| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-0711  Responded to: 19 May 2023 |
| --- | --- |

Please accept our apologies for the delay in responding.

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

The Police Scotland [Complaints About the Police (CAP)](https://www.scotland.police.uk/spa-media/fifhh5vo/complaints-about-the-police-sop.pdf) Standard Operating Procedure (SOP) outlines how we deal with complaints and they are recorded in accordance with the categories listed at appendices G and H.

The formal conduct 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) further details the process and conduct cases are categorised in line with our [Standards of Professional Behaviour](https://www.scotland.police.uk/about-us/who-we-are/our-standards-of-professional-behaviour/).

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

Your original request for information is replicated below.

**[…] please disclose details of sexual assault, harassment, and misconduct charges brought against members of the police force that falls under your remit, both internally and externally, year by year from 2019-2023. Specifically:**

1. **How many accusations were made against serving officers**
2. **How many of these allegations were upheld and which ones**
3. **How many of these upheld charges resulted in disciplinary action, and what the actions were**

We sought clarification of your request, explaining the complaint and conduct procedures in Scotland, proposing what data we could provide most relevant to your original request and you confirmed you wished to proceed with the following questions for the period 2019 to 2023 to date:

1. **Allegations of criminality against police officers - sexual assault and rape specifically - with outcomes**

Data has been provided in relation to Rape and Indecent Assault allegations linked to Police officers, received between 1 January 2019 and 5 April 2023 inclusive, both on and off duty.

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

*Allegations of Indecent Assault and Rape (Complaints), by result and calendar year received*

| **Allegation Type and Result** | **2019** | **2020** | **2021** | **2022** | **2023** |
| --- | --- | --- | --- | --- | --- |
| **Indecent assault - TOTAL** | **13** | **11** | **10** | **16** | **3** |
| Abandoned | 1 | 1 | 2 | 2 | 0 |
| Not Upheld - Concluded by explanation | 0 | 0 | 0 | 4 | 0 |
| Not upheld - Leading to No Proceedings by APF | 9 | 5 | 8 | 2 | 0 |
| Withdrawn | 1 | 2 | 0 | 2 | 0 |
| Ongoing - not yet concluded | 2 | 3 | 0 | 6 | 3 |
| **Rape - TOTAL** | **0** | **0** | **2** | **1** | **0** |
| Abandoned | 0 | 0 | 1 | 0 | 0 |
| Not Upheld - Malicious complaint | 0 | 0 | 0 | 1 | 0 |
| Withdrawn | 0 | 0 | 1 | 0 | 0 |
| **Grand Total** | **13** | **11** | **12** | **17** | **3** |

*Allegations of Indecent Assault and Rape (Conduct), by disposal and calendar year received*

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Allegation Type and Disposal** | **2019** | **2020** | **2021** | **2022** | **2023** |
| **Indecent Assault - TOTAL** | **12** | **13** | **7** | **16** | **0** |
| Meeting - No Action | 0 | 1 | 0 | 0 | 0 |
| No Action | 2 | 1 | 3 | 0 | 0 |
| Retired/Resigned | 8 | 0 | 2 | 1 | 0 |
| Ongoing - not yet concluded | 2 | 11 | 2 | 15 | 0 |
| **Rape - TOTAL** | **2** | **1** | **1** | **2** | **1** |
| No Action | 1 | 0 | 0 | 0 | 0 |
| Retired/Resigned | 1 | 0 | 0 | 0 | 0 |
| Ongoing - not yet concluded | 0 | 1 | 1 | 2 | 1 |
| **Grand Total** | **14** | **14** | **8** | **18** | **1** |

1. **Complaints against police officers with a sexual circumstance marker with outcomes**

Please note that a sexual circumstance marker is added to any allegation relating to the on or off duty conduct of an officer or member of staff where an element of sexual motivation is, or *could be,* attributed. These can be criminal or non-criminal allegations.

Sexual circumstance markers are recorded against allegations, rather than cases/individuals.

On that basis, allegation data has been provided and it should be noted that each case may involve multiple allegations.

Data has been provided in relation to allegations involving a sexual circumstance linked to Police Officers, received between 1 January 2019 and 5 April 2023 inclusive.

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

*Allegations involving a sexual circumstance (Complaints), by allegation result and calendar year received*

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Allegation Result** | **2019** | **2020** | **2021** | **2022** | **2023** |
| Abandoned | 1 | 1 | 5 | 3 | 0 |
| Not Upheld - Concluded by explanation | 1 | 0 | 1 | 5 | 0 |
| Not upheld - Leading to No Proceedings by APF | 14 | 10 | 10 | 6 | 0 |
| Not Upheld - Malicious complaint | 0 | 2 | 0 | 1 | 0 |
| Upheld - Leading to misconduct disposal | 1 | 0 | 0 | 0 | 0 |
| Withdrawn | 2 | 2 | 2 | 2 | 0 |
| Ongoing - not yet concluded | 2 | 4 | 1 | 14 | 6 |
| **Grand Total** | **21** | **19** | **19** | **31** | **6** |

1. **Police officer misconduct cases with a sexual circumstances marker with outcomes**

This question is a continuation of question 2 above, but in relation to Conduct cases only.

*Allegations involving a sexual circumstance (Conduct), by allegation disposal and calendar year received*

| **Allegation Disposal** | **2019** | **2020** | **2021** | **2022** | **2023** |
| --- | --- | --- | --- | --- | --- |
| Hearing - Dismissal With Notice | 0 | 6 | 0 | 0 | 0 |
| Hearing - Demotion in Rank | 2 | 0 | 0 | 0 | 0 |
| Hearing - Final Written Warning | 0 | 4 | 0 | 0 | 0 |
| Hearing - Written Warning | 0 | 3 | 0 | 0 | 0 |
| Hearing - No Action | 5 | 0 | 0 | 0 | 0 |
| Meeting - Final Written Warning | 0 | 1 | 0 | 0 | 0 |
| Meeting - Written Warning | 2 | 0 | 0 | 0 | 0 |
| Meeting - Verbal Warning | 3 | 0 | 1 | 0 | 0 |
| Meeting - No Action | 1 | 2 | 0 | 0 | 0 |
| Management Action | 12 | 9 | 19 | 11 | 0 |
| Counselled | 4 | 0 | 0 | 0 | 0 |
| No Action | 9 | 13 | 12 | 1 | 0 |
| Retired/Resigned | 28 | 10 | 10 | 2 | 0 |
| Ongoing - not yet concluded | 8 | 33 | 11 | 35 | 7 |
| **Grand Total** | **74** | **81** | **53** | **49** | **7** |

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.