

Our Ref: IM-FOI-2022-2246
Date: 28th November 2022



FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

I refer to your recent request for information which has been handled in accordance with the Freedom of Information (Scotland) Act 2002.

To provide some context to our response, it may be helpful to outline how the complaints and conduct processes operate in Scotland.

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.

PSD manage conduct matters for Police Officers, whilst People & Development (P&D) manage disciplinary matters relative to Members of Police Staff. This response provides information, as requested, regarding Police Officers only.

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 officer/ circumstances to appear on a complaint case and a conduct case. Due to these processes, the 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 case, however the same officer may be subject to multiple cases and therefore may appear more than once.

(1) How many serving officers in your force have been investigated for sending grossly offensive messages contrary to section 127 of the communications act between January 1, 2017, and October 21, 2022? Please break down the figures by calendar year.

Table: Subject officers linked to alleged breaches of s127 of the Communications Act 2003, by calendar year

Category	2017	2018	2019	2020	2021	2022
Number of subject officers	4	0	2	3	0	0

1. Data is based on the case received date.
2. Data for 2022 covers the period of 01/01/2022 – 21/10/2022 inclusive.
3. Each subject officer may be linked to multiple allegations.

OFFICIAL

(2) If any serving officers have been investigated for sending grossly offensive messages in the manner specified above, how many were on duty at the time the messages were allegedly sent? Please break down the figures by calendar year.

Table: Subject officers linked to alleged breaches of s127 of the Communications Act 2003, by duty category and calendar year

Duty Category	2017	2018	2019	2020	2021	2022
Off Duty	3	0	1	2	0	0
On Duty	1	0	1	1	0	0
Grand Total	4	0	2	3	0	0

- 1 . Data is based on the case received date.
- 2 . Data for 2022 covers the period of 01/01/2022 – 21/10/2022 inclusive.
- 3 . Each subject officer may be linked to multiple allegations.

(3) If any serving officers have been investigated for sending grossly offensive messages in the manner specified above, how many were alleged to have sent the grossly offensive messages to serving colleagues? Please break down the figures by calendar year.

Please note that this information is not systematically recorded on the Professional Standards database. Each of the 9 cases identified in our response to question 1 above were manually reviewed to provide this information.

Table: Alleged breaches of s127 of the Communications Act 2003 where a police colleague received the relevant communication from the subject officer, by calendar year

Cases where communication was received by Police colleague	2017	2018	2019	2020	2021	2022
	0	0	0	1	0	0

- 1 . Data is based on the case received date.
- 2 . Data for 2022 covers the period of 01/01/2022 – 21/10/2022 inclusive.
- 3 . Each case may involve multiple allegations.

(4) If any serving officers have been investigated for sending grossly offensive messages in the manner specified above, what was the outcome of the investigations? Please break down the outcomes by calendar year.

Please note that allegations received may remain subject to live enquiry and/or legal proceedings, therefore may not yet be concluded.

OFFICIAL

Table: Subject officers linked to alleged breaches of s127 of the Communications Act 2003, by duty category and calendar year

Case Disposal	2017	2018	2019	2020	2021	2022
Hearing - Written Warning	1	0	0	0	0	0
Management Action	3	0	1	0	0	0
No Action	0	0	0	1	0	0
Retired/Resigned	0	0	1	1	0	0
Ongoing - not yet concluded	0	0	0	1	0	0
Grand Total	4	0	2	3	0	0

- 1 . Data is based on the case received date.
- 2 . Data for 2022 covers the period of 01/01/2022 – 21/10/2022 inclusive.
- 3 . Each subject officer may be linked to multiple allegations.

Should you require any further assistance please contact Information Management quoting the reference number given.

If you are dissatisfied with the way in which Police Scotland has dealt with your request, you are entitled, in the first instance, to request a review of our actions and decisions.

Your request must specify the matter which gives rise to your dissatisfaction and it must be submitted within 40 working days of receiving this response - either by email to foi@scotland.police.uk or by post to Information Management (Disclosure), Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH.

If you remain dissatisfied following the outcome of that review, you are thereafter entitled to apply to the Office of the Scottish Information Commissioner within six months for a decision. You can apply [online](#), by email to enquiries@itspublicknowledge.info or by post to Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

Should you wish to appeal against the Office of the Scottish Information Commissioner's decision, there is an appeal to the Court of Session on a point of law only.

As part of our commitment to demonstrate openness and transparency in respect of the information we hold, an anonymised version of this response will be posted to the Police Scotland Freedom of Information [Disclosure Log](#) in seven days' time.