| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-0877  Responded to: 19th May 2023 |
| --- | --- |

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

Please accept our apologies for the delay in responding.

The following information may provide useful context and additional reference material when considering our response to your request.

The Police Scotland [Complaints About the Police Standard Operating Procedure](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, complaints and conduct matters cannot simply be added together.

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) further details the 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.

**1) To date, how many officers are currently being investigated for sexual misconduct and domestic abuse claims?**

This question has been interpreted as referring to the number of live complaint and conduct cases which are under investigation as at 18/04/2023.

Whilst ‘sexual misconduct’ and ‘domestic abuse’ are not recognised recording categories on the PSD database, a ‘sexual circumstance’ and ‘domestic circumstance’ marker can be appended to any conduct or complaint case containing allegations which are perceived to contain a sexual or domestic element, whether physical or non-physical, criminal or non-criminal.

For the purpose of your request, cases to which these specific markers apply have been extracted.

On that basis, I can advise the PSD database shows the following number of officers under live investigation:

* 48 Police Officers subject of allegation(s) involving a sexual circumstance.
* 26 Police Officers subject of allegation(s) involving a domestic circumstance.

Please note that it is possible for any allegation - and for any officer linked to those - to involve both a sexual and a domestic element, therefore, the figures provided may involve an overlap of those circumstances.

**2) Of those, how many are continuing in employment as normal?**

**3) Of those, how many are on restricted duties?**

**4) Of those, how many are suspended?**

**5) Of those, how many have now left the force?**

In relation to the officers above, a breakdown of their duty status as at 18/04/2023 has been provided in the table below.

Please note that this information is based on a snapshot and is correct as at 18/04/2023, however may be subject to change thereafter.

*Police officers subject of live cases involving allegations with a sexual circumstance, by duty status (as at 18/04/2023) 1 2 3*

|  |  |
| --- | --- |
| **Duty Status** | **Number** |
| Suspended | 18 |
| Restricted | 5 |
| Normal duties - neither suspended or restricted | 15 |
| No longer employed by Police Scotland | 10 |
| **Grand Total** | **48** |

*1 Data is based on a snapshot, correct as at 18/04/2023.   
2 Each officer may be linked to multiple cases and/or multiple allegations, therefore the number of officers may vary from the number of cases and allegations.   
3 Data excludes cases reported to the Crown Office Procurator Fiscal Service (COPFS) for consideration of legal proceedings.*

*Police officers linked to live cases involving allegations with a domestic circumstance, by duty status (as at 18/04/2023) 1 2 3*

|  |  |
| --- | --- |
| **Duty Status** | **Number** |
| Suspended | 9 |
| Restricted | 10 |
| Normal duties - neither suspended or restricted | 4 |
| No longer employed by Police Scotland | 3 |
| **Grand Total** | **26** |

*1 Data is based on a snapshot, correct as at 18/04/2023.   
2 Each officer may be linked to multiple cases and/or multiple allegations, therefore the number of officers may vary from the number of cases and allegations.   
3 Data excludes cases reported to the Crown Office Procurator Fiscal Service (COPFS) for consideration of legal proceedings.*

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.