

Our Ref: IM-FOI-2022-0498  
Date: 18 March 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 request is replicated below together with the response.

In terms of the questions posed and to provide some context to our response, it may be helpful to outline how the complaints and conduct processes operate in Scotland.

Police Scotland aims to provide a high quality service to the people of Scotland; however, recognise that the service can sometimes fall short of the expectations of the public and the police themselves.

Police Scotland receives allegations against officers and members of police staff through a variety of sources, including through our online complaint reporting system, by email or other written correspondence. In addition, Police Scotland officers and members of police staff can report, both anonymously and confidentially, any alleged criminality, conduct or integrity concerns through our secure online confidential reporting mechanism. Such reports are received and allocated as appropriate by our Gateway Unit which is a single point of contact for all divisions and departments within Police Scotland to make referrals regarding any issues involving serving police officers or members of police staff.

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 against the Police Standard Operating Procedures (SOP), details of which can be found at the following link:

<https://www.scotland.police.uk/spa-media/fifhh5vo/complaints-about-the-police-sop.pdf>

[Further detail in relation to Police Scotland and our complaints process can be found on our public facing website at the following link:](#)

<https://www.scotland.police.uk/about-us/police-scotland/complaints/>

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.

## OFFICIAL

In respect of police officers, their conduct is assessed against our Standards of Professional Behaviour, details of which can be found at the following link:

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

[Police Scotland's Conduct Regulations can be found at this link:](#)

[The Police Service of Scotland \(Conduct\) Regulations 2014 \(legislation.gov.uk\)](#)

Should an officer's behaviour be assessed to breach the Standards of Professional Behaviour, notification is made to the officer of the commencement of a misconduct investigation. This notification is served by way of an 'Investigation Form'.

Police Scotland manage complaints and conduct matters for all police officers up to and including officers of the rank of Chief Superintendent. Complaints and conduct matters relative to senior officers (Assistant Chief Constable and above) and police staff are the responsibility of the Scottish Police Authority (SPA). Details can be found at this link:

<https://www.spa.police.uk/about-us/complaints/how-to-make-a-complaint/>

There is the potential for the same officer and circumstances to be subject of a complaint and then conduct assessment. This is because, as previously stated, once a complaint investigation has been concluded, the circumstances may be considered for a conduct assessment to determine whether the officer has breached the standards of professional behaviour. It should be noted that not every complaint allegation or officer may be the subject of a conduct assessment relative to the matter complained of.

Similarly, not every allegation received will meet the criteria for recording as a Complaint about the Police, however the circumstances may indicate that the officer's conduct may have breached the standards of professional behaviour. In such instances, the matter will be assessed and recorded as a conduct case, rather than being recorded as a Complaint about the Police.

*Due to the processes outlined, it is important to note that complaints about the police and matters considered under our conduct regulations cannot simply be added together as there is clear delineation between the two. It is also important to note that we aim to resolve complaints about the police as soon as we possibly can and in many cases we do so through explanation of process and legislation, or apology where this is warranted.*

*Additionally, our misconduct procedures aim to provide a fair, open and proportionate method of dealing with alleged misconduct. The procedures are intended to encourage a culture of learning and development for individuals and/or the organisation. However, disciplinary action has a part, when circumstances require this.*

**Between January 2015 and December 2018 incl.:**

### **1. How many police officers were the subject of accusations of domestic assault/violence related crimes?**

In response to your request, I can advise you that 30 police officer were the subject of such allegations in the four year period specified.

**2. Of these officers, how many were convicted or pled guilty to domestic assault/violence related crimes?**

Of the 30 subject officers identified in Q1, eight officers were convicted of the alleged offence.

Please note that the Lord Advocate is the head of the systems of prosecution and investigation of deaths in Scotland, functions which she exercises independently of any other person.

The Crown Office and Procurator Fiscal Service (COPFS) is the sole prosecuting authority in Scotland. It receives reports about crimes from the police and other reporting agencies and then decides what action to take, including whether to prosecute.

All criminal allegations against the police are reported to COPFS. You may wish to contact COPFS at [foi@copfs.gsi.gov.uk](mailto:foi@copfs.gsi.gov.uk) who may be able to provide you with further guidance in relation to conviction statistics.

**3. How many of those convicted/pled guilty were sacked?**

This question is interpreted as a continuation of the previous questions.

On that basis, one subject officer was subsequently dismissed from the service.

**4. How many of those convicted/pled guilty were able to resign?**

This question is interpreted as a continuation of the previous questions.

On that basis four subject officers subsequently resigned from the service.

**5. Of these officers, how many retained their full pension?**

**6. How many retained only their personal contribution?**

In response to questions 5 & 6, I must advise you that Police Pensions IDRPs are managed by the Scheme Manager, Scottish Police Pension Agency (SPPA).

As such, in terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information you seek is not held by Police Scotland.

You may wish to direct your request to the Scottish Police Pension Agency (SPPA) via the following email address:-

[SPPACommunications@gov.scot](mailto:SPPACommunications@gov.scot).

**7. How many police officers with a criminal conviction or a guilty plea to any crime were recruited?**

In response to this question, I regret to inform you that I am unable to provide you with the information you have requested, as it would prove too costly to do so within the context of the fee regulations.

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As you may be aware the current cost threshold is £600 and I estimate that it would cost well in excess of this amount to process your request.

As such, and in terms of Section 16(4) of the Freedom of Information (Scotland) Act 2002 where Section 12(1) of the Act (Excessive Cost of Compliance) has been applied, this represents a refusal notice for the information sought.

By way of explanation, Police Scotland's Professional Standards Department do not have a specific means of retrieving this information from the Centurion database.

To provide a response, all records for the current number of officers would require to be cross-checked with information held on the Criminal History System.

This would involve searches, on two databases, of 17,289 records - an exercise which would far exceed the cost limit set out in the Fees Regulations.

To provide further context in terms of recruitment, applicants to the police service may have previous convictions; however, please be reassured that all applicants are subject to a stringent vetting procedure.

Criminal convictions in respect of police applicants are exempt from rehabilitation in that they cannot be considered as 'spent convictions' and *all* will be fully considered in the recruitment process. Each candidate undergoes a full criminal history and intelligence check with all rationale recorded in respect of passing or failing the vetting process.

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.pnn.police.uk](mailto:foi@scotland.pnn.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](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.