| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-2129  Responded to: 8th September 2023 |
| --- | --- |

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

1. **The total number of civil orders issued by your force broken by year from 2018 to the most recent data available. If possible, I would appreciate it if this could be broken down by type of civil order issued.**

Clarified as:

**I was hoping for the request to cover all types of civil order notices, but if that is not possible it would be acceptable to limit the response to focus just on civil injunctions, community protection notices and criminal behaviour orders.**

Community Protection Notices and Criminal Behaviour Orders are a feature of the Anti-Social Behaviour, Crime and Policing Act 2014, which does not extend to Scotland.

As such, in terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information you seek is not held by Police Scotland.

In Scotland, Antisocial Behaviour Orders (ASBOs) are preventative orders intended to protect people in the community affected by antisocial behaviour from further acts or conduct that would cause them alarm or distress.

An ASBO is a court order which prohibits, either indefinitely or for a specified period, a person from doing anything described in the order. Breach of an order is a criminal offence.

Police Scotland do not issue or hold data regarding ASBOs however as they are issued by the Courts.

Similarly, Police Scotland do not hold data regarding the granting of any civil orders.

We do however hold data regarding *breaches* of civil orders in circumstances where that is a criminal offence.

If you would be interested in that data, please let us know.

1. **The total number of complaints that were logged against officers at your force by year from 2018 to the most recent data available, if feasible, broken down by the nature of category of the complaint.**

The Police Scotland [Complaints About the Police 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.

It is interpreted that your request for the ‘category of the complaint’ refers to the allegation types attached to each complaint.

Data has therefore been provided below detailing the number of complaints and allegations linked to Police officers attached to complaints received between 01/01/2018 and 28/08/2023 inclusive, broken down by calendar year and allegation type. The data is based on the case received date.

Please note that each complaint may involve multiple allegations, therefore the number of allegations may vary from the number of complaints.

It should also be noted that allegations linked to Police officers only has been provided as per your request.

Therefore, quality of service allegations - which are linked to the organisation, rather than any individual officer(s) - are excluded.

Moreover, allegations linked to Police Staff - unless also linked to any Police officer - are also excluded from the figures provided.

You will observe a notable increase in assault allegations from 2018 to 2019 onwards. It should be noted that the recording process for assaults was amended in October 2018. Based on a directive from the Crown Office Procurator Fiscal Service (COPFS), allegations of assault were to be based wholly on a complainer’s perception. Therefore, comparability of data before and after this date should be treated with some caution.

*Complaints linked to Police officers, by calendar year (01/01/2018 - 28/08/2023)*

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Category** | **2018** | **2019** | **2020** | **2021** | **2022** | **2023** |
| Complaints linked to Police officers | 4,385 | 4,667 | 4,853 | 4,516 | 3,882 | 2,365 |

*Allegations linked to Police officers (Complaints), by allegation type and calendar year (01/01/2018 – 28/08/2023)*

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Allegation Type** | **2018** | **2019** | **2020** | **2021** | **2022** | **2023** |
| Assault | 158 | 342 | 392 | 451 | 509 | 324 |
| Corrupt Practice | 26 | 47 | 31 | 27 | 23 | 17 |
| Crimes of Dishonesty | 1 | 1 | 1 | 0 | 0 | 0 |
| Crimes of Indecency | 1 | 1 | 2 | 0 | 0 | 0 |
| Crimes of Violence | 0 | 2 | 0 | 0 | 0 | 0 |
| Discriminatory Behaviour | 66 | 93 | 118 | 119 | 109 | 87 |
| Excessive Force | 590 | 487 | 527 | 646 | 497 | 327 |
| Incivility | 1,549 | 1,589 | 1,889 | 1,895 | 1,645 | 830 |
| Irregularity in Procedure | 4,173 | 4,658 | 4,768 | 4,577 | 3,328 | 1,773 |
| Miscellaneous Offences | 4 | 3 | 0 | 0 | 0 | 0 |
| Neglect of Duty | 118 | 112 | 85 | 127 | 63 | 36 |
| Offences involving Motor Vehicles | 1 | 1 | 1 | 0 | 1 | 0 |
| Oppressive Conduct/Harassment | 303 | 285 | 328 | 366 | 236 | 122 |
| Other | 20 | 8 | 9 | 12 | 3 | 0 |
| Other - Criminal | 95 | 124 | 114 | 100 | 110 | 54 |
| Other - Non Criminal | 304 | 189 | 344 | 190 | 99 | 28 |
| Other Crimes | 1 | 0 | 0 | 0 | 2 | 0 |
| Traffic Irregularity/Offence | 110 | 124 | 115 | 112 | 129 | 70 |
| Unlawful/ Unnecessary Arrest or Detention | 130 | 105 | 81 | 101 | 105 | 49 |
| Total | 7,650 | 8,171 | 8,805 | 8,723 | 6,859 | 3,717 |

1. **A breakdown of the outcomes of those complaints – i.e. how many led to, say, misconduct hearings or criminal prosecutions, how many led to investigations or how many had no further action taken – similarly broken down by year, as above.**

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

Each allegation is resulted individually, rather than the overall complaint case.

Data has therefore been provided below which details the results of allegations linked to Police officers attached to complaints received between 01/01/2018 and 28/08/2023 inclusive, broken down by calendar year.

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

*Allegations linked to Police officers (Complaints), by allegation result and calendar year (01/01/2018 – 28/08/2023)*

| **Allegation Result** | **2018** | **2019** | **2020** | **2021** | **2022** | **2023** |
| --- | --- | --- | --- | --- | --- | --- |
| Abandoned | 929 | 1,012 | 1,152 | 1,352 | 1,118 | 345 |
| Not Relevant Complaint | 0 | 0 | 0 | 7 | 6 | 0 |
| Not Upheld - Concluded by explanation | 4,555 | 4,706 | 5,252 | 3,879 | 1,682 | 220 |
| Not Upheld - Insufficient evidence | 765 | 752 | 674 | 480 | 228 | 14 |
| Not upheld - Leading to No Proceedings by Area Procurator Fiscal | 211 | 391 | 406 | 348 | 153 | 15 |
| Not Upheld - Malicious complaint | 9 | 9 | 14 | 5 | 1 | 0 |
| Resolved by Front Line Resolution (Apology) | 0 | 0 | 3 | 183 | 401 | 121 |
| Resolved by Front Line Resolution (Assurance) | 0 | 0 | 10 | 607 | 1,064 | 710 |
| Resolved by Front Line Resolution (Explanation) | 1 | 0 | 26 | 484 | 738 | 284 |
| Resulting in advice | 0 | 3 | 0 | 0 | 0 | 0 |
| Upheld - Alternative to Prosecution by Area Procurator Fiscal | 1 | 1 | 2 | 0 | 1 | 0 |
| Upheld - Concluded by explanation | 711 | 769 | 657 | 533 | 225 | 37 |
| Upheld - Leading to criminal proceedings | 2 | 0 | 0 | 1 | 0 | 0 |
| Upheld - Leading to misconduct disposal | 12 | 17 | 18 | 20 | 21 | 0 |
| Withdrawn | 414 | 396 | 393 | 409 | 349 | 122 |
| Ongoing - not yet concluded | 40 | 115 | 198 | 415 | 872 | 1,849 |
| Total | 7,650 | 8,171 | 8,805 | 8,723 | 6,859 | 3,717 |

1. **The total number of both ‘mandatory' and ‘voluntary’ referrals to the IOPC of cases involving officers or staff from your force broken by year from 2018 to the most recent data available. In the case of ‘voluntary’ referrals, if possible, a wider breakdown of the outcomes of those referrals would be appreciated (i.e. how many led IOPC to launch its own investigation, how many led to the IOPC to supervise a force professional standards investigation or how many cases where the IOPC declined to have input into the case in question)**

In terms of section 17 of the Act, the information sought is *not held* by Police Scotland.

To explain, the IOPCs remit does not extend to Scotland.

If it is of interest, information about investigations carried out by the Police Investigations and Review Commissioner (PIRC), is available online:

[Publications | Police Investigations & Review Commissioner (PIRC)](https://pirc.scot/publications/?cat=investigations&Current=on)

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.