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STRATHCLYDE
POLICE

PUBLIC SECTOR CRIME

Standard Operating Procedures

OWNING DEPARTMENT – CRIME DIVISION

For further information, please contact the **Economic Crime Unit**.

INDEX

1. INTRODUCTION
2. PUBLIC SECTOR CORRUPTION
3. DEFALCATION
4. APPENDIX A – PUBLIC SECTOR CORRUPTION FLOWCHART
5. APPENDIX B – DEFALCATION FLOWCHART

1. INTRODUCTION

- 1.1 Public Sector Crime in this context includes two **specific areas** i.e. Public Sector Corruption and Defalcation. Prior to establishing what these crimes involve, it should be understood that the two crimes are entirely different and must be approached in a different manner. **This Standard Operating Procedure (SOP)** outlines how each crime should be approached and the reporting procedures to be maintained.

2. PUBLIC SECTOR CORRUPTION

- 2.1 Public Sector Corruption applies to any member, officer or servant of a public body who solicits or receives money or other benefit in consideration of **improperly influencing the performance of public duties**.

- 2.2 The public sector is the general term used to **refer to** employees and officials (elected or appointed) of Local and Central Government, or Government Departments and other public bodies, excluding the police.

2.3 PROCEDURE: RECEIPT OF ALLEGATION

- (a) The Deputy Chief Constable is the officer nominated to have responsibility for recording and supervising the investigation of all allegations of Public Sector Corruption which are made known to officers of the Force. Where complaints or allegations of Public Sector Corruption are made to the Crown Authorities **directly**, the Area Procurator Fiscal is to inform the nominated officer and direct any investigation.
- (b) An officer who receives a complaint or allegation of Public Sector Corruption is to record the details in his/her notebook and report the complaint as expeditiously as possible to his/her supervisory officer, who in turn must report the matter to the nominated officer by subject sheet. Should the allegation be made by an anonymous source or in an anonymous letter, the matter should be referred in exactly the same way.
- (c) The nominated officer is obliged to notify all such allegations to the Procurator Fiscal and cause them to be investigated, although he/she has discretion not to report a spurious allegation or one previously reported and dealt with.
- (d) Corruption within utilities which were in public ownership but have been privatised should continue to be treated in the same way as Public Sector Corruption. Crown Office **and Procurator Fiscal Service (COPFS)** has instructed that where such bodies continue to exercise total or substantial monopolies in respect of their services to the public, allegations of corruption relating to them

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should continue to be investigated and reported in the same way as Public Sector Corruption.

2.4 INVESTIGATION

- (a) The Chief Superintendent, **Professional Standards Department**, maintains the Public Sector Corruption register on behalf of the nominated officer. The Detective Chief Inspector, **Economic Crime Unit, within the Major Crime and Terrorism Investigation Unit (MCTIU)** maintains a parallel register and is responsible for the investigation of all such allegations.
- (b) **The Detective Chief Inspector, will identify a suitable investigating officer.**
- (c) Regular updates should be provided by the investigating officer to the nominated officer by briefing paper and to the Procurator Fiscal by subject sheet, and the nominated officer must be informed of the investigation's conclusion.

2.5 CRIME REPORTS

Crime reports are not to be raised for complaints made to the police which come within the scope of this procedure except at the instigation of the investigating officer and with the approval of the Procurator Fiscal.

2.6 FLOW CHART

A flow chart has been provided at Appendix A to show the Public Sector Corruption reporting process.

3. DEFALCATION

Defalcation is the term used to refer to acquisitive crimes committed by employees within a unitary authority and would include the misappropriation **by fraud, theft** or embezzlement of monies, materials etc., placed in an employee's charge. Therefore, Defalcation, is quite distinct from Public Sector Corruption.

3.1 PROCEDURE FOR REPORTING DEFALCATION

- (a) Unitary Authority Chief Executives have made arrangements to ensure that when it is suspected, or known, that Defalcation has occurred, the matter should be reported immediately to them, or a senior officer nominated by them (usually Chief Auditor), for the purpose of receiving, on their behalf, reports concerning suspected or known Defalcations.

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- (b) No approach will be made to the police regarding Defalcation except by the Chief Executive or other person acting on his/her authority.
- (c) In the event of such a report requiring to be notified to the police, the Chief Executive or other person acting on his/her authority, will forward this to the Assistant Chief Constable (Crime).

3.2 INVESTIGATION

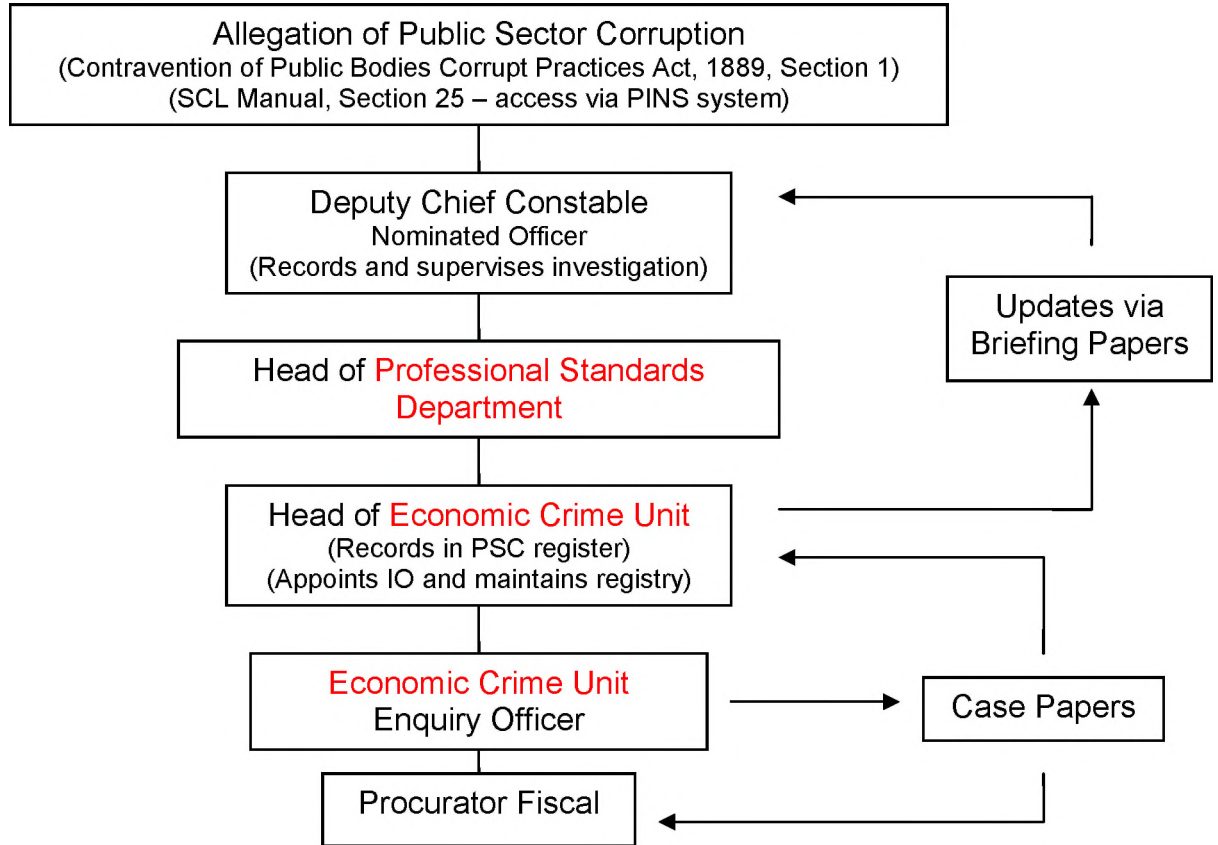
- (a) The Assistant Chief Constable (Crime) will **identify** which department within the Force is best placed to conduct the investigation. **However, in the majority of** most cases, the **Detective Chief Inspector at the Economic Crime Unit** will be instructed to carry out an assessment of the report, ascertain if a crime has been committed, **and decide whether to allocate to the Economic Crime Unit to investigate or transfer the allegation** to an appropriate department or division for further enquiry.
- (b) The investigating officer should update the Assistant Chief Constable (Crime) in the case of protracted enquiries, and in any case, on the conclusion of the investigation.

3.3 FLOW CHART

A flow chart has been provided at Appendix B to show the Defalcation reporting process.

4. APPENDIX A - PUBLIC SECTOR CORRUPTION FLOWCHART

Allegation of Public Sector Corruption



5. APPENDIX B - DEFALCATION FLOWCHART

Allegation of Defalcation

