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Our Ref: IM-FOI-2022-2162  
Date: 03 November 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.

Police Scotland aims to provide the best possible service to the people of Scotland; however, recognises that, on occasion, the service received falls short of the standards expected by the public and the police themselves.

To provide some context to our response, it may be helpful to first outline how the complaints and conduct process operates in Scotland and to provide some additional information sources.

It is important to note 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.

All complaints received by Police Scotland are managed in line with our [Complaints about the Police Standard Operating Procedure](#) (SOP) and further details regarding the process can be found on the Police Scotland [website](#).

Once complaint matters are concluded, the circumstances may be referred for a separate conduct assessment. PSD manage conduct matters for police officers, whilst People & Development (P&D) manage conduct matters relative to members of police staff.

Police officer conduct is assessed against our [Standards of Professional Behaviour](#) and where an officer's behaviour is assessed to breach those standards, a preliminary assessment will be carried out under [Regulation 10 of the Police Scotland \(Conduct\) Regulations 2014](#).

Should the assessment provide that an investigation is required, the officer concerned will be served with a Notice of Misconduct Investigation.

The purpose of the investigation is to gather evidence to establish the facts and circumstances of the alleged misconduct and ascertain if there is a case to answer.

Our procedures aim to provide a fair, open and proportionate method of dealing with alleged misconduct and intend to encourage a culture of learning and development for individuals and the organisation.

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Notwithstanding, disciplinary action undoubtedly has a part to play, should circumstances dictate that this is required.

Importantly, it should be noted that PSOS (Conduct) Regulations 2014 and related processes apply only to serving police officers.

Once a police officer retires or resigns proceedings will automatically cease.

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

**I'm researching the outcomes for different types of allegations made in complaints about the conduct of police officers. This information is recorded on the Centurion database. Please can you help with the following? Please provide the data in a spreadsheet format such as Excel.**

- 1. Please provide the number of allegations about the conduct of police officers for each different category and specific type of allegation (which might include "race" under "discriminatory behaviour" or "use of force" under "police powers, policies and procedures" or earlier categorisations etc) in 2017, 2018, 2019, 2020, 2021 and so far in 2022 (Jan to Sep)? Please provide the data in a spreadsheet format such as Excel.**

Data detailing allegation types and sub types (where applicable) has been provided in the table at Appendix A; broken down by calendar year received.

Please note that each complaint may involve multiple allegations, therefore the number of allegations may vary from the number of cases.

Lastly, it should be noted some of the allegation types and subtypes may differentiate from the Scottish Crime Recording Standard.

- 2. Please include the outcomes of each type of allegation (for instance the number of "case to answer", "resolved", "investigation", "no case to answer" or "no further action required" etc outcomes for "use of force" allegations etc)? Please provide the data in a spreadsheet format such as Excel.**

Data detailing allegation results has been provided in the table at Appendix B; broken down by calendar year received.

Please note that each complaint may involve multiple allegations, therefore the number of allegations may vary from the number of cases.

Furthermore, cases received may remain subject to live enquiry and therefore may not be concluded. In those instances, no allegation "outcomes" are available and are therefore marked within the response below as 'Ongoing – not yet concluded'.

Lastly, it should be noted some of the allegation types and subtypes may differentiate from the Scottish Crime Recording Standard.

In terms of section 16 of the Act, I am refusing to provide this information per individual allegation type/ sub-type.

Section 16 of the Act requires Police Scotland to provide you with a notice which:

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- (a) states that it holds the information,
- (b) states that it is claiming an exemption,
- (c) specifies the exemption in question and
- (d) states, if that would not be otherwise apparent, why the exemption applies.

I can confirm that the information sought is held by Police Scotland and the exemptions I consider to be applicable are as follows:

- Section 38(1)(b) - personal information - due to the granular level of data and format requested, there is a real risk of individual identification, especially in regards to enquires which are still live or subject to current judicial proceedings.
- Section 34(1)(b) - investigations - some of the information held is held for the purposes of an investigation which, in the circumstances, may lead to a decision to report a matter to COPFS for consideration of criminal proceedings.
- Section 35(1)(g) & 2(a)/(b) - law enforcement - disclosure would prejudice the ability of Police Scotland to ascertain whether a persona has failed to comply with the law and/ or is responsible for conduct which is improper.

Whilst we wholly recognise the need for transparency around officer misconduct allegations, this must be balanced with the need to ensure that no privacy laws are breached and that there is no compromise to the investigative process.

On balance, it is assessed that the public interest is sufficiently served by the disclosure of the information at Appendices A and B and that any further breakdown is not in the public interest.

Should you require any further assistance please contact Information Management quoting the reference number given.

If you 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](mailto:foi@scotland.police.uk) or by post to Information Management (Disclosure), Police Scotland, Clyde Gateway, 2 French Street, Dalarnock, 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](mailto: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.

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**Appendix A: Allegations received by allegation type, sub type (where applicable) and calendar year received (01/01/2017 – 30/09/2022)**  
1, 2, 3 4, 5

<b>Allegation Type and Sub Types (where applicable)</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Assault	160	158	340	393	435	337
Corrupt Practice	32	26	48	31	28	23
Crimes of Dishonesty - Fraud	0	1	0	0	0	0
Crimes of Dishonesty - Theft not elsewhere classified (excl motor vehicle)	0	0	1	1	0	0
Crimes of Indecency - Indecent assault	0	1	1	1	0	0
Crimes of Indecency - Procurement & other sexual offences	1	0	0	1	0	0
Crimes of Violence - Serious assault	1	0	2	0	0	0
Discriminatory Behaviour - Age	1	0	5	5	1	1
Discriminatory Behaviour - Disability	13	15	12	20	20	12
Discriminatory Behaviour - Faith	1	4	5	3	2	5
Discriminatory Behaviour - Gender	6	10	12	17	27	14
Discriminatory Behaviour - Race	41	31	49	64	63	48
Discriminatory Behaviour - Sexual Orientation	4	6	4	6	7	4
Excessive Force	547	590	490	524	641	365
Fireraising, Malicious Mischief etc - Vandalism	1	0	0	0	0	0
Incivility	1,626	1,549	1,582	1,887	1,882	1,161
Irregularity in Procedure - ASBO/Conditional Offer etc Issues	1	0	0	0	0	0
Irregularity in Procedure - ASBO/Fixed Penalty Procedures	20	22	17	40	23	11
Irregularity in Procedure - Custody Procedures/Care of Prisoners	456	327	406	378	375	235
Irregularity in Procedure - Dealing with juveniles	0	0	0	0	0	1
Irregularity in Procedure - Disclosure of Information (non-criminal)	115	140	156	158	131	64
Irregularity in Procedure - Forced entry to premises	91	84	109	121	103	35
Irregularity in Procedure - Inaccurate information placed on police systems	131	128	141	119	155	41
Irregularity in Procedure - Insufficient Enquiry carried out	906	986	1,026	1,013	872	494
Irregularity in Procedure - Interview Procedures	78	63	64	67	43	34
Irregularity in Procedure - Length of time taken to investigate/carry out enquiries	197	177	184	145	131	95

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<b>Allegation Type and Sub Types (where applicable)</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Irregularity in Procedure - Method of Arrest/Detention	49	47	64	74	78	25
Irregularity in Procedure - Officer did not provide name or shoulder number	59	73	90	133	160	82
Irregularity in Procedure - Other	872	888	1,038	1,203	1,004	438
Irregularity in Procedure - Productions/Lost & Found Property	184	149	188	153	156	87
Irregularity in Procedure - Provide insufficient explanation regarding police procedures	289	224	235	231	266	103
Irregularity in Procedure - Provide insufficient updates to the complainer	420	432	519	398	486	290
Irregularity in Procedure - Road Traffic Procedures	143	131	87	130	113	59
Irregularity in Procedure - Search procedures - persons or property	184	166	178	214	192	101
Irregularity in Procedure - Search procedures - stop and search	22	29	23	56	34	21
Irregularity in Procedure - Statement taking	63	82	65	58	99	44
Irregularity in Procedure - Vehicle Recovery Scheme	79	39	46	41	25	16
Miscellaneous Offences - Alcohol offences, travelling to and from sporting event	0	0	1	0	0	0
Miscellaneous Offences - Breach of peace	2	2	1	0	0	0
Miscellaneous Offences - Petty assault	5	1	1	0	0	0
Miscellaneous Offences - Post Office, telecoms & data protection	2	0	0	0	0	0
Neglect of Duty	113	118	111	89	121	47
Offences involving Motor Vehicles - Dangerous & careless driving	0	1	1	0	0	0
Offences involving Motor Vehicles - Motor vehicle, other offences	1	0	0	1	0	0
Offences involving Motor Vehicles - Vehicle excise licence offences	1	0	0	0	0	0
Oppressive Conduct/Harassment	254	303	283	330	365	169
Other	23	20	8	9	11	2
Other - Criminal, Crimes of Dishonesty - Corruption	1	0	0	0	0	0
Other - Criminal, Crimes of Dishonesty - Fraud	0	0	1	1	0	0
Other - Criminal, Crimes of Dishonesty - Other criminal conduct, money laundering related offences	0	0	1	0	0	0
Other - Criminal, Crimes of Dishonesty - Theft by housebreaking	0	1	0	0	0	0
Other - Criminal, Crimes of Dishonesty - Theft by housebreaking other property	0	0	0	1	0	0
Other - Criminal, Crimes of Dishonesty - Theft from a motor vehicle not elsewhere classified	2	0	0	0	0	1
Other - Criminal, Crimes of Dishonesty - Theft not elsewhere classified (excl motor vehicle)	8	15	23	17	14	21
Other - Criminal, Crimes of Indecency - Indecent assault	12	11	12	10	11	9

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<b>Allegation Type and Sub Types (where applicable)</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Other - Criminal, Crimes of Indecency - Procuration & other sexual offences	0	2	0	3	0	0
Other - Criminal, Crimes of Indecency - Public indecency	0	1	0	0	0	0
Other - Criminal, Crimes of Indecency - Rape	1	1	0	0	2	1
Other - Criminal, Crimes of Violence - Serious assault	1	0	0	0	0	0
Other - Criminal, Crimes of Violence - Threats and Extortion	1	0	2	1	0	0
Other - Criminal, Fireraising, Malicious Mischief etc - Culpable and reckless conduct (not with firearms)	0	0	0	1	0	0
Other - Criminal, Fireraising, Malicious Mischief etc - Culpable neglect of duty	0	0	1	0	0	0
Other - Criminal, Fireraising, Malicious Mischief etc - Vandalism	0	2	6	6	8	6
Other - Criminal, Miscellaneous Offences - Absentees and deserters	0	0	1	0	0	0
Other - Criminal, Miscellaneous Offences - Animals, offences involving (ex dogs,birds else class)	0	0	0	0	1	0
Other - Criminal, Miscellaneous Offences - Anti-social behaviour offences	0	0	0	0	1	1
Other - Criminal, Miscellaneous Offences - Breach of peace	8	7	18	5	8	2
Other - Criminal, Miscellaneous Offences - Disclosure of information	0	0	0	3	1	0
Other - Criminal, Miscellaneous Offences - Dogs, other offences	0	1	0	0	0	0
Other - Criminal, Miscellaneous Offences - Local Government legislation	0	0	0	0	0	1
Other - Criminal, Miscellaneous Offences - Petty assault	1	0	0	0	0	0
Other - Criminal, Miscellaneous Offences - Post Office, telecomms & data protection	0	1	0	0	1	0
Other - Criminal, Miscellaneous Offences - Racially aggravated conduct	2	1	1	2	2	1
Other - Criminal, Miscellaneous Offences - Racially aggravated harassment	1	0	1	4	0	0
Other - Criminal, Miscellaneous Offences - Taking, dist, possession etc of indecent photos of children	0	0	0	2	0	0
Other - Criminal, Offences involving Motor Vehicles - Accident offences	0	0	0	1	2	1
Other - Criminal, Offences involving Motor Vehicles - Construction & use offences	0	1	0	0	0	0
Other - Criminal, Offences involving Motor Vehicles - Dangerous & careless driving	6	12	8	7	4	8
Other - Criminal, Offences involving Motor Vehicles - Dangerous driving offences	3	0	0	0	3	0
Other - Criminal, Offences involving Motor Vehicles - Drivers neglect of traffic directions	1	1	1	1	0	0
Other - Criminal, Offences involving Motor Vehicles - Driving carelessly	2	1	0	4	3	1
Other - Criminal, Offences involving Motor Vehicles - Driving with no MOT	0	0	1	0	0	0

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<b>Allegation Type and Sub Types (where applicable)</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Other - Criminal, Offences involving Motor Vehicles - Lighting Offences, Motor Vehicle	0	0	0	0	0	1
Other - Criminal, Offences involving Motor Vehicles - Mobile telephone offences	1	1	0	1	1	3
Other - Criminal, Offences involving Motor Vehicles - Motor vehicle, other offences	2	1	0	1	0	0
Other - Criminal, Offences involving Motor Vehicles - Parking offences	1	1	0	0	0	1
Other - Criminal, Offences involving Motor Vehicles - Speeding	1	0	1	2	0	2
Other - Criminal, Other Crimes - Attempt to pervert	19	16	15	19	16	3
Other - Criminal, Other Crimes - Breach of Data Protection Act	5	13	23	20	11	11
Other - Criminal, Other Crimes - Drugs offences	0	0	4	0	0	0
Other - Criminal, Other Crimes - Perjury	7	6	4	1	6	1
Other - Non Criminal	297	304	188	340	171	66
Other Crimes - Breach of Data Protection Act	0	1	0	0	0	1
Other Crimes - Perjury	0	0	0	0	0	1
Traffic Irregularity/Offence	142	110	124	114	109	99
Unlawful/Unnecessary Arrest or Detention	150	130	105	79	96	81
<b>Grand Total</b>	<b>7,869</b>	<b>7,664</b>	<b>8,134</b>	<b>8,760</b>	<b>8,520</b>	<b>4,787</b>

1. Data is based on the case received date.
2. Each complaint may involve multiple allegations, therefore the number of allegations may vary from the number of complaints.
3. Allegations received may remain subject to live enquiry, therefore may not yet be concluded.
4. Data is based on a snapshot taken from the Professional Standards database and is correct as at 14/10/2022.
5. Data for 2022 covers the period of 01/01/2022 - 30/09/2022.



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**Appendix B: Allegations attached to complaints, by allegation result and calendar year received (01/01/2017 - 30/09/2022)** <sup>1, 2, 3, 4, 5</sup>

<b>Allegation Result</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Abandoned	1,008	929	1,012	1,161	1,327	530
Not Relevant Complaint	0	0	0	0	7	0
Not Upheld - Concluded by explanation	4,732	4,554	4,657	5,159	3,481	342
Not Upheld - Insufficient evidence	684	763	750	653	412	70
Not upheld - Leading to No Proceedings by APF	190	206	387	388	218	13
Not Upheld - Malicious complaint	14	9	9	14	5	1
Resolved by FLR (Apology)	0	0	0	3	182	263
Resolved by FLR (Assurance)	0	0	0	10	607	642
Resolved by FLR (Explanation)	0	0	0	26	467	413
Resulting in advice	0	0	3	0	0	0
Upheld - Alternative to Prosecution by APF	1	1	1	1	0	0
Upheld - Concluded by explanation	786	707	745	631	471	60
Upheld - Leading to criminal proceedings	5	3	0	0	1	0
Upheld - Leading to misconduct disposal	28	11	15	15	19	0
Withdrawn	394	414	399	392	386	237
Ongoing - not yet concluded	27	67	156	307	937	2,216
<b>Grand Total</b>	<b>7,869</b>	<b>7,664</b>	<b>8,134</b>	<b>8,760</b>	<b>8,520</b>	<b>4,787</b>

FLR - First Line Resolution

APF - Area Procurator Fiscal

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