| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-0126  Responded to: 05 April 2023 |
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Your request for information is replicated below, together with our response.

Please accept our apologies for the delay in responding.

## How many police officers in your force are under investigation over allegations of sexual misconduct or racism?

## Please can you give the figures for the last five years (up to 2022) as well as the number currently under investigation?

## Please divide the figures by those facing allegations of sexual misconduct and those facing allegations of racism for each year.

The Police Scotland [Complaints About the Police Standard Operating Procedure (SOP)](https://www.scotland.police.uk/spa-media/fifhh5vo/complaints-about-the-police-sop.pdf) outlines how we deal with complaints.

We record complaints as per the categories listed at appendices G and H of the SOP and you will note that they do not directly align to the terminology used in your request.

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 Police Service of Scotland (Conduct) Regulations 2014 [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 Conduct 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/) which, again, do not align to the terminology used in your request.

In relation to your request for allegations of ‘sexual misconduct’ I would reiterate that we do not record complaint, conduct or misconduct cases in those terms.

However, to be of assistance, we have carried out a search for any allegations involving a ‘sexual circumstance’ marker.

On that basis, I can advise you that 54 police officers are linked to allegations involving a sexual circumstance that remain subject to live enquiry as at 17/01/2023. As this part of your request refers to ‘live’ enquiries, you should note that the figure will also include 2023 reports.

For the five year period 1 January 2018 to 31 December 2022, 279 police officers are linked to allegations involving a sexual circumstance:

2018 – 46

2019 – 63

2020 – 55

2021 – 50

2022 – 65

These allegations form part of complaint, conduct and/ or misconduct files.

There may be more than one officer attached to the same allegation therefore the number of allegations and the number of officers may differ.

Cases may be pending legal proceedings and/ or judicial review prior to their closure on the Professional Standards database.

In relation to your request for allegations of ‘racism’ I would again reiterate that we do not record complaint, conduct or misconduct cases in those terms.

However, to be of assistance, we have provided data based on the following categories of allegation as they specifically involve a racial element:

* Discriminatory Behaviour allegations with a ‘Race’ sub type (complaints only)
* Racially Aggravated Conduct (complaint and conduct cases)
* Racially Aggravated Harassment (complaint and conduct cases)

Please note that misconduct cases have no corresponding allegation category.

On that basis, I can advise you that 29 police officers are linked to allegations involving a racial element (based on the categories listed above) that remain subject to live enquiry as at 17/01/2023. As this part of your request refers to ‘live’ enquiries, you should note that the figure will also include 2023 reports.

For the five year period 1 January 2018 to 31 December 2022, 334 officers are linked to allegations involving a racial element (based on the categories listed above):

2018 – 46

2019 – 58

2020 – 85

2021 – 80

2022 – 65

These allegations form part of complaint and/ or conduct files.

Cases may be pending legal proceedings and/ or judicial review prior to their closure on the Professional Standards database.

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.