| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-2624  Responded to: 21 December 2023 |
| --- | --- |

Your request for information is replicated below, together with our response.

Please accept our apologies for the delay in responding.

* **The number of serving police officers who were accused of sexual harassment in 2019, 2020 and 2021**
* **The number of these officers who were suspended or fired each year**
* **The number of these officers who still serve in Police Scotland**

To provide some context to this response, you may find it useful to know that the formal disciplinary process for Police Officers is governed by [the Police Service of Scotland (Conduct) Regulations 2014](https://www.legislation.gov.uk/ssi/2014/68/contents/made). The associated [Scottish Government Guidance Document](https://www.gov.scot/binaries/content/documents/govscot/publications/factsheet/2018/04/conduct-and-performance-procedures-police-guidance/documents/police-guidance-conduct-procedures/police-guidance-conduct-procedures/govscot%3Adocument/Police%2BService%2Bof%2BScotland%2B%2528conduct%2529%2Bregulations%2B2014.pdf) provides further information on the process and allegations are categorised in line with the regulated [Standards of Professional Behaviour](https://www.scotland.police.uk/about-us/who-we-are/our-standards-of-professional-behaviour/).

The Police Scotland [Complaints About the Police (CAP) Standard Operating Procedure (SOP)](https://www.scotland.police.uk/spa-media/lgyddvsi/complaints-about-the-police-sop.docx) outlines how we deal with complaints. Allegations are recorded in accordance with the categories listed at appendices C and D.

In accordance with the Police Scotland [CAP SOP](https://www.scotland.police.uk/spa-media/lgyddvsi/complaints-about-the-police-sop.docx) *all* allegations of on duty criminality by police officers are reported to the Criminal Allegations Against the Police Division (CAAPD) of the Crown Office and Procurator Fiscal Service (COPFS) for independent assessment and to enable consideration of criminal proceedings to take place.

In instances of off duty criminality, police officers are treated no differently to any other member of the public in respect of criminal proceedings.

The complaint process and the conduct process are distinct from each other and both have separate assessment and recording processes within the Professional Standards Department (PSD) database.

Once complaint matters are concluded, the circumstances may be referred for a Conduct Assessment (not necessarily every aspect of the complaint, or every officer involved). There is therefore potential for the same individual/circumstances to appear on a complaint case and a conduct case. Due to these processes, complaints and conduct matters cannot simply be added together.

There can be one or more allegations contained within one complaint case and equally, there can be one or more subject officers relative to each allegation.

Conduct cases may contain multiple allegations but are limited to one subject officer per case.

Subject officers are counted once per conduct case however the same officer may be subject to multiple cases and therefore may appear more than once.

Each case may involve multiple allegations and (for complaints only) each allegation may be linked to multiple subject officers.

As referred to above, the PSD database records complaint categories and the Standards of Professional Behaviour.

The term ‘sexual harassment’ is not a recognised recording category and no associated data is therefore available.

Section 17 of the Act therefore applies as the information sought is *not held* by Police Scotland in those terms.

* **The number of serving police officers who were accused of sexual assault in 2019, 2020 and 2021**
* **The number of these officers who were suspended or fired each year**
* **The number of these officers who still serve in Police Scotland**

The tables below detail police officers subject to allegations categorised as indecent assault, attached to complaint and conduct cases, received between 01/01/2019 and 31/12/2021 inclusive.

As detailed within the [Suspension from Duty SOP](https://www.scotland.police.uk/spa-media/3mbmetbo/suspension-from-duty-sop.pdf), only in cases where an effective criminal or misconduct investigation may be prejudiced if the officer is not suspended and/or having regard to the nature of the allegation and any other relevant considerations will suspension be imposed.  The decision to suspend an officer, made by the Deputy Chief Constable (DCC) Designate, will normally only be taken after each set of individual circumstances have been rigorously and objectively examined.

The DCC Designate can also impose other conditions or restrictions as are reasonable in the circumstances.

As dismissal from service is a disposal designated to the conduct process only, dismissals data in relation to the allegations attached to conduct cases received within the specified period has been provided.

It should be noted that allegations received may remain subject to live enquiry, in terms of criminal investigation or the misconduct process, and/or legal proceedings therefore, these matters may not yet be concluded.

Furthermore, conduct proceedings immediately cease should an officer retire or resign, as the Police Service of Scotland (Conduct) Regulations 2014 apply only to serving Police officers.

Data is presented by calendar year and is based on the case received date.

|  |  |  |  |
| --- | --- | --- | --- |
| **Subject officers linked to allegations categorised as indecent assault (complaints)** | **2019** | **2020** | **2021** |
| Number of subject officers | 15 | 10 | 14 |
| Number suspended 1 | 0 | 0 | 0 |
| Number dismissed 2 | n/a | n/a | n/a |
| Number of subject officers in service as at 11/10/2023 | 14 | 10 | 14 |

*1* *Date of suspension may vary from the case received date.*

*2 Dismissal is not a disposal for complaint cases.*

|  |  |  |  |
| --- | --- | --- | --- |
| **Subject officers linked to allegations categorised as indecent assault (conduct)** | **2019** | **2020** | **2021** |
| Number of subject officers | 7 | 6 | 5 |
| Number suspended 1 | 5 | 3 | 4 |
| Number dismissed 2 | 0 | 0 | 0 |
| Number of subject officers in service as at 11/10/2023 | 3 | 4 | 2 |

*1* *Date of suspension may vary from the case received date.*

*2 Cases may remain subject to live enquiry, in terms of criminal investigation or the misconduct process, and/or legal proceedings therefore, these matters may not yet be concluded.*

If you require any further assistance, please contact us quoting the reference above.

You can request a review of this response within the next 40 working days by [email](mailto:foi@scotland.police.uk) or by letter (Information Management - FOI, Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH). Requests must include the reason for your dissatisfaction.

If you remain dissatisfied following our review response, you can appeal to the Office of the Scottish Information Commissioner (OSIC) within 6 months - [online](http://www.itspublicknowledge.info/Appeal), by [email](mailto:enquiries@itspublicknowledge.info) or by letter (OSIC, Kinburn Castle, Doubledykes Road, St Andrews, KY16 9DS).

Following an OSIC appeal, you can appeal to the Court of Session on a point of law only.

This response will be added to our [Disclosure Log](http://www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-log) in seven days' time.

Every effort has been taken to ensure our response is as accessible as possible. If you require this response to be provided in an alternative format, please let us know.