Freedom of Information Response

**Our reference:** FOI 23-0925

**Responded to:** 26th April 2023

Your request for information is replicated below, together with our response. Please accept our apologies for the delay in responding.

# How many police officers and staff in your force have been reported for sexual assault from the dates of January 2018 to the end of December 2022?

The Police Scotland [Complaints About the Police (CAP) Standard Operating Procedure](https://www.scotland.police.uk/spa-media/fifhh5vo/complaints-about-the-police-sop.pdf) (SOP) outlines how we deal with criminal and non-criminal complaints for both on and off duty matters.

The [Police Service of Scotland Conduct Regulations SOP](https://www.scotland.police.uk/spa-media/q1jjirdw/police-service-of-scotland-conduct-regulations-sop.pdf) outlines the process for dealing with Conduct matters for police officers and the [Police Scotland Disciplinary](https://www.scotland.police.uk/spa-media/kqeo5ogi/disciplinary-sop.docx) [SOP](https://www.scotland.police.uk/spa-media/kqeo5ogi/disciplinary-sop.docx) details the process for members of staff.

You should note that, in accordance with the Police Scotland [Complaints About the Police (CAP) Standard Operating Procedure](https://www.scotland.police.uk/spa-media/fifhh5vo/complaints-about-the-police-sop.pdf) (SOP), all allegations of on duty criminality against police officers are reported to the Crown Office and Procurator Fiscal Service (COPFS) for consideration, in order to ensure independence in the assessment and consideration of criminal proceedings takes place.

In instances of off duty criminality, the police officer or member of police staff is treated no differently to any other member of the public in respect of criminal proceedings; however, may also be subject to restrictions, suspension and misconduct proceedings.

In respect of allegations of indecent assault, 58 police officers and 3 members of police staff were reported to COPFS for consideration. These figures include reports from which no proceedings have been initiated (insufficiency of evidence), abandoned or withdrawn reports and ongoing cases.

Please note that one report may contain multiple allegations and, equally, one allegation may involve more than one individual subject; therefore, the number of individuals reported will not necessarily equate to the number of reports submitted.

It should also be noted that a report to COPFS does not necessarily mean that any charges were libeled or judicial proceedings were commenced.

# How many of these reports resulted in professional disciplinary action of an officer or staff member?

Of the cases that have been concluded, 3 resulted in formal action.

As above, the figure includes live cases, cases from which no proceedings have been initiated and cases withdrawn or abandoned.

# How many of these reports resulted in a conviction of an officer or staff member?

Of the cases that have been concluded, one officer was subject to a conviction (as at 31 December 2022).

# How many of these reported officers/staff were removed from their job?

This has been interpreted as individuals dismissed from the service following formal disciplinary or conduct proceedings.

This does not include individuals who may have retired or resigned prior to conduct / disciplinary proceedings.

Of the cases that have been concluded, no officers have been dismissed from the service.

# How many of these reported officers/staff members are still part of your force?

Of the 61 police officers and staff, 50 remain part of our Force.

The officer who was convicted of an offence is no longer serving within Police Scotland.

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.