self-isolate.

64.   Many were also concerned about a future return to lockdown, being of the view large sections of the public would be unlikely to comply making policing by consent extremely difficult.

65.   Other concerns shared were around staff workload, skill set and morale, including:

■ Backlogs of work to be cleared (some enquiries into low level crimes had not been possible with the closure of retail/licensed premises and some warrants were not being executed)

■ Potential additional demands to support Public Health Scotland in relation to quarantine requirements following foreign travel, and the lack of connectivity that currently exists with this agency

■ Likely staff abstractions with court demands returning and large scale events due to take place (Euro 2020 and COP 26)

■ Those relatively young in service/probationers had not yet been exposed to normal policing associated with town/city centres. Supervisors were aware of a need to ensure they are not overwhelmed

■ A backlog in training, including essential officer safety training

■ Officers and staff being fatigued by the impact of the pandemic both professionally and personally – although some felt the mood had lifted recently with the lifting of restrictions

66.   Some were also concerned that a further increase in workload relating to mental ill health and other harms was yet to come, particularly if partners were not able to build up resilience.

67.   Some community officers feared that with schools being closed for large periods of time and youth engagement officers being unable to engage with young people in the same way, some may have slipped through the net, although they were now trying to play catch up. Effort would be required with students and young people over the coming months to re-build relationships.

68.   From a C3 perspective, there were concerns that should there be a spike in demand whilst still operating at a limited capacity, due to social distancing requirements and limitations on training, this could present significant challenges.

69.   It was acknowledged that some improved ways of working had been introduced during the pandemic. The use of video conferencing was recognised by many as providing a huge benefit, particularly in more remote locations where significant savings could be made in the time/ costs associated with travelling to meetings and logistical difficulties could be overcome.

> A supervisor explained that video conferencing had enabled a meeting to take place with four head teachers which would normally be very difficult in the non-virtual world.

70.   There was however a note of caution that some face to face engagement needs to be retained to maintain relationships, and that a balance needs to be struck.

71. In addition, some reported that it was not possible to continue community engagement activity as local councils used other IT platforms, such as Zoom. Police Scotland may want to consider this aspect in its ICT and resilience strategies moving forward to assist sharing of key messaging, and to maintain community confidence and good intelligence links during any periods of crisis.

72. Officers positively viewed the force-wide roll out of CAM and the positive impact the Resolution Teams had on fielding/dealing with calls without the necessity of officers attendance and it was hoped this would continue.

73. On offering comment on the wider impact on the Criminal Justice System, the use of virtual courts and electronic search warrants were seen as a positive development.

74. The availability of the Mental Health Pathway and local mental health protocols had been a significant improvement, often reducing hours spent by officers at hospitals.

75. The ability of Police Scotland to flex and allow some officers the facility to work from home, for instance to assist with childcare or whilst shielding, was much appreciated and many officers hoped this could be continued in some form in the future.

76. Improved sanitisation and availability of PPE in offices was also seen as a positive that should be continued.

77. The main learning from those interviewed was that the legislation was too vague and open to different interpretations. Over time it also became too complex to navigate, particularly with the introduction of various exceptions and the tier system. From a policing perspective the feeling was a national approach was better than local restrictions. In future, legislation should be kept simple and should be supported by a clear rationale.

> At times the rules didn't seem to make sense. You were allowed to travel on a plane but not have family in your house. When the rules didn't seem to make sense it made it much harder to explain to the public.

78. Consistent messaging from political leaders and others in authority out with Police Scotland was also seen as important. One suggestion was that it would have been easier for the public and police to keep up to date with changes had they been announced and introduced on a set day of the week.

79. Officers generally welcomed the four Es approach, which offered a practical solution aligned with the principles of policing, facilitated engagement and provided the opportunity to de-escalate rather than criminalise.

80. The lack of ability to require individuals to provide their details and to use a formal recorded warning system, or similar system, to retain details of individuals the police had repeatedly engaged with was seen as a potential gap in the policing response.

81. Overall, the sense from those interviewed was the police service had responded well and had demonstrated an ability to be flexible, resilient and provide an ongoing service in difficult times, picking up where other services were struggling at times.

82.   However, there was also a clear disappointment amongst many officers that despite their important front facing role, which often brought them into regular contact with members of the public including vulnerable people, front line officers had not been prioritised for the vaccination, unlike NHS staff. There was a belief that not only would this have improved the well-being of officers and their families but would have enhanced public confidence when police were attending incidents.

83.   Officers resorted to forging links with local NHS contacts and making local arrangements to obtain "end of day" vaccines for themselves and others in the absence of a coordinated approach by Police Scotland.

Conclusions

84.   In order to support public health objectives, a clear, unambiguous and well communicated policing approach (the four Es), easily understood by both the public and police and aligned to policing principles, was key. This model allowed incidents to be resolved, where appropriate, without enforcement. It also provided the flexibility to take a variety of factors into account such as public health concerns within local communities, levels of general compliance, the nature of the conduct and individual circumstances, in order to make decisions on any appropriate action.

85.   Perhaps inevitably, and certainly with the passage of time whereby the public became educated on the public health objectives, a quicker acceleration to use of enforcement occurred. This was more prevalent in highly populated areas, no doubt driven by local factors.

86.   To assist front line officers and equip them in their roles the provision of readily accessible, simplified guidance/briefing is essential.

87.   There was a strong feeling amongst frontline officers that in order to enhance public confidence in policing and provide protection to officers, their families and the general public they ought to have been prioritised for vaccination. Whilst most officers interviewed had been well supported by their line managers and superiors, both professionally and domestically, throughout this difficult time, the lack of prioritisation for vaccination was seen as a missed opportunity to offer them protection and demonstrate the value placed upon them.

88.   Whilst there was a sense of some officers feeling wearied by the experience of policing during the pandemic, there was also a strong sense of achievement and of fulfilling an important role in helping to keep the public safe.

THEME	KEY QUESTIONS
1. Training and support around the introduction of the new policing powers _Areas for discussion_ _Extent and quality of training and guidance over use of the new powers_ _Degree of support with using the new powers_	**1.1** What is your role within Police Scotland? i Did your role change at all during the course of the pandemic? (if yes, in what way did it change?)
	1.2 What is your view on the level of ongoing training and/or guidance you received on interpreting and applying the new powers? **i**. How easy or difficult was it to interpret and apply the new powers as the guidance and legislation changed over time? **ii**. Was there any change in approach to the use of the 4 Es over time? If so, could you describe what these changes were and why they occurred? **iii.** In what ways (if any) do you think the training and/or guidance you received could have been improved?
	1.3 How well supported have you felt in doing your job (particularly in exercising/supervising the exercise of the 4 E's)? (Probe: support from whom and in relation to what?)
2. Public compliance with the powers _Areas for discussion_ _Level of public compliance with the law and guidance and how this changed over time_ _Reasons for non-compliance amongst different sectors of the population_	**2.1** How would you describe the public's compliance with the new policing powers (the 4 E's)? **i.** How would you describe the degree of public support/compliance you have received when doing your job? Can you provide any examples to illustrate this? **ii.** What factors have prevented some people complying with the new laws? (Probe: vulnerable, susceptible or disadvantaged groups, those with disabilities or hidden disabilities, those living in poverty, children and young people, etc.) **iii**. In what ways, if any, has the level and nature of compliance changed over time? (Probe: Distinguish between those who were unable to comply and those who were unwilling to comply). What (if any) difficulties has this posed for you? iv. How did the change in restrictions impact you in terms of doing your job?

3. Experience of policing the pandemic and using the new powers	**SUPERVISORY OFFICERS 3.1 – 3.4**
	3.1 What impact has the lockdown had on your day to day work?

<table>
<tr>
<td rowspan="6">

Areas for discussion

Impact of lockdown and legislative change on day-to-day policing activities and roles (frontline, supervisory and C3)

Experience of exercising the powers on the frontline (frequency, circumstances, and consistency)

Specific challenges for policing practice, management and call handling

</td>
<td>

3.2 How easy or difficult has it been to supervise the exercise of the new powers (the 4 E's) ?

i. How frequently have officers used the new powers in the course of their day to day activities? How has this changed over time?

ii. Do you feel there is consistency amongst officers in terms of how they have used the powers?

iii. Have you been aware of any particular issues with officers using the powers more in relation to certain people or groups? If so can you provide any examples?

iv. Has there been any change in the advice/guidance you have given officers about the use of the 4 Es over time? If so, explain.

v. Have there been occasions when officers did not use the last E effectively? What did you do about this?

</td>
</tr>
<tr>
<td>

3.3 What are the main challenges or difficulties you have encountered in exercising the powers?

</td>
</tr>
<tr>
<td>

3.4 To what extent, and in what circumstances, have officers needed to use "force" (e.g. spit hoods, restraint, tasers, CS spray, forced entry to premises etc.)

</td>
</tr>
<tr>
<td>

FRONTLINE OFFICERS 3.5 – 3.8

3.5 What has been the main impact of the pandemic on your day to day work over the last year?

i In what ways has the pandemic affected your overall workload? (Probe to ascertain impact of work generated due to the pandemic whilst dealing with business as usual)

</td>
</tr>
<tr>
<td>

3.6 Overall, how easy or difficult have you found it to exercise the new powers (the 4 E's)?

i. How frequently have you used the new powers in the course of your day to day activities? (Probe the different types of enforcement). How has this changed over time?

ii. Could you describe the typical circumstances in which you have used the powers? (Probe for where and who)

</td>
</tr>
</table>

	iii. Have you taken a different approach to using the powers with some people/groups compared to others? (Probe to explore; if yes, why was this the case?)
	iv. Have you changed your approach to using the 4 Es over time? (if yes, how and why?)
	v. Have there been occasions when you did not use the last E effectively? Why do you think this was the case?
	3.7 What are the main challenges or difficulties you have encountered in exercising the powers?
	3.8 To what extent, and in what circumstances, have you needed to use "force" (e.g. spit hoods, restraint, tasers, CS spray, forcing entry to premises etc.) while exercising the powers?
	C3 OFFICERS AND STAFF 3.9 – 3.16 **3.9** What is your role within C3?
	3.10 To what extent, and in what ways, did the pandemic affect C3 business over the course of the last year? (Probe: level of demand, changing nature of calls, staff absence, introduction of the new online reporting system etc)
	3.11 What impact did these changes in C3 business have on your day to day work?
	3.12 What have the main challenges been around responding to calls for service?
	3.13 How did the policy of 'limitations on attendance' impact on officers and staff? i What changes have you seen around partnership working over the last year?
	3.14 Can you describe any change over time in the way that members of the public have responded to Government messaging around changes to guidance and restrictions? How did you respond to this?
	3.15 Has there been sufficient capacity to deal with changing nature of demand and, if/when not, what were the reasons?

	3.16 What (if any) changes do you anticipate in calls for service over the coming months?
4. Future lessons _Areas for discussion_ _Concerns and expectations for policing as the lockdown starts to change_ _Key lessons learned during this period_	**4.1** What (if any) concerns do you have about policing over the coming months?
	4.2 What, if any, improvements or innovations have been achieved in policing over this period? And do you anticipate that these improvements or innovations will be retained after the pandemic ends?
	4.3 What would you say is the main thing you have learned from using the new powers that needs to be recognised by the IAG?
5. Conclusion _Areas for discussion_ _This section serves to wrap up the discussion and ascertain key learning points_	**5.1** To sum up, reflecting on what we have talked about today what would be your main recommendations for improvement?
	5.2 Why is this important?
	5.3 Is there anything else we haven't talked about that you think is important here? And what might be especially important for us to feed back to the Independent Advisory Group