Assurance Review of Police Scotland's Counter Corruption Unit (2016)

Progress Review

September 2018

Improving Policing Across Scotland

HM Inspectorate of Constabulary in Scotland

HM Inspectorate for Constabulary in Scotland (HMICS) is established under the Police and Fire Reform (Scotland) Act 2012 and has wide ranging powers to look into the 'state, effectiveness and efficiency' of both the Police Service of Scotland (Police Scotland) and the Scottish Police Authority (SPA).[1]

We have a statutory duty to inquire into the arrangements made by the Chief Constable and the SPA to meet their obligations in terms of best value and continuous improvement. If necessary, we can be directed by Scottish Ministers to look into anything relating to the SPA or Police Scotland as they consider appropriate. We also have an established role in providing professional advice and guidance on policing in Scotland.

- Our powers allow us to do anything we consider necessary or expedient for the purposes of, or in connection with, the carrying out of our functions.

- The SPA and the Chief Constable must provide us with such assistance and co-operation as we may require to enable us to carry out our functions.

- When we publish a report, the SPA and the Chief Constable must also consider what we have found and take such measures, if any, as they think fit.

- Where our report identifies that the SPA or Police Scotland is not efficient or effective (or best value not secured), or will, unless remedial measures are taken, cease to be efficient or effective, Scottish Ministers may direct the SPA to take such measures as may be required. The SPA must comply with any direction given.

- Where we make recommendations, we will follow them up and report publicly on progress.

- We will identify good practice that can be applied across Scotland.

- We work with other inspectorates and agencies across the public sector and co-ordinate our activities to reduce the burden of inspection and avoid unnecessary duplication.

- We aim to add value and strengthen public confidence in Scottish policing and will do this through independent scrutiny and objective, evidence-led reporting about what we find.

Our approach is to support Police Scotland and the SPA to deliver services that are high quality, continually improving, effective and responsive to local needs.[2]

This progress review was undertaken in terms of section 74(2) (a) of the Police and Fire Reform (Scotland) Act 2012 and laid before the Scottish Parliament in terms of section 79(3) of the Act.

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[1] Chapter 11, Police and Fire Reform (Scotland) Act 2012.
[2] HMICS, *Corporate Strategy 2017-20* (2017).
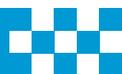
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Our progress review

On 27 June 2016, HMICS published its independent assurance review of Police Scotland's Counter Corruption Unit (CCU) which contained thirty-nine recommendations, covering various aspects of CCU activity, processes and governance. Our findings and the current status of each of the recommendations are contained within this progress review and should be read in conjunction with the original report.[3]

By way of background, on 25 November 2015, the Scottish Police Authority (SPA) requested HMICS to undertake an independent assurance review of Police Scotland's CCU. This followed a statement by the Interception of Communications Commissioner[4] that Police Scotland had contravened the Acquisition and Disclosure of Communications Data, Code of Practice (2015) by seeking communications data to determine either a journalist's source or the communications of those suspected to have been acting as intermediaries between a journalist and a suspected source without the required judicial approval. The Commissioner advised those concerned that they may have been adversely affected by a contravention of the Regulation of Investigatory Powers Act 2000 (referred to as 'RIPA') and the Code of Practice (2015). A number of complainants subsequently brought proceedings before the Investigatory Powers Tribunal (IPT) against Police Scotland. Police Scotland conceded that these authorisations had been unlawfully obtained.

In August 2016, the IPT judgement hearing ordered an independent investigation into the circumstances. In response, Police Scotland invited Durham Constabulary to undertake an independent investigation relative to non-criminal complaint allegations[5] and the SPA invited Durham Constabulary to carry out an independent investigation relative to non-criminal complaint and misconduct allegations against senior police officers linked to the IPT findings.[6] Police Scotland later requested the Police Service of Northern Ireland (PSNI) to carry out a misconduct investigation regarding the unlawful acquisition of communications data by Police Scotland.[7]

Since publication of the 2015 Annual Report of the Interception of Communications Commissioner, Justice Sub-Committee on Policing have shown continued interest in the review of the CCU.[8]

In 2016, we found little evidence of an effective and efficient approach to proactive anti-corruption investigations with the majority of CCU activity focused on administrative background checks, notifiable associations and data protection offences. Feedback from some police officers and members of police staff highlighted that the approach taken by the CCU to reports of notifiable associations and data protection offences lacked a proportionate and measured response. There was also an overlap between the functions of both the CCU and the Professional Standards Department (PSD) which created ambiguity over the role of the CCU. We found that while there was a general awareness of Police Scotland's values across the service the detail within the Code of Ethics was less understood.

We also reported that the establishment of a single police service has introduced complexity in terms of the police investigating the police and there is a need for an approach in Scotland that satisfies the demand for accountability, transparency and independence (HMICS, 2016, page 8).

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[3] HMICS 2016 report.
[4] The Rt Hon. Sir Stanley Burnton, Report of the Interception of Communications Commissioner, Annual Report for 2015.
[5] Durham Constabulary Report (PS/18/16 refers).
[6] Durham Constabulary Report Operation Seastorm (PS/18/16 refers).
[7] Police Scotland, letter to Convener – PSNI report, 16 February 2018.
[8] Scottish Parliament, Justice Sub-Committee on Policing, Counter Corruption Unit review.

Following publication of our report (HMICS, 2016) the Chief Constable instructed a full review of Police Scotland's approach to countering corruption and the Deputy Chief Constable (DCC) (Crime and Operational Support) was tasked to oversee implementation of the recommendations. An Assurance Review Steering Group (the 'Steering Group') was convened with membership comprising of senior police officers and staff from several internal business areas as well as partners from the wider criminal justice sector. The recommendations were allocated an owner, timescale for delivery and recorded on a development dashboard. This approach supported the reporting of progress of the recommendations to Police Scotland's executive and HMICS. Over a 12-month period, the Steering Group met on 19 occasions.

Following consultation with the SPA, an Independent Reference Group (the 'Independent Reference Group') was also convened, chaired by an SPA Board Member and comprising staff associations and representative bodies, trade unions as well as partners from across the wider legal and criminal justice sector. This group provided independent scrutiny in support of work undertaken in respect of the recommendations.[9] HMICS was represented at both groups.

Corruption remains a key enabler to organised crime groups and there is an acknowledged and legitimate need for Police Scotland to protect its people and information against the threat from corruption. However, it is vital that the tactics employed to counter corruption must be lawful, necessary and proportionate and they must also be subject to appropriate oversight. Since publication of our assurance review (HMICS, 2016) Police Scotland has taken comprehensive steps to address the recommendations ensuring that anti-corruption practices are considered in terms of the regulatory framework,[10] are proportionate, necessary and are subject of appropriate governance and oversight. HMICS is reassured by the progress review that the restructured Anti-Corruption Unit (ACU), (formerly known as the Counter Corruption Unit) is now refocused and more importantly its working practices no longer reflect those reported on by HMICS in 2016.

The outstanding recommendations remain valid and if completed have the potential to further strengthen and improve Police Scotland's approach to countering police corruption. Notwithstanding that each recommendation can stand on its own merit, collectively the recommendations relate primarily to ACU internal operating processes that are necessary to undertake effective pro-active anti-corruption investigations. We suggest that the remaining recommendations are owned and progressed as business as usual by the Head of the ACU.

On 19 June 2018, the Cabinet Secretary for Justice announced that the Rt Hon Dame Elish Angiolini DBE QC has been commissioned to lead an Independent Review of Complaints Handling, Investigations and Misconduct Issues in Relation to Policing in Scotland.[11] HMICS will co-operate fully with the independent review.

HMICS would like to thank Police Scotland for their ongoing co-operation and support during the progress review which was led within HMICS by Stephen Whitelock, Lead Inspector and supported by John Young HMICS Associate.

Gill Imery QPM
HM Chief Inspector of Constabulary in Scotland
September 2018

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[9] Recommendations 2, 3 and 39 of the HMICS assurance review were assessed as not being within the remit of the Steering Group and Independent Reference Group and work in relation to these three specific recommendations was overseen directly by the Deputy Chief Constable (Local Policing).
[10] Applications for covert investigatory measures submitted by the Anti-Corruption Unit (ACU) must comply with the Regulation of Investigatory Powers (Scotland) Act 2000 (referred to as 'RIP(S)A') and the Regulation of Investigatory Powers Act 2000 (referred to as 'RIPA').
[11] Scottish Government, Review of Complaints Handling, Investigations and Misconduct Issues in Relation to Policing, 19 June 2018.

Key findings

- Police Scotland has made considerable progress with delivery of the thirty-nine recommendations outlined in our report (HMICS, 2016). Twenty-nine recommendations have been fully met and are considered closed with ten recommendations partially met.

- Senior leadership within Police Scotland demonstrated a commitment to preventing corruption and investigating wrongdoing in a professional and ethical manner. Senior managers within the ACU co-operated fully throughout our progress review.

- Police Scotland has created a new executive portfolio of Professionalism and Assurance headed by an Assistant Chief Constable. A new Governance, Audit and Assurance business area has also been established with responsibility for professional standards, governance, audit, assurance and internal inspection. A key aim of the business area is to identify issues and risks through a process of self-assessment.

- On 1 November 2016, the Counter Corruption Unit (CCU) was dissolved and a new Anti-Corruption Unit (ACU) established with clear purpose and focus on corruption related cases. We found a working culture that was professional, positive and committed to improving the policing response to corruption.

- Police Scotland established a National Gateway Assessment Unit (NGAU) which provides a single point of contact for all local police divisions and departments making referrals regarding any issue involving the conduct or professional behaviour of serving police officers or police staff. We believe that this approach has enabled greater visibility by local police divisions and departments over performance and welfare matters and reduced a significant volume of work previously undertaken by the then CCU.

- Police Scotland has introduced an improved process to manage down the number of police officers and police staff subject to duty restrictions.

- Police Scotland has introduced structures to ensure that the Designated Person (DP) and the Single Point of Contact (SPoC)[12] in respect of covert investigatory measures are independent from the ACU.

- The ACU intelligence management process has been strengthened through implementation of national standards of information evaluation, validation and risk assessment. We found that not all intelligence was recorded on *iBase*[13] an approach that is both ineffective and inefficient for analysis and research. We found that some intelligence case files where the information received at the ACU was incomplete the case files were closed with no further documented action. We took the view that there remains scope for further improvement in the management of ACU intelligence.

- Police Scotland has introduced a robust approach for the oversight and scrutiny of the ACU with the Head of the ACU, a Detective Superintendent, reporting directly to the Assistant Chief Constable (Professionalism and Assurance).

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[12] Designated Person (DP) and the Single Point of Contact (SPoC) see glossary.
[13] *iBase* see glossary.

Progress against our recommendations

Part one - case study

Part one - the case study section of our report included recommendations 1 to 5.

> ### Recommendation 1
>
> Police Scotland should ensure that the Counter Corruption Unit intelligence processes are reviewed and that information including the source of that information is subject of a process of evaluation, risk assessment and validation to produce a product that provides added value and supports the decision making process.

1. It is recognised that intelligence concerning corruption is likely to be received from a variety of sources and that the quality and grading of the information may be variable, as is the motivation of the source. In our report (HMICS, 2016) we examined a number of intelligence case files in some detail and found that the information handling processes within the then CCU were significantly different from national guidelines in terms of source and information evaluation and fell below the standards we would have expected.

2. Following publication of our report, Police Scotland established an Intelligence sub-group to review the ACU intelligence processes and to implement a procedure for the evaluation, validation and risk assessment of information. A new document set was created to support staff with the implementation of the revised process and procedures. In September 2016, HMICS visited the ACU to observe the change process and was reassured that the approach being developed was consistent with national standards.

3. During our progress review we carried out a further reality test of referrals made to the ACU and selected at random a number of intelligence case files which we examined to assess the approach taken. We found that the intelligence process had improved with the accurate recording of all items of information and intelligence and that the ACU considered justification, proportionality, necessity, legislative and ethical requirements. Staff were aware of the process and we found that a risk assessment was used alongside an evaluation of the source, the information itself and the intelligence handling arrangements.

4. While some activity has been undertaken in relation to this recommendation we found that the version of *iBase* available for use by the ACU inhibits the user to manage and update intelligence assessment documents, profiles and research reports directly on to the system an approach that is both ineffective and inefficient for analysis and research. In practice, we found that a workaround is in place where the ACU record such material on other formats which are managed through a separate folder system and once a document is completed it is then loaded onto *iBase*. We acknowledge that work is ongoing with ICT to deliver the latest version of *iBase* which should alleviate this issue.

5. We found that in some intelligence case files where the information received at the ACU was incomplete the case files were closed with no further documented action. We took the view that the ACU requires to further improve its overall approach to intelligence development where there are known intelligence gaps. This would include the creation of realistic collection plans which support key lines of enquiry and where justified using a range of investigatory measures to investigate those involved in corrupt activity.

6. HMICS is satisfied that this recommendation has been partially met.

> **Recommendation 2**
>
> Police Scotland should reconsider the decision not to seek an explanation from the serving officers regarding information collected during the Counter Corruption Unit enquiry.

7. As part of the independent investigation of non-criminal complaint allegations, Durham Constabulary engaged with the serving officers outlined in recommendation 2. On 5 February 2018, the Deputy Chief Constable (Local Policing) confirmed in writing to HMICS that recommendation 2 had been investigated by the independent inquiry conducted by Durham Constabulary and latterly by the PSNI and the matter concluded.

8. HMICS is satisfied that this recommendation has been fully met.

> **Recommendation 3**
>
> Police Scotland should investigate the circumstances which led to the loss of CCTV disc footage seized by the Counter Corruption Unit Intelligence section and establish whether the loss of the disc and any data is a notifiable data security breach.

9. During our review (HMICS, 2016) we found that the procedures for the seizure, handling and management of productions had not been adhered to by the CCU (Intelligence section) resulting in the loss of a CCTV disc. HMICS was later advised by Police Scotland that the CCTV disc footage which had been reported lost during our assurance review had been found within the CCU. HMICS examined the CCTV disc and was satisfied that it was the missing production.

10. From the outset Police Scotland acknowledged that there were failings in the management of the CCTV disc and that the circumstances surrounding both the loss and discovery of the production were considered by Durham Constabulary. This independent inquiry concluded that the identified failings in the handling and management of the production had been appropriately dealt with by Police Scotland.

11. HMICS is satisfied that this recommendation has been fully met.

> **Recommendation 4**
>
> Police Scotland should introduce robust and effective scrutiny arrangements for Counter Corruption Unit operations, including greater oversight from chief officers.

12. Following publication of our report (HMICS, 2016) we found that a variety of governance models were initially piloted by Police Scotland to provide the requisite level of enhanced executive oversight of the ACU.

13. A streamlined approach was introduced with the Head of the ACU meeting with the Head of PSD three times each week and formally meeting with and briefing the Assistant Chief Constable (Professionalism and Assurance) on a two weekly basis on all operational matters, a process that involves both verbal updates and written reports. HMICS is satisfied that there are effective scrutiny arrangements in place for the ACU including greater oversight from chief officers.

14.	HMICS is satisfied that this recommendation has been fully met.

> ### Recommendation 5
>
> Police Scotland should introduce a more structured approach to communicating changes in legislation, practice and process to police officers and members of police staff involved in applications under the Regulation of Investigatory Powers (RIPA) 2000 and by extension the Regulation of Investigatory Powers (Scotland) Act (RIPSA) 2000.

15.	In response to our report (HMICS, 2016) a Covert Compliance Group (CCG), chaired by the Assistant Chief Constable (Crime), was formed in March 2017 to provide strategic oversight and governance of all matters relating to covert policing including legislative change. The CCG meets each month and is part of the overall crime portfolio governance structure. Membership of the CCG includes the ACU.

16.	A standing item on the CCG agenda is legislation which encompasses compliance with existing statutory obligations, as well as planning for new Acts of Parliament. A review of current practice(s) for communicating changes in legislation to police officers and police staff was carried out with continuous professional development days introduced for all Police Scotland Authorising Officers (AO)[14] and Designated Persons (DP); the first of which took place in June 2017.

17.	HMICS is satisfied that this recommendation has been fully met and there are arrangements in place to effectively respond to legislative change.

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[14] Authorising Officer (AO) see glossary.

Part two - assurance review

Part two – the assurance review section of our report included recommendations 6 to 39. The outcome section included recommendations 6 to 8.

Outcomes

Recommendation 6

Police Scotland should take the opportunity to articulate a clear vision for tackling corruption and develop an overall strategy that involves engagement with key stakeholders.

18.   The development of a refreshed vision statement and policy was carried out in consultation with members of the Steering Group and the Independent Reference Group. On 29 September 2016, the Senior Leadership Board (SLB) formally approved the vision statement (see table 1) and policy which was published on the Force Intranet. During our progress review which involved a number of focus groups we tested awareness of the policy and the purpose and remit of the ACU. We are satisfied that police officers and staff had good knowledge and understanding of the refreshed policy and we believe that the updated Police Scotland vision statement and policy provides a clearly defined and focused strategic aim for the ACU.

Table 1 Police Scotland's Anti- Corruption Unit - Vision Statement

> *In accordance with Police Scotland's code of ethics, officers and staff of the Anti-Corruption Unit will strive to protect the integrity of the Service and its partner organisations by preventing and detecting corrupt behaviour amongst those serving with the police and those who seek to corrupt them and in doing so will display the highest levels of professional and ethical standards.*

19.   HMICS is satisfied that this recommendation has been fully met.

Recommendation 7

Police Scotland should urgently review its approach to tackling corruption, and develop both the capability and capacity to undertake effective pro-active anti-corruption investigations that are underpinned by a robust intelligence function. This should include a review of its existing structures and give consideration to transferring the burden away from the Counter Corruption Unit of high volume administrative background checks, notifiable associations and those data protection offences which do not infer corruption.

20.   In our report (HMICS, 2016) we concluded that the CCU had become a reactive unit with minimal evidence of proactive anti-corruption investigations with the majority of activity focused on administrative background checks, notifiable associations and data protection offences.

21.   We found that in response to this recommendation Police Scotland focused on two key elements;

- a review of the ACU structure with a number of operating models presented for consideration by the SLB

- the transfer of high volume administrative background checks including notifiable associations and data protection offences which do not infer corruption from the ACU portfolio to a newly formed National Gateway Assessment Unit (NGAU). See paragraphs 23 to 28.

22.   The proposed operating models were costed and a business case outlining the various options to develop the capability and capacity of the ACU were discussed with members of the Steering Group, the Independent Reference Group and the SLB. The approved model resulted in a reduction of five senior police management posts culminating in an overall reduction of police officers posts from 56 to 45 (see table 2).[15]

Table 2 CCU structure 2016 and ACU structure January 2018

Post	CCU structure 2016	ACU structure 2018
Chief Superintendent	1	0
Superintendent	2	1
Chief Inspector	5	2
Inspector	9	6
Sergeant	22	22
Constable	17	14
Total - Police posts	56	45

23.   The Assistant Chief Constable (Professionalism and Assurance) has executive lead for Professional Standards, Legal Services and a newly formed Governance, Audit and Assurance Department. In June 2017, the Chief Superintendent, Professional Standards Department was appointed portfolio lead for the ACU. The professional standards business area also has responsibility for complaint recording and investigation, conduct investigations, criminal investigations, vetting and the NGAU.

Table 3 Professional Standards Operating Model 2018

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[15] The structure and deployment of police staff was out of scope.

24. In conjunction with the review of the ACU structure and process, Police Scotland established a NGAU which operates outwith the management structure of the ACU and is line managed by the PSD. The NGAU has portfolio responsibility for the early assessment of Integrity Matters (IM), notifiable associations and provides a single point of contact for all local police divisions and departments within Police Scotland making referrals regarding any issue involving the conduct or professional behaviour of serving police officers or police staff.

25. The NGAU is also responsible for the multi-disciplinary administrative systems checks (such as vetting) previously carried out by the CCU. Furthermore, a new Special Investigations Team, part of the PSD, was established to investigate criminal allegations, not amounting to corruption, which were also previously undertaken by the CCU. The NGAU triage all incoming referrals, carry out background checks and depending on the initial assessment allocate the referral to the relevant local police division, department, PSD or the ACU for further action (see table 4).

Table 4 Professional Standards Process Map
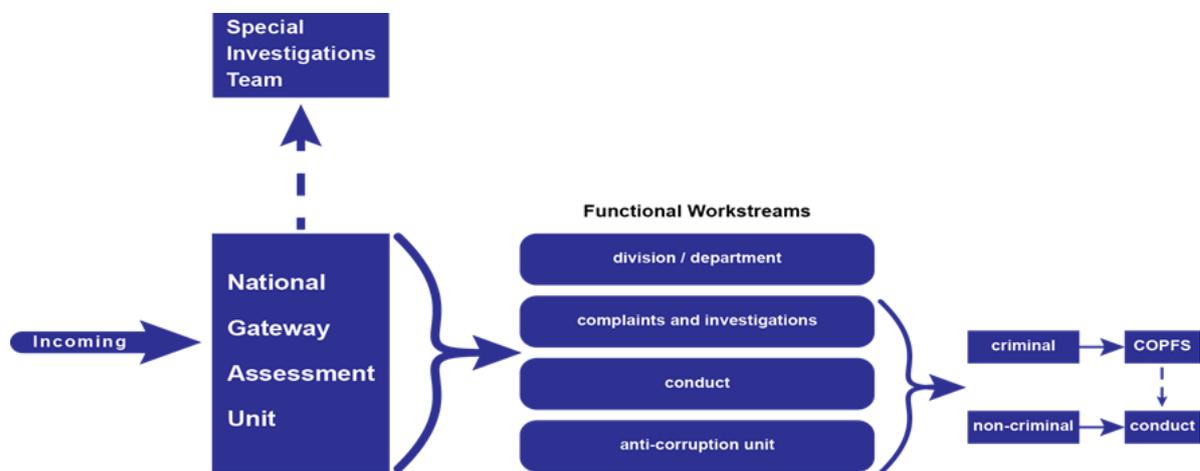
26. We found that the NGAU has introduced a more robust governance of all referrals and that this change in process has enabled greater visibility by local police divisions and departments over performance and welfare matters. The NGAU has also contributed to a significant decrease in ACU workload from 200 referrals in the quarter two period of 2016 to 58 referrals in the quarter two period of 2017 (see table 5).

ACU Enquiries	Quarter 2 July – September 2016	Quarter 2 July – September 2017	+/- change
1. infiltration	0	0	0
2. disclosure of information	29	22	-7
3. perverting the course of justice	0	1	+1
4. sexual misconduct	3	6	+3
5. controlled drug use and supply	8	4	-4
6. theft and fraud	6	0	-6
7. misuse of force systems	4	0	-4
8. abuse of authority	4	0	-4
9. inappropriate association	21	7	-14
10. vulnerability	1	1	0
11. commit, incite, aid and abet, assist an offender in the commission of a crime	1	0	-1
12. other[16]	123	17	-106
NPCCAG[17] categories	200	58	-142

27.   We found that as the NGAU is the designated first point of contact for referrals and carries out an initial assessment of corruption related intelligence there is a risk of the NGAU duplicating the role of the ACU. As outlined in our report (HMICS, 2016) there needs to be clear functional separation between PSD and the ACU. We took the view that for operational security purposes all referrals, where there is an inference of corruption, should be forwarded directly to the ACU for assessment and action.

28.   We provided initial feedback to Police Scotland of our findings and suggested that further activity is required to ensure that there is clear demarcation of roles and functions between the NGAU and the ACU which will require an adjustment to the current terms of reference for the NGAU. We were reassured by the response from the Head of the ACU that for the purpose of continuous improvement and to minimise any unintended crossover into the ACU business area an internal review of roles and responsibilities of the NGAU would be progressed.

29.   We found that with the change in the structure of the ACU and transfer of high volume administrative tasks to the NGAU the ACU is better placed to undertake proactive anti-corruption investigations. However, it is inhibited by the evolving intelligence structure (see recommendation 1) and lack of capability to monitor internal police information systems (see recommendation 27) and that further activity is required to strengthen Police Scotland's overall approach to tackling corruption.

30.   HMICS is satisfied that this recommendation has been partially met.

Recommendation 8

Police Scotland should develop a refreshed communications plan to increase the awareness of the Code of Ethics and promote a positive culture where police officers and members of police staff at all levels are familiar with each of the behaviours and are conscious of applying them.

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[16] 'Other' is when a referral does not fall under the recognised 1-11 NPCCAG categories.
[17] National Police Counter Corruption Advisory Group (NPCCAG) see glossary.

31. Police Scotland presented an activity plan which was shared with the Steering Group and Independent Reference Group and involved consultation with internal and external stakeholders. A communication plan was developed to increase awareness of the Code of Ethics within the service further enhanced through the establishment of a Policing Values web page on the Police Scotland intranet.

32. We found that ethics training is ongoing and has been delivered to probationer, detective and leadership training courses at all levels. The development of this area ensures a values aspect is included in the curriculum of all training courses. A National Ethics Conference[18] was also delivered at the Scottish Police College with attendees from a number of partner agencies, community groups and third sector organisations. We found that the feedback from those in attendance was positive providing a platform for future activity.

33. Notwithstanding the progress made further work is required to gauge the level of knowledge and understanding of the Code of Ethics across the service with evidence gathered through questionnaires, focus groups, training event feedback and consultation with staff associations and trade unions.

34. HMICS is satisfied that this recommendation has been partially met.

Leadership and governance

35. The leadership and governance section included recommendations 9 to 13.

Recommendation 9

Police Scotland should improve its co-ordination of internal self-assessment reviews to ensure they receive greater executive visibility and where accepted, any recommendations or improvement actions are supported by a delivery plan detailing SMART objectives and outcome measures.

36. Police Scotland created a new executive portfolio of Professionalism and Assurance headed by an Assistant Chief Constable. A new Governance, Audit and Assurance business area has also been established with responsibility for professional standards, governance, audit, assurance and internal inspection. A key aim of the business area is to identify issues and risks through a process of self-assessment and a small internal audit and assurance team has been established to review practice and process across the organisation. A process has been introduced where recommendations and learning from external inspections and reviews are tracked on the sharepoint site with regular updates provided to the SLB for oversight and governance purposes. HMICS will continue to monitor the development of this portfolio in terms of recommendation management (including those recommendations emanating from HMICS scrutiny activity of Police Scotland) and organisational learning.

37. HMICS is satisfied that this recommendation has been fully met.

Recommendation 10

Police Scotland should introduce a process of formal peer review of counter corruption investigations.

38. We found that a formal process of peer review of investigations is available and the ACU had sought guidance and specialist advice where required. However, due to the low level of complexity of its activities the ACU has not systematically employed peer or independent review across all investigations.

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[18] The Ethics Conference was delivered at the Scottish Police College in September 2017.

39. We believe that there should be a process of peer review of ACU activity ensuring all key lines of enquiry have been explored and that intelligence collection plans have been considered within the principles of necessity and proportionality. HMICS acknowledges the work carried out and the continued development of the ACU and considers that the ACU would benefit from an internal form of review process to ensure that all relevant evidential, operational and intelligence matters including people related factors had been considered before executive action is taken and before intelligence case files are closed.

40. HMICS is satisfied that this recommendation has been partially met.

Recommendation 11

Police Scotland should engage with the Crown Office and Procurator Fiscal Service, Police Investigations and Review Commissioner, the Scottish Government and other stakeholders to review and strengthen the overall approach to the independent scrutiny and oversight of investigations into allegations of serious corruption by police officers and members of police staff.

41. We found that following engagement with COPFS, Police Scotland introduced a new initial notification and reporting procedure for allegations of serious corruption. This approach is similar to those already in place between Specialist Crime Division (SCD) and COPFS in relation to serious organised crime investigations. The reporting process provides enhanced oversight and scrutiny of the investigative strategy, operational objectives, as well as early direction and decision in respect of third party and stakeholder engagement such as the Police Investigations and Review Commissioner (PIRC).

42. HMICS is satisfied that this recommendation has been fully met.

Recommendation 12

Police Scotland should develop formal joint working arrangements between the Counter Corruption Unit and those areas of the service that provide specialist assets in support of counter corruption investigations. This should be supported by agreed governance structures that allow informed decisions to be made against competing operational priorities.

43. The ACU has no independent specialist policing capability and in terms of covert investigatory measures including covert surveillance the ACU is required to bid for such specialist assets from the SCD.

44. We found that a new Covert Investigation Advisory Group (CIAG) has been created to provide access to peer support and specialist resources when required. HMICS attended a meeting of the CIAG to evidence these working processes in practice. The role of the CIAG is outlined in the Police Scotland Guidance for the Management of Corruption Investigations (Requiring the deployment of specialist resources) dated November 2016. This is a restricted document which sets out the operational arrangements which will apply for the management of corruption investigations and the role of the CIAG in providing specialist assets in such investigations.

45. Due to geographical arrangements we found that a secure communications link between the ACU and SCD had been introduced enabling the ACU to participate at the SCD daily management team meetings. This approach has provided a safe platform to discuss access to specialist support whilst enabling the ACU to have visibility of all ongoing serious organised crime investigations. We believe that this arrangement has enhanced the operational relationship between the ACU and the SCD.

46. HMICS is satisfied that this recommendation has been fully met.

> ### Recommendation 13
>
> Police Scotland should maintain functional separation between the Counter Corruption Unit and Professional Standards Department and where possible, Counter Corruption Unit police officers should not be used to investigate cases that would ordinarily be conducted by Professional Standards Department police officers.

47. In our published report (HMICS, 2016) we raised concerns that the then CCU had carried out a number of PSD conduct type enquiries which had the unintended consequence of creating ambiguity over the role and function of the unit. This was also an area of concern raised by staff associations.

48. Notwithstanding the change in governance which has the Chief Superintendent PSD providing support to the Head of the ACU, the force executive provided an assurance to HMICS that functional separation would be maintained. During our progress review we found that there is a geographical separation between the ACU and the PSD and from interviews with staff we found that the ACU was not tasked with cases that would ordinarily be conducted by PSD and are assured that functional separation between the ACU and PSD exists.

49. HMICS is satisfied that this recommendation has been fully met.

Planning and process

50. The planning and process section included recommendations 14 to 28.

> ### Recommendation 14
>
> Police Scotland should consider adopting the Authorised Professional Practice on counter corruption, subject to any modification or extension to cover Scotland. This should be applied to the review and development of key policies and procedures.

51. We established that all ACU staff have access to the College of Policing, Counter Corruption, Authorised Professional Practice (APP) via the online ACU sharepoint site and refer to the APP when reviewing or developing ACU policies and procedures whilst taking cognisance of potential differences within United Kingdom (UK) law enforcement and legislation. We found that ACU staff regularly participate at the National Policing Counter Corruption Advisory Group (NPCCAG)[19] events ensuring Police Scotland contributes to the ongoing development of the Counter Corruption APP.

52. HMICS is satisfied that this recommendation has been fully met.

> ### Recommendation 15
>
> Police Scotland should finalise its Strategic Assessment on Corruption and thereafter produce a control strategy that will deliver the intelligence, service integrity, enforcement and the communication and engagement priorities for the next 12 months.

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[19] The National Policing Counter Corruption Advisory Group (NPCCAG) is a UK law enforcement forum.

53. Every three years the National Crime Agency (NCA) on behalf of the NPCCAG produce a strategic threat assessment detailing current threats and emerging issues from corruption to UK law enforcement agencies (LEAs). This national strategic assessment is informed by individual force and agency assessments, including Police Scotland. The APP advise that there should be a refresh every 12 months of the individual force or agency strategic assessment.

54. In response to this recommendation we found that Police Scotland had finalised its strategic assessment on corruption which was endorsed at the SLB in September 2016. The strategic assessment provided an overview of current and emerging corruption threats and organisational vulnerabilities and risk factors. These threats formed the basis of the ACU control strategy and intelligence requirement.

55. We found that there had been no strategic assessment for 2017 as the process was under review with the ACU working on a local strategic assessment covering the period April 2017 – March 2018. The revised timescale was designed to incorporate data from the newly established NGAU and the strategic assessment on corruption is scheduled for completion in 2018.

56. The benefits of a local strategic assessment enables the organisation to better understand the nature and extent of corruption threats within policing and is critical to setting of intelligence requirements including enforcement and prevention priorities. It seems appropriate that this recommendation remains partially met until the 2018 strategic assessment on corruption is produced and that any identified change in threats, trends and knowledge gaps are mitigated through prevention measures, intelligence requirements and investigation.

57. HMICS is satisfied that this recommendation has been partially met.

Recommendation 16

Police Scotland should develop a balanced performance management framework to reflect Counter Corruption Unit activity and provide regular management information to those charged with the internal and external governance and oversight.

58. We found that there is a wide range of performance and management information available to provide managers with an accurate picture of ACU productivity which is discussed daily, weekly and at monthly internal senior management meetings.

59. ACU performance management reporting is also recorded through the PSD performance report which is published on a quarterly basis and provided to the SPA Complaints and Conduct Committee providing external visibility of ACU activity.

60. HMICS is satisfied that this recommendation has been fully met.

Recommendation 17

Police Scotland should develop the Counter Corruption Unit Tactical Assessment to focus more on intelligence, operational and preventative activity.

61. We found that the range and frequency of daily, weekly and monthly management meetings provided a solid platform for discussion of on-going ACU investigations and resource requirements. We also reviewed the undernoted ACU tactical assessments for quality and focus;

- July 2017 tactical assessment which covered the period 1 April to 30 June 2017
- October 2017 tactical assessment which covered the period 1 July to 30 Sept 2017.

62. We found that the tactical assessments were used to inform the ACU tasking and delivery board of known and emerging trends and provided clear focus on intelligence, operational and preventative activities. Staff had been briefed on the issues highlighted by the tactical assessments by line management and that relevant documents had been posted on the ACU sharepoint site for reference.

63. We found that the ACU tasking and delivery board scheduled for January 2018 had been cancelled due to operational demands with a meeting scheduled for April 2018. We believe that the ACU should maintain quarterly tasking and delivery board meetings to enable the management team to monitor progress and evaluate the effectiveness of ACU activities and to consider emerging threats and trends.

64. HMICS is satisfied that this recommendation has been fully met.

Recommendation 18

Police Scotland should expedite the review and development of those standard operating procedures that are used to promote integrity and consider relevant Authorised Professional Practice.

65. In our report (HMICS, 2016) we commented that there was no reference to the Code of Ethics in the standard operating procedures (SOP) that promote integrity and ethical conduct. We found that the SLB agreed that all SOPs regardless of subject matter should reference the Code of Ethics and as such an appropriate worded paragraph has been compiled for inclusion in all SOPs. A paragraph relating to the Code of Ethics will also be included in all SOPs under development and will be inserted in all remaining SOPs when annual or bi-annual reviews are undertaken.

66. HMICS is satisfied that this recommendation has been fully met.

Recommendation 19

Police Scotland should introduce a system that enables the analysis and cross-referencing of notifiable associations across relevant ethical registers. This should identify potential conflicts of interest and provide an informed assessment of trends, threats and vulnerabilities to inform preventative activity.

67. We found that due to current variances in ICT capabilities throughout Police Scotland there are limitations to what can be achieved by way of an ICT solution that enables the analysis and cross-referencing of notifiable associations across relevant ethical registers. Access currently exists to electronic Gifts, Gratuities, Hospitality and Sponsorship (GGHS) Registers and Notifiable Associations, however there is no electronic system in place for Business Interests and Secondary Employment which inhibits the identification of trends.

68. We found that the NGAU has assumed ownership of the process to manage notifiable associations and has a workplan to analyse the information received. The ACU are progressing activity around the analysis of other ethical registers to identify and address risks and threats and deliver a coherent corruption prevention policy.

69. We acknowledge the workaround and given the variance in recording systems, both electronic and paper based, we conclude that an automated solution is unlikely to be sourced or developed in the foreseeable future. Whilst recognising that some risk remains as a result of no electronic means of cross referring such ethical registers (specifically Business Interests and Secondary Employment), the process implemented by the ACU and the NGAU has taken steps to manage and mitigate a large percentage of the risk highlighted by this recommendation.

70. HMICS is satisfied that this recommendation has been partially met.

Recommendation 20

Police Scotland, through engagement with staff associations, should progress development of its "whistleblowing" policy, which informs relevant standard operating procedures that support those who report wrongdoing.

71. Development of work in support of this recommendation was led by the Policing Values and Professional Ethics Unit. A Whistleblowing Policy and Guidance was developed to support individuals to raise concerns about inappropriate behaviour using identified internal routes and where appropriate external bodies in line with the Public Interest Disclosure Act 1998.

72. Consultation and engagement, included both the Steering Group and the Independent Reference Group. The Whistleblowing Policy and Guidance was endorsed at the SPA Audit and Risk Committee and published in 2017.

73. HMICS is satisfied that this recommendation has been fully met.

Recommendation 21

Police Scotland should review the Integrity Matters Confidential Reporting System with a view to implementing further technical safeguards for audit.

74. Integrity Matters (IM) is an online confidential reporting system which provides a platform that is both anonymous and confidential to enable police officers and police staff to report any criminal, conduct or integrity concerns (often referred to as 'whistleblowing'). Importantly, IM is not designed to replace the opportunity for staff to raise issues or grievances directly with line management. In 2016 we established that IM did not have a function to allocate a unique reference number (URN) for each referral for the purpose of audit and safeguards.

75. Since publication of our report (HMICS, 2016) we found that a programme of work was carried out to ensure that front end access remained unchanged for the user and in April 2017, the revised IM system went live. On 27 February 2017, ICT and the ACU provided an overview of the development of the system to staff associations and trade unions.

76. The NGAU has portfolio responsibility for the early assessment of incoming IM referrals and provides a single point of contact for all local police divisions and departments within Police Scotland regarding any issue involving the conduct or professional behaviour of serving police officers or police staff. The IM is monitored and managed by the NGAU and the submission of information remains anonymous.

77. In our report (HMICS, 2016) we examined the IM and found that the total number of IM referrals received between March 2015 and February 2016 was 133. During this progress review we carried out a reality test of the IM system and was satisfied that the system has a new URN process that allows sequential monitoring of IM referrals. We also found that between 1 April 2017 and 31 March 2018 a total of 1165 referrals have been received at the NGAU of which 205 (17.6%) of these referrals have been received through the IM portal indicating a general increase in usage. IM management data is provided by Police Scotland to the SPA Audit and Risk Committee.[20]

78. We believe that the IM system provides a platform for officers and staff to report, both anonymously and confidentially, any concerns regarding unethical, unacceptable, unprofessional or illegal behaviour.

79. HMICS is satisfied that this recommendation has been fully met.

> ### Recommendation 22
> Police Scotland should engage with the Police Investigations and Review Commissioner to consider establishing a confidential reporting function.

80. We found that Police Scotland and the PIRC considered this recommendation and established that the legislation[21] does not provide the PIRC with powers to deal with issues raised by police officers via the Public Interest Disclosure Act 1998. There are a number of prescribed bodies under the 1998 Act where members of Police Scotland are able to refer whistleblowing issues while retaining the associated protection. Details and information regarding reporting mechanisms have been incorporated into the Whistleblowing Policy (see recommendation 20).

81. HMICS is satisfied that this recommendation has been fully met.

> ### Recommendation 23
> Police Scotland should engage with Crown Office and Procurator Fiscal Service to examine alternative and more expeditious approaches to the reporting of minor offences against the data protection act in cases where the individual police officer or member of police staff has admitted the offence and there is no evidence of corruption.

82. Police Scotland and COPFS developed a new criteria for the early assessment of data protection offences whereby PSD submit an abbreviated report to COPFS for consideration. The abbreviated report is based on three key elements;

- sufficiency of evidence for criminal proceedings
- intent / motivation and
- public interest.

83. This approach was discussed at both the Steering Group and Independent Reference Group and subsequently approved by COPFS. For those cases where the evidential test is met, there is an assessment of the level of seriousness of the access, and the level of organisational and operational risk that occurred as a consequence.

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[20] SPA, Audit Committee, Police Scotland Whistleblowing Progress Report, 18 April 2018.
[21] Police and Fire Reform (Scotland) Act 2012.

84.   We found that the introduction of the abbreviated report has been a positive development supporting an improved approach to reporting of minor offences against data protection legislation where the police officer or member of police staff has admitted the offence and there is no evidence of corruption.

85.   HMICS is satisfied that this recommendation has been fully met.

> **Recommendation 24**
>
> Police Scotland should urgently review the circumstances of all police officers and members of police staff who are on restricted duties to ensure that those restrictions remain proportionate and necessary to the current risk.

86.   Where police officers and in certain circumstances police staff are subject of a criminal investigation and reported to the Procurator Fiscal or subject of a misconduct investigation a risk assessment is carried out to determine what duty restrictions, if any, should be imposed until the matter is concluded.

87.   We found that Police Scotland had implemented an improved process to monitor and review matters where police officers and police staff are subject to duty restrictions to ensure the application is necessary and proportionate with cognisance being taken of welfare and risk to officers and staff. The process is designed to balance the wellbeing of the individual, maximising the available workforce and maintaining the integrity of ongoing investigations.

88.   A decision to apply duty restrictions is made by the ACC (Professionalism and Assurance) or the Head of PSD under delegated authority from the ACC. We found that monthly briefings were provided by the Head of PSD to the ACC (Professionalism and Assurance) with a quarterly report provided to the SPA Complaints and Conduct Committee.

89.   In our report (HMICS, 2016) we reported that 140 police officers and police staff were on duty restriction and we found that Police Scotland had managed down the numbers to 93 during August 2016. Police Scotland conducted a programme of benchmarking with police forces in England to ascertain any significant variance in terms of threat and risk from corruption and comparisons were made with Greater Manchester Police and the Metropolitan Police Service, (see table 6). We found that the levels of personnel on duty restriction in Police Scotland is comparable with other police forces of similar size, structure or profile.

Table 6 Comparative data of personnel on duty restriction

Police force	Personnel on Duty restriction	Personnel on suspension
Greater Manchester Police	**35** (0.53% of establishment)	**4** (0.06% of establishment)
Metropolitan Police Service	**253** (0.79% of establishment)	**77** (0.24% of establishment)
Police Scotland	**93** (0.52% of establishment)	**12** (0.06% of establishment)

90. HMICS is satisfied that this recommendation has been fully met.

> ### Recommendation 25
>
> Police Scotland should engage with Crown Office and Procurator Fiscal Service to expedite decisions around outstanding data protection cases. In addition to this, Police Scotland should review those cases which have been returned from Crown Office and Procurator Fiscal Service with no criminal proceedings being taken, with a view to expediting decisions around ongoing internal misconduct.

91. We found that Police Scotland and COPFS had carried out a review of outstanding data protection act offences and in August 2016, there were 27 ACU related data protection cases recorded at COPFS. In February 2018 that figure had been reduced to 3 related ACU cases with 24 cases subject of a criminal justice disposal and, where relevant, referred back to Police Scotland for further consideration of internal misconduct.

92. To ensure regular review is maintained of all outstanding data protection cases the Head of PSD meets with representatives of COPFS on a monthly basis with updates provided to the SPA.

93. HMICS is satisfied that this recommendation has been fully met.

> ### Recommendation 26
>
> Police Scotland should engage with the Scottish Police Authority to finalise its standard operating procedure for Advice and Guidance Briefings by the Counter Corruption Unit. This should also include a process to ensure that the offer/option to audio record the briefing is documented for audit purposes.

94. We found that the Advice and Guidance Briefing document had been finalised and the content agreed with staff associations and trade unions. Discussions were held with the SPA regarding a mechanism for engaging police staff under the direction and control of the SPA or Chief Constable, and a section was included in the guidance in respect of any such occurrence. Formal sign off of the guidance was provided by the Chief Executive of the SPA and published in December 2016.

95. HMICS is satisfied that this recommendation has been fully met.

> ### Recommendation 27
>
> Police Scotland should progress development of a business case for workforce monitoring software.

96. We believe that having the capability to undertake workforce monitoring of Police Scotland's information systems is a crucial element for the effective and efficient investigation of internal corruption risks, including data protection offences, insider threat and sexual predatory behaviour and the absence of workforce monitoring and audit software capability remains a significant inhibitor to this process.

97. An outline Business Case was developed and submitted for consideration by the SLB. Capital and revenue funding is required and work continues on alternative measures including insertion of a generic audit functionality clause into both internal development and third party procurement requirements.

98. Notwithstanding that a business case was developed in line with this recommendation and that Police Scotland has the capability to audit internal systems retrospectively we believe that the service remains vulnerable to potential threats from internal corruption and data protection offences without the capability to proactively monitor internal access and usage across police information systems.

99. We consider that failure to access such tools impedes the capability of the ACU to proactively conduct timely investigations and that this recommendation remains partially met.

Recommendation 28

Police Scotland should review its Counter Corruption Unit production handling procedures to ensure they maintain the operational security of corruption investigations and are consistent across all areas.

100. The ACU production handling procedures have been reviewed and a memorandum of understanding between the Head of Productions and the ACU has been agreed in relation to the seizure, secure storage and movement of ACU productions. Regional practices across Scotland have been incorporated under a single management process, taking cognisance of different ICT systems and regional variations.

101. We found that productions from the ACU (west) have been relocated to a more secure setting with independent management and support provided by designated production keepers. Additional security has also been added to the production store. Audits are completed every six months by a manager although there is no audit report submitted of the findings from each internal audit to the Head of the ACU.

102. We found that the core elements of the recommendation have been met and to further strengthen the approach to the management of productions, audit reports should be completed and submitted to the Head of the ACU. This minor adjustment to the internal process was raised with the management team during our progress review and accepted.

103. HMICS is satisfied that this recommendation has been fully met.

People and resources

104. The people and resources section included recommendations 29 to 37.

Recommendation 29

Police Scotland should develop a workforce planning model that supports the current and future demands on the Counter Corruption Unit and provides an evidence based assessment of required staffing levels, including supervisory ratios.

105. Since publication of our report (HMICS, 2016) there has been a high turnover on staff due to natural attrition rates and succession planning. A new workforce operating model was introduced which resulted in the reduction of ACU police officer resources from 56 to 45; with senior police ranks reduced by five posts (see table 2).[22] To enhance resilience and management support existing inspector posts were re-distributed across all functions which we believe will provide greater visibility and support to ACU officers and improved engagement at local police divisions.

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[22] (3 x Chief Inspector posts, 1 x Superintendent post and 1 x Chief Superintendent post).

106. We found that the ACU (Operations section) is predominately resourced by sergeants a position we commented on in our original report (HMICS, 2016). We found that the Police Service of Scotland (Conduct) Regulations 2014[23] which states that an investigator appointed under paragraph 4 (a) must be a constable of a higher rank than the constable being investigated had influenced the resource design of the ACU (Operations section).

107. We believe that the ACU should develop a workforce operating model that supports its current and future needs and the roles are skills based as opposed to rank based. We acknowledge that the Head of the ACU continues to monitor capacity and capability to ensure the ACU remains operationally fit for purpose.

108. HMICS is satisfied that this recommendation has been partially met.

Recommendation 30

Police Scotland should commission a Training Capacity and Capability Review to map current and future skills and identify gaps within the Counter Corruption Unit which can be filled through recruitment, training and professional development.

109. We found that training is a standing agenda item at the senior management team meeting and a training monitoring process has been introduced to ensure new and existing staff have access to relevant training and continuous professional development courses commensurate with their role. A training needs analysis based on the revised role, remit and structure of the ACU has been completed. This resulted in a small number of police officers attending national training courses at the Scottish Police College and at the College of Policing in England.

110. During February 2018, the ACU delivered a pilot of the ACU Initial Bronze Course at the Scottish Police College which provided an opportunity to further support the professional and continuous development of staff within the ACU.

111. HMICS is satisfied that this recommendation has been fully met.

Recommendation 31

Police Scotland should review its Counter Corruption Unit Risk Assessment Processes to ensure a consistency of approach.

112. In line with the development of recommendation 1, the Intelligence sub-group undertook a review of ACU intelligence processes to ensure that all information, including the source of the information was subject of a robust process of evaluation, validation and risk assessment.

113. We reviewed the revised approach to the risk assessment process which we found to be consistent with national standards, recognised the unique nature of ACU activity and supported the decision making process. We found that the ACU (Operations section) used a slightly different model of the risk assessment and while the component parts are the same a single approach should be adopted for overall consistency. This minor adjustment to the risk assessment was accepted by the Head of the ACU.

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[23] Police Service of Scotland (Conduct) Regulations 2014.

114. HMICS is satisfied that this recommendation has been fully met.

> ### Recommendation 32
>
> Police Scotland should maintain *iBase* as its primary Counter Corruption Unit case management system and commission a comprehensive review of the design, structure and management of the system. This should also include the development of operating procedures, guidance and training for staff.

115. Police Scotland confirmed that it is maintaining iBase as its primary ACU case management system and following publication of our report (HMICS, 2016) established an iBase working group comprising representation from across the ACU to progress the recommendation.

116. Due to the Police Scotland ICT infrastructure, iBase was not networked across the country. We found that ACU staff have access to respective local, legacy force systems / applications however a lack of connectivity across all systems including iBase requires close working between ACU staff. We found a working culture that was professional, positive and committed to improving the policing response to corruption.

117. We examined a number of ACU intelligence case files which were registered on *iBase* and then managed through 'operational folders' maintained on a separate system and not *iBase.* In effect *iBase* is not the sole repository for corruption related intelligence. We raised concerns with the Head of the ACU that failure to use *iBase* to its full potential as the primary case management system for corruption related intelligence and storing such information and intelligence on other systems is ineffective and inefficient for analysis and research. The Head of the ACU reassured HMICS that the senior management team would progress this outstanding recommendation across four key areas: connectivity, design, data retention and training. On 22 August 2018, we found that the ACU ICT infrastructure (including *iBase*) was successfully migrated to a national platform providing connectivity and user access.

118. We believe that *iBase* remains critical to the effective and efficient operation of the ACU and further work is required to refine the design, structure and management of the system including a review of data, the weeding process, usage and compliance with the APP. Such a review should also extend to the development of operating procedures, guidance and training for staff.

119. HMICS is satisfied that from the available evidence this recommendation has been partially met.

> ### Recommendation 33
>
> Police Scotland should ensure that the Counter Corruption Unit prioritises its workload around the threat posed by serious organised crime groups.

120. The Police Scotland counter corruption unit strategic assessment (2016), highlighted that 23 serious organised crime groups had been identified as posing a threat to law enforcement and or the public sector through corrupt practices. The ACU provided an intelligence requirement for the service to gather and develop intelligence in relation to those serious organised crime groups.

121. We found that ACU staff delivered a presentation to colleagues at the National Policing Counter Corruption Advisory Group (NPCCAG) setting out the Police Scotland approach to the identification of serious organised crime groups that pose a threat of corruption. This was positively received by the NPCCAG and culminated in a training event at the Scottish Police College attended by police officers and police staff from counter corruption units from across the north of England. We found that Police Scotland, on behalf of the NPCCAG, is leading on the development of a national strategy on the threat posed by organised criminals to law enforcement which we consider evidence of effective partnership engagement.

122. We found that the ACU prioritised its workload around the threat posed by serious organised crime groups and had conducted a small number of serious organised crime operations. Although some work has been carried out in relation to this recommendation further activity is required by the ACU to fully develop its approach to intelligence development where there are known intelligence gaps and the creation of realistic collection plans which support key lines of enquiry.

123. HMICS is satisfied that this recommendation has been partially met.

Recommendation 34

Police Scotland should introduce a process that enables Counter Corruption Unit police officers and members of police staff to debrief intelligence and operational activity in a structured manner to support organisational and operational learning.

124. We found that the ACU had adopted the organisational learning and development (OLD) practices currently in place within the organised crime and counter terrorism business area. The ACU had developed an internal process to identify and capture learning from relevant enquiries, ensuring such information and learning is shared throughout the ACU and where required the wider organisation.

125. HMICS is satisfied that this recommendation has been fully met.

Recommendation 35

Police Scotland should consult with its public sector partners and refresh the remit of the Counter Corruption Unit Public Sector Section.

126. In response to this recommendation and as part of the wider review of the existing ACU structure (see recommendation 7), Police Scotland carried out an evaluation and assessment of the remit of the Counter Corruption Unit Public Sector section including mapping of Police Scotland's engagement with public sector organisations to reduce duplication of effort and ensure the most appropriate service and support is provided.

127. We found that there had been two outcomes;

- reports of public sector fraud and corruption allegations are now reported initially to local police divisions, with more serious enquiries being referred to the Economic Crime and Financial Investigation Unit (ECFU) for assessment and action.

- public sector preventative work, previously carried out by the CCU, now forms part of the Police Scotland Safer Communities portfolio, within the scope of Scotland's Serious Organised Crime Strategy.[24]

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[24] Scotland's Serious Organised Crime Strategy.

128. As the Public Sector section no longer forms part of the ACU organisational structure, HMICS is satisfied that this recommendation has been fully met.

> **Recommendation 36**
>
> Police Scotland should monitor the progress of the vetting section to reduce and, if possible, eliminate the backlog of vetting applications and provide regular updates to the Scottish Police Authority.

129. At the time of our review (HMICS, 2016) the Vetting Unit administered about 12,000 vetting applications per year[25] and had a vetting 'backlog' of 1155 applications. This number had been reduced to 518 (at December 2016) which had been achieved by ensuring only individuals requiring vetting in accordance with the SOP were considered and up-skilling of staff within the Vetting Unit.

130. We found that vetting files are prioritised in terms of assessed business need and management of available resources. HMICS acknowledges that there will be a number of vetting files categorised as 'pending' at any given time as the vetting process relies on information being provided by internal and external partners.

131. During our review we established that in March 2018 there were 827 'pending' vetting applications ranging from recruitment vetting to non police personnel vetting of individuals other than police officers and police staff who have access to police premises and police information (includes external contractors).

132. HMICS is satisfied that there are processes in place to manage the volume of vetting requests and that detailed management figures are produced which are available to the SPA Audit and Risk Committee. We found that the SPA had commissioned an external review of vetting with the aim of further improvement of process and quality.

133. The College of Policing Authorised Professional Practice (APP) Vetting[26] and Code of Practice[27] applies to all police forces (England and Wales) and states that review vetting should be carried out every 10 years. HMICS acknowledges that this matter is subject of internal assessment by Police Scotland and that a policy decision is required on the requirement to carry out full review vetting on all police officers and police staff after a 10 year period.

134. The view of HMICS is that vetting aftercare in terms of reviews and renewals of clearances is an important element in the protection of police service information and assets and that Police Scotland should conform to the APP and Code of Practice which replaces all guidance previously issued in relation to police vetting. Although the Code applies directly to the police forces maintained for the police areas of England and Wales as defined in section 1 of the Police Act 1996, it is available for adoption by other police forces or agencies.

135. Police Scotland recognised that as vetting was an enabler to a number of different business areas the needs of the organisation would be better served by re-aligning the Vetting Unit outwith the ACU. The Vetting Unit forms part of the professional standards business area and we found that there is a strong professional relationship between the Vetting Unit and PSD.

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[25] Police Scotland Transforming the Service Business Case dated November 2014. CCU Vetting Staff Restructure.
[26] College of Policing, APP Vetting, October 2017.
[27] College of Policing, Vetting Code of Practice, October 2017.

136. HMICS is satisfied that this recommendation has been fully met.

> ### Recommendation 37
>
> Police Scotland should expedite its review of police officers and members of police staff who are considered to be "super users" with administrative access to Force ICT systems. It should ensure these staff are appropriately vetted, with safeguards put in place to ensure access to information is for a legitimate policing purpose.

137. In consultation with HMICS, Police Scotland ICT department defined a 'super user' as a user account which has system administration access. Users that fell within this definition were categorised into four key areas; i) infrastructure, ii) systems administration, iii) application and iv) database. We found that no individual member of staff had responsibility or access covering all four of the identified areas.

138. Based upon this definition the Police Scotland ICT department initially scoped that 158 staff members had such systems access. Following further analysis this number was reduced to 120 staff members who required enhanced vetting. The Vetting Unit worked with the ICT department and this process has been successfully completed with all staff vetted.

139. We found that the Police Scotland ICT department is in the process of implementing a revised structure and operating model, which includes a review of roles and responsibilities and required access levels. This approach will ensure that each member of staff will be provided with the appropriate access permissions commensurate with their role, skill set and experience.

140. HMICS is satisfied that this recommendation has been fully met.

Partnerships

141. The partnerships section included recommendations 38 to 39.

> ### Recommendation 38
>
> Police Scotland and the Scottish Police Authority should engage with the Crown Office and Procurator Fiscal Service, Police Investigations and Review Commissioner and other stakeholders to review and strengthen the overall approach to the independent scrutiny and oversight of complaints made against Counter Corruption Unit police officers and members of police staff.

142. In August 2016, Police Scotland introduced a process in conjunction with the SPA where all new complaints raised against ACU or PSD police officers and police staff are subject of mandatory notification to the SPA by the Assistant Chief Constable (Professionalism and Assurance). To ensure that the process remains effective, subject of independent scrutiny and oversight, the SPA review all new complaints through a process of random sampling.

143. Where an allegation is made by a serving or retired police officer against any serving or retired police officer from the ACU or the PSD the investigation will conducted by an officer independent of the ACU and PSD. Allegations of criminality will continue to be reported to COPFS, and the PIRC will carry out independent reviews of complaints in line with statutory requirements.[28] We believe that this approach provides assurance that for the purposes of transparency and fairness any future complaints made against ACU police officers and police staff shall be independently investigated.

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[28] https://pirc.scot/

144. Since publication of our report (HMICS, 2016) there have been no new complaints raised against current members of the ACU.

145. HMICS is satisfied that this recommendation has been fully met.

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Recommendation 39

Police Scotland should ensure that in the interests of transparency and service confidence, any review into outstanding complaints against the CCU should include independent scrutiny.

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146. In response to recommendation 39 of our report (HMICS, 2016) Police Scotland invited Northumbria Police to conduct an independent review of ninety-six allegations relating to Police Scotland's CCU and legacy counter corruption unit(s)[29] covering the period 1 January 2009 to 30 June 2016.

147. A report on the findings by Northumbria Police identified shortcomings in two of the specific complaint investigations reviewed and recommended that these matters be reconsidered. A position accepted by Police Scotland.[30] A redacted copy of the Northumbria Police report was provided to Justice Sub Committee on Policing.[31]

148. HMICS is satisfied that this recommendation has been fully met.

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[29] Legacy Scottish police forces and the Scottish Crime and Drug Enforcement Agency (SCDEA).
[30] Police Scotland Counter Corruption Unit Organisational Learning Report 10 February 2018. p.34.
[31] Justice Sub-Committee on Policing.

Appendix 1 – Recommendations status

Fully met - Sufficient evidence to clearly demonstrate that all elements of the recommendation have been completed.

Partially met - Progressed, with sufficient evidence to clearly demonstrate that some elements of the recommendation have been completed, but further work is required to achieve fully met status.

Recommendation	Status
1	Partially met
2	Fully met
3	Fully met
4	Fully met
5	Fully met
6	Fully met
7	Partially met
8	Partially met
9	Fully met
10	Partially met
11	Fully met
12	Fully met
13	Fully met
14	Fully met
15	Partially met
16	Fully met
17	Fully met
18	Fully met
19	Partially met
20	Fully met
21	Fully met
22	Fully met
23	Fully met
24	Fully met
25	Fully met
26	Fully met
27	Partially met
28	Fully met
29	Partially met
30	Fully met
31	Fully met
32	Partially met
33	Partially met
34	Fully met
35	Fully met
36	Fully met
37	Fully met
38	Fully met
39	Fully met

Appendix 2 – Glossary

ACC	Assistant Chief Constable
ACU	Anti-Corruption Unit, Police Scotland
AO	The Authorising Officer is a statutory role and the nominated person has responsibility for granting an authorisation for the use of covert investigatory measures. The Authorising Officer must consider necessity, proportionality and collateral intrusion of the covert investigatory measures
APP	Authorised Professional Practice, College of Policing
CCG	Covert Compliance Group, Police Scotland
CCU	Counter Corruption Unit, Police Scotland
CIAG	Covert Investigation Advisory Group, Police Scotland
COPFS	Crown Office and Procurator Fiscal Service
DCC	Deputy Chief Constable
DP	The Designated Person (DP) is a person holding a prescribed office in a relevant public authority. It is the Designated Person's responsibility to consider the application and record their considerations at the time (or as soon as is reasonably practicable) in writing or electronically. Designated Persons must be independent from operations and investigations when granting authorisations or giving notices to those operations
ECFU	Economic Crime and Financial Investigation Unit, Police Scotland
HMICS	HM Inspectorate of Constabulary in Scotland
iBase	IBM® i2® *iBase* is an intelligence data management application that enables analysts to capture, control and analyse multisource data using a wide range of analytical tools
IM	Integrity Matters
LEA	Law Enforcement Agencies
NGAU	National Gateway Assessment Unit, Police Scotland
NPCCAG	National Policing Counter Corruption Advisory Group. Membership includes all UK Law Enforcement Agencies
PIRC	Police Investigations and Review Commissioner
PSD	Professional Standards Department, Police Scotland
PSNI	Police Service of Northern Ireland
SCD	Specialist Crime Division, Police Scotland
SLB	Senior Leadership Board, Police Scotland
SOP	Standard Operating Procedure
SPA	Scottish Police Authority
SPoC	The Single Point of Contact (SPoC) is an accredited individual trained to facilitate the lawful acquisition of communications data and maintain effective co-operation between Police Scotland and Communication Service Providers

HMICS HM INSPECTORATE OF
CONSTABULARY IN SCOTLAND

HM Inspectorate of Constabulary in Scotland
1st Floor, St Andrew's House
Regent Road
Edinburgh EH1 3DG

Tel: 0131 244 5614

Email: hmic@gov.scot

Web: www.hmics.org

About Her Majesty's Inspectorate of Constabulary in Scotland

HMICS operates independently of Police Scotland, the Scottish Police Authority and the Scottish Government. Under the Police and Fire Reform (Scotland) Act 2012, our role is to review the state, effectiveness and efficiency of Police Scotland and the Scottish Police Authority. We support improvement in policing by carrying out inspections, making recommendations and highlighting effective practice.