| Police Scotland logo | Freedom of Information ResponseOur reference: FOI 23-0234Responded to: 23 May 2023 |
| --- | --- |

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

Please accept our apologies for the delay in responding and I hope you find this additional context helpful in interpreting our response.

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. Complaints are recorded in accordance with the categories listed at appendices G and H, none of which you will note directly align to the terminology used in your request.

You should also note that whilst a complaint *may* lead to conduct proceedings in some circumstances (not necessarily every aspect of the complaint, or every officer involved) which may then lead to disciplinary action - complaints themselves are not recorded in those terms in terms of outcome.

There is therefore potential for the same officer/ circumstances to appear on a complaint case and a conduct case and as a result, the complaints and conduct matters cannot simply be added together.

The 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 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/).

Again, you will note that none of the categories directly align to the terminology used in your request.

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.

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 may therefore appear more than once.

Please note that the PSD deals with conduct matters relative to police officers whilst People and Development (P&D) deals with disciplinary matters for members of police staff. Disciplinary processes for staff are different to conduct processes for officers.

**How many police officers and staff are actively under investigation for sexual misconduct (ranging from using inappropriate language to the most sexual offences)?**

The term ‘sexual misconduct’ is not a recognised recording criteria on the PSD database however complaints and conduct (officers only) cases can have a ‘sexual circumstance’ marker added to any allegation perceived to contain a sexual element, whether physical or non-physical, criminal or non-criminal.

For the purpose of your request, cases to which this specific marker applies have been extracted.

A total of 48 Police Officers are subject of allegations involving a sexual circumstance which are live on the PSD database as at 18/04/2023. This total excludes any cases reported to the Crown Office and Procurator Fiscal Service (COPFS) for consideration of further legal proceedings.

**How many completed investigations have there been into officers and staff for sexual misconduct in the last ten years?**

**Of the completed investigations, how many officers and staff were given final written warnings, suspended or dismissed?**

In relation to the period prior to 1 April 2014, the information sought is *not held* by Police Scotland and section 17 of the Act therefore applies. By way of explanation, the national PSD database did not exist prior to that date.

For the period between 1 April 2014 and 18 April 2023 a total of 179 *Complaint* cases involving a sexual circumstance were closed.

Please note that disciplinary disposals - including dismissals or final written warnings - are not available within the complaints process, as these are designated to the Conduct process only.

As explained above, the officers and circumstances involved in concluded complaints *may* be referred to the Conduct Unit for preliminary assessment and consideration of further proceedings through the Conduct process.

For the period between 1 April 2014 and 18 April 2023 a total of 241 *Conduct or Misconduct* cases involving a sexual circumstance were closed.

The outcome of the above referenced Conduct process resulted in 8 officers being dismissed and 9 officers being issued with a final written warning (suspensions are not a recognised disposal in relation to the Conduct process and therefore no further breakdown has been provided in this regard).

Please note that these case disposals are based on the highest sanction recorded against each case which involved a sexual circumstance. Each case may involve multiple allegations, each of which are subject to an individual disposal.

It should also be noted that the Police Service of Scotland (Conduct) Regulations 2014 cease to have effect when an officer retires or resigns as the Regulations only apply to serving officers. As a result, an officer may retire or resign prior to, or during, the Conduct process therefore there will not be a recorded disposal pertaining to dismissal, final written warning or otherwise for these officers.

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 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 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.