

Our Ref: IM-FOI-2022-0799  
Date: 04 May 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.

For ease of reference, your request is replicated below together with the response.

Police Scotland aims to provide the best possible service to the people of Scotland; however, recognises that, on occasion, the service received falls short of the standards expected by the public and the police themselves.

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

Firstly, I would advise that complaints and conduct are distinct and separate matters with both having different assessment and recording processes on the Professional Standards Department (PSD) database. Consequently, complaints and conduct matters cannot simply be added together.

Furthermore, 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.

All complaints received by Police Scotland are managed in line with our Complaints about the Police Standard Operating Procedures (SOP) which can be accessed via the following link:

<https://www.scotland.police.uk/spa-media/fifhh5vo/complaints-about-the-police-sop.pdf>

Further details in relation to our complaints process can be found on the Police Scotland website via the following link:

[www.scotland.police.uk/complaints/](http://www.scotland.police.uk/complaints/)

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). PSD manage conduct matters for police officers, whilst People & Development (P&D) manage conduct matters relative to members of police staff. There is therefore potential for the same officer and/ or circumstances to appear on both a complaint case and a conduct case.

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Police Scotland's Conduct Regulations can be found via the following link:

[The Police Service of Scotland \(Conduct\) Regulations 2014 \(legislation.gov.uk\)](https://www.scotland.police.uk/spa-media/2r3p0bsx/standards-of-professional-behaviour.pdf)

Police officer conduct is assessed against our Standards of Professional Behaviour which can be accessed via the following link:

<https://www.scotland.police.uk/spa-media/2r3p0bsx/standards-of-professional-behaviour.pdf>

Should an officer's behaviour be assessed to breach the Standards of Professional Behaviour, a preliminary assessment will be carried out under Regulation 10 of the Police Scotland (Conduct) Regulations 2014.

Where the assessment provides that an investigation is required, the officer concerned will be served with a Notice of Misconduct Investigation. The purpose of the investigation is to gather evidence to establish the facts and circumstances of the alleged misconduct and ascertain if there is a case to answer.

Our misconduct procedures aim to provide a fair, open and proportionate method of dealing with alleged misconduct and to encourage a culture of learning and development for individuals and the organisation. Notwithstanding, disciplinary action undoubtedly has a part to play, should circumstances dictate that this is required.

**1. Since 3 March 2021 (until today), how many serving police officers have been charged or convicted for any of the following offences:**

**rape, assault by penetration, sexual assault, child sexual abuse, extreme pornography, disclosing private sexual images without consent, indecent images of children**

**Please break this information down by type of offence and the gender of both the accused and victim.**

As the question above relates to officers charged with a *criminal offence*, these matters will be captured on Conduct or Misconduct cases, as criminal charges will automatically result in a preliminary assessment under the relevant Conduct Regulations. Data provided in response to this question will therefore rely on Conduct and Misconduct cases only.

Allegations attached to Conduct or Misconduct cases received between 03/03/2021 - 03/04/2022 inclusive, which involved a sexual circumstance, were reviewed to offer a response to the above question. By way of further explanation, the PSD database has the facility to add a 'sexual circumstance' marker to any allegation that appears or is perceived to contain a sexual element, whether physical or non-physical, criminal or non-criminal. For the purpose of your request, allegations containing this marker were extracted.

Subject Officers linked to these specific allegations were cross-referenced with the Criminal History System (CHS) to confirm whether criminal charges were applied. Please note that convictions are preceded by criminal charges in all instances.

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Please also note that, at this time, no subject officer linked to the allegations identified here have been convicted of the alleged offences. For this reason I must respond in terms of Section 17(1) of the Act: Information not held.

Table 1: Police Officers subject to criminal charges or conviction in relation to selected sexual offences, by Category, Officer Gender and Victim Gender <sup>1 2 3</sup>

Crime Category	Number of Subject Officers	Gender of Subject Officer		Gender of Victim	
		Male	Female	Male	Female
Rape	0	0	0	0	0
Assault by penetration	1	1	0	0	1
Sexual assault	2	2	0	1	1
Child sexual abuse	0	0	0	0	0
Extreme pornography	0	0	0	0	0
Disclosing private sexual images without consent	0	0	0	0	0

1. Data is based on the case received date. This date may vary from the date on which charges were issued and also from the date of conviction (where applicable).

2. Cases received may remain subject to live enquiry and/or court proceedings. Therefore, these figures remain subject to change.

3. Data is based on a snapshot and is correct as at 22/04/2022.

## 2. How many officers charged with or convicted of any of those offences within this timeframe are still employed by the police force?

This is interpreted to be a continuation of the previous question.

As above, no subject officer linked to the allegations identified have been convicted of the alleged offences and Section 17 applies.

All three officers subject to criminal charges in relation to the sexual offences specified in question 1 above remain employed by Police Scotland, as at 27/04/2022.

If you require further assistance or 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.pnn.police.uk](mailto:foi@scotland.pnn.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](mailto: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.

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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.