



HM INSPECTORATE OF
CONSTABULARY FOR SCOTLAND

Lothian and Borders Police:
Crime Audit

12 August 2010

To monitor and improve the police service in Scotland



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1. Executive summary

SCRS compliance of internal force audit sample	
	SCRS compliance
Total sample	99.0%
SCRS compliance of crime recording system dip samples	
	SCRS compliance
Domestic abuse	96.2%
Vandalism	96.2%
Minor assault	95.2%

Main findings:-

Internal force audit - on the basis of the selection of records we examined, the force achieved a compliance rate of 99.0%. This exceeds the 95% target that ACPOS has set for compliance with the Scottish Crime Recording Standard (SCRS)

Domestic abuse - of the 104 incidents selected four were found not to comply with the SCRS, resulting in an overall compliance rate of 96.2%.

Vandalism - of the 104 incidents selected four were found not to comply with the SCRS, resulting in a compliance rate of 96.2%.

Minor assault - of the 104 minor assault incidents selected five were found not to comply with the SCRS, resulting in an overall compliance rate of 95.2%.

Conclusion

We believe that the overall levels of compliance revealed by our audit reflect the robustness of operational crime recording practices and internal audit checks in Lothian and Borders Police. Given its strong performance we make no specific recommendations to the force.

Further to the above, we discharge the following recommendation as it applies to Lothian and Borders police:

Domestic abuse (2008), recommendation 5: that forces review and reinforce their quality assurance practices and processes for recording domestic abuse incidents.

In using terms such as 'on balance' in relation to decisions to record or not to record crimes, the SCRS inevitably creates situations where interpretations will vary. In relation to domestic abuse incidents, for example, what may appear a relatively minor act, e.g. the sending of a text message, may indeed constitute a crime when further investigated and seen in the context of a pattern of behaviour. During this audit we discussed with forces the circumstances surrounding individual incidents that we had found not to comply with the SCRS. In many cases forces agreed



with our findings while in others, having considered further information, we either agreed with the force and changed our decision or we did not agree.

Rather than continuing to dwell on the circumstances of individual incidents, we anticipate that the greatest improvement will be achieved by directing remedial action at more common and recurring errors. This should include forces making clear the rationale for their decisions not to record incidents as crimes, and being consistent in the way that both juvenile assaults are recorded and unco-operative victims handled.



2. Introduction

When a member of the public reports criminal behaviour to the police, there is an obligation upon the Service not just to investigate the circumstances of the incident but to record its occurrence too. Accurate crime recording is essential in establishing the true extent of criminal activity, so that forces are able to respond appropriately and proportionately. By doing so the police service can strengthen its relationships with communities, encouraging members of the public in turn to report crime. Conversely if the police service fails in this fundamental duty, it risks losing their trust and confidence.

In order to apply consistency to the way that crime is recorded across Scotland, all Scottish police forces adopted the [Scottish Crime Recording Standard](#) in April 2004. It was intended that this standardisation would end the variety of local practices that previously existed, and would incorporate a more victim-orientated approach as the following extract indicates:

Aim: To provide a more victim orientated approach that serves the needs of our communities and ensures uniformity in crime recording standards throughout Scotland.

Principles: All reports of incidents, whether crime related or not will result in the creation of a report, which is auditable.

Following initial registration, an incident will be recorded as a crime in all cases if: the circumstances amount to a crime or offence as defined by Scots Law, and there is no credible evidence to the contrary.

Once recorded, a crime will remain recorded unless there is credible evidence to disprove that a crime had occurred.

Despite the introduction of these measures, public surveys tell us that gaps remain between what happens in communities, what members of the public choose to report to the police and what the police subsequently record as having occurred. These gaps must be closed if the Service is to improve and it is our intention that this audit serve as a helpful prompt to where forces might focus further work towards this aim.

3. Background

When a member of the public contacts the police to tell them about an incident, the information they provide typically results in an entry being created and logged on an electronic incident logging system. Once the incident log is created, officers will examine the circumstances as reported and react accordingly. The Scottish Crime Recording Standard gives guidance to police officers on what circumstances amount to an incident being recorded as a crime and as what particular crime it should be recorded. Should it subsequently be established that a crime has occurred, officers are expected to record the details on a crime report form and then carry out an investigation.

A crime audit is an examination of a sample of incidents reported to the police to determine whether they have been properly recorded as crimes. Errors will include occasions where a crime has been recorded but incorrectly categorised, for example a serious assault being recorded as a minor assault (see the methodology section below for a definition of these terms). In early 2010, Scottish police forces completed a round of internal crime audits. Our crime audit is intended to complement and support force efforts to achieve greater SCRS compliance.



In conducting this audit we have sought to link this work back to relevant recommendations made in previous HMICS reports. On a general level, for example, the way in which forces respond to reports of incidents from members of the public is related to the theme of our 2008 report, [Quality of service and feedback to users of the police service in Scotland](#). More specifically, we have used the audit to assess forces' progress in responding to recommendations in two other HMICS reports:

- [A review of how the Scottish Crime Recording Standard has developed within the police service in Scotland since 2005 \(2008\)](#), recommendation 5: that, in order to achieve greater transparency and consistency within the audit regime, forces agree to co-ordinate individual force crime audits through the SCRG so that each audit is scrutinised by a crime registrar from a neighbouring force. *On an annual basis HMICS will dip-sample crime audits across all forces, including British Transport Police and Ministry of Defence Police.*
- [Domestic abuse \(2008\)](#), recommendation 5: that forces review and reinforce their quality assurance practices and processes for recording domestic abuse incidents.

4. Methodology

Our audit comprised two distinct phases. First, we assessed the accuracy and robustness of the force's own internal crime audit. In its internal audit the force examined a sample of reported incidents for compliance with the Scottish Crime Recording Standard. The sample included incidents from all crime categories, including those offences that simply by virtue of being known to have occurred are almost always 'detected', such as possession of drugs. In the first part of our audit we examined a selection of these incidents.

In the second phase we looked at three specific types of crime and offence, namely domestic abuse, vandalism and minor assault. Our reasons for selecting these crime categories are explained in more detail below but, in brief, better recording of these crimes would help the police service to understand and manage the risks associated with violence and anti-social behaviour, both of which have been identified as very high priority areas by the Scottish Strategic Assessment¹. For this part of the audit we selected the cases to be examined from reported incidents of domestic abuse, vandalism and minor assault that had not been audited by the force.

Domestic abuse is defined by the Association of Chief Police Officers in Scotland as; *“Any form of physical, sexual or mental and emotional abuse [that] might amount to criminal conduct and which takes place within the context of a relationship. The relationship will be between partners (married, cohabiting, civil partnership or otherwise) or ex-partners. The abuse can be committed in the home or elsewhere”*. This crime type is widely recognised in policing as one of high risk because of the numbers of cases nationally that result in instances of serious injury or death. Studies have also shown that victims of domestic abuse are likely to suffer many occasions of abuse before it is reported to the police. It is therefore essential that the police properly record and investigate these kinds of incident. In our audit we examined over one hundred such cases reported to the force, to assess SCRS compliance as well as adherence to the force's policy for dealing with incidents of domestic abuse.

Vandalism, described in the Scottish Crime Recording Standard as *“wilfully or recklessly destroy[ing] or damag[ing] the property of another person contrary to Section 52, Criminal Law (Consolidation) (Scotland) Act 1995”*, is a common crime in Scotland. Typically it has one of the highest single percentage shares of all recorded crime and offences, excluding motor vehicle offences such as speeding. It could therefore seriously undermine public confidence in the police

¹ The Scottish Strategic Assessment is an overview of current and long-term matters involving criminality and community safety, compiled through evidential analysis of information and intelligence.



were forces found to be consistently under-recording this kind of crime. For this reason we audited over one hundred incidents of vandalism to assess SCRS compliance.

Finally, we examined a similar number of incidents of minor assaults. Any assault that involves a serious injury to the victim, such as broken bones or deep cuts, should be categorised as serious while all others should be classed as minor. Minor assault, according to common law, may be defined as, “*directing an attack to take effect physically on the person of another, whether or not actual injury is inflicted*”. It too is another type of offence that typically has a high individual share of all recorded crime and offences².

We believe that combining the two audit elements described above provides a reasonable ‘snapshot’ of how the force is responding to a range of calls from the public. Our results will help the force to focus further audit work on increasing its understanding of how well it is performing in relation to recording crime and should, where necessary, act as a driver for improvement.

In guidance drawn up by and for Scottish Crime Registrars, a standard statistical formula is used to calculate the size of sample to be audited per force in order to give results accurate to +/-3% with a 95% confidence level. The calculation assumes that the proportion of incidents incorrectly recorded is 0.5% of the total. In our 2005 report *Meeting the Standard*, we observed an average rate across forces of around 3.0% of all incidents recorded incorrectly. If we take the difference between these two estimated proportions, i.e. 2.5%, but apply the same confidence and accuracy levels, this will allow us to audit a sample of 104 incidents per exercise.

The general principle of data testing is that the greater the *number* of records tested, the greater confidence we can have that the result is representative of the population as a whole. However, testing large numbers of records is not always possible. For this reason, we used minimum sample sizes on this occasion. Though apparently small, our sample sizes of 104 compare favourably with those used by the Home Office (80 records per crime recording category, 120 for a force-wide single test) and were felt to be sufficient for our purpose of identifying residual weaknesses in recording systems and force processes.

The Scottish guidance also advises that the sample be taken over a specified seven-day period. Because of the larger size of Strathclyde, it is advised that sampling timeframes here also be spread across three consecutive periods over 24 hours. With the exception of Strathclyde Police, we identified a single start date and time for our audits from which we asked all forces to identify consecutive incidents - from 00:01 hours on 4th October 2009. As a result, our spread of audited cases is not comparable across all forces - e.g. it may take one force several days to record 104 incidents of minor assault but another, just several hours. Nor is it necessarily representative of the way in which all such incidents are recorded in individual forces.

² For statistical purposes the Scottish Government divides contraventions of Scottish law into two: “crime” is generally used for more serious criminal acts; “offences” is for less serious acts although it may be applied to serious breaches of criminal law. The distinction is made only for working purposes and the “seriousness” of the offence is generally related to the maximum sentence than can be imposed.



5. Findings

All crime - test of force audit

SCRS compliance 99.0%

Under this element of the audit we re-examined 104 incidents drawn from the force's internal audit sample. We found the force's compliance rate to be 99.0%. This exceeds the 95% target that ACPOS has set for compliance with the Scottish Crime Recording Standard (SCRS).

The force failed to comply with the Scottish Crime Recording Standard on just one occasion. In this instance, the matter had been marked as 'no crime' despite there being no explanation as to why damage had apparently been caused to a garden.

Domestic abuse

SCRS compliance 96.2%

Of the 104 incidents examined, four were found not to comply with the SCRS resulting in an overall compliance rate of 96.2%. This exceeds the 95% target that ACPOS has set for compliance with the Scottish Crime Recording Standard (SCRS).

Domestic abuse is widely considered to be under-reported by victims and nationally leads to a significant number of serious injuries and deaths. Accordingly police forces will wish to continue to scrutinise carefully any potential under-recording. Furthermore they may consider locally, or in conjunction with ACPOS, that a higher target for SCRS compliance than the 95% target set by ACPOS for all crimes, would be appropriate for this crime.

The majority of compliance failures related to incidents where it was apparent from the initial report of the call from a member of the public that what was being described constituted a crime but which officers didn't record as such or update the incident record clearly showing why the circumstances did not constitute a crime. In these instances, the officers reported that having arrived at the scene the victim was unwilling to make a formal complaint and therefore no crime was recorded. The ACPOS Scottish Crime Recording Standard clearly states that on occasions *"where a person believes that a crime has occurred, but the victim, witness and/or complainer refuses to co-operate with the police, a crime record will be raised and the appropriate 'non co-operative' aggravator assigned"*.

In all the non-compliant cases we also found that the incident had been viewed by a supervisory officer and closed, i.e. recorded as having been dealt with or requiring no further action, despite the apparent anomalies we have just described.

On 12 occasions we found that incidents, e.g. noisy parties and incidents involving brothers, sisters, parents and children and so on, had been incorrectly flagged by control room staff as being domestic incidents. There is a risk that any intelligence-gathering exercises that subsequently include this kind of flawed data distort strategic assessments of the prevalence and nature of crime and misinform decisions on allocating resources.



Vandalism

SCRS compliance 96.2%

Of the 104 incidents examined, four were found not to comply with the SCRS resulting in a compliance rate of 96.2%. This exceeds the 95% target that ACPOS has set for compliance with the Scottish Crime Recording Standard (SCRS).

Vandalism accounts for a high proportion of all recorded crime and is considered to be a significant contributor to what people broadly recognise as anti-social behaviour. In the Lothian and Borders Police area nearly one in every eight (12.1%) crimes recorded during 2008-09 was a vandalism. For this reason the force will wish to continue to scrutinise its recording performance for this crime closely.

All four non-compliant cases related to incidents where it was apparent from the initial report that what was being described constituted a crime but which officers subsequently failed to record as such and/or provided insufficient evidence to justify the matter being marked as 'no crime'. We also found that a large number of vandalisms had been classified as crimes of malicious mischief but could find no evidence to explain why this more serious classification had been applied. This in itself does not contravene the Scottish Crime Recording Standard, but is quite different from what we found in other forces.

In addition, all the non-compliant incidents we found had been viewed by a force supervisor and then closed, i.e. recorded as having been dealt with or requiring no further action, without any remedial action having been taken

In 69% of the investigations we examined, records showed that the person reporting a vandalism had received an update on the police investigation, in most cases at the end of the process. A further 19% did not require any update because of the nature of the incident.

Minor assault

SCRS compliance 95.2%

Of the 104 minor assault incidents examined, five were found not to comply with the SCRS resulting in an overall compliance rate of 95.2%. This exceeds the 95% target that ACPOS has set for compliance with the Scottish Crime Recording Standard (SCRS).

In 45% of the investigations we looked at, records showed that the person reporting a minor assault had received an update on the police investigation, in most cases at the end of the process. A further 45% of incidents in this category did not require the complainant to be updated.

Minor assault represented 7.8% of all recorded crime in the Lothian and Borders Police area during 2008-2009.