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HM INSPECTORATE OF CONSTABULARY IN SCOTLAND

# Crime Audit 2020

March 2021

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Improving Policing Across Scotland

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## Our audit

Since early March 2020, the coronavirus (COVID-19) pandemic has affected all of our lives. Throughout this time, Police Scotland officers and staff have continued to make a vital contribution to the national effort (Operation Talla<sup>1</sup>) to reduce the spread of infection, and ultimately save lives. This audit was delayed when HMICS suspended the inspection programme at the start of March 2020, however we were able to proceed under covid-safe restrictions in August 2020. I want to start by thanking Police Scotland for its participation and co-operation with the audit under challenging circumstances.

The aim of our audit was to assess the state, efficiency and effectiveness of crime recording by Police Scotland and the extent to which recording practice complies with the Scottish Crime Recording Standard and Counting Rules.<sup>2</sup> This audit follows similar audits of crime recording carried out by HMICS in 2013, 2014 and 2016.

Compliance with recording standards and counting rules might not seem the most interesting of police related topics, however it goes right to the heart of public confidence. The public need to trust that reported incidents and crimes are being recorded accurately and ethically.

The results of this audit show that Police Scotland's level of compliance is generally good at over 90%. That said, the overall force figures fail to reach Police Scotland's self-imposed target of 95% compliance, and mask variations in performance across the territorial divisions. These local variations (at their worst, ranging from 70.7% in one division to 98.6% in another), are an issue for Police Scotland as a national police service, aspiring to provide the same quality of service to communities across the country.

Despite a slight increase in recent years recorded crime in Scotland remains at one of the lowest levels since 1974.<sup>3</sup> A wide range of users rely on recorded crime statistics to monitor trends, to develop policy, and to carry out research. The public can use the statistics as a source of information to assess how safe their local area is and whether crime is decreasing or increasing. The police can use crime statistics to monitor trends and variations, ensuring that resources are deployed appropriately. It is essential that crimes are recorded accurately by Police Scotland, and that users have confidence in the crime statistics published by the Scottish Government.

Our Crime Audit 2020 provides a comprehensive, independent audit of crime data, identified as necessary by the Office for Statistics Regulation (OSR).<sup>4</sup> The results provide the public and key stakeholders with up-to-date information on which to base their assessment of the accuracy of crime statistics and highlight to Police Scotland areas of good practice as well as areas for improvement.

Crime recording practice is governed by the Scottish Crime Recording Standard and Counting Rules (SCRS). The SCRS provides a framework for deciding when an incident should be recorded as a crime, what type of crime should be recorded and how many crimes should be counted. Crime recording should also be carried out in accordance with the Police Scotland Code of Ethics.<sup>5</sup>

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<sup>1</sup>Operation Talla is the code name for the UK national police operation to address the requirements of the COVID-19 pandemic

<sup>2</sup>Scottish Government, [Scottish Crime Recording Standard: Crime recording and Counting Rules](#) (September 2020)

<sup>3</sup>Scottish Government, [Recorded crime in Scotland 2019-20](#) (2020).

<sup>4</sup>Office for Statistics Regulation (OSR) [Office for Statistics Regulation - Guidance about assessment](#)

<sup>5</sup>Police Scotland, [Code of Ethics](#) (2014)



We tested the accuracy of crime recording by auditing incident and crime records. We examined 7,177 incidents, 2,525 crime records and 3,901 individual crimes. Auditing this volume of records allows us to report on statistically significant differences and changes in compliance rates across Scotland and at divisional level. We assessed arrangements for the management, governance and auditing of crime recording by Police Scotland by carrying out 30 interviews comprised in the main of people involved in the recording process and by reviewing over 170 documents relating to crime recording.

The results show that compliance is generally good, however there is still room for improvement. Notably, Lanarkshire is the only division to perform above average across all areas, following improvement in Test 2 and no-crime. We also noted high levels of compliance across the board in domestic abuse incidents, reflecting the investment the force has made in training and in raising awareness. However the results show a reduction in levels of compliance in some divisions for certain crime types.

Whilst we commend the excellent work of regional crime registrars and their efforts to revise and improve the SCRS and its application, we were concerned to find many of the same errors recurring from HMICS audits in 2013, 2014 and 2016. There seems to have been insufficient organisational learning from our audits, as well as from Police Scotland's own internal audits over the past seven years.

In an effort to help Police Scotland address the challenges highlighted in this report, I have decided to close all previous recommendations relating to crime recording and to issue a new set of recommendations. These should be used by Police Scotland as the basis for an improvement plan, which can be monitored and reported on regularly.

I am clear that the responsibility for delivering improvement lies with Police Scotland, however both the Scottish Police Authority and the Scottish Crime Recording Board have important roles to play in scrutiny and governance.

HMICS wishes to thank the officers and staff of Police Scotland who participated in our audit, in particular the national and regional crime registrars for facilitating our work. HMICS is also grateful to the Scottish Government's Justice Analytical Services who provided statistical advice and support.

Our audit was led by Lead Inspectors Tina Yule and Dawn Lewington.

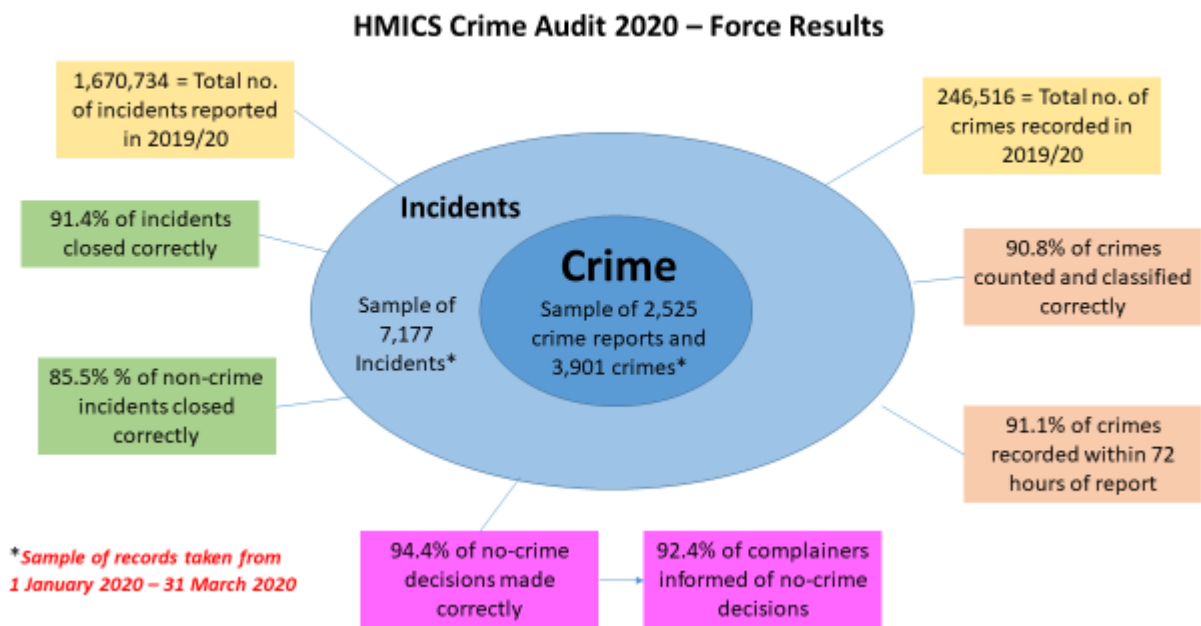
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HM Chief Inspector of Constabulary in Scotland

March 2021



## Key facts



Force results are extrapolated from results from HMICS audit of sexual, violent, domestic abuse, non-crime and no-crimes in 2020.



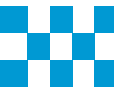
## Key findings

- Police Scotland's compliance with the Scottish Crime Recording Standard and Counting Rules is generally good at over 90%, although below the service's own target of 95% compliance
- 91.4% of incidents had been closed correctly and 90.8% of crime was counted and classified correctly. These compliance rates are lower<sup>6</sup> than those found in our last audit in 2016 when the results were 92.7% and 95.1% respectively
- 91.1% of crimes were recorded within 72 hours of being reported to the police (90.8% in 2016)<sup>7</sup>
- While there was evidence of increased awareness of the requirement to take a 'record to investigate' approach, further work is required to fully embed this culture change
- The 2020 audit found that many of the same errors continue to recur from our 2013, 2014 and 2016 audits
- The force-wide results mask variations in compliance across different local divisions, with the performance of some impacting on the overall compliance rate
- There remains scope for improvement in the recording of sexual crime
- 90.3% of sexual incidents were closed correctly (90.0% in 2016). However, only 86.1% were counted and classified correctly, lower than 2016 (91.4%). Only 80.1% were recorded within 72 hours of being reported to the police (83.9% in 2016).
- Where sexual incidents are referred to specialist investigation units, it is more likely recording will be delayed and sometimes incident records can be incomplete by way of update
- Of the 478 sexual crime records audited 58 (12.1%) were cyber-enabled crimes and 39 (67.2%) correctly had a cyber marker applied
- There remains scope for improvement in the recording of violent crime
- 89.6% of violent incidents were closed correctly and 91.1% of violent crimes were counted and classified correctly, both lower than the audit results of 2016 (93% and 96% respectively). 92.2% of violent crimes were recorded within 72 hours of the incident being reported to the police (94.6% in 2016)
- In the 2020 Crime Audit we looked at domestic abuse offences, a category not examined in previous audits. Compliance for domestic abuse offences is good
- 94.6% of domestic abuse incidents were closed correctly, which is a higher compliance rate than the other categories examined. 92.6% of domestic abuse crime records were counted and classified correctly. 95.2% of domestic abuse crimes were recorded within 72 hours of the incident being reported to the police, with ten of the thirteen divisions achieving over 95% compliance

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<sup>6</sup>Where we refer to increases or decreases in our audit results, it means the increase or decrease was statistically significant. This means only that the change or difference is unlikely to have occurred due to random fluctuation, and is not a comment on the magnitude or importance of the change.

<sup>7</sup>Where we do not refer to a specific increase or decrease, but only provide previous results, this means that the change is not statistically significant.



- Non-crime related incidents relate to those incidents that started as potentially crime-related but were later closed as non-crime related. 85.5% were closed correctly. This was lower than the audit results of 2016 when 91% were closed correctly
- No-crimes relate to incidents where a crime record was created, but following investigation found not to be a crime. Our audit found 94.4% of no crime decisions were correct, which is good. In 2016, the result was 96%. Three divisions achieved 100%: Lothians and the Scottish Borders, Greater Glasgow and Lanarkshire
- 92.4% of complainers were told that a no-crime decision had been made in their case
- Divisional results varied, and compliance rates were lower than those found in 2016 in many areas
- One division, Lanarkshire, performed better than Scotland as a whole in all categories of audit
- The performance of one division, Dumfries and Galloway, had deteriorated since 2016 when it was found to perform consistently well. We were told this was due to a period of temporary staff shortages
- There are well established internal leadership and governance arrangements around SRS compliance involving the Professionalism and Assurance Board and the People and Professionalism Board. However, we found a lack of evidence of consistent reporting to either the Executive team or reports being routinely shared with other DCC portfolio areas
- The Crime Managers' Forum, under a new chair, has been re-invigorated and a comprehensive review of outstanding recommendations from internal audits has recently been undertaken. However the extent to which the chair can influence crime recording direction is constrained by the fact they have no supervisory oversight for local crime managers, who are managed by divisional commanders
- The Scottish Crime Recording Board continues to work effectively. The details of the Board's remit and other information on the Scottish Government website needs to be updated
- The Scottish Police Authority's Audit and Risk Committee has moved to an exception reporting only approach in relation to the results of Police Scotland's internal crime recording audits and associated improvement plans, which is less rigorous than the oversight observed in the 2016 audit
- Police Scotland has an overall strategy for Scottish Crime Recording which emphasises a 'getting it right first time' approach, which is good. The strategy needs to be implemented more effectively and supported by a comprehensive training strategy
- The absence of a national crime recording system continues to limit the extent to which there can be consistent processes and resources to support accurate crime recording. Until the new national crime recording system is implemented crime recording cannot be managed as effectively and efficiently as possible
- To support the roll out of the new national crime recording system there is a need to establish clear business processes and guidance to provide greater clarity on individual roles and responsibilities for crime recording and associated scrutiny and an opportunity for Police Scotland to consider how best to structure crime management units to achieve the optimum in both incident and crime compliance





- There is a good system of internal auditing of crime recording conducted by regional registrars and good awareness of the results amongst crime registrars and crime management units. However, the same awareness was not found amongst those working in specialist units and in C3.
- The lack of standardised approaches to structure, staffing, function and process of crime management units and the crime manager's role had adversely impacted on SCRS compliance in a number of divisions
- The potential to develop a national or regional crime management structure, supported by a new national crime recording system, would offer the opportunity to implement consistent structures, processes and the development of a more expert workforce. This would also allow the units to sit outside divisional reporting structures allowing more effective workforce planning and development.



## Recommendations

### **Recommendation 1**

The Scottish Police Authority and Police Scotland should ensure that the results of internal and external crime recording audits are publicly reported, including a statement of compliance in their joint Annual Report and Accounts from 2020/21 onwards.

### **Recommendation 2**

Police Scotland should revise its current Crime Recording Strategy to focus on effective implementation and better consider the required level of cultural change required to improve SCRS compliance.

### **Recommendation 3**

Police Scotland should review its overall approach to incident compliance, considering what constitutes best practice in quality assurance processes in C3, specialist units and front line policing, establishing clear relative roles and responsibilities.

### **Recommendation 4**

Police Scotland should review crime management unit structures taking the opportunity to maximise the benefits of the new single national crime recording system.

### **Recommendation 5**

Police Scotland should develop a comprehensive approach to organisational learning and training, with consistent approaches to the introduction of new or changes to legislation, to more effectively support delivery of its crime recording strategy.

### **Recommendation 6**

It is recommended that the Police Scotland COS Programme review its approach to business change as part of the implementation of the new single national crime recording system, taking the opportunity to standardise and streamline business, audit and quality assurance processes.

## Context

1. When a member of the public contacts the police to report a crime, the information provided is logged on a national incident recording system called STORM.<sup>8</sup> The police assess the circumstances of the incident applying the THRIVE<sup>9</sup> assessment framework to assess the Threat, Harm, Risk, Investigative opportunity, Vulnerability and Engagement required to resolve the issue and select the most appropriate policing response. Depending on the information supplied and on the outcome of additional enquiries, the incident may result in the creation of a crime record. The SCRS is a 467-page document which provides a framework for determining when an incident should be recorded as a crime, the type of crime that should be recorded and how many crimes should be counted.
2. The SCRS was introduced in 2004 to encourage a more victim-oriented approach to crime recording and to ensure greater consistency in recording across the eight legacy police forces which existed at that time. The SCRS is updated in April<sup>10</sup> each year to take account of changes in legislation and practice and is published by the Scottish Government. The SCRS is available on the Scottish Government website for the public and the Police Scotland intranet for all officers.
3. The SCRS requires that all incidents, whether crime-related or not, will result in the creation of an auditable record. The incident will be recorded as a crime if (a) the circumstances amount to a crime or offence under Scots law; and (b) there is no credible evidence to the contrary. The minimum information required to record such a crime is (i) an approximate date/time range when the crime took place (ii) an approximate locus where the crime was committed and (iii) a modus operandi, or method, to establish the crime type. Once recorded, a crime remains recorded unless there is credible evidence to disprove that a crime occurred.
4. The SCRS states that tackling crime and its causes are key priorities for Police Scotland and emphasises that ethical crime recording is integral to modern policing and it is vitally important that crime recording and disposal practices are capable of withstanding rigorous scrutiny.
5. Responsibility for compliance with the SCRS ultimately lies with the Chief Constable but is discharged on a daily basis by crime registrars and crime managers. The role of the crime registrar is described in Police Scotland's crime recording policy as being critical to the management of and compliance with the SCRS.<sup>11</sup> It is a specialist role that requires knowledge, skills and experience of the crime recording process. The role does not involve the exercise of police powers and may therefore be performed by a member of police staff. The registrar has authority to determine whether or not a matter should be recorded as a crime and the crime classification that will be applied. The registrar is also the final arbiter for all no-crime decisions.
6. The crime recording policy notes that the crime registrar should not be placed in a position where he or she is directly responsible for performance or reducing crime or is answerable to a line manager who has such responsibility. This approach is intended to ensure openness, transparency and independence in crime recording decisions. Police Scotland has a National

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<sup>8</sup>STORM - Police Scotland Command and Control ICT system used in service centres, control rooms and operational policing for incident management.

<sup>9</sup>THRIVE (Threat, Harm, Risk, Investigation, Vulnerability and Engagement) is a risk management tool which considers six elements to assist in identifying the appropriate response grade based on the needs of the caller and the circumstances of the incident.

<sup>10</sup>Scottish Government, [Scottish Crime Recording Standard: Crime recording and Counting Rules](#), (September 2020).

<sup>11</sup>Police Scotland, Crime recording policy (version 1.00, 07 October 2020).

Crime Registrar (NCR) and three regional crime registrars for the North, East and West command areas. Due to the high volume of incidents and crimes in the West, there is currently also a deputy crime registrar for that command area. Within each of Police Scotland's 13 local policing divisions, crime management units (CMUs), led by a crime manager, make day-to-day decisions about crime recording.

### Crime statistics

7. Information on the number of crimes and offences recorded by the police is published by Police Scotland as management information<sup>12</sup> and by the Scottish Government as official statistics in its 'Recorded Crime in Scotland' series. The most recent publication relates to crimes and offences recorded in 2019-20. The total number of crimes recorded by the police remained at one of the lowest since 1974 and was less than 1% higher than the level recorded in the previous year. For the first time since 2008-09 there was a slight decrease in sexual crimes (1%) although these crimes remain at the second highest level since 1971. The number of offences increased slightly, by 1%, compared to 2018-19.<sup>13</sup>
8. The Scottish Government notes in its recorded crime publication that crime statistics are used by a wide range of stakeholders to monitor trends, develop policy, assess the risk of crime, and for research purposes. The public, for example, can use the statistics as a source of information to help assess how safe their local area is and whether crime is decreasing or increasing.
9. The police, as well as other agencies, can use crime statistics alongside internal management information to monitor trends and variations, ensuring that services are targeted appropriately and sufficiently resourced. Incident and crime data is crucial to accurate analysis and prediction of demand for policing services. Crime statistics are also used as a core measure of how well the police service is performing. It is therefore essential that both incidents and crimes are recorded accurately by Police Scotland, and that all users, including the general public, can have confidence in the crime statistics reported by the Scottish Government.
10. In July 2014, recorded crime statistics in Scotland were assessed by the Office for Statistics Regulation (OSR) which found that it could not confer National Statistics status on the statistics at that time. The National Statistics status serves as a quality mark and indicates that statistics have been independently assessed as meeting the high standards set out in the Code of Practice for Statistics.<sup>14</sup> The OSR noted that crime statistics were of high public interest, should be the subject of independent scrutiny and that the Scottish Government should obtain and provide strong levels of assurance about their quality. The OSR set out a number of requirements that the Scottish Government should meet in order for crime statistics to be re-awarded their National Statistics status.
11. Since 2014, the Scottish Government, with the support of Police Scotland, took forward a number of actions to improve the information provided to users and to aid their understanding and interpretation of crime statistics. The Scottish Government in its 2013-14 publication (published in November 2014), included the results of an independent audit of crime recording by HMICS with the aim of providing users with additional information on which to base their assessment of the accuracy of crime data. The OSR subsequently re-assessed the status of

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<sup>12</sup> [Management Information Force Report Quarter 2 2020/21](#), Management information reports relate mainly to crime recorded by Police Scotland but some information about incidents and survey data are also included. Published alongside the Force-wide report are a series of complementary reports providing a breakdown of data available at police division or local authority level.

<sup>13</sup> Contraventions of criminal law in Scotland are divided for statistical purposes by the Scottish Government into 'crimes' and 'offences'. 'Crime' is generally used for more serious criminal acts with seriousness generally relating to the maximum sentence that can be imposed. This distinction has been used since the 'Recorded Crime in Scotland' series began.

<sup>14</sup> [Code of Practice for Statistics](#), UK Statistics Authority 2021

the recorded crime statistics and re-designated them as National Statistics on 27 September 2016, the same month as HMICS published its 2016 Crime Audit results. By conducting this Crime Audit HMICS directly contributes to the retention of this designation and provides assurance on the accuracy of crime recording by Police Scotland.

### **Previous crime audits**

12. Independent assessments of crime recording have been regular features of the HMICS inspection programme. For instance in 2013, HMICS carried out a review of incident and crime recording shortly after the creation of Police Scotland which allowed consideration of emerging governance arrangements and compliance with SCRS since the creation of a single police force on 1 April 2013.<sup>15</sup> The number of records audited was not representative of the volume of incidents in each division and was limited to 1,501 records, however, the results served as an indicator of recording practice across Scotland. We found adherence to the SCRS to be generally good with 93% of the records examined being closed correctly. Seven recommendations were made for improvement.
13. In 2014, HMICS conducted a far more robust audit, testing the accuracy of crime recording in a sample of over 8,000 incidents and 4,500 crimes. This allowed us to report on compliance rates across Scotland and, for the first time, at divisional level. Six categories were audited: sexual crime; violent crime; housebreaking; hate crime; non-crime related incidents; and no-crimes. The results provided the public and key stakeholders with greater information on which to base their assessment of the accuracy of crime statistics, highlighted areas of good practice and areas for improvement to Police Scotland and gave a comprehensive independent audit of crime data, as highlighted by the OSR.
14. In 2014, we found that the quality of most incident and crime recording decisions by Police Scotland was good. 92% of incidents were closed correctly and 94% of crime was counted and classified correctly. There was however scope for improvement, particularly in relation to the recording of sexual crime and non-crime related incidents. While a few divisions performed very well, achieving high compliance rates in all or most areas, a few divisions performed poorly. We made eight recommendations to Police Scotland and the Scottish Police Authority (SPA), and suggested 15 improvement actions.
15. Prior to this audit, our last Crime Audit was in 2016 where a large sample of over 6,000 incidents and 5,000 crime records were audited to assess compliance both nationally and at divisional level. Arrangements for the management, governance and auditing of crime recording by Police Scotland were also assessed through qualitative interviews of those involved in the recording process and a review of relevant documentation.
16. In that review we found that the quality of most incident and crime recording decisions by Police Scotland was good. 92.7% of incidents were closed correctly and 95.1% of crime was counted and classified correctly, a slight improvement from the 2014 audit results. However, there were still some variations in divisional compliance rates and there had also been a reduction in the number of crimes recorded within 72 hours of being reported to Police Scotland, from 96.6% to 90.8%. Some recurring errors were also found from previous audits which were also being identified in internal audits conducted by Police Scotland. This suggested that there was insufficient organisational learning from audits, and a need for more extensive training. We made a further 15 recommendations and suggested three improvement actions.

### **Crime Audit 2020**

17. In our Scrutiny Plan 2019-20, HMICS stated that we would revisit incident and crime recording to assess the accuracy and timeliness of crime recording by Police Scotland, and the extent to which it complies with the SCRS. This is a major commitment for HMICS given the level of resources committed to such an extensive audit process.

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<sup>15</sup>HMICS, [Review of Incident and Crime Recording](#), published 23 December 2013.

18. The aim of our Crime Audit 2020 was to test the accuracy of incident and crime recording by Police Scotland, the extent to which recording practice complies with the SCRS, and to assess arrangements for the management, governance and auditing of crime recording. We also aimed to consider a number of related issues within the selected sample of records, including the accuracy of direct crime records submitted by the new Police Scotland Resolution Teams and the use of the cyber marker when recording incidents and crimes.
19. The results allow us to provide the public and key stakeholders with information on which to base their assessment of the reliability and validity of crime statistics; highlight to Police Scotland areas of good practice as well as areas for improvement; and continue to address the need for comprehensive, independent audits of crime data as required by the OSR.<sup>16</sup>
20. Through our audit, we also sought to assess the extent to which previous recommendations regarding crime recording have been implemented by Police Scotland and the SPA. In total, our previous reviews of crime recording in 2013, 2014 and 2016 resulted in 23 recommendations and 25 improvement actions. HMICS continually assesses progress made against our recommendations and, at the time our 2020 audit commenced, 11 out of the 23 recommendations had been implemented.<sup>17</sup> Twelve recommendations therefore remained outstanding and progress is considered in this report. The status of all open crime recording recommendations is included at Appendix 1.
21. Our Crime Audit 2020 relates to incidents and crimes recorded only by Police Scotland. Crimes recorded by other police services operating within Scotland, such as British Transport Police, are out with the scope of our audit and are reviewed separately.<sup>18</sup>

### **Methodology**

22. We assessed arrangements for the management, governance and auditing of crime recording by Police Scotland by carrying out 30 interviews comprised in the main of people involved in the recording process and representatives of the SPA and Scottish Government. We also interviewed people involved in key areas of related work within Police Scotland, for instance those involved in delivery of training and the rollout of the single national crime recording system. We also reviewed documents relating to crime recording. Our assessment of crime recording was carried out taking into account the six themes of the HMICS Inspection Framework (outcomes, leadership and governance, planning and process, people, resources and partnerships).
23. We tested the accuracy of crime recording through an audit of records. In deciding what records to audit, several factors were taken into account including areas identified as weak in previous audits, areas of high risk or emerging concern, national and local policing priorities, and areas which have not previously been subject to independent audit. We also consulted with members of the Scottish Crime Recording Board (SCRB)<sup>19</sup> as to what types of incidents and crimes we should review.

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<sup>16</sup>HMICS, [Crime Audit: 2020 - Terms of Reference](#) (2020)

<sup>17</sup>HMICS no longer issues or formally monitors improvement actions in our reports.

<sup>18</sup>For example, HMICS, [Crime Audit: British Transport Police, Scotland Division](#) (2015).

<sup>19</sup>[Scottish Crime Recording Board](#) The role of the Board is to support the production of accurate and objective statistics on crime in Scotland. The Board ensures that crime data is comprehensive, consistent, transparent and trustworthy. It takes into account the needs of both users and providers in the production of crime statistics and ensures that this process is undertaken in a manner consistent with the Code of Practice for Statistics.

24. We audited records relating to:
- sexual crime
  - violent crime
  - domestic abuse offences
  - non-crime related incidents (i.e. incidents that were potentially crime-related but which were eventually closed as being non-crime related)
  - no-crimes (i.e. incidents that were originally thought to be a crime and a crime record was created, but which were later re-designated as not being a crime following additional investigation).
25. In relation to the three crime types (sexual crime, violent crime and domestic abuse offences), we applied Tests 1, 2 and 3. Only Test 1 is applied to non-crime related incidents. The tests are:

#### **Test 1 – incident closure**

Test 1 involves reviewing the initial report to the police (the incident) and assessing whether the incident has been correctly closed. Correct closure means either that (a) the incident was closed as non-crime related and contained sufficient information to dispel any inference of criminality; or (b) the incident indicated a crime had occurred and a crime record was traced.

Incidents which result in a crime record proceed to Tests 2 and 3.

#### **Test 2 – crime counting and classification**

Test 2 involves reviewing the crime record to assess whether the crimes recorded are correctly counted and classified.

#### **Test 3 – timeliness**

Test 3 relates to the timeliness of recording. The SCRS states that all crimes should be recorded within 72 hours of the circumstances becoming known to the police (or exceptionally within seven days where the delay is out with police control).

26. The examination of no-crimes involves an assessment of whether the no-crime decision was correct. Because the no-crime test is different from that applied to the other categories, no-crime results are reported separately.
27. When assessing the results of its internal audits, Police Scotland uses a self-imposed target of 95%.<sup>20</sup> A pass is achieved where 95% or more of audited records comply with the SCRS. We consider this standard to be somewhat arbitrary for our own audit purposes and achieving a compliance rate of 95% does not mean that there is not scope for further improvement. We do consider however that the standard is helpful as an internal benchmark to be used by Police Scotland and which encourages those divisions performing below the standard to improve. Our results show there is need for improvement in most areas for this target to be reached.

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<sup>20</sup>This target is set by Police Scotland in the Scottish Crime Recording Strategy (see paragraph 198).



## Sample size

28. We examined 7,177 incidents reported to Police Scotland between 1 January 2020 and 31 arch 2020.<sup>21</sup> We also examined 870 no-crime decisions. Further information is available in Appendix 2 regarding how incidents were identified, how our sample sizes were determined and why the three-month time period from which to select records was chosen.
29. Our goal was to report results that would be representative across Scotland, across the 13 local policing divisions and across the five categories of records to be reviewed and comment on statistically significant changes. The number of records examined in each division was proportionate to the volume of incidents reported in that division. The reported results are shown with the following Scotland-wide confidence intervals<sup>22</sup> at the 95% level:

Category	Confidence interval Test 1	Confidence interval Test 2	Confidence interval Test 3
Sexual crime	1.2%	1.7%	2.4%
Violent crime	1.2%	1.3%	1.4%
Domestic abuse offences	0.7%	1.1%	1.2%
Non-crime	2.2%		
All excluding no crimes	0.6%	0.8%	1.0%

Category	Confidence interval
No-crimes	1.4%

30. For our divisional results, we aggregated the three crime types and the non-crime related incidents to achieve an estimate for Test 1 with a confidence interval of no more than  $\pm 2.7\%$  at the 95% confidence interval. For divisional results at Test 2, we aggregated the three crime types to provide an estimate with a confidence interval of no more than  $\pm 4.4\%$  at the 95% level. Likewise for Test 3, we aggregated the three crime types to provide an estimate with a confidence interval of no more than  $\pm 5.0\%$ .
31. In reporting our results, we have made comparisons with our 2016 audit results and have compared the results of individual divisions to those of Police Scotland as a whole. Where we state that there has been an increase or decrease, we mean that the difference is statistically significant (i.e. the difference is a result that is not attributed to chance).<sup>23</sup>

<sup>21</sup>The majority of incidents included were out with the commencement of Operation Talla.

<sup>22</sup>When working with samples, a confidence interval indicates a range of values that is likely to encompass the 'true' value.

<sup>23</sup>When working with a sample, there is always a chance that the difference observed is just the result of random fluctuation within the chosen sample. A statistically significant result means that there is a low probability of getting such a result through these random fluctuations.



## Outcomes

32. This section of our report details the results from our audit of incident and crime records. We provide both force-wide results and divisional results. Whilst these results reflect on the levels of compliance with the crime recording standard, fundamentally ethical and accurate crime recording and management provides an indication of how well the force is managing its service to and focus on victims of crime.
33. To obtain an overall measure of incident and crime recording compliance in Scotland, we aggregated the results from four of the categories we audited. While this overall measure does not reflect all types of incident reported to the police, it nonetheless provides a national picture of the extent to which Police Scotland complies with the SCRS.

Category	Compliance rates		
	Test 1 – incident closure	Test 2 – crime counting and classification	Test 3 – timeliness
Sexual crime	90.3%	86.1%	80.1%
Violent crime	89.6%	91.1%	92.2%
Domestic abuse	94.6%	92.6%	95.2%
Non-crime	85.5%		
<b>All categories</b>	<b>91.4%</b>	<b>90.8%</b>	<b>91.1%</b>

34. We examined 7,177 incident records across Scotland and found that 91.4% had been closed correctly (Test 1). Correct closure means either (a) that the incident was closed as non-crime related and contained sufficient information to dispel any inference of criminality; or (b) that the incident indicated a crime had occurred and a crime record was traced. The incidents examined resulted in 2,525 crime records,<sup>24</sup> some of which contained multiple crimes (3,901 crimes in total), 90.8% of which were counted and classified correctly (Test 2). We found that 91.1% of crimes were recorded within 72 hours of being reported to the police (Test 3).<sup>25</sup>
35. The overall results for Tests 1, 2 and 3 are not directly comparable with the results of our Crime Audit 2016. Although three of the categories were the same, in 2020 we audited domestic abuse offences whereas in 2016 we audited damage. Nonetheless, the overall results indicate lower compliance for both Tests 1 and 2. For Test 1, there was a decrease from 92.7% to 91.4%, and for Test 2, there was a decrease from 95.1% to 90.8%.
36. 91.1% of crimes were recorded within 72 hours of being reported to the police (90.8% in 2016 and 96.6% in 2014)). This is discussed further at paragraphs 159–166.

<b>No-crimes</b>		94.4%
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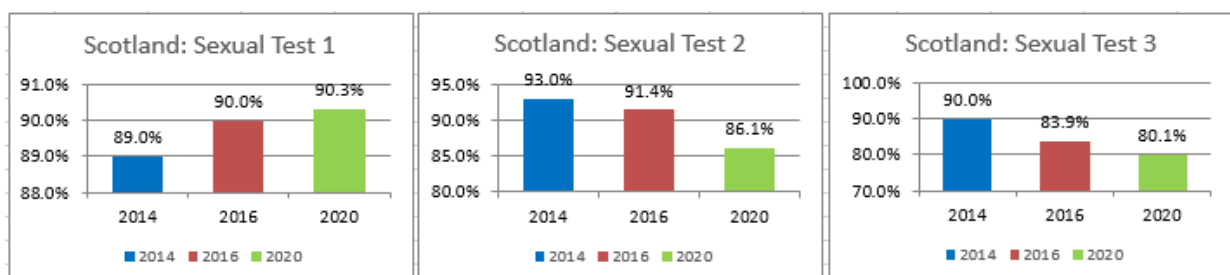
<sup>24</sup>For the purposes of Test 2 calculations, the number of actual individual crimes (3,901) was used for our calculations. Test 3 used the number of crime records to assess timeliness of recording.

<sup>25</sup>During the course of an investigation, additional crimes may come to light but it is the timeliness of the initial decision to crime that we have assessed. Thus, timeliness compliance rates are worked out as a proportion of the incidents that passed to Test 2, rather than the total number of crimes we reviewed.

37. We also examined 870 no-crimes. These are cases which are initially thought to be a crime but were later re-designated as not being a crime following additional investigation. We found that 94.4% had been no-crimes correctly (96.0% in 2016 and 93.9% in 2014).
38. Later in this section of our report, we provide detailed information on compliance rates for sexual crime, violent crime, domestic abuse offences, non-crime related incidents and no-crimes. We also report on divisional compliance with the SCRS within Police Scotland.
39. Throughout this report, we have identified consistent shortcomings in incident and crime recording practice with many recurring issues from our previous audits. As already stated, some recommendations from those audits were still outstanding at the time of our 2020 audit. Rather than keeping these open, running in tandem with any new recommendations made, we have closed the previous recommendations and all outstanding issues requiring to be addressed are incorporated in the new recommendations made in this report. It is hoped this will provide focus on areas that require to be addressed and result in sustained improvement. HMICS will assist, where appropriate, in providing Police Scotland with assurance in relation to the terms of any action plan developed in responses to the recommendations.

## Sexual crime

	Test 1 – incident closure	Test 2 – crime counting and classification	Test 3 – timeliness
Sexual crime	90.3%	86.1%	80.1%



40. We examined 1,027 sexual incidents, 478 (46.5 %) of which resulted in a crime record. Of these sexual incidents, 90.3% were closed correctly (90.0% in 2016).
41. Some incidents resulted in multiple crimes being recorded, and we assessed 735 sexual crimes. Of these crimes, 86.1% were counted and classified correctly. This continues a downward trend in the compliance rate from both our 2014 audit (93.0%) and 2016 audit (91.4%). Only 80.1% of sexual crime was recorded within 72 hours of the incident being reported to the police (83.9% in 2016 and 90.4% in 2014).

### **Test 1 – incident closure**

42. More than half of the sexual incidents that had been incorrectly closed had either not been updated, or had been insufficiently updated, and therefore it was not possible to assess whether or not a crime had actually occurred. The SCRS clearly states that where the incident infers criminality, then either a crime record must be created or the incident closed with a 'satisfactory narrative which eliminates any inference of criminality and fully justifies a non-crime

*disposal*. We saw incidents containing reports of a crime being closed with a non-crime disposal without a supporting explanation.

43. As in our 2014<sup>26</sup> and 2016 audits we found that many of these incidents had been referred to a specialist unit, such as a Public Protection Unit or Divisional Rape Investigation Unit, for investigation and had not been sufficiently updated thereafter.
44. Where reports of rape or serious sexual crime are made, often uniformed officers will be deployed to gather initial information from the victim. This information is recorded on an Initial Briefing Report (IBR), a form which prompts questions relating to the date and time of the incident, the locus, the suspect's details, potential witnesses and the circumstances of the incident. The completed IBR will often provide sufficient information for the minimum SCRS requirements to be met to record a crime. The IBR will however often be passed to a specialist unit to investigate and a Sexual Offences Liaison Officer (SOLO) will be deployed to take a more detailed statement from the victim. We examined incidents where an IBR had been completed and where it appeared there was sufficient information provided to create a crime record but yet no crime record existed. Some of these incidents had been closed as a non-crime (disposal code SC02<sup>27</sup> utilised), however, from the updates that were available the criminality had not been dispelled.
45. Examples of insufficient updates when closing an incident as a non-crime included:
  - *"IBR obtained and CID aware" or "PPU<sup>28</sup> aware"*
  - *"PPU/SOLO being deployed"*
  - *"details forwarded to CID.... VPD submitted<sup>29</sup>"*
  - *"CID attended and no crime at this time, further enquiry to be made".*
46. Such updates did not eliminate the initially reported criminality or justify the non-crime disposal code applied. Indeed, it was patent from some of the updates that enquiries were continuing into the report of criminality as illustrated in the case studies below:

#### **Case Study 1**

A caller reports being the victim of non-recent sexual offences. An update on the incident record stated an IBR has been obtained, details have been forwarded to local CID and a VPD is to be submitted. The incident was closed with a SC02 disposal code with no further update provided.

#### **Case study 2**

Caller reports an attempted rape. Update states IBR submitted and will be followed up. No further updates provided and incident closed with SC02 disposal code.

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<sup>26</sup> Recommendation 1, HMICS, [Crime Audit 2014](#) (2014).

<sup>27</sup> There are a number of disposal codes for closing incident records: SC01 – Crime; SC02 – No Crime; SC03 – SCRS non-compliance; SC04 – Linked incident; SC05 – Transferred to other force; SC06 - Resource not dispatched (used in East only); SC07 – Transferred to Division (used by Resolution Teams only). SC03, SC06 and SC07 are interim markings only.

<sup>28</sup> Public Protection Units operate across several disciplines all aimed at protecting people at risk of harm. SCD Public Protection works collaboratively with divisional PPU across domestic abuse, child protection, adult protection, rape and sexual crime and offender management.

<sup>29</sup> Vulnerable Persons Database – records incidents relating to vulnerability including mandatory categories of child or adult concerns, domestic abuse and hate crime

47. Investigations relating to sexual incidents, particularly non-recent sexual incidents, can be complex and lengthy, and specialist units may eventually create a crime record at the conclusion of their investigation. However, incidents should be updated in the meantime and where the result of the investigation is creation of a crime record the incident must be updated with the outcome which should include a record of the crime reference number.
48. Whilst we found increased awareness amongst those we interviewed that a 'record to investigate' approach should be taken rather than 'investigate to record', the lack of updates being provided by specialist units, particularly where there appeared to be sufficient information to record a crime, indicates that further work is required to fully embed this cultural change. As stated in our 2016 report<sup>30</sup> a 'record to investigate' approach supports a victim-centred service. This demonstrates victims' reports are being appropriately progressed, and at a more basic service level ensures that should a victim contact Police Scotland for an update on what is happening with their case, accurate and up to date information can be provided.
49. HMICS is clear that any local policy or practice that results in crimes not being reported even where there is already sufficient information to report a crime, must end. As well as contributing to Test 1 failures in relation to sexual incidents, this 'investigate to record' approach also results in delays in crime records being raised and poor Test 3 compliance rates.
50. We have previously highlighted the issue of specialist units failing to update incidents on STORM in our 2014 and 2016 reports and the risk that officers working in such units can be so focused on the investigation of crime that they lose sight of the need to record timeously and do not return to update the original incident(s).
51. Whilst we heard that improvements have been made and the messaging of 'record to investigate' has been well circulated and is understood by many officers, we also heard that there is still a way to go to fully embed this approach within specialist crime division (SCD). Whilst we recognise effecting such cultural changes can take some time this must now be addressed with SCD by Police Scotland.
52. In some sexual incidents which failed Test 1 due to a lack of update, we heard that the update as to the outcome of the investigation had been included on the Vulnerable Person's Database (iVPD). This is another recurring issue from our 2016 audit.<sup>31</sup> The iVPD system does not form an auditable record for SCRS purposes and should not be used as a substitute for updating the incident record.
53. HMICS found that for many incidents, had this information been available on the incident record, the criminality would have been eliminated and the SC02 disposal fully explained. For other incidents the information held on iVPD confirmed that a crime record should have been created but yet none was found. This was also a feature, to a lesser extent, in the results of our domestic abuse crime type audit. This practice is contrary to the SCRS which requires that it is the incident (or crime record) that be fully updated with the outcome of enquiries. This practice serves to underline our finding that specialist units are failing to update incidents where information is available to do so and/or failing to raise crime records timeously.
54. We have heard that this may, in part, be due to the amount of double-keying required of officers who have to log information on a variety of different systems operated by Police Scotland, none of which 'speak to each other'. In time, it is hoped that the amount of double-keying required might lessen with refinements in the implementation of the new national crime recording system which will start to be rolled out in 2021. However, HMICS is aware that the initial implementation will not have an interface between crime recording and iVPD. Unless and until such technological advances are made Police Scotland must ensure that where updates are provided these are recorded on STORM. This will not only improve compliance with the SCRS but will assist call operators deal quickly and efficiently with calls from victims requesting an update on their case.

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<sup>30</sup> Recommendation 2, HMICS, [Crime Audit 2016](#) (2016)

<sup>31</sup> Recommendation 3, HMICS, [Crime Audit 2016](#) (2016)

55. Key to improving compliance for Test 1 is having clearly identified channels of ownership for providing updates to incident records following investigation and clear scrutiny processes to provide quality assurance of what is recorded on incidents and in crime records. Police Scotland's current crime recording strategy sets out the general approach which is taken to incident and crime recording processes, emphasising a commitment to a 'getting it right first time' approach. The strategy specifies that "*specialist units have a role to play in the oversight of crime related incidents and subsequent crime reports, regularly reviewing the response to incidents to ensure they are managed appropriately*". It sets out, in general terms, the quality assurance processes, however, our results suggest further guidance is required to provide greater clarity on individual roles and responsibilities. HMICS therefore seeks improvement in the definition of business processes with accompanying flow charts to assist all those involved to understand what is expected of them. Issues related to training are addressed in more detail at paragraphs 249-254.
56. Ensuring those involved in scrutiny have the relevant skills and knowledge to undertake this work is also key. Scrutiny is usually conducted by a member of the CMU, but sometimes by staff in Contact, Command and Control Division (C3). We found examples of sexual incidents and incidents for other crime types labelled as SCRS compliant when they were clearly not. While the SCRS is subject to interpretation to an extent, the frequency with which we saw this happening suggests those carrying out incident scrutiny may not always be sufficiently knowledgeable or experienced and require further training (see paragraph 213 for further discussion of incident scrutiny).
57. Of the sexual incidents that were incorrectly closed, some related to non-cooperative complainers, although this was less prevalent than in 2016. It is not uncommon for someone to report an incident to the police and to then refuse to engage with an investigation. This happens in relation to all crime types and we also found evidence of this in relation to violent crime and domestic abuse offences. This can be particularly common for victims of sexual crime who can sometimes lose confidence following the initial report and become reluctant to engage with the police. In such cases, a crime should be recorded where there is sufficient information to do so, and a non-cooperative marker should be assigned. Only where a complainer freely retracts their initial report and no crime was committed can such incidents be closed without a crime being recorded. Across all crime types, incidents with non-cooperative complainers were found to be more likely to be non-SCRS compliant. HMICS therefore seeks improvement in the level of awareness of all police officers and staff, and particularly those undertaking incident scrutiny, of how to record non-cooperative complainers.
58. A particular feature we found in sexual incidents being incorrectly closed as a non-crime, was when the reported criminality involved younger children. The Age of Criminal Responsibility (Scotland) Act 2019<sup>32</sup> raises the age of criminal responsibility in Scotland from 8 to 12 years and contained within the legislation are provisions for investigations where incidents involve serious harmful behaviour but with a child-centered focus. Notwithstanding the full implementation of this new legislation and in keeping with 'record to investigate' SCRS and counting rules are currently clear even where at the outset children of non-age are concerned. Unless it is determined the act is an accident / unintentional or does not amount to a crime then it shall be recorded and can be shown as detected if there is a sufficiency of evidence to the standard that would satisfy a standard prosecution report (SPR). The sufficiency of evidence should be detailed on the crime record to provide an accurate and auditable record of the crime.

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<sup>32</sup>The Age of Criminal Responsibility (Scotland) Act 2019 received Royal Assent on 11 June 2019 and a phased approach is being taken to its implementation.



59. The practice of using the iVPD rather than the crime recording system as the recording mechanism for serious sexual crimes involving children under 12 was identified in several incidents presumably due to uncertainty in practice regarding children aged 8 to 11 where current legislation prevents criminal prosecution for children under 12 years of age. Whilst there may be wider concerns for the child documented correctly within the iVPD the crime should still be recorded and can, if there is sufficiency, be marked as detected. HMICS considers that in implementation of the new Age of Criminal Responsibility (Scotland) Act 2019 training must be clear on the implications for crime recording and reflected appropriately in the SCRS.
60. We found incidents involving children (both younger and older) sending sexual images to others and sexual assaults where incidents were closed as non-crimes with updates such as “*advice given*”, “*suspect warned*” or “*not in public interest*”. Some updates also indicated that the incident on school premises policy<sup>33</sup> within SCRS was being misapplied. The SCRS states that where an incident involving school children taking place on school premises is reported to the police, a crime need not be recorded where the incident is minor; the school has not requested that the police investigate the incident and is content to manage the incident under the school’s own disciplinary procedures; and the child, the child’s parent, guardian or representative are content for the incident to be dealt with by the school. A sexual assault would not fall within the terms of this policy as it would be deemed as / likely to lead to / threatened to lead to serious harm and accordingly the SCRS was misapplied.
61. HMICS also identified misapplication of the SCRS in two incidents where there was information that an alleged offender lacked mental capacity. The SCRS states that in all cases where a minor crime is reported where an alleged offender lacks capacity, a crime need not be recorded, subject to supporting evidence regarding lack of capacity being obtained from a medical practitioner. However the SCRS is clear that this does not apply to serious crimes, including all sexual offences. Such crimes should remain recorded and where there is sufficiency of evidence, a report should be submitted to the Procurator Fiscal who will make the decision based on the evidence presented, whether or not criminal intent can be proved and if it is in the public interest to proceed with the case.
62. HMICS also found isolated incidents closed as a non-crime where reports had been made by victims who were apparently suffering from some form of mental illness and the criminality was not dispelled in the incident record. One incident was closed with an update that the victim was “safe and well” which did not address the report made or eliminate the criminality and in another, involving a report of rape, the incident was closed on the basis of information provided by a senior nurse without recourse to the actual victim. Incidents involving those who either lack capacity or suffer from mental illness relate to some of the most vulnerable sections of our society and therefore it is particularly important an accurate auditable record of such incidents is maintained.
63. These examples of misapplication of the SCRS and/or incorrect closure of incidents indicate the need for further training on compliance with the SCRS and give cause for concern regarding officers understanding of how to proceed when dealing with either a victim or offender who appears to lack capacity. Training issues are considered further in the people and resources section at paragraphs 249-254.

#### ***Test 2 – crime counting and classification***

64. We examined 735 crimes and found that 86.1% were counted and classified correctly. This marked a decline in compliance compared to 2014 (93.0%) and 2016 (91.4%). We found 70 crimes to have been under-counted and 12 crimes to have been over-counted. 20 crimes were wrongly classified.

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<sup>33</sup> SCRS (Section ‘B’) paragraph 6 - Incidents on School Premises

65. Counting errors tended to arise due to the complexity of sexual crimes. The SCRS provides guidance on counting sexual crimes which takes account of the age of the victim, whether the crime occurred on more than one specific date and whether there was more than one suspect or the crime was committed in more than one place (i.e. more than one locus). Officers and staff making crime recording decisions can sometimes overlook an additional locus which merits an additional crime, or can count too many crimes where a person has been the victim of the same crime repeatedly but specific dates for each instance of the crime are not known.
66. To provide further context there were four incidents which greatly impacted the overall results, accounting for 19 of the total counting errors (23.2%) and three of the classification errors (15%). These were particularly complex investigations involving non-recent sexual offences and multiple loci and dates.
67. We also found several crimes being undercounted where although the conduct had taken place on the same date and at the same locus there was a clear break between two separate criminal acts taking place and therefore two crimes ought to have been recorded instead of one.
68. Some classification errors can also be attributed to the complexity of sexual crime, with several statutory provisions sometimes being relevant to one set of circumstances and a decision must be made as to which fits best. Some classification errors can be easily avoided however if more attention is paid to the age of the victim, with several statutory provisions applying to specific age groups only. Care also needs to be taken when the crimes involve an older child<sup>34</sup> as the correct classification will depend on whether the conduct was consensual or not. An act involving an older child which amounts to a sexual assault will be classified as a crime under section 3 of the Sexual Offences (Scotland) Act 2009 (SOSA), the provision relating to adults, when there is no consent, whereas the same conduct will be classified under s.30 of SOSA when there is consent. Three of the 12 classification errors were attributable to older children where the crime should have been classified using the adult provisions.
69. HMICS recognises that the legal landscape involving sexual crimes is particularly complex and the challenges in maintaining accurate crime recording in this area are great. The Sexual Offences (Scotland) Act 2009 has been in existence since 1 December 2010 and yet there is still some way to go in ensuring high compliance with the SCRS which indicates further broader training is required.
70. Unlike the approach taken recently to Domestic Abuse training, which involved a comprehensive national training programme to coincide with the introduction of the Domestic Abuse (Scotland) Act 2018, there was not the same opportunity for a national approach to training for sexual crimes when SOSA was introduced. There are organisational learning opportunities for Police Scotland for the implementation of new legislation and crime definitions which will undoubtedly be reflected in how crime is recorded.

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<sup>34</sup> Child aged 13 - 15 years of age

71. The comprehensive approach to training for domestic abuse resulted in the creation of some 700 domestic abuse champions across Police Scotland who act as single points of contact (SPOCs) to provide support to others, not only in relation to the operational response to this offending but also in relation to matters such as crime recording. These domestic abuse champions receive refresher inputs to maintain their skills and expertise. Whilst we recognise additional funding was provided to assist the roll out of domestic abuse training and there are always competing demands for training and budget and resource constraints to consider, it would be beneficial for Police Scotland to consider the approach taken in domestic abuse to other high risk areas of its business. In particular, the development of sexual offence champions who could provide additional guidance to others in this highly specialised area of crime should be explored by Police Scotland.
72. Following our 2016 audit crime registrars provided a series of inputs across Scotland on recording sexual crime which were well received. There would be benefit in a regular programme of refresher training aimed at investigators and quality assurance staff in key local and national functions. This would increase the understanding across the force on standards in respect of sexual incident and crime recording.
73. The National Rape Review Team (NRRT) reviews a sample of 30 rape reports per month across the local policing divisions in Scotland to ensure standards of accuracy and quality are met. This now includes consideration of crime recording standards which is welcomed and provides some measure of quality assurance in the most serious sexual crimes. In our 2016 audit we suggested an improvement action that *“When reviewing reports of rape, the National Rape Review Team should check for SCRS compliance. Where the team suspects that the SCRS is being applied inconsistently across Scotland, it should notify the crime registrars”*. In order to disseminate learning and provide feedback across divisions it would be advantageous if more formal links were established between the NRRT, crime registrars and those involved in crime management. The Crime Managers’ Forum, which normally involves quarterly meetings of all divisional crime managers and crime registrars chaired by a Detective Superintendent from local policing, would provide a suitable vehicle to allow this flow of information.
74. In 2014, we noted that the NRRT scrutinised reports of rape including rape no-crime decisions. We suggested that the NRRT also consider scrutinising cases where a rape was originally recorded but was subsequently reclassified to another crime type. HMICS is pleased to report that the NRRT has liaised with the analysis and performance unit (APU) for the relevant data to be captured and provided to the NRRT on a weekly basis and it is now planned this work will be incorporated into the NRRT review process.

### **Test 3 – timeliness**

75. 80.1% of crime records resulting from sexual incidents were recorded within 72 hours of the incident being reported to the police (or over 72 hours where the delay was justified as being out with police control). As was the case in our 2014 and 2016 audits, this was the lowest compliance rate for Test 3 among the three crime categories we reviewed. Almost half of the delayed crime records were recorded within seven days, with just over half being recorded after seven days had passed. We found multiple incidents had delays of more than 30 days. Often no discernible reason was provided for the late recording.
76. While delays may be in part caused by the nature and complexity of the incidents being recorded this does not account for such a low compliance rate. The referral of many of these sexual incidents to specialist investigation units and subsequent delays in recording crimes has undoubtedly contributed to the lower compliance rate (see paragraphs 43-44). There was also a large variance in compliance across different divisions, with the performance of some impacting on the overall compliance rate. This is discussed at paragraph 158.



### **Cyber-enabled sexual crimes**

77. We identified in our 2016 audit that there was no comprehensive data on the extent of cyber-enabled crime in Scotland despite interest in the issue and sought to quantify the extent of cyber-enabled crime amongst the 1117 incidents examined in that audit. This had to be done manually as there was no mechanism in place at that time to identify such cases. We found at that time 11.4% of the incidents had a cyber- element. This varied across divisions and in some was as high as 17.5%. A significant proportion involved children and young people under the age of 18. We recommended that “*Police Scotland should develop the ability to tag all incidents and crimes with a marker to show that they have a cyber-element and to assess the nature and scale of cybercrime and its demands on policing in Scotland.*”<sup>35</sup>
78. Following our 2016 audit Police Scotland introduced mechanisms on both incident and crime recording systems to allow a cyber marker or identifier to be added, to allow them to assess the scale of cybercrime, and instructed<sup>36</sup> that these be applied to all incidents of cybercrime whether they be cyber-enabled crimes or cyber-dependent crimes.<sup>37</sup> Despite this instruction it was recognised by Police Scotland in its Cybercrime Strategic Assessment (January – December 2018)<sup>38</sup> that there were inaccuracies in the use of cyber markers across police systems. Police Scotland sought to address this with a series of campaigns, communications<sup>39</sup> and training initiatives, including an animation video entitled “*Tackling Cybercrime Tag it. Mark it. Log it with PC Tagit*”.
79. In the HMICS Strategic review of Police Scotland’s response to online child sexual abuse published in February 2020<sup>40</sup> we highlighted that understanding the true nature and extent of cyber-enabled sexual crime and child sexual exploitation remained difficult due to data quality issues surrounding use of cybercrime markers for recorded crime. We acknowledged in our report the ongoing drive within Police Scotland to improve the use of intelligence markers as they relate to cybercrime and highlighted it was an essential requirement to ensure the appropriate use of such intelligence markers to assess accurately the scope of online child sexual abuse, as well as other crime types across Scotland.

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<sup>35</sup>Recommendation 4, HMICS, [Crime Audit 2016](#) (2016)

<sup>36</sup>Police Scotland Force memo PS045/16 of 5 April 2016 (internal document)

<sup>37</sup>Cyber-enabled crime refers to traditional crimes perpetrated using new technology such as fraud, drug supply or child sexual exploitation. These crimes can be committed offline, but online can take place at an unprecedented scale and speed. Cyber-dependent crime refers to crime which can only be committed using computers, computer networks or other forms of information communication technology

<sup>38</sup>Police Scotland, Cybercrime Strategic Assessment: January – December 2018 (internal document)

<sup>39</sup>Police Scotland Force memo PS144/18 of 19 October 2018 (internal document)

<sup>40</sup>HMICS, [Strategic review of Police Scotland’s response to online child sexual abuse](#), 26 February 2020

80. Since then Police Scotland has developed its Cyber Strategy 2020 – Keeping people safe in the digital world, approved by the SPA in September 2020.<sup>41</sup> This sets out Police Scotland’s response to the notable rise in cybercrime over recent years and how these demands will be faced and future-proofed to meet the needs of the communities it serves. This strategy is aligned to the joint SPA and Police Scotland 10 year strategy (2026)<sup>42</sup> and to Police Scotland’s performance framework. The framework sets out how Police Scotland will monitor and measure progress on strategic outcomes, one of the impact measures being “*evidence of cyber markers being used to identify and record cybercrimes*”.
81. With that in mind, we examined in our 2020 audit the frequency and accuracy of use of cyber markers and identifiers in the sexual incidents we audited. HMICS understands that qualifiers are designed to initially flag the incident and not necessarily provide a long standing record. However, we found little evidence of cyber qualifiers being applied systematically to incidents, with only five incidents identified in total, four of which had been correctly applied. This may not reflect the true level of usage of cyber qualifiers as we heard that in certain circumstances, such as when CMUs re-open closed incidents or when other quality assurance work is conducted on incidents, this will automatically wipe clean any qualifiers applied to the record (see paragraph 259).
82. Of the 478 crime records audited 58 (12.1%) were cyber-enabled crimes and 39 (67.2%) correctly had a cyber marker applied.
83. The majority of the cyber-enabled sexual crimes we found involved social media channels such as Facebook, Twitter, Instagram, WhatsApp, tik tok and Snapchat. The crimes that resulted from these incidents included, communicating indecently, causing a young child to look at a sexual image, coercing a person into being present during a sexual activity, possession and distribution of indecent images of children, grooming, attempted extortion and either distributing or threatening to distribute intimate images without consent. A large proportion involved children and young people under the age of 18. Many involved young children.<sup>43</sup>
84. We recommended in our 2016 audit that “*The Scottish Crime Recording Board should consider the extent to which current crime recording practice adequately captures the scale of cyber-enabled sexual crime and associated victimisation, particularly for children and young people*”.<sup>44</sup> HMICS found some progress in this area in terms of work led by the SCRB, although improvement is still required on the appropriate use of cyber markers on incidents and crimes.
85. We found 19 errors in the use of cyber markers. Eighteen cyber-enabled crimes did not have a cyber marker assigned to the crime record. These included crimes such as coercing a person into looking at a sexual image, voyeurism, distribution of indecent images of children, indecent communications and disclosing intimate images of a person without consent. One crime of rape had a cyber marker assigned when no cyber element existed.
86. We acknowledge the various initiatives taken by Police Scotland to raise awareness of the need for officers and those involved in incident and crime recording to apply cyber markers and qualifiers where there is a cyber element. However, our findings indicate improvement is still needed in this area which is hampered, in part, by the continued use of various legacy crime recording systems which were not originally designed to capture such data. A variety of ‘work arounds’ have thus been devised in order for cyber markers to be applied within different divisions. In turn, this relies on individual officers remembering and applying those work arounds amongst the myriad of other tasks to be performed. For improvement to be seen, processes must be streamlined and these must be user friendly.

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<sup>41</sup>SPA Board Meeting [Police Scotland Cyber Strategy](#), 30 September 2020 (Item 6)

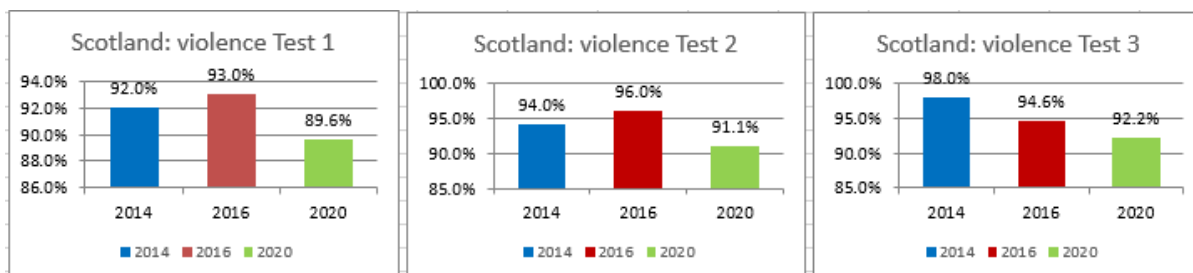
<sup>42</sup>SPA and Police Scotland - [2026 Serving a changing Scotland](#) now superseded by [Joint Strategy for Policing \(2020\)](#)

<sup>43</sup>The Sexual Offences (Scotland) Act 2009 defines a young child as a child under the age of 13

<sup>44</sup>Recommendation 5, HMICS, [Crime Audit 2016](#) (2016)

## Violent crime

	Test 1 – incident	Test 2 – crime counting and classification	Test 3 – timeliness
Violent crime	89.6%	91.1%	92.2%



87. We examined 2,099 violent incidents, 1,046 of which resulted in a crime record. Of these violent incidents 89.6% were closed correctly, a decrease in compliance from the results found in 2016 (93.0%). Some incidents resulted in multiple crimes being recorded, and we assessed 1,525 violent crimes finding 91.1% were counted and classified correctly, also a decrease from the results found in 2016 (96.0%). 92.2% of crimes were recorded within 72 hours (94.6% in 2016).

### **Test 1 – incident closure**

88. Test 1 errors for violent incidents generally arose because there was insufficient update on the incident to dispel an initial inference of criminality; there was a lack of follow-up regarding the report; the complainer became non-cooperative; or the SCRS was misapplied. Some errors arose from incidents where the suspect in one incident subsequently made a counter report against the complainer and these were not managed satisfactorily.
89. The majority of incidents that failed Test 1 arose again due to insufficient updates being provided to dispel the criminality, some examples being:
- “circumstances not as described”
  - “advice given”
  - “part of ongoing issues”
  - “unclear story”
90. Some incident updates indicated further information would be provided but then the incident was closed using the SC02 disposal code without any further explanation, examples being:
- “update to follow”
  - “CID will revisit”
91. There were also some incidents where it was unclear whether initial reports had been followed up. For instance, SCRS states that where no judgement can be made in relation to a report of criminality either because the potential victim is drunk or otherwise impaired the incidents must be followed up when the person is in a fit state and a clear update must be provided to confirm the disposal as a crime or non-crime. We found incidents where there was no record of this having been undertaken.

92. Furthermore, we found updates were provided to dispel some aspect of the matter reported however other criminality contained in the incident had not been addressed.
93. As with sexual crime, a high number of Test 1 errors arose in incidents involving non-cooperative complainers. In such cases, a crime should be recorded where there is sufficient information to do so, and a non-cooperative marker should be assigned. Only where a complainer freely retracts their initial report and it is clarified no crime was committed can such incidents be closed without a crime being recorded. Across all crime types, incidents with non-cooperative complainers appear to be more likely to be non-SCRS compliant (see paragraphs 57 and 111). HMICS therefore seeks improvement to ensure that all police officers and staff, including those involved in scrutiny and quality assurance, should be aware of this.
94. In some incidents we found the SCRS had been misapplied, this often related to incidents involving mental incapacity (see paragraph 61) or those taking place on school premises (see paragraph 60). These are issues we have previously highlighted in our 2014 and 2016 audits. We failed incidents where the incidents did not meet the criteria set out in SCRS for incidents on school premises either because: it did not involve a minor incident between school children, the incident involved pupils assaulting teachers or vice versa which clearly fell out with this criteria; a parent was unhappy with the school response and sought police intervention; or where incidents occurred out with school premises or school hours.
95. A number of incidents that failed Test 1 involved reports of assault perpetrated by a person who was vulnerable, due to their young age or mental illness, on other family members or those within a care setting. These either involved non-cooperative complainers or appeared to be disposed of as a non-crime because the suspect was suffering from a mental illness but it was not made clear on the incident update that the person lacked capacity. Similar issues arose in our 2016 audit where we suggested there was a training need for frontline and control room officers and those scrutinising incidents, to eradicate such recording errors.

***Test 2 – crime counting and classification***

96. HMICS identified a number of issues with respect to crime counting and classification including incorrect use of aggravators, lack of understanding of when crimes should be subsumed and multiple assault victims leading to under-counting.
97. Of the 1,525 crimes we examined, 91.1% were counted and classified correctly. We found 75 crimes to have been under-counted, and 29 crimes to have been over-counted.
98. Of the 75 crimes under-counted the most common issues related to weapons charges, accounting for one third of the errors found. Prior to 1 April 2017 crimes involving the use of weapons in public places were treated as an aggravation where they were used to commit other crimes or offences against a person. So for instance, where a weapon was used in the commission of an assault only the crime of assault would be recorded with an aggravator relating to the use of a weapon. This practice was changed to more accurately reflect the use of weapons and from 1 April 2017, in such circumstances, a separate weapons charge should be recorded. The SCRS was updated to reflect this change in practice. Despite this, our findings indicate this remains not well understood and there is a training need in this area for frontline and control room officers and those scrutinising incidents.
99. We also found a high number of assault crimes under-counted. One example being an incident where four assaults occurred at the same locus but on four separate victims, only one crime was recorded instead of four.

100. The most commonly over-counted crime was threatening and abusive behaviour. This was often recorded in addition to an assault where it should have been subsumed instead.<sup>45</sup> The SCRS states that where threatening behaviour occurs immediately before, during or after an assault, then it may be subsumed into the assault. Failure to subsume these crimes has also been a recurring issue in previous audits and although the problem seems less extensive than before, there is clearly still scope for improvement and to ensure a more consistent recording practice.
101. Thirty one crimes were classified incorrectly including:
- Twenty one errors occurred in relation to assaults: nine should have been serious assaults, three should have been culpable and reckless conduct, three should have been assault with intent to rob, three should have been classified under the Emergency workers (Scotland) Act 2005, two should have been robbery and one should have been threatening and abusive behaviour
  - Three weapons charges were wrongly classified, for instance a crime involving a knife was recorded instead of an offensive weapons charge.<sup>46</sup>
  - Two breaches of the peace were classified incorrectly: one should have been recorded as an assault and another should have been threatening and abusive behaviour under section 38 of the Criminal Justice and Licensing (Scotland) Act 2010.
  - One offence under the Emergency Workers (Scotland) Act 2005 should have been recorded as an assault
  - One breach of bail should have been recorded as an assault
  - There were a further three miscellaneous classification errors.
102. These classification errors are similar to those found in 2014 and 2016, with the exception of the errors found in relation to the Emergency Workers (Scotland) Act 2005. These errors indicate there is a lack of understanding of when this legislation should be used as opposed to common assault in recording a crime. In particular, when the conduct occurs during the provision of non-emergency treatment but occurs within a hospital setting, care needs to be taken to record the correct crime having regard to section 5 of the Emergency Workers (Scotland) Act 2005.
103. There were fewer errors than in 2014 of more serious violent crimes being classified as less serious, however slightly more than we found in 2016 which is disappointing. Following our 2014 audit extensive work had been undertaken by crime registrars to ensure that serious assaults were not wrongly classified as common assaults and our findings indicate continued vigilance is required in this regard.

### ***Test 3 – timeliness***

104. 92.2% of violent crime records were recorded within 72 hours of the incident coming to the attention of the police ( 98.0% in 2014 and 94.6% in 2016). Over half of the delayed crime records were recorded within seven days, with less than half being recorded after seven days had passed. Multiple incidents had delays of more than 30 days.
105. As was the case in sexual crime there was a large variance in compliance across different local policing divisions, with the performance of some impacting on the overall compliance rate. The reasons for this are dealt with at paragraph 158. As in our 2016 audit, there were still some examples of long delays in recording where the violent incident was reported at a prison, requiring liaison with the prison authorities.

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<sup>45</sup>Subsuming refers to the practice of counting multiple crimes as one crime. Subsuming is only possible in certain situations and the SCRS provides guidance on when subsuming is appropriate. Less serious crimes are subsumed within more serious crimes

<sup>46</sup>Different sections of the Criminal Law Consolidation (Scotland) Act 1995 apply for possession of an article which has a blade or is sharply pointed and for other offensive weapons

## Domestic abuse offences

	Test 1 – incident closure	Test 2 – crime counting and classification	Test 3 – timeliness
<b>Domestic abuse</b>	94.6%	92.6%	95.2%

106. We examined 3,150 incidents relating to domestic abuse 1,001 of which resulted in a crime record. 94.6% of the incidents we examined were closed correctly. Some incidents resulted in multiple crimes being recorded, and we assessed 1,641 crimes and 92.6% were counted and classified correctly, while 95.2% were recorded within 72 hours of the initial report.

### **Test 1 – incident closure**

107. We were pleased to find a far higher compliance for Test 1 than in the other categories we examined. Where errors were identified they were broadly similar to those in other crime types: lack of updates to dispel criminality or incidents where criminality was dispelled for some but not all matters on the incident reported; a lack of record of having followed up reports with some victims; and errors involving non-cooperative complainers.

108. Some examples of updates which were insufficient to dispel the alleged criminality are:

- *“domestic”*
- *“suspect has left the locus”*
- *“domestic incident, no crime, iVPD will be submitted”*
- *“Detective attended and is dealing” – no further update provided”.*

109. For some Test 1 errors, where there was a lack of update to dispel criminality, we were told information was held on the iVPD system which did dispel the criminality. However, as previously stated, this does not comply with the SCRS requirements as the iVPD system is not auditable for this purpose. HMICS therefore seeks further improvement in the appropriate use of iVPD cross-referencing to incidents and crimes.

110. Although few in number, we found some incidents where it was unclear from the record whether reports had been followed up with the complainer or other witnesses. For example, two involved victims who were intoxicated, where there was no record, as required by the SCRS, of the report being followed up when they were in a fit state to provide information to allow proper judgement to be made as to whether the incident was a crime or non-crime. We found one incident where it was recorded the victim *“only wanted to inform the police”* where there was a background of sexual and physical abuse involving the same suspect. This was closed as a non-crime. Given the background circumstances this should have been followed up rather than being closed after the call was received. In another report involving assault and a potential domestic abuse offence under the Domestic Abuse (Scotland) Act 2018<sup>47</sup> the victim indicated they wished to speak to a solicitor before engaging with the police but there was no record of this being followed up with the victim thereafter.

111. A large number of the Test 1 errors related to incidents where there were non-cooperative complainers. As with sexual crime it is not uncommon for victims of domestic abuse to lose confidence after having made an initial complaint and refuse to engage with the police. However, where sufficient information exists to raise a crime record this should be done and a non-cooperative marker should be assigned. We found this was not done in a number of incidents including for assault, theft, breach of the peace, disclosure of intimate images without consent and for offences under the Domestic Abuse (Scotland) Act 2018. In one incident where there appeared to be sufficient information to raise a crime record for sending threatening

<sup>47</sup>The Domestic Abuse (Scotland) Act 2018 came into force on 1 April 2019 and introduced an offence of engaging in a course of behaviour that is abusive of a partner or ex-partner which encompasses any form of physical, verbal, sexual, psychological or financial abuse



messages there was also information that similar messages had been sent to family and friends of the victim, but there was no record of this aspect being investigated. The incident was closed as a non-crime because the victim indicated they no longer wanted to engage, the suspect having since apologised and the messages having been deleted. Given the insidious nature of domestic abuse, which often features controlling behaviour, those investigating reports should guard against prematurely closing incidents as a non-crime, particularly where investigative opportunities appear to exist. Clear updates should be sought and provided to explain the outcome of such investigative opportunities and to justify the disposal.

112. Unlike other crime types, a particular feature of the Test 1 errors found in domestic abuse offences related to communication offences falling under section 127 of the Communications Act 2003. Almost one third of the errors fell in this area, where there was either a failure to record a crime, when there was sufficient evidence to do so, or a failure to provide an update to dispel the criminality reported. This was a feature across all local policing divisions.
113. Section 127(1) of the Communications Act 2003 makes it an offence to send a message that is grossly offensive, indecent, obscene or menacing in character. Section 127(2) makes it an offence to send a false message or to persistently send messages. The SCRS allows officers to exercise discretion in their approach when a number of messages have been sent but the content of those messages is not concerning. In such circumstances, where the victim agrees, the police can simply advise the individual of their conduct and ask them to cease. No such discretion is afforded when the content of the messages is of concern.
114. In terms of abusive/threatening messages, we found incidents involving messages described as “vile”, “unpleasant” or “nasty” disposed of as a non-crime with either no update to dispel the criminality or with insufficient updates, such as “advice given”. The SCRS makes clear this is not a suitable narrative to dispose of an incident where there is an inference of criminality.
115. In terms of persistent messages, we found incidents, some involving an extraordinarily high volume of messages, where on closing the incident as a non-crime the update simply stated there was nothing threatening or abusive in the content of the messages; incidents where the complainer had only been advised to block the number; some closed with the update “advice given”; and others closed as non-criminal where there was no record of having explored the investigative opportunities. In one such incident the complainer had advised screenshots of the messages were available but there was no record of this being followed up to establish the nature of their content.
116. Our findings in relation to communications offences indicate a lack of understanding of when, according to the SCRS, it is appropriate for officers to use their discretion and expose deficiencies in the updates provided in this type of crime. Where discretion is being used a clear update should be provided to explain the nature of the messages involved, the attitude of the victim and the action taken by the officer involved. Given the quantity of messages found in some instances it is likely the behaviour would have impacted on the victims involved and there is the potential at least for it to have traits of stalking behaviour. As such, it is imperative to ensure these reports are investigated thoroughly and there is a full audit trail of decision making. Where the incident is disposed of as a non-crime the reasons for the disposal must be recorded on the incident. Whilst the Test 1 results overall for domestic abuse are encouraging this is one area where HMICS seeks improvement from C3 through to quality assurance.

### ***Test 2 – crime counting and classification***

117. Across Scotland, there were 64 crimes under-counted and 33 over-counted and 24 classification errors in our sample of domestic abuse incidents.
118. The vast majority of under-counted crimes were for assault, often due to an additional locus or date being overlooked. A number of crimes involving threatening or abusive behaviour were under-recorded, having been wrongly subsumed into other crimes either because the conduct

involved an additional complainer, a different locus or involved quite distinct conduct requiring separate crimes to be recorded.

119. Of particular concern, were eight sexual crimes, including five rapes, which were under-recorded for reasons such as: the initial disclosure on the incident record appeared to have been overlooked in dealing with other crimes, there was a non-cooperative complainer or the SCRS had been misapplied when an offence under the Domestic Abuse legislation had been recorded. The SCRS provides that where there is a course of conduct which amounts to a contravention of the Domestic Abuse (Scotland) Act 2018 which includes crimes of a sexual nature, the sexual crimes will be recorded in addition to the Domestic Abuse offence and this had not been done.<sup>48</sup>
120. HMICS found a number of other crimes under-counted, as in other crime types, but of particular concern were some domestic abuse offences and stalking crimes which were under-counted. Of those domestic abuse offences under-counted two involved a course of conduct where controlling, abusive and violent behaviour was narrated in the incident record and was not transposed to the crime record. This resulted in other crimes being recorded but not the domestic abuse offence.
121. HMICS identified that in G division supervisors require to certify they have read an incident in conjunction with the linked crime report in order to ensure the accuracy of crime recording. One of these incidents occurred in G division and had been 'certified' although clearly a thorough consideration of the incident record had not taken place. HMICS considers this 'certification' process as good practice which provides an important safeguard in ensuring nothing is missed when recording crime. However, given that we identified an instance of 'certification' having been completed incorrectly, it should be considered as a 'first line of defence' rather than a substitute for full quality assurance.
122. Although few in number other domestic abuse and stalking offences we found were not recorded despite there being clear information of the criteria being met, including the necessary course of conduct.
123. Most over-counted crimes we identified were for either breaches of bail or for threatening and abusive behaviour, where crimes were often recorded in addition to another crime when they should have been subsumed instead. One incident accounted for four over-counts, as separate crimes were recorded for multiple accused when they were acting together in the commission of the crime.
124. HMICS found in both under and over-counting errors evidence of CMUs raising queries or seeking updates to establish the correct number of crimes to be recorded. However these requests had gone unanswered and the crimes had then been filed incorrectly. This was a particular feature in Lothians and the Scottish Borders (J division) which operate the legacy Unifi crime recording system. We were told that there is no tasking function available on this system currently although this will be available when Unifi is rolled out as the new national crime recording system. This should make it easier to track tasks and avoid them 'falling between the cracks'.

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<sup>48</sup>Page 85 of the SCRS provides general rules on crime recording in relation to Domestic abuse offences and where that conduct involves other crimes which require to be subsumed and which require to be recorded separately. It provides that where there is a course of conduct which amounts to a contravention of the Domestic Abuse (Scotland) Act 2018 which includes crimes of a sexual nature, the sexual crimes will be recorded in accordance with existing SCRS rules in addition to the Domestic Abuse offence



125. We also found misapplications of the SCRS regarding where a crime involving threatening or abusive behaviour ought to be subsumed into other crimes and when it ought to be recorded separately. HMICS found that across crime types, this issue caused consistent SCRS compliance errors. To improve compliance and eradicate these errors HMICS seeks improvement in training around subsuming incorporating further practical examples to assist learning and improve accuracy.
126. Of the 24 classification errors we found, the majority related to threatening or abusive behaviour which should have been recorded as other crimes including assault, Communications Act offences or stalking. Of particular note were four domestic abuse offences which should have been recorded as stalking. In three of these there was not the underlying nexus of controlling behaviour required to meet the requirements of a domestic abuse offence and the other did not involve a partner or ex-partner. This is relatively new legislation and although there has been investment in and roll out of comprehensive training to support these changes HMICS considers it is not unusual for some errors to be found whilst the legislation takes time to bed in.

### ***Test 3 – timeliness***

127. 95.2% of domestic abuse offences were recorded within 72 hours of being reported to the police, with ten of the thirteen divisions achieving over 95% compliance. HMICS commends Police Scotland for this achievement and consider that there is an opportunity to extend this good practice to all other divisions.
128. Where there was a delay most took over seven days to be recorded. Two incidents involved protracted enquiries which included sexual crimes to be investigated, but for most there was no obvious reason to account for the delay.

### ***Cyber-enabled domestic abuse offences***

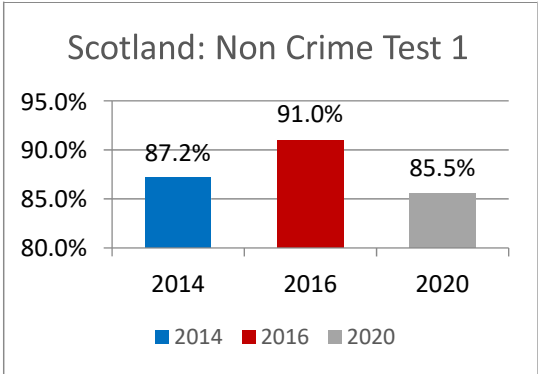
129. It became apparent in auditing domestic abuse offences that there was a lack of understanding as to when a cyber marker should be assigned, particularly when communications had been sent using a mobile phone. For instance, HMICS found instances where a cyber marker had been assigned where threatening phone calls had been made or texts sent. As the conduct did not involve use of the internet as a means to commit the crime these were not, as defined in the SCRS,<sup>49</sup> cyber-enabled crimes. Police Scotland should provide clarification on this issue in guidance to staff.

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<sup>49</sup>Page 50 of the SCRS provides a definition of cyber-enabled crime – that these include existing and non-recent crimes that have been transformed in scale or form by their use of the internet as a means to commit the crime

**Non-crime related incidents**

	<b>Test 1 – incident closure</b>
<b>Non-crime related incidents</b>	85.5%



- 130. Non-crime related incidents are those incidents reported to the police which never result in a crime record. Because no crime record results, this category was assessed against Test 1 only. We examined 901 non-crime related incidents, involving a wide variety of alleged criminality and found that 85.5% were closed correctly. This was a decrease on results for the same category in 2016 (91%) and indeed also fell short of the results in 2014 (87.2%). HMICS has consistently raised issues with incident compliance and closure in its 2014<sup>50</sup> and 2016 audits.
- 131. Only two divisions, Greater Glasgow and Lanarkshire (G and Q divisions), achieved above 90% compliance, with compliance rates of 95.7% and 94.5% respectively. Our results indicate that investment in training to improve understanding of the SCRS and improved scrutiny of incidents is required. This is discussed further at paragraphs 249-254.
- 132. Where there was non-compliance generally this was as a result of incidents being closed as a non-crime without sufficient investigative detail or updates being provided to dispel the criminality initially reported. We found incidents being closed with updates such as:
  - *“enquiries to be made”*
  - *“for information only”*
  - *“might not have happened”*
  - *“all sorted”*
  - *“no lasting damage”*.

These did not dispel the criminality reported. In particular, the SCRS explicitly states *“for information only”* is not considered a suitable narrative disposal.<sup>51</sup>

<sup>50</sup> Recommendation 3, HMICS, [Crime Audit 2014](#) (2014)

<sup>51</sup> Page 8 of SCRS

133. We found some recurring errors for particular crime types in this category:

- Theft of fuel from petrol stations - closed SC02 as a “genuine error” without providing a rationale as to how the mistake occurred and, at times, without checking the fuel had been subsequently paid for (see paragraph 145 in relation to no-crime decisions).
- Contraventions of section 57 Civic Government (Scotland) Act 1982 (being in the curtilage of premises with intention to steal) – closed SC02 despite the threshold being met to record a crime, without a sufficient update being provided to dispel the criminality. Such cases very much depend on the circumstances therefore it would be good practice if updates clearly set out the factors to either confirm or dispel criminality. For instance, by providing a clear description of the premises or garden area, its accessibility to the public and the particular actions of the individual which gave rise to the matter being reported.
- Vandalism – closed SC02 following updates that the damage was minimal, repaired without cost or where the suspect offered to pay, none of which dispel the criminality.
- Attempted thefts (shoplifting) – closed SC02 as the person had not passed all till points with the goods they had concealed. Although a completed theft had not occurred there was clearly sufficient information to record a crime for attempted theft which had not been dispelled. This may indicate a lack of understanding of the legal requirements for such crimes.

134. As in 2014 and 2016, HMICS also noted errors related to reports of fraud, particularly cyber-enabled fraud, where incidents were closed as being a non-crime because there was no financial loss to the victim, either because it was an attempted fraud or because financial providers had reimbursed them or were conducting their own enquiries. This accounted for just under one quarter of the errors we identified.

135. HMICS has previously reported consistent confusion regarding the role of Action Fraud, a body funded by the Home Office as a reporting centre for fraud and cybercrime, although crimes occurring in Scotland do not fall within their remit. In Scotland the position remains that reports of fraud and cybercrime should be reported to Police Scotland, who will investigate. Despite this we found instances in our 2016 audit of victims being wrongly advised to contact Action Fraud. Since then, internal communications have been disseminated clarifying that officers should not direct individuals to Action Fraud. We are pleased to report that understanding in this area has greatly improved. We found only one instance where a referral had incorrectly been made to them. This suggests officers are now generally aware that reports of fraud occurring in Scotland are not directed to Action Fraud for enquiry.

136. In addition, we previously identified that despite clear advice on Police Scotland’s website that victims of fraud in Scotland should report their case directly to Police Scotland this was not always understood by the public. We recommended in our 2016 report that “*Police Scotland should work with Action Fraud to clarify its role in Scotland, and clear and accurate information should be disseminated to the public.*”<sup>52</sup> Since then Police Scotland has worked with Action Fraud and an agreement has been reached that where a victim in Scotland contacts Action Fraud by telephone the call handler will direct them to contact Police Scotland on 101 and in relation to on-line reports there is now a banner heading at the top of the Action Fraud website stating they do not take reports for Police Scotland and advising anyone living in Scotland to contact Police Scotland on 101.

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<sup>52</sup>Recommendation 6, HMICS [Crime Audit 2016](#) (2016)

137. Despite these efforts we heard there is still confusion amongst members of the public, who continue to make reports to Action Fraud. We were advised of a laborious process instigated by Action Fraud to pass information to Police Scotland regarding referrals in their area. This is neither efficient nor effective.
138. Police Scotland's Cyber Strategy 2020 recognises that in relation to cybercrime, of which fraud forms a major part, the quicker evidence can be gathered and evaluated the more likely this will enable such crimes to be tackled effectively and for perpetrators to be identified. There is therefore an opportunity moving forward to ensure the public are clear on how to report such crimes.<sup>53</sup>
139. It is important that Police Scotland accurately records fraud-related activity, including cyber-enabled fraud which is widely considered to be an emerging threat, dynamic in nature and constantly evolving. Whilst Police Scotland has forged links at UK level to identify trends and ensure there is a targeted response we heard there is a continuing difficulty in Scotland of identifying different fraud types due to the limitations of legacy crime systems and their limited capabilities to capture this information. Currently this information is extracted manually and thereafter analysed. Work is ongoing with the Core Operational Solutions project team, responsible for delivery and implementation of the new national crime recording system, with a view to ensuring codes are available to identify different fraud types, to match wider UK coding practice. It is hoped this will provide accurate nationwide statistics on patterns and trends to inform policing response. However this will continue, with the ever evolving nature of fraud activity, to be an area of challenge for Police Scotland. The Cyber Strategy 2020 recognises that an agile response is required and that changes to ICT and data infrastructure is required to address this issue.
140. Given the errors we found in disposing of incidents as a non-crime, with insufficient update being provided to dispel the alleged criminality and the continuing challenges presented by the evolving nature of fraud there would be merit in Police Scotland developing the skills of some C3 operatives in this area. Police Scotland is currently in the process of rolling out training<sup>54</sup> with a view to establishing some divisional fraud champions who can provide support and provide guidance to others. HMICS therefore would seek improvement in terms of extending this approach to members of C3 staff.

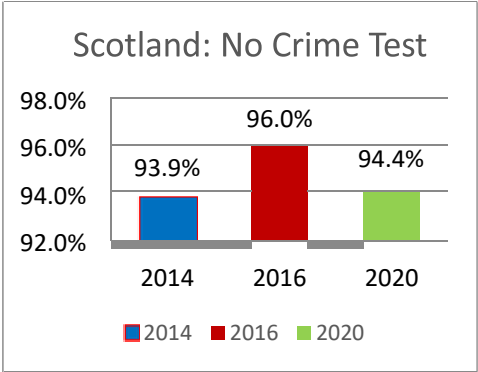
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<sup>53</sup> "Take Five" campaign launched on 7 December 2020 aimed at educating consumers about fraud to enable them to make a confident challenge in response to any unsolicited requests for money or information

<sup>54</sup> Police Scotland Economic Crime Course

**No-crimes**

	<b>Compliance rate</b>
<b>No-crimes</b>	94.4%



- 141. In some cases, an incident which is recorded as a crime is later found not to have been a crime at all. This is known as a no-crime. The SCRS permits no-criming in only limited circumstances, such as:
  - where additional credible information is available which determines that no crime has been committed
  - where the crime was committed out with Police Scotland’s jurisdiction
  - where the crime is a duplicate of a crime recorded elsewhere.
  
- 142. Where a no-crime decision has been made, the reason for the decision must be explained in detail on the crime record along with the details of the requesting and authorising officer. The crime registrar is the final arbiter for all no-crime decisions.
  
- 143. HMICS examined 870 no-crime decisions across Scotland and found that 94.4% had been made correctly, which is good. Compliance was 96.0% in 2016 and 93.9% in 2014. Three divisions, Lothians and the Scottish Borders, Greater Glasgow and Lanarkshire (E, G and Q divisions) achieved 100% compliance. HMICS commends Police Scotland for this achievement and consider that there is an opportunity to extend this good practice to all other divisions.
  
- 144. HMICS found that no-crime decisions were made incorrectly for a range of reasons, but were often due to a lack of additional credible information to dispel criminality. In these cases, the rationale recorded for the no-crime decision was simply insufficient and the crime should have remained recorded.
  
- 145. There were two main crime types where decisions had been made incorrectly, theft of fuel and failing to stop or report a road traffic accident. Errors occurred in the former where there was insufficient information to explain how failure to pay was a genuine error. In the latter there was insufficient information to dispel criminality in circumstances where there was either extensive damage to the vehicle(s) involved or there were witness accounts making it unlikely the driver would have been unaware an accident had occurred. HMICS seeks improvement from crime managers in relation to these types of crimes, to ensure sufficient information is provided and recorded to eliminate criminality before making a no-crime decision.

146. In our 2014 audit, we found that complainers were rarely informed of no-crime decisions and recommended that, *'Police Scotland should ensure that, where relevant, complainers in cases where there has been a no-crime decision should be kept updated on the status of the investigation and its conclusion.'*<sup>55</sup> In response, the SCRS was updated to reflect the requirement to update complainers and guidance was issued to CMUs. Following our 2016 audit we considered this recommendation to be discharged.
147. In our 2020 audit, we found that in crimes where a victim required to be notified of a no-crime decision, 92.4% of victims had in fact been told. There was however variance at divisional level in compliance, with some divisions achieving 100% compliance and others falling below 90%. We would urge crime managers to remain vigilant in ensuring that complainers have been updated regarding the no-crime decision specifically, and not just that enquiries in their case have been concluded. This is in keeping with a victim-centred approach to crime recording.

## Divisional results

148. Having set out force-wide results for each incident and crime type we considered in this audit above, this section of our report provides further granular detail on results for each local policing division. Force-wide results may often mask or be adversely affected by the results in specific divisions.
149. Divisional compliance rates for Test 1 ranged from 84.8% in Tayside to 95.5% in Lanarkshire. Notably, three divisions performed better than Scotland as a whole – Fife, Greater Glasgow and Lanarkshire (P, G and Q divisions). Two divisions performed worse than Scotland as a whole – Tayside and Forth Valley (D and C divisions).
150. Divisional compliance rates for Test 2 (counting and classification) ranged from 78.0% in Lothians and the Scottish Borders (J division), performing worse than Scotland as a whole, and 95.7% in Lanarkshire (Q division), performing better than Scotland as a whole. We also noted both Tayside and Fife (D and P divisions) are now performing better, and Renfrewshire and Inverclyde (K division) where compliance is now worse.
151. For Test 3 (timeliness), divisional results ranged from 70.7% in Dumfries and Galloway (V division) to 98.6% in Highland and Islands (N division). Again of note, four divisions performed better than Scotland as a whole – Highland and Islands, Ayrshire, Lanarkshire and Renfrewshire and Inverclyde (N, U, Q and K divisions). Three divisions performed worse than Scotland as a whole – Lothians and the Scottish Borders, Fife and Dumfries and Galloway (J, P and V divisions).
152. In relation to no-crimes, three divisions – Lothians and the Scottish Borders, Greater Glasgow and Lanarkshire (J, G and Q divisions) performed better than Scotland as a whole, achieving full compliance. One division, Renfrewshire and Inverclyde (K division), performed worse than Scotland as a whole, at 80.6%.

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<sup>55</sup> Recommendation 4, HMICS, [Crime Audit 2014](#) (2014).

Division <sup>56</sup>	Test 1 compliance rate	Test 2 compliance rate	Test 3 compliance rate	No-crime compliance rate <sup>57</sup>
North East	91.1%	93.6%	93.5%	92.9%
Tayside	84.8%	94.4%	93.5%	91.0%
Highland and Islands	89.6%	87.1%	98.6%	91.1%
Edinburgh	92.6%	93.4%	87.7%	98.1%
Lothians & the Scottish Borders	92.4%	78.0%	85.4%	100.0%
Forth Valley	86.2%	89.4%	90.4%	92.0%
Fife	94.6%	94.4%	84.3%	97.2%
Greater Glasgow	94.8%	89.4%	92.4%	100.0%
Ayrshire	91.4%	90.8%	96.6%	96.7%
Lanarkshire	95.5%	95.7%	95.9%	100.0%
Argyll and West Dunbartonshire	92.6%	92.3%	92.6%	87.9%
Renfrewshire and Inverclyde	89.7%	87.1%	96.4%	80.6%
Dumfries and Galloway	90.4%	93.4%	70.7%	91.9%
<b>Scotland</b>	<b>91.4%</b>	<b>90.8%</b>	<b>91.1%</b>	<b>94.4%</b>



<sup>56</sup> Whilst the vast majority of divisional results shown relate to the division concerned there were a few instances where the error, at least in part, occurred because of acts or omissions within other divisions. For instance, where crimes occurred in more than one division and a request to add a crime record was not actioned.

<sup>57</sup> While the Scotland-wide compliance rate for no-crimes is 94.4% with a confidence interval of +/- 1.4%, the confidence intervals for divisional compliance rates varied from 0% to 10.7%.

153. When contrasting divisional performance in 2020 to the results found in 2016 for Test 1 three divisions – Highland and Islands, Forth Valley and Dumfries and Galloway (N, C and V divisions) performed worse than in 2016.
154. In Test 2, seven divisions – Highland and Islands, Tayside, Forth Valley, Lothians and the Scottish Borders, Greater Glasgow, Renfrewshire and Inverclyde and Dumfries and Galloway (N, D, C, J, G, K and V divisions) all performed worse than in 2016.
155. For Test 3, three divisions – North East, Highland and Islands and Lothians and the Scottish Borders (A, N and J divisions) performed better than in 2016. One division – Dumfries and Galloway (V division) performed worse than in 2016.
156. In relation to no-crimes, three divisions achieved full compliance and two – Greater Glasgow and Lanarkshire (G and Q divisions) performed better than in 2016. One division – Renfrewshire and Inverclyde (K division) performed worse than in 2016. HMICS commends that five divisions have sustained compliance levels above 95% with a further five divisions sustaining compliance levels in excess of 90%.
157. While no divisions have improved performance across all three tests and in no-crime decisions since 2016, Lanarkshire showed improvement in Test 2 and no-crime, and also performed better than the national average across all three tests and no crime. HMICS commends this progress in Lanarkshire (Q division) and considers that there is an opportunity to extend this good practice to all other divisions.
158. However, a number of divisions had a lower performance than in 2016. Of particular note, is Dumfries and Galloway (V division), which we reported had performed consistently well in 2016. However we found performance was worse in our 2020 audit for Tests 1, 2 and 3, particularly in relation to Test 3. We were told that this was in part attributable to a depletion of staff within the division's CMU for a period of time and the time it had taken to train the replacing staff and for them to acquire the necessary skills for the job. This however is only one aspect of compliance and assurance when a member of the public calls to make a report. This perhaps serves to underline the fragility surrounding the maintenance of standards in crime recording under the current structures within Police Scotland, and the impact a loss of resource within CMUs, even if only temporary, can have on performance.





Division	Test 1 compliance rate		Test 2 compliance rate		Test 3 compliance rate		No-crime compliance rate <sup>58</sup>	
	2016	2020	2016	2020	2016	2020	2016	2020
North East	92.0%	91.1%	95.9%	93.6%	85.7%	93.5%	95.4%	92.9%
Tayside	89.6%	84.8%	98.0%	94.4%	97.0%	93.5%	95.2%	91.0%
Highland and Islands	98.3%	89.6%	98.8%	87.1%	91.5%	98.6%	91.7%	91.1%
Forth Valley	94.2%	86.2%	96.7%	89.4%	90.8%	90.4%	98.7%	92.0%
Edinburgh	95.5%	92.6%	93.8%	93.4%	85.4%	87.7%	97.5%	98.1%
Lothians and the Scottish Borders	91.1%	92.4%	94.8%	78.0%	69.5%	85.4%	100.0%	100.0%
Fife	95.9%	94.6%	96.2%	94.4%	85.5%	84.3%	100.0%	97.2%
Greater Glasgow	92.1%	94.8%	95.1%	89.4%	95.9%	92.4%	97.3%	100.0%
Ayrshire	87.1%	91.4%	90.7%	90.8%	95.0%	96.6%	96.1%	96.7%
Lanarkshire	94.6%	95.5%	92.5%	95.7%	95.6%	95.9%	88.1%	100.0%
Argyll and West Dunbartonshire	92.7%	92.6%	94.8%	92.3%	94.6%	92.6%	96.4%	87.9%
Renfrewshire and Inverclyde	88.7%	89.7%	97.2%	87.1%	97.5%	96.4%	100.0%	80.6%
Dumfries and Galloway	98.6%	90.4%	98.3%	93.4%	98.8%	70.7%	98.9%	91.9%



### Test 3 – Timeliness

159. We have already noted that the Scotland-wide timeliness compliance rate was 91.1%. The compliance rate in 2016 was 90.8%. HMICS does however note that three divisions have sustained compliance levels above 95% with a further five divisions sustaining compliance levels in excess of 90%.
160. In addition, we have already commented on the decrease in performance in Dumfries and Galloway (V division) from our 2016 audit and the reasons for that, which no doubt affected overall compliance rates (paragraph 158). Although some other divisions performed better in Test 3 than they did in 2016 there were two other divisions which performed worse in Test 3 than Scotland as a whole in our 2020 audit – Lothians and the Scottish Borders and Fife (J and P divisions). This remains an area where there is scope for improvement. For victims, having their crime recorded promptly is an important measure of receiving a quality service and the same quality service should be available no matter where you live.

<sup>58</sup>While the Scotland-wide compliance rate for no-crimes is 94.4% with a confidence interval of +/- 1.4%, the confidence intervals for divisional compliance rates varied from 0% to 10.7%”.



161. It is worth noting that in Edinburgh and Lothians and the Scottish Borders ( E and J divisions), information for crime reports is submitted to a Quality Assurance Unit (QAU) where a validation process is undertaken to ensure SCRS compliance. The QAU forms part of the Criminal Justice Services Division<sup>59</sup> and divisional CMUs have no influence on its resourcing. Quality assurance processes in other divisions are managed within CMUs.
162. We were told that there have been issues with staffing levels within the QAU which had resulted in a backlog of crime reports awaiting validation and consequent delays in investigations being allocated to officers. This was also an issue reported in our 2016 audit where we recommended the role of the QAU should be reviewed<sup>60</sup> to ensure crime records are created timeously and accurately. It is disappointing to learn this has not been addressed and improvement is still required. We were told that this validation process will however no longer be required once the new national crime recording system is introduced although an element of quality assurance will still be required.
163. Other issues that can affect timeliness of recording crime are: resources having to be re-deployed to attend more urgent calls; appointments to meet complainers and witnesses being cancelled or re-scheduled; and in relation to sexual incidents, the referral to a specialist unit for further investigation which is discussed at paragraphs 43-44 and 76.
164. As with our 2016 Audit, we found incidents where diary appointments had been cancelled or re-scheduled. Sometimes the police made repeated and time-consuming attempts over a prolonged period of time to contact a complainer to follow up a report, before appropriately closing an incident. In some incidents we felt attempts to contact the complainer were not persistent enough. We are pleased to note that Police Scotland has now introduced, following recommendations made by HMICS in a number of reports<sup>61</sup> including our 2016 audit, its Public Contact and Engagement Strategy 2020.<sup>62</sup> This high level document sets out Police Scotland's multi-channelled approach to contact, engagement and service provision.
165. Training is now provided as part of CAM staff training on when it is appropriate to make diary appointments, a key part of CAM, and an aide memoire is available to all staff on the Police Scotland intranet<sup>63</sup>. We are told that C3 are also currently developing a bespoke service delivery customer update call-back process. However, to improve incident compliance and timely recording of crimes there would be benefit in Police Scotland devising guidance on re-contacting complainers when initial attempts have been unsuccessful. This should make clear that the number of attempts made should be proportionate to the nature of the incident reported and take account of any attempts made by the complainer to re-contact the police.
166. Police Scotland provides information on its website (along with explanatory videos)<sup>64</sup> which explains the new approach and uses the hashtag #EveryCallersDifferent. The Public Contact and Engagement Strategy is supported by an implementation plan which includes the wider publication of service standards. HMICS therefore still seeks improvement in the delivery of policy, guidance and service standards as set out in our 2016 recommendation.

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<sup>59</sup>Edinburgh division also utilises the Quality Assurance Unit

<sup>60</sup>Recommendation 8, HMICS, [Crime Audit 2016](#) (2016)

<sup>61</sup>Recommendation 6, HMICS, [Independent assurance review: Police Scotland - Call Handling Final report 2015](#) (2015); Recommendation 7, HMICS, [Crime Audit 2016](#) (2016); Recommendation 3, HMICS, [Independent assurance review: Police Scotland - Call Handling Update report 2018](#) (2018)

<sup>62</sup>[Police Scotland Public Engagement Strategy 2020 - Making our services more accessible, relevant and responsive to a changing Scotland](#), May 2020

<sup>63</sup>Police Scotland [Every Caller is different so is our response – Contact Assessment Model Quick Reference Guide](#)

<sup>64</sup>Police Scotland website [Our New Approach - Police Scotland](#)



### ***Improvement planning***

167. In 2014, we recommended that four divisions develop improvement plans for crime recording practice based on their audit results.<sup>65</sup> Police Scotland chose instead to develop a national improvement plan that could be used by all divisions to improve their compliance with the SCRS. Each division was able to add to and tailor the national improvement plan to meet their own needs.
168. In 2016 we reported that, with the exception of Test 3 results, improvement plans had produced some improvement in performance across all four divisions we identified, although there was still scope for this to be enhanced further. HMICS is therefore disappointed to see the variance of results at divisional level in 2020 and that for Tests 1 and 2 a number of divisions are performing worse than in 2016.
169. Police Scotland currently has a national crime recording improvement plan in operation which is based on results of internal audits undertaken annually to assess compliance with the SCRS for incidents and crime records by registrars. The 2020 national improvement plan<sup>66</sup> is based on results from an internal audit held between January and March of 2018/2019, the results of which were shared with divisional commanders in June 2020, there being a delay in processing the results due to staffing shortages. As a result of this audit four national improvement areas were identified:
- Police Scotland should consider standardising the functions conducted by CMUs to include both Crime and Incident compliance
  - Police Scotland should review the core number of resources required to meet the demands and functions of individual CMUs and consideration should be given to staffing CMUs utilising a combination of Police Officers and Police Staff to maintain relevant experience and knowledge
  - Police Scotland should set up a working group comprising relevant members of CMUs and staff with an in-depth knowledge of the STORM functionality to assess the utilisation of STORM to manage the incident checking process and to establish best practice
  - Police Scotland should instigate a short life working group under the direction of ACC (Major Crime, Public Protection and Local Crime) to review current practices and functions of CMUs and make recommendations for harmonisation to support and complement the introduction of the new national crime recording system
170. We found it was unclear as to whether HMICS recommendations were considered as part of developing the national improvement plan, but consider there is an opportunity to maintain a single plan reflecting all recommendations, whether HMICS or internal audit, and track progress with a clear line of reporting to DCC level.
171. Although we found evidence of divisions having local improvement plans these were of some age, referring to feedback from the internal audit of 2017/18; were not in a standardised format, some being only in brief bullet-point form; and little detail was provided on how the plans would be monitored and how the issues were to be addressed. In order to be effective HMICS therefore seeks improvement in standardising the format of improvement plans with each setting out detailed action points for delivery of improvement and identifying clear lines of ownership for action points and channels for approval.

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<sup>65</sup>Renfrewshire and Inverclyde, Ayrshire, Edinburgh and Argyll and WestDunbartonshire

<sup>66</sup>Police Scotland National Crime Recording Improvement Plan 2020, Version 2 (internal document)



172. We heard that, for a time, recommendations arising from internal audits had not been tracked for progress. However, the chair of the Crime Managers' Forum conducted a review of all outstanding recommendations in the national improvement plan and divisional improvement plans, and was now tracking progress and had provided a briefing<sup>67</sup> to Police Scotland's Executive team in this regard.
173. This has resulted in a short life working group being formed under the direction of ACC (Major Crime, Public Protection and Local Crime) to review current practices and functions of CMUs and make recommendations for harmonisation to support and complement the introduction of the new national crime recording system. We consider that the other recommendations in the national improvement plan (see paragraph 169) require progression, alongside an improved and accessible training programme and information on the purpose, application and compliance of the SCRS, to ensure that when the new national crime recording system is introduced crime recording standards are improved and there is a level of consistency across Scotland.

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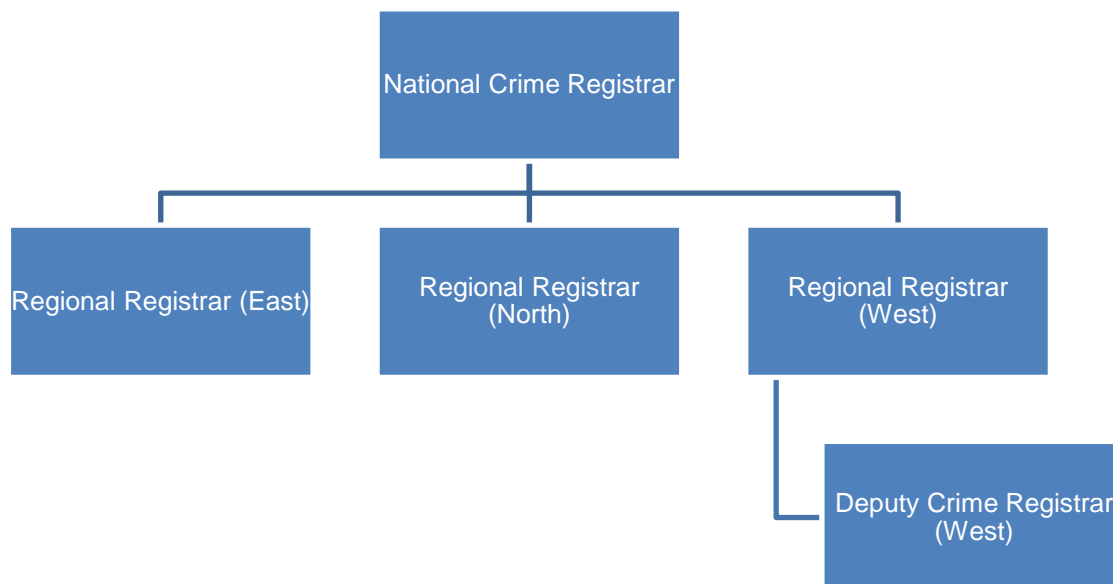
<sup>67</sup>Police Scotland briefing paper to ACC Crime dated 9 December 2020: Crime and Incident Improvement Plan Update (internal document)



## Leadership and governance

174. Whilst overall responsibility for compliance with the SCRS lies with the Chief Constable, crime recording falls within the portfolio of the Deputy Chief Constable for People and Professionalism. The DCC is supported by the Assistant Chief Constable for Professionalism and Assurance, who in turn is supported by the Chief Superintendent for Governance, Audit and Assurance. The National Crime Registrar (Superintendent) and three regional crime registrars (North, East and West command areas) report through this Audit and Assurance line management structure.<sup>68</sup>
175. This function is rightly independent from the areas of business responsible for crime investigation and detection.
176. Notwithstanding the above, there needs to be clarity about responsibilities for crime recording and the importance of SCRS compliance across the organisation. The Deputy Chief Constable for Crime and Operational Support has strategic ownership of crime investigation at local and national levels. The Deputy Chief Constable for Local Policing has strategic ownership of the response to incidents and crime in territorial divisions. The Assistant Chief Constables reporting to these Deputy Chief Constables all lead areas of work relevant to crime management and recording.

Figure 1 – Crime Recording Reporting structure



<sup>68</sup>Due to the high volume of incidents and crimes in the West, there is also currently a deputy crime registrar for that command area



177. The National Crime Registrar (NCR) sets the strategic direction for crime recording and uses audit results to drive improvement in SCRS compliance. The NCR also acts as the final arbiter on crime recording decisions. The SCRS is not explicit regarding this role only noting that 'ultimate responsibility for ensuring compliance lies with the Chief Constable, discharged on a daily basis by the appointed crime registrars'.
178. The role of the regional crime registrars is to ensure the accurate and consistent application of the SCRS across their command areas. They carry out audits of crime recording, using the results to identify areas for improvement, and they contribute to the development of specific rules on the recording, counting and classification of crime.
179. Within Police Scotland, the NCR reports on crime recording to the Professionalism and Assurance Board, chaired by the Assistant Chief Constable, and from there to the People and Professionalism Board, chaired by the DCC. These Boards are well attended, however HMICS could not find evidence of consistent reporting to either the Executive Team or reports being routinely shared with other DCC portfolio areas. The NCR no longer routinely attends the national meeting of divisional commanders, chaired by the Deputy Chief Constable (Local Policing). We noted in our 2016 audit that direct engagement with local commanders and the executive was beneficial to maintaining a focus on compliance. The force should consider how opportunities for this engagement could be enhanced.
180. The NCR liaises regularly with the Detective Superintendent who holds the Crime and Incident Management portfolio and is chair of the Crime Managers' Forum. The Crime Managers' Forum is a quarterly meeting of the 13 divisional crime managers and the crime registrars, where information is shared about practice and process, and new developments and changes to the SCRS are discussed. Crime registrars and crime managers gave positive feedback about the most recent meetings of the forum.
181. The support and direction provided to crime managers regarding SCRS compliance by the Crime Managers' Forum is constrained by the fact that the chair has no line management responsibility for local crime managers, who are divisional resources. Divisional commanders are accountable to their command area ACC, who in turn reports to the DCC Local Policing. The commander of each division has the autonomy to vary the role, functions, processes and resourcing of a local CMU. The potential lack of influence over this, contributes to inconsistencies of approach across Scotland and varied levels of compliance (see paragraph 242).

#### **External governance**

182. The Scottish Crime Recording Board was established in 2015. This Board replaced the former Scottish Crime Registrars' Group. It is chaired by the Justice Analytical Services (JAS) division of the Scottish Government and attended by Police Scotland, the SPA, the Crown Office and Procurator Fiscal Service, British Transport Police, the Ministry of Defence Police and HMICS. The overall purpose of the Board is, 'to act as the guardian of, and ultimate decision maker on, issues related to the Scottish Crime Recording Standard'.
183. The Board seeks to ensure that crime data is accurate, objective, consistent and trustworthy. A key function of the Board is to maintain the SCRS and approve all changes. The Board is supported by a Technical Working Group, led by a regional crime registrar and attended by other registrars and representatives of JAS and the SPA. The Technical Working Group develops proposals for changes to the SCRS which are submitted to the Board for approval.



184. HMICS has found that the Board continues to work effectively. Changes to the SCRS are developed by crime registrars and JAS working together. The remit of the Board is published on the Scottish Government website along with the SCRS. HMICS did however identify that much of the information on the website was in need of review and should be updated.
185. HMICS recognises that JAS has had challenges in the form of workload and resources, compounded by COVID-19 related demands, which have combined to limit progress in a number of areas of development for the Board. The Board has not met regularly since February 2020.
186. In our 2014 audit, HMICS recommended that the SPA and Police Scotland should engage the Scottish Government and other stakeholders in exploring whether the crime groupings used for statistical purposes remain relevant taking into account the changing nature of crime.<sup>69</sup>
187. We stated that this review should include consideration of whether the crime groupings reflect the public's perception of crime.<sup>70</sup> The SCRB has taken on responsibility for addressing this recommendation, and organised a specific meeting to discuss a review of crime groupings in October 2015. Consultation on new groupings took place in 2019<sup>71</sup>, but again due to resource constraints results have not yet been published.

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<sup>69</sup>Recommendation 2, HMICS, [Crime Audit 2014](#) (2014)

<sup>70</sup> Seven categories are used to group crimes and offences for statistical purposes. These are non-sexual crimes of violence (Group 1); sexual crimes (Group 2); crimes involving dishonesty (Group 3); fire-raising, vandalism etc (Group 4); other crimes (Group 5); miscellaneous offences (Group 6); and motor vehicle offences (Group 7)

<sup>71</sup>Scottish Government, [A consultation on how Official Statistics present information on recorded crime and related topics](#) (opened 8 July 2019, closed 30 November 2019).





### External scrutiny

188. In relation to external scrutiny of crime recording, HMICS has previously stated its expectation that the SPA and local scrutiny committees are informed of the results of internal audits and that they seek assurance about the accuracy of crime data.
189. In the 2014 crime audit, we recommended that the SPA's Audit and Risk Committee should request from Police Scotland the full results of internal crime recording audits and should monitor the implementation of any resulting improvement actions. The Committee should also monitor improvement plans developed by Police Scotland in response to recommendations made about crime recording by HMICS.<sup>72</sup> This recommendation reflects the role of the SPA in holding the Chief Constable to account and our expectation that, in the context of crime recording, the SPA should satisfy itself that crime data given by Police Scotland to the public, the SPA and the Scottish Government is accurate.
190. The Committee received reports from the National Crime Registrar regarding audit results between 2014 to September 2016, however HMICS found that no further reports have been submitted or requested. HMICS could find no documented decision on this, but were told that given the positive results being reported, the then chair of the committee instructed Police Scotland to report on an exception only basis. HMICS could not identify clear criteria for reporting such exceptions and given that no further reports have been submitted since 2016 remains concerned regarding a lack of accountability.
191. Also in 2014, we recommended that Police Scotland should provide local scrutiny committees with the findings of internal audits and any resulting improvement plans.<sup>73</sup> The purpose of this recommendation was to assist local scrutiny committees to assess the reliability of crime data regularly presented to them by local commanders. HMICS could find no evidence of such reporting in any local policing division, however were told that the issue may be covered in performance discussions. This raises questions about accountability at local level.
192. HMICS recommends that the SPA and Police Scotland include a statement of compliance in their joint Annual Report and Accounts from 2020/21 onwards. HMICS also considers that any compliance issues which may seriously impact on the accuracy of crime recording or operational demand analysis should be included in performance reporting and national statistics.

### Recommendation 1

The Scottish Police Authority and Police Scotland should ensure that the results of internal and external crime recording audits are publicly reported, including a statement of compliance in their joint Annual Report and Accounts from 2020/21 onwards.

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<sup>72</sup>Recommendation 6, HMICS, [Crime Audit 2014](#) (2014)

<sup>73</sup>Recommendation 7, HMICS, [Crime Audit 2014](#) (2014)



## Planning and Process

### Policies, procedures and processes

193. In relation to planning and process, HMICS expects there to be policies and procedures in place to support ethical and accurate crime recording. These policies, and any changes to them, should be accessible and communicated to all officers and staff.
194. The main guidance provided to officers and staff is the SCRS itself, a comprehensive reference document which sets out the principles of incident and crime recording; when a crime should be recorded; and how crimes should be counted and classified. HMICS found that the SCRS is generally viewed as helpful although some cited other reference points, such as the Police Information Network Scotland database (PINS).
195. The SCRS includes many practical examples and scenarios to illustrate how crimes should be recorded, although it cannot cover every possible situation that officers and staff may encounter. Some rules are necessarily complicated due to the complexity of criminal law in some areas. HMICS considers the SCRS to be a sound foundation for the accurate and ethical recording of crime.
196. The SCRS is owned by the Scottish Crime Recording Board and changes are approved by the Board, with a new version being published each year on 1 April. Through their engagement with CMUs, the Crime Managers' Forum and their participation on the SCRS Technical Working Group, Crime Registrars are well placed to identify areas of improvement for the SCRS and can propose changes to the Scottish Crime Recording Board for approval. These structures and processes appear to work well.
197. When changes are made to the SCRS they are highlighted and discussed at the Crime Managers' Forum and communicated via the Crime Registrar's Bulletin which is circulated twice a year to all staff working in CMUs and is accessible on the Police Scotland intranet to any officer or member of police staff. The Bulletin is also used to highlight any common errors found during internal audits. We found varying levels of awareness of the Bulletin, or indeed audit results, amongst those not working directly on crime recording tasks.
198. Since our 2016 audit, Police Scotland has published its Scottish Crime Recording Strategy,<sup>74</sup> which links to the former Crime Recording Standard Operating Procedure (SOP).<sup>75</sup> HMICS found the strategy, policy and the SOP to be consistent with the Police Scotland Code of Ethics. HMICS welcomes the development of the strategy since our 2016 recommendation, and supports the content. The strategy sets out the vision:  
  
*"for an efficient and effective crime recording approach which applies a victim centred approach, withstands scrutiny and allows for the accurate provision of reliable statistical data which can be exploited to better understand and tackle criminal trends."*
199. The strategy makes clear it is the responsibility of all police officers and staff involved in the incident and crime recording process to ensure crime is accurately recorded and emphasises a 'getting it right first time' approach.

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<sup>74</sup> Police Scotland Scottish Crime Recording Strategy - version 2.01 April 2018 (internal document)

<sup>75</sup> Crime Recording Standard Operating Procedure now superseded by the crime recording policy in October 2020 (internal document).



200. Governance structures and strategies to deliver its vision are set out, including arrangements for training, supervisory oversight and internal auditing. The strategy makes reference to a training input to probationers at the Scottish Police College and provides a general statement regarding the role of crime registrars in providing training. However, no comprehensive training strategy is outlined: indeed the strategy recognises in the majority of cases staff working within CMUs will receive 'on the job' training. This approach to training is not considered adequate to ensure the principles of accurate crime recording are embedded.
201. The strategy sets out Police Scotland's self-imposed target of 95% compliance, and emphasises the importance of the development of a national crime recording system to bring consistency of approach across all local policing divisions. The strategy includes arrangements for internal audit, stating that where 95% is not achieved, improvement activities will be monitored, reviewed and updated.

### **Recommendation 2**

Police Scotland should revise its current Crime Recording Strategy to focus on effective implementation and better consider the required level of cultural change required to improve SCRS compliance.

### **Systems**

202. A single national incident recording system (STORM) is in place, however crime recording systems vary across divisions. Even where two divisions use the same system, they can use it in quite different ways, for example, where a system was modified for the purposes of a legacy force. While five of the six divisions in the West (making up legacy Strathclyde Police force) use the same type of system, there are eight standalone editions of the system, which relate to old sub-divisional boundaries and it is not possible to transfer data between them.
203. HMICS has previously emphasised the impact of disparate incident and crime recording systems on accurate crime recording. Until such time as the new national crime recording system is available, processes will continue to be dictated by legacy IT systems and local resourcing. Further consideration of the implications of the new national system is included at paragraphs 261-268.

### **Internal Scrutiny**

204. HMICS found that the extent to which incidents and crimes are scrutinised across Police Scotland remains variable.
205. Police Scotland's SCRS strategy emphasises the 'getting it right first time' approach, whilst acknowledging that supervisory oversight, quality assurance, audit and scrutiny are essential. It states that separate arrangements are in place to ensure incidents are quality assured and that crimes are recorded where appropriate and sets out, in general terms, the roles and responsibilities of those involved.
206. HMICS commends the strategy promoting a 'getting it right first time' approach, as recommended in our 2016 report.<sup>76</sup> The recommendation stated that "*Police Scotland should also consider what measures, such as improved training, will be necessary to support such an approach*". We found no evidence of a fundamental improvement in training to support this and as highlighted at paragraph 55 further guidance is required to provide greater clarity on individual roles and responsibilities to embed ownership and improve standards.

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<sup>76</sup>Recommendation 10, HMICS [Crime Audit 2016](#) (2016)



### ***Incident compliance and scrutiny***

207. Once an incident is raised and transferred to an Area Control Room (ACR) radio updates are often provided to ACR operators by attending officers, which should then be recorded on the incident log and where appropriate the incident closed off. We found there is not always sufficient detail on the incident records. With the roll out of mobile devices, officers can update incidents directly, which has the potential to vastly improve the speed and accuracy of updates to incidents. HMICS considers there is a need for quality assurance processes to accompany this direct recording to ensure updates are of sufficient quality to comply with the SCRS.
208. We heard differing views of where the responsibility for incident compliance should lie, with some feeling this should be a C3 function as the gatekeepers for STORM, and others thinking it should be a function of local policing divisions. HMICS considers there must be clear guidance setting out who has primary responsibility for recording updates on incidents, the process to be followed, and how compliance will be scrutinised.
209. Within C3, scrutiny processes have already been developed in its Quality Assurance Framework which could be further expanded to include SCRS incident compliance. The framework aims to:
  - Improve service delivery and increased opportunities for continuous learning and improvement
  - Reduced risk arising from the use of inappropriate practices and procedures
  - Empowerment and improved utilisation of staff.
210. In each service centre and ACR, first line managers randomly assess two incidents per month for each member of staff and, using a standard electronic quality assurance form to record the result, provide feedback to the individual at a monthly meeting. Where necessary, additional coaching or quality assurance processes will be put in place to address individual needs.
211. At national level, various quality assurance approaches are taken including looking at the journey of a call from end to end within C3; reactive quality assurance to specific issues raised, for instance around any new policies or practices; and targeted quality assurance where a topic has been identified as suitable, for instance following recommendations made by HMICS.
212. The position regarding responsibility for compliance is less clear within divisions and differing approaches are taken. For example, we heard that in N division the onus is on the investigating officer to update the incident and where appropriate to raise a crime record. Where there is insufficient information the CMU will raise this with the officer but there is no ongoing dialogue to check for progress on updates. In E division, incidents closed with the code SC02 are scrutinised by the Edinburgh Service Delivery Team. As in our 2016 audit, we found delays in these compliance checks being conducted, some many months after the incident had taken place.
213. During our 2020 audit we saw evidence of scrutiny being applied both within C3 and by local policing divisions. Often there was a different emphasis on each layer of scrutiny, for instance much of the scrutiny by C3 was focused on assessing compliance with the time taken to attend, THRIVE and closing the incident off with an appropriate disposal code, whereas divisional CMU scrutiny was more focused on SCRS compliance. HMICS therefore concludes that there is a risk of quality assurance processes being inefficient, potentially creating confusion and duplication. HMICS considers that any scrutiny model and accompanying business processes adopted by Police Scotland should be as streamlined as possible and guard against duplication of effort.



### **Recommendation 3**

Police Scotland should review its overall approach to incident compliance, considering what constitutes best practice in quality assurance processes in C3, specialist units and front line policing, establishing clear relative roles and responsibilities.

#### ***Crime scrutiny***

214. Crime scrutiny procedures again vary across divisions. In most divisions, CMUs scrutinise crime records to check that crimes are counted and classified correctly. However in some divisions operational supervisors are empowered to do this when all enquiries are complete, and the CMUs have more of an audit function. Some CMUs have compliance responsibilities for both crime and incidents, whilst others are only responsible for reviewing crime records. Some of these differences are the result of the different legacy systems and practices that were developed locally prior to the inception of Police Scotland.
215. Scrutinising crime records alongside incident records allows the reviewer to reconcile the two records to ensure that no investigative opportunities have been lost and no crimes have been overlooked. The standardisation of functions conducted by CMUs to include both crime and incident compliance is currently under consideration by Police Scotland (see paragraph 169). An Incident Management Sub Group has been created under the crime management portfolio to take this work forward. This work should be completed ahead of the roll out of the new national crime recording system to ensure consistency of approach to scrutiny is achieved.
216. Scrutiny processes must be robust and adhered to by those involved. There must also be clear procedures for providing feedback to individuals and addressing performance issues. We found examples in our audit where despite clear instructions by CMUs to raise a crime record or to add additional crimes these instructions were not carried out. The 'get it right first time' approach needs to be emphasised at every opportunity from frontline, through scrutiny and quality assurance processes to reporting.

#### **Resolution teams**

217. When the public call the police to report an incident and request police assistance (most often using 101) these calls are managed through Police Scotland's contact, command and control division. Either service advisors are able to resolve the call at the first point of contact by providing advice or they create an incident. Once created, an incident is usually transferred to an ACR where controllers will dispatch officers to attend the call using the Contact Assessment Model (CAM) which involves undertaking a THRIVE assessment.
218. To support the delivery of the most appropriate policing response under CAM, Police Scotland has established Resolution Teams. These teams aim to reduce the demand placed on local policing divisions by resolving calls and incidents over the phone by providing advice and guidance, scheduling appointments, recording crimes and conducting remote investigation. There are three Resolution Teams aligned to the C3 regional model which are staffed by police officers and police staff.



219. In October 2019 HMICS conducted a Review of the early implementation of the Contact Assessment Model (CAM).<sup>77</sup> HMICS identified some issues with the quality of crime records input by Resolution Teams, including adherence to and awareness of local standards, limited narrative of events, and some crimes not being classified appropriately under the SCRS. HMICS was advised that action had been taken to improve the quality of direct crime recording but were unable to conduct further audit work at that time.
220. In the 2020 Crime Audit we sought to identify any crimes, from within the crime types selected, recorded by Resolution Teams to allow a further assessment of the accuracy of direct crime recording. HMICS found little evidence of direct crime recording by Resolution Teams in the three crime types selected (none at all in sexual crimes and very few in violence and domestic abuse). This is not surprising, as Resolution Teams will be used to record crimes in lower level incidents. We did see some evidence of Resolution Team involvement in the non-crime category and in no crimes. Due to the relatively low numbers of incidents and crimes involved, it is not possible to reach any definitive conclusions on the quality of recording by Resolution Teams. However we did observe some of the same recording issues arising in the records we did view. For instance, insufficient updates on incidents to dispel criminality and some counting and classification errors.
221. Resolution Teams work across the 13 local policing divisions and therefore must adapt their processes to allow for the local variations in crime management practice. C3 division at present does not operate the equivalent of a CMU function, but does operate a QA framework of sufficient rigour to provide some assurance on crime recording.
222. The C3 Quality Assurance Framework includes SCRS compliance in regard to crime recording by Resolution Teams and it is hoped, over time, this will improve standards. However, there must be ongoing investment in training on the SCRS for those new in post and also refresher training to those already in post to improve standards and ensure a high quality service is delivered to the public.

#### **Audit processes**

223. Since our 2016 audit, crime registrars have reviewed their programme of internal auditing which assesses compliance with SCRS and identifies areas for improvement. Annual audits of crime related incidents, associated crime records and no-crime decisions, are now in place. These are supplemented by ad hoc audits undertaken by crime registrars and within divisional CMUs in areas which are either high risk or where specific concerns have been raised.
224. Audit results are reported internally but the results are no longer reported externally. As previously noted, the SPA Audit and Risk Committee considered that such reporting should be done on an exception basis only, which has not transpired (see paragraph 190).
225. Findings from internal audits are communicated directly to divisions so that there are opportunities to learn from errors or to highlight good practice. We found there was good awareness of the results of audits amongst crime registrars and CMUs but not amongst those working in specialist units or in C3. Even within CMUs staff told us that they receive feedback in relation to their division and perhaps within their region but are not made aware of errors nationally. That said, the results of internal audits are discussed at the Crime Managers' Forum and feed into both the national improvement plan and local improvement plans.
226. Those who had an awareness of internal audits viewed them as beneficial to provide a driver for improvement actions. However, often such improvement action was not sustained over time and was negatively impacted by staffing issues and personnel changes. The findings of audits carried out by registrars are often broadly similar to the findings of audits carried out by HMICS.

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<sup>77</sup> HMICS, [Review of the early implementation of the Contact Assessment Model \(CAM\)](#) published 31 October 2019





227. In our 2016 audit we stated there was scope for additional audit in two areas: scrutiny of calls and scrutiny of referrals from partner agencies. In relation to scrutiny of calls, we felt that checking calls and the resulting incidents would improve SCRS incident compliance.<sup>78</sup> In our 2020 audit we listened to some original call recordings, but this did not form a comprehensive element of our methodology. This may, however, form part of our consideration in any future follow up inspection on CAM.
228. In relation to crimes reported to the police by alternative routes i.e. where an incident is not first created, we felt there should be scrutiny of these reports.<sup>79</sup> Often, these will be referrals from partner agencies such as social work or education, involving high risk areas linked to adult and child protection, and will be made direct to specialist investigation units. We found no evidence of scrutiny and/or audit arrangements being developed in this area. We were told such referrals are tracked on internal briefing documents and it is only when a crime record is raised that a STORM incident is created (retrospectively). As such, where the standard is not met for recording a crime there is no independent scrutiny of the assessment that the incident is non-criminal. This remains an area of weakness for Police Scotland.

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<sup>78</sup> Recommendation 12, HMICS, [Crime Audit 2016](#) (2016)

<sup>79</sup> Recommendation 13, HMICS, [Crime Audit 2016](#) (2016)



## People and resources

### National Crime Registrar

229. The National Crime Registrar (NCR) is responsible for overseeing crime-recording arrangements. Good practice guidance for recorded crime requires that the NCR be outside operational line command for matters concerning crime recording. HMICS considers that, in line with Home Office Counting Rules,<sup>80</sup> the NCR should answer directly to a Deputy Chief Constable (DCC), or an appropriate chief officer (who should not be responsible for force crime performance) designated by the chief constable. Police Scotland achieves this with the NCR reporting to the ACC for Professionalism and Assurance.
230. There is no formal induction or training and development programme for the NCR. HMICS believes that more effective succession planning and training should be put in place to safeguard the independence, influence and integrity of the role.

### Regional crime registrars

231. Police Scotland has three regional crime registrars and one deputy crime registrar who have extensive experience in crime recording, and who work well together. The three regional crime registrars are members of police staff who previously held legacy force crime registrar or crime recording roles. Their expertise, and particularly their knowledge of how the SCRS has developed since it was introduced in 2004, is invaluable.
232. HMICS remains concerned that there are no obvious successors to the current crime registrars. All crime managers, who would have relevant expertise, are police officers, and the majority of CMU personnel are officers. We were told that as part of the recent strategic workforce planning process,<sup>81</sup> further thought has now been given to developing a more resilient structure.
233. Since our last audit in 2016, the terms and conditions of the three registrar posts have been harmonised as part of the Staff Pay and Reward Modernisation (SPRM) project.<sup>82</sup> HMICS was informed that the post holders have appealed their provisional grading and await the outcome. This uncertainty for staff has continued since 2013.
234. There is no formal training in place for registrars, other than in required IT systems. Their development is based on experiential learning, some mentoring and working closely with the other registrars. The NCR can only provide limited input to this process (having had to learn the role themselves as noted above) but provides good management support. As noted above for the NCR, HMICS is of the view that more effective succession planning and training should be put in place to safeguard the skillset, independence and integrity of the regional registrar roles.

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<sup>80</sup> [Home Office Counting Rules for Recorded Crime](#) (April 2020).

<sup>81</sup> The Police Scotland [Framework for Strategic Workforce Planning \(2019-26\)](#) was approved at the SPA Board on 22 May 2019. A [Strategic Workforce Plan](#) was considered by the Board on 22 January 2021 (Item 7).

<sup>82</sup> Police Scotland Staff Pay and Reward Modernisation (SPRM) project began in 2015. The aim was to move the entire civilian workforce onto a single harmonised set of terms and conditions, create a new single pay structure and establish a new set of supporting HR policies. Legacy police forces had different terms and conditions and many posts have continued under these, whereas new recruits have been placed on an interim scheme.

235. Currently the deputy crime registrar in the West is a police sergeant. The deputy post was created in the West as around 60% of all incidents and crimes are reported in the West.
236. As well as auditing, a key part of the crime registrar role is to support CMUs and others by providing advice and guidance on the SCRS. The registrars are also key to developing effective training and learning opportunities on crime recording.
237. HMICS identified that the crime registrars provide cover for each other during periods of absence, and increasingly their work to support CMUs and conduct other audits limits their capacity to focus on core SCRS audit and training. As previously noted (see paragraph 223), the registrars now only conduct one core SCRS audit each year.
238. Changes to CMU structures, resourcing and roles have resulted in increased demand for advice and guidance from crime registrars.<sup>83</sup> While it is clear that the crime registrar in the West requires additional support from a deputy crime registrar, there is a view that the registrar in the East would also benefit from additional support. This was an area we highlighted in both our 2014 and 2016 audits and remains an outstanding issue.<sup>84</sup>

### **Crime managers and crime management units**

239. Crime managers lead CMUs and have day-to-day responsibility for ensuring crimes are SCRS compliant. Some crime managers also have responsibility for incident compliance. We reported in 2016 that there had been a diminution of the crime manager role, with many experienced inspectors being replaced by sergeants.
240. Crime managers must also be able to influence change within their division, and must be seen as credible by their colleagues. HMICS considers that the divisional crime manager must be sufficiently experienced and skilled in applying SCRS, and must be able to engage in robust discussions with more senior colleagues regarding crime recording decisions.
241. HMICS identified that there continued to be a great deal of inconsistency across the role and scope of crime managers and CMUs across local policing divisions. Some remained within local policing CID structures, some within divisional co-ordination or support units and some within divisional 'engine rooms'. These hybridised versions often involve varied reporting lines, additional responsibilities and diverse priorities.
242. We highlighted in 2016 that the changes to the crime manager role would negatively impact SCRS compliance. HMICS now considers that these changes and lack of standardised approaches to structure, function and process have indeed adversely impacted on SCRS compliance in a number of divisions.
243. The staffing of CMUs is for divisional commanders to determine. As a result, there continues to be no consistent staffing model, nor is there consistency in roles or processes. Some units have a mix of officers and staff, while others only have officers. In some divisions, responsibility for incident compliance sits with frontline operational officers, not in the CMU. HMICS heard differing views on the sufficiency of staffing levels within CMUs and although some had experienced uplifts in resourcing, this continued to be impacted by abstractions and temporary placements.

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<sup>83</sup> Paragraph 180, HMICS, [Crime Audit 2016](#) (2016)

<sup>84</sup> Improvement action 13, HMICS, [Crime Audit 2014](#) was incorporated into Recommendation 14 of the [Crime Audit 2016](#)

244. There is no set tenure of post in CMUs, and some units have experienced a high turnover or abstraction of staff. Often officers on restricted or light duties will be allocated to CMUs, which can be disruptive and impact on the quality of work undertaken. The development of a Resource Allocation Model (RAM)<sup>85</sup> for local policing will include officers within crime management in the 13 territorial divisions (national divisions are not included in the model as yet). Whilst this will establish minimum numbers for resourcing based on demand analysis, local commanders will still have flexibility within their division to allocate appropriate resources, which is unlikely to address our concerns regarding appropriate staffing levels and tenure of posts.
245. In our 2014 audit we noted concern that turnover in CMUs impacts the quality of decision making and asked Police Scotland to keep this under review. In our 2016 audit we noted the benefits of having CMUs staffed by a mixture of police officers and police staff. Officers bring operational experience and, if allocated to the CMU for a reasonable length of time, can develop expertise which is useful in future roles. Police staff are less likely to move on and can provide more stability and develop expertise over a longer period of time.
246. HMICS recognises that Police Scotland is aware of these issues and has undertaken some review work, set up working groups and improved communication taking place between registrars and local divisions to improve understanding and share learning.
247. The potential to develop a national or regional crime management structure, supported by a new national crime recording system, could offer the opportunity to implement consistent structures, processes and the development of a more expert workforce. This would also allow the units to sit outside divisional reporting structures allowing more effective workforce planning and development.
248. There is no formal training in place for crime managers and members of their CMUs, other than in required IT systems. As with the crime registrars, their development is based on experiential learning, some mentoring and working closely with their registrar and other members of the unit. Audit results are shared and discussed with staff to identify learning and areas for improvement.

#### **Recommendation 4**

Police Scotland should review crime management unit structures taking the opportunity to maximise the benefits of the new single national crime recording system.

#### **Training**

249. HMICS has consistently raised issues associated with training in crime recording in our previous audits and is disappointed in the lack of progress in this area. In 2013, we recommended that, *'To improve consistency in crime recording, Police Scotland should review the training needs of all those involved in crime recording decisions and develop a strategy to address those needs. The strategy should address initial and refresher training and bespoke training for crime managers and their staff. It should also set out how officers and staff will be kept up to date with changes to crime recording practice.'*<sup>86</sup>

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<sup>85</sup>Resource Allocation Model (RAM) is a methodology for determining where resources should be allocated within an organisation. Resources may include financial resources, technological resources and human resources. A target date of 31st March 2021 has been set for the operational delivery of the RAM.

<sup>86</sup>Recommendation 7, HMICS, [Review of incident and crime recording](#) (2013)

250. Having closed this recommendation prior to our 2016 audit based on interim evidence submitted, we again recommended the need to develop a training plan to support delivery of the crime recording strategy.<sup>87</sup> We have identified the same weaknesses in our 2020 audit.
251. In this audit we identified an insufficiency in training regarding SCRS in C3 core ACR training, in detective training, in training for specialist units, follow up training for probationer officers and refresher training for all officers. We did see evidence of effective input to CAM training by the crime registrars, but overall a piecemeal approach has been taken to training.
252. In terms of communications to support understanding and awareness, there was evidence of regular force memos being issued, updated intranet content and SCRS bulletins being circulated. However these were clearly having limited impact as many of those we spoke to had little or no knowledge of them.
253. HMICS remains concerned that we have seen the same repeated issues with SCRS compliance. There is a need for a training plan supported by an effective ongoing communications strategy. We are particularly concerned that:
- There is a lack of training available to newly appointed key personnel, i.e. the national crime registrar, regional crime registrars, crime managers and crime management staff
  - There is insufficient ongoing training and awareness raising of SCRS among all officers and staff to support a 'right first time' culture
  - There is an over-reliance on scrutiny, particularly at local CMU level to ensure SCRS compliance
  - There are restrictions on the capacity of frontline supervisors to provide effective mentoring and support to probationer officers.
254. HMICS is aware that a recent review of probationer training will introduce a new distance learning package which will include crime recording and will be available on mobile devices. This will be part of the new Modern Apprenticeship approach for the probationer intake in December 2020 and will be assessed later in the programme following operational deployment.

### **Recommendation 5**

Police Scotland should develop a comprehensive approach to organisational learning and training, with consistent approaches to the introduction of new or changes to legislation, to more effectively support delivery of its crime recording strategy.

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<sup>87</sup> Recommendation 9 of HMICS, [Crime Audit 2016](#) (2016)

## Systems

255. At the time of our audit, there remained a number of legacy crime recording systems in operation across the 13 local policing division (5 different applications):

Division	System
A	Crimefile
D	UNIFI
N	IMPACT
E	UNIFI
J	UNIFI
P	Crimefile
C	Crimefile
G,K,L,Q &U	CMS
V	IMAGE

256. These systems vary in levels of functionality and account for much of the local variation in incident management and crime recording processes, which remains a major barrier to consistency of practice and improved levels of compliance. National units are required to use multiple local systems, this has been a challenging position for over seven years.
257. STORM functionality is generally accepted as effectively meeting the needs of the C3 business area for incidents recording and management. HMICS found some variation in usage of the system by local policing divisions and variation in the quality and level of incident updating by both control room staff and operational officers. However HMICS is confident that the C3 quality assurance approach provides a strong control mechanism. Whilst the framework includes SCRS compliance in regard to crime recording by Resolution Teams, it does not include an SCRS compliance test for incidents (see paragraph 209).
258. Access to full STORM functionality is tightly controlled, and linked to successful completion of mandatory training courses. Most CMUs and frontline officers access the system through the WebSTORM interface which has more limited functionality. HMICS seeks improvement to establish a standard that members of each CMU should have the required training to allow full access to STORM and increased functionality to extend their audit capability.
259. In our analysis of the use of certain tags and qualifier/markers on STORM (relating to cybercrime and Resolution Teams) we identified a lack of usage. However it emerged that a technical fault was allowing these to be effectively wiped from records if opened after formal closure or the 'no qualifiers apply' marker was used. The issue was identified through the C3 quality assurance process and not through SCRS compliance checks, and has since been partially rectified. HMICS seeks improvement in SCRS compliance audit processes to ensure validation of the appropriate use of tags and markers on both incidents and crimes is in place going forward.
260. The introduction of new mobile devices now allows officers to update crime recording systems directly from these devices using PRONTO.<sup>88</sup> This appears to be viewed positively and the increase in productivity is seen as a major benefit for frontline officers.

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<sup>88</sup> Pronto e-notebook from Motorola Solutions enables officers to access information in national and local databases on a mobile device whilst in the field. They can then reuse that information to complete processes digitally as well as to manage and submit accurate information direct from the front line.

### **Background to new national crime recording system**

261. The overall business case for investment in a new ICT Strategy was approved by the SPA in September 2018.<sup>89</sup> This was a strategic business case setting out a programme for prioritised investment of around £400m. The total expenditure required was not secured and a more practical incremental approach to implementation has been taken. The Core Operational Solutions (COS) Programme is a core element of the business case and the overall transformation programme. It has already implemented some new national systems including CRASH (Road Traffic Collisions) and MISPER (Missing Persons) which have been relatively well received.
262. The full Core Operational Systems (COS) business case was approved in November 2018<sup>90</sup> and its scope focused on the replacement of the following legacy systems with a single national COS Information Management (IM) Platform, comprising relevant functional modules:
- Road Traffic Collisions (Complete)
  - Missing Persons (Complete)
  - Productions (Complete)
  - Direct Measures – October '20
  - Warrants – February '21
  - Crime – May '21
  - Case – May '21
  - Intelligence and VPD (Phase 3 options).

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<sup>89</sup> [DDICT Strategy – Outline Business Case](#) – SPA Board – 27 September 2018 (Item 8(2))

<sup>90</sup> [Core Operational Solutions – Full Business Case](#) – SPA Resources Committee 13 November 2018 (Private Item 16.1)

263. The business case states the primary benefits for COS as direct officer input to system; reduction in re-keying; transferable officer workload; and consistency of data.
264. HMICS has previously commented on the need to implement a national crime recording system. *'Until such time as national incident and crime recording systems are available, we do not believe that incident and crime recording is being managed as effectively and efficiently as possible. Without national incident and crime systems, Police Scotland is unable to streamline its processes and the resources dedicated to crime recording as well as scrutiny and audit.'* HMICS remains of the view that a national system is essential to improved SCRS compliance levels.
265. Due to delays caused by Operation Talla milestones for the programme have been changed on a number of occasions with the latest information stating that a pilot of the new system will start in D division (Tayside) in June 2021 followed by national roll out over a 12 month period (with a hiatus during COP26<sup>91</sup>).
266. HMICS found that initial programme engagement with crime registrars had been limited causing some concerns regarding the lack of cognisance of SCRS compliance, audit functionality, management reporting capability and the need for effective quality assurance of direct input from officers. In our interviews we ascertained that engagement is much improved through regular meetings since June 2020. The Detective Superintendent (Crime and Incident Management portfolio) has met with the programme lead and facilitated an input to all crime managers and registrars on the new system and will now lead the engagement with programme to further evolve and influence the new crime recording system.
267. HMICS identified during our audit work that the intention for implementation was to ensure that all existing CMU processes were able to be adopted in the new system. Efforts to deliver standardised processes and the associated business change were to come after implementation. This was not universally understood by many of the stakeholders we spoke to, who clearly had an expectation that this benefit would be delivered immediately. HMICS understands the operational imperative to implement a single system and that this will automatically bring some benefits, however there is a high risk that without full ownership and resourcing of the business change effort, that this ultimately may not be delivered.
268. It was too early in the process of system implementation for HMICS to fully evaluate proposals for training and roll out of the system. However HMICS would seek to ensure that a comprehensive business change and training programme must be in place to ensure consistency of approach and effective benefits realisation moving forward.

### **Recommendation 6**

It is recommended that the Police Scotland COS Programme review its approach to business change as part of the implementation of the new single national crime recording system, taking the opportunity to standardise and streamline business, audit and quality assurance processes.

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<sup>91</sup>The 26<sup>th</sup> United Nations Climate Conference of the Parties (COP26) currently planned to take place in Glasgow in November 2021.



## Appendix 1

### OPEN RECOMMENDATIONS FROM PREVIOUS HMICS CRIME AUDITS

Rec No.	Recommendation	Status	HMICS Action
<b>2014 AUDIT</b>			
1	Police Scotland should develop a mechanism to ensure incidents referred to specialist investigation units are regularly updated as to the status of the investigation and are recorded as crimes as soon as it is appropriate to do so.	This remains an area for improvement especially in sexual crime recording (see paragraph 43).	Now closed.  See new recommendation 3.
3	Police Scotland should introduce processes, including appropriate supervision, to ensure that incidents are closed and disposed of correctly.	Police Scotland has previously proposed for closure given processes had been put in place. However in our 2016 audit HMICS still queries the actual effectiveness of these processes given ongoing failures.  This remains an area for improvement (see paragraph 130).	Now closed.  See new recommendation 3.
<b>2016 AUDIT</b>			
2	Police Scotland should embed a 'record-to-investigate' approach to all crime recording in support of a victim-centred service. In relation to sexual crime, Police Scotland should ensure that, where there is sufficient information to create a crime record, the crime record is not delayed by awaiting the statement obtained from the victim by the Sexual Offences Liaison Officer.	HMICS is aware of efforts made during 2016 and 2017 to engage directly with crime management units and specialist practitioners. A number of force memos were also issued to support these efforts and were followed up through the Crime Registrar's Bulletin. A further update to SCRS for 2017 was also made to emphasise a 'record to investigate' approach should be applied.  Our audit identified this remains an area for improvement (see paragraph 48).	Now closed.  See new recommendation 2.
3	Police Scotland should ensure that officers update incident and crime recording systems with sufficient information regarding the status and outcome of investigations to ensure compliance with the Scottish Crime Recording Standard. Such information should not only be held on the Interim Vulnerable Person's Database.	Our audit identified this remains an area for improvement (see paragraph 52).	Now closed.  See new recommendations 2 and 3.



5	The Scottish Crime Recording Board should consider the extent to which current crime recording practice adequately captures the scale of cyber-enabled sexual crime and associated victimisation, particularly for children and young people.	Our audit identified this remains an area for improvement (see paragraph 84).	Now closed.  See new recommendation 2.
6	Police Scotland should work with Action Fraud to clarify its role in Scotland, and clear and accurate information should be disseminated to the public.	HMICS is aware that Police Scotland has regular liaison with Action Fraud with a Detective Inspector leading on this area and providing clear evidence of progress.  Our audit identified this remains an area for improvement (see paragraph 136).	Now closed.
7	In developing its customer contact strategy, Police Scotland should set out what standards of service the public should expect to receive, an attendance policy, guidance on re-contacting complainers, and guidance on the circumstances in which it is appropriate to make diary appointments.	This recommendation is linked to our report 'Independent Assurance Review - Police Scotland Call Handling: Update Report', published on 22 May 2018 <sup>92</sup> which also recommends development of a public contact strategy, which sets out a multi-channel approach to engagement and service provision and includes publication and monitoring of standards of service, which is now closed.  However our audit identified there are specific elements of this recommendation which have yet to be delivered (see paragraph 164).	Now closed.  See new recommendation 2.
8	Police Scotland should review the role and resourcing of the Quality Assurance Unit serving Edinburgh and Lothian and the Scottish Borders Divisions with a view to ensuring that crime records are created timeously and accurately. Any unnecessary duplication in assurance processes should be avoided.	Our audit identified this remains an area for improvement (see paragraph 162).	Now closed.  See new recommendation 4.
9	Police Scotland should develop a strategy to support its implementation of the Scottish Crime Recording Standard.	A strategy was developed and presented to the SCRB in March 2018. However implementation of the strategy has not been fully evidenced. Our audit identified this remains an area for improvement (see paragraph 248).	Now closed.  See new recommendation 2.

<sup>92</sup>HMICS, [Independent Assurance Review - Police Scotland Call Handling: Update Report](#) published on 22 May 2018



10	Police Scotland should promote a 'right first time' approach to SCRS compliance throughout the service. Police Scotland should also consider what measures, such as improved training, will be necessary to support such an approach.	HMICS is aware of efforts (briefings and force memos still available on the force Intranet) in 2017 to address this recommendation.  However, this is a cultural issue which requires ongoing investment. Our audit identified this remains an area for improvement (see paragraph 204).	Now closed.  See new recommendations 2 and 5.
12	In developing the Contact, Command and Control quality assurance framework, Police Scotland should ensure that calls made to the police and the resulting incidents are checked for SCRS compliance.	Our audit identified this remains an area for improvement (see paragraph 225).	Now closed.  See new recommendation 3.
13	Police Scotland should assess what scrutiny and/or audit arrangements should be developed in respect of reports of crime made via alternative routes, such as referrals from partner agencies.	Our audit identified this remains an area for improvement (see paragraph 226).	Now closed.  See new recommendations 2 and 4.



# Appendix 2

## Methodology

### Identification of records

When an incident is reported to the police, an incident record is created. The incident record is assigned an initial (opening) code and a disposal code. We used these codes to identify the records for analysis (see Table 1). The three crime types were identified only by their opening code, whereas the non-crime related incidents were identified by their opening and disposal code.

Table 1 – Identification of records for audit

Category	Method of identification
Sexual crime	Incidents opened with code CR-62 (sexual crime)
Violent crime	Incidents opened with codes CR-63 (robbery) and CR-71 (assault)
Domestic abuse	Incidents opened with code PW-40 (domestic abuse incident)
Non-crime	Incidents opened with any crime code, but closed with the code SC02 (no crime record)
No-crimes	No-crimes are identified in different ways according to the legacy force systems in operation across Scotland.

### Sample size

The volume of incidents reported to the police and the volume of crime varies across Scotland and, therefore, the number of records to be audited in each local policing division also varied. A proportionate, random sample for each of the five categories was selected in each of the 13 local policing divisions to meet the required confidence interval.

In relation to the three crime types, we wanted to report statistically significant Test 2 and 3, as well as Test 1, results. However, we could not know in advance how many incidents would result in a crime record and would therefore be carried forward from Test 1 to Tests 2 and 3. To address this, we boosted the sample for the three crime types to meet the required confidence intervals. HMICS inspectors were given a ‘target’ for the number of records to be carried forward to Test 2 and, where this was not met from the incidents initially selected, were required to randomly select additional incidents from a list until the target was achieved.

When selecting our sample size, we considered the reliability of the results. The records included in our audit are only a sample of the total population so we cannot be certain that the results obtained are exactly those we would have obtained if we had audited the entire population (the ‘true’ values). We can, however, predict the variation between the sample results and the ‘true’ values from a knowledge of the size of the sample on which the results are based and the number of times that a particular result is obtained. The confidence with which we can make this prediction was chosen to be 95% (i.e. the chances are 95 in 100 that repeated audits of records would result in values that fall within the specified range).

Our goal was to report statistically significant results that would be representative across Scotland, across the 13 local policing divisions and across the five categories to be audited. The reported results are statistically significant with Scotland-wide confidence intervals at the 95% level as set out in the table at paragraph 29.



### **Sample selection**

Police Scotland provided a list of all incidents and crimes (the population data) that met the criteria described in Table 1 and which were reported between 1 January 2020 and 31 March 2020. From this population data, the incidents to be audited were randomly selected by HMICS. Police Scotland was not informed which incidents had been selected in advance of the audit. Police Scotland was however aware of the five categories to be audited and the dates between which the records would be selected (this was necessary so that we could obtain the population data from which to select our sample).

We chose to audit incidents reported over a three-month time period, as we did in our Crime Audit 2014 and 2016 audits. The timeframe was dictated by the fact that we initially intended to carry out our audit in June 2020, however this was delayed to September 2020 due to COVID-19 restrictions. Auditing records from January to March allowed sufficient time for enquiries to be undertaken in relation to incidents reported before 31 March and a determination made as a result of those enquiries as to the classification and counting of crimes.

### **Recording our findings**

Our team of inspectors were provided with training on how to navigate the various incident and crime systems used by Police Scotland. Inspectors then had direct access to the systems and were able to examine each incident and crime record.

Findings were logged on an Excel template which ensured all relevant information was recorded. Incidents and crimes which failed to comply with the SCRS were brought to the attention of Police Scotland's crime registrars allowing any necessary corrective action to be taken.

### **Equality and Human Rights impact assessment**

HMICS is committed to promoting equality and diversity and takes a rights based approach to its inspection activity. To this end we consider any impact our inspections and recommendations may have on individuals, groups and communities, particularly those with protected characteristics. An Equality and Human Rights Impact Assessment (EqHRIA) was conducted for this report which can be made available on request.

### **Impact of COVID-19**

This audit was delayed due to the response to the coronavirus (COVID-19) pandemic and fieldwork took place between August and October 2020. This has been a challenging process given the complexities of the audit whilst working safely during COVID and in accordance with public health interventions resulting in increased reliance on digital platforms and electronic communication for large areas of the work. Police Scotland continues to make a vital contribution to the national effort (Operation Talla<sup>93</sup>) to reduce the spread of infection, and ultimately save lives.

The role of the inspectorate to provide independent scrutiny of policing in Scotland continues to be important throughout this time, and we adjusted our working practices during this audit in order to continue our formal inspection activity. This included conducting all interviews, document receipt and review online. In order to facilitate our audit, the audit team formed a temporary socially-distanced 'bubble' to gain access to the required Police Scotland IT systems from a single location. Appropriate PPE and cleaning materials were made available and utilised by all staff involved.

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<sup>93</sup>Operation Talla is the code name for the UK national police operation to address the requirements of the COVID-19 pandemic