| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-2101  Responded to: 14th September 2023 |
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Your recent clarified request for information is replicated below, together with our response.

**In each year 18/19, 19/20, 20/21, 21/22 and 22/23 how many Complaints Against the Police against officers and staff were appended with a ‘sexual circumstance’ marker. Please also provide a breakdown of the outcomes.**

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 Standard Operating Procedure (SOP)](https://www.scotland.police.uk/spa-media/lgyddvsi/complaints-about-the-police-sop.docx) outlines how we deal with complaints.

The complaint and conduct processes are distinct 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, complaint and conduct data 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. Therefore, the number of allegations may vary from the number of cases.

Data has been provided below in relation to Police officers and Police Staff linked to allegations involving a sexual circumstance, attached to complaints received between 01/04/2018 and 31/03/2023 inclusive.

Please note that allegations involving a sexual circumstance may be criminal or non-criminal in nature and allegations received may remain subject to live enquiries and/ or ongoing legal proceedings, therefore may not yet be concluded.

*Cases and allegations involving a sexual circumstance (Complaints), by category and financial year 1 2*

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Category** | **2018/19** | **2019/20** | **2020/21** | **2021/22** | **2022/23** |
| Number of cases | 20 | 23 | 12 | 20 | 26 |
| Number of allegations | 25 | 28 | 12 | 21 | 28 |

*1 Data is based on the case received date.   
2 Each case may involve multiple allegations. Therefore, the number of allegations may vary from the number of cases.*

*Allegations involving a sexual circumstance linked (Complaints), by allegation result and financial year 1 2*

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Allegation result** | **18/19** | **19/20** | **20/21** | **21/22** | **22/23** |
| Abandoned | 3 | 1 | 1 | 4 | 3 |
| Not Upheld - Concluded by explanation | 4 | 1 | 1 | 2 | 7 |
| Not Upheld - Insufficient evidence | 1 | 0 | 0 | 0 | 0 |
| Not upheld - Leading to No Proceedings by APF | 15 | 17 | 7 | 9 | 5 |
| Not Upheld - Malicious complaint | 0 | 2 | 0 | 0 | 1 |
| Upheld - Concluded by explanation | 0 | 0 | 0 | 0 | 1 |
| Upheld - Leading to misconduct disposal | 0 | 1 | 0 | 0 | 0 |
| Withdrawn | 2 | 4 | 0 | 2 | 2 |
| Ongoing - not yet concluded | 0 | 2 | 3 | 4 | 9 |
| **Total** | **25** | **28** | **12** | **21** | **28** |

*1 Data is based on the case received date.   
2 Allegations received may remain subject to live enquiries and/or ongoing legal proceedings, therefore may not yet be concluded.*

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.