| Police Scotland logo | Freedom of Information ResponseOur reference: FOI 23-2680Responded to: 21 December 2023 |
| --- | --- |

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

**1.A: How many complaints regarding sexual misconduct has the force received from staff between 1 October 2022 to 1 October 2023?**

**1.B: Can these complaints be broken down by type of sexual misconduct i.e. sexual assault, rape, sexual coercion etc?
2. A: How many complaints regarding sexual misconduct has the force received from the public regarding police officers between 1 October 2022 to 1 October 2023?
2. B: Can these complaints be broken down by type of sexual misconduct i.e. sexual assault, rape, sexual coercion etc?**

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/fifhh5vo/complaints-about-the-police-sop.pdf) outlines how we deal with complaints and they are categorised as per appendices G and H of that document.

The formal disciplinary 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 associated [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 the regulated [Standards of Professional Behaviour](https://www.scotland.police.uk/about-us/who-we-are/our-standards-of-professional-behaviour/).

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.

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 individual/ circumstances to appear on a complaint case and a conduct case.

Due to these processes, complaints and conduct matters 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 officer 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 conduct case however the same officer may be subject to multiple cases and therefore may appear more than once.

Each case may involve multiple allegations and (for complaints only) each allegation may be linked to multiple subject officers.

Whilst Police Scotland do not use the recording category ‘sexual misconduct’, the PSD database holds a ‘sexual circumstance’ marker that can be appended to any conduct or complaint case containing allegations which are 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.

The tables provided detail complaint allegations involving a sexual circumstance, received between 01/10/2022 and 01/10/2023 inclusive.

These are broken down by the complainer type linked to those allegations i.e. whether police employees or members of the public.

Please note that your second question specifies complaints “regarding police officers” and your first question does not. In effect, the second question would therefore require the exclusion of any complaint allegations against members of Police staff and the first question would not.

To provide clarity, I can confirm that no complaint allegation involving a sexual circumstance within this period relates to a member of police staff as being *subject* to a complaint.

*Allegations involving a sexual circumstance (Complaints) received 01/10/2022 – 01/10/2023 inclusive, by allegation type and complainer type 1*

|  |  |
| --- | --- |
| **Allegation Type** | **No. of allegations by Complainer type** |
| **Member of Public** | **Police**  |
| Assault | 1 | 0 |
| Incivility | 1 | 0 |
| Irregularity in Procedure - Other | 1 | 0 |
| Irregularity in Procedure - Search procedures - persons or property | 1 | 0 |
| Indecent assault | 6 | 0 |
| Grand Total | 10 | 0 |

*1 Data is based on the case received date.*

As per the previous explanation in relation to the police officer conduct processes, details are also provided of Conduct allegations involving a sexual circumstance received between 01/10/2022 and 01/10/2023 inclusive.

These are broken down by allegation type, which are in accordance with the regulated [Standards of Professional Behaviour](https://www.scotland.police.uk/about-us/who-we-are/our-standards-of-professional-behaviour/).

A separate count of charges linked to these conduct allegations has also been provided, broken down by the charge categories.

Where the allegation is non-criminal in nature or where no sufficiency of evidence for criminality has been established, no charge category will be recorded.

Moreover, each allegation may be linked to multiple charges, therefore the number of charges may vary from the number of allegations.

This is due to the variation in counting conventions between the Scottish Crime Recording Standards (SCRS) for any criminal offences, in contrast to the Standards of Professional Behaviour used to categorise misconduct matters.

No charges are recorded on Misconduct cases, which are assessed and managed in relation to The Police Service of Scotland (Conduct) Regulations 2014.

Please note that complainer data is not systematically recorded on the PSD database against conduct or misconduct cases, therefore section 17 of the Act applies as the information sought is not held.

*Allegations involving a sexual circumstance (Conduct and Misconduct) received 01/10/2022 – 01/10/2023 inclusive, by allegation type 1*

|  |  |
| --- | --- |
| **Allegation Type** | **No. of allegations** |
| Authority, Respect and Courtesy | 18 |
| Conduct likely to bring discredit | 1 |
| Discreditable Conduct | 32 |
| Honesty and Integrity | 4 |
| Grand Total | 55 |

 *1 Data is based on the case received date.*

 *Charges linked to allegations involving a sexual circumstance (Conduct and Misconduct) received 01/10/2022 – 01/10/2023 inclusive, by charge type 1*

| **Charge Type** | **No. of charges** |
| --- | --- |
| Culpable and reckless conduct (not with firearms) | 1 |
| Telecommunication offences | 6 |
| Indecent assault | 13 |
| Lewd and libidinous practices | 3 |
| Other | 2 |
| Rape | 2 |
| Taking, distributing, possession etc of indecent photos of children | 1 |
| Grand Total | 28 |

*1 Data is based on the case received date.*

**3. How many police officers have been dismissed from the force for sexual misconduct during this period?**

One Police officer was dismissed in relation to an allegation involving a sexual circumstance during the period of 01/10/2022 to 01/10/2023 inclusive. Data is based on the hearing date.

Please note that allegations concluded in this period may have been received prior to this period. A dismissal disposal is only reached at the conclusion of a conduct or misconduct case at the hearing stage.

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.