

Our Ref: IM-FOI-2022-1512
Date: 22 September 2022



FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

I refer to your recent request for information which has been handled in accordance with the Freedom of Information (Scotland) Act 2002.

For ease of reference, your (clarified) request is replicated below together with the response.

How many police officers have been sacked / dismissed because of criminal action since Police Scotland formed?

The conduct of police officers in Scotland is governed by the Police Service of Scotland (Conduct) Regulations 2014. There is no provision in those regulations for officers to be dismissed “because of criminal action”. Any decision in relation to whether criminal proceedings will be instigated against an officer, for an on duty or off duty matter, will be made by the Crown Office and Procurator Fiscal Service (COPFS).

At the conclusion of any criminal proceedings, or where no criminal proceedings are instigated, an officer’s conduct will be assessed against our Standards of Professional Behaviour and a determination made as to what action, if any, will be taken in terms of the disposals available under the Conduct Regulations.

Details of our Standards of Professional Behaviour can be found at the following link:

<https://www.scotland.police.uk/spa-media/2r3p0bsx/standards-of-professional-behaviour.pdf>

In addition, details of Police Scotland’s Conduct Regulations can be found at this link:

<https://www.legislation.gov.uk/ssi/2014/68/contents/made>

The Police Service of Scotland (Conduct) Regulations 2014 apply only to serving Police Officers. Where an officer retires or resigns from service, the Regulations no longer apply and conduct proceedings cease. Therefore, officers can only be dismissed following a hearing and cannot be dismissed where they are no longer in service.

Please also note that subject officers may appeal a dismissal. Where the dismissal has been overturned following appeal, these are not considered as a ‘dismissal’ for the purposes of this question as that disposal would have been superseded in those instances.

OFFICIAL

In terms of the time period requested, I must advise you that officer data can only be provided based on hearings held since 01/04/2014 as the national Professional Standards database became operational on that date. In terms of Section 17 of the Act, this letter represents a formal notice that information is not held for the 12 months prior to this.

Accordingly, in respect of hearings held between 01/04/2014 and 26/07/2022, I can confirm that 22 officers were dismissed from the service due to criminality.

How many police staff have been sacked / dismissed because of criminal action since Police Scotland formed?

I can confirm that two police staff employees were dismissed between 01/04/2013 and 26/07/2022 due to criminality.

If you require further assistance or are dissatisfied with the way in which Police Scotland has dealt with your request, you are entitled, in the first instance, to request a review of our actions and decisions.

Your request must specify the matter which gives rise to your dissatisfaction and it must be submitted within 40 working days of receiving this response - either by email to foi@scotland.police.uk or by post to Information Management (Disclosure), Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH.

If you remain dissatisfied following the outcome of that review, you are thereafter entitled to apply to the Office of the Scottish Information Commissioner within six months for a decision. You can apply [online](#), by email to enquiries@itspublicknowledge.info or by post to Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

Should you wish to appeal against the Office of the Scottish Information Commissioner's decision, there is an appeal to the Court of Session on a point of law only.

As part of our commitment to demonstrate openness and transparency in respect of the information we hold, an anonymised version of this response will be posted to the Police Scotland Freedom of Information [Disclosure Log](#) in seven days' time.