| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-2726  Responded to: 07 December 2023 |
| --- | --- |

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

Please accept our apologies for the delay in responding.

**Please can you provide the number of employees working for Police Scotland who are currently being investigated for racism or misconduct of a sexual nature?**

Our Professional Standards Department manage conduct matters for Police Officers, whilst People & Development manage conduct matters relative to Members of Police Staff.

Police Staff

To provide some context to our response, you may wish to review our [Disciplinary Standard Operating Procedure (SOP)](https://www.scotland.police.uk/spa-media/kqeo5ogi/disciplinary-sop.docx).

There are currently 13 police staff members being investigated for racist/ sexual misconduct.

Police Officers

To provide some context to our response, it may be helpful to outline how the complaints and conduct processes operate in Scotland.

The complaint process and the conduct process are distinct from each other and both have separate assessment and recording processes within the PSD database.

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 process and allegations 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/).

The Police Scotland [Complaints About the Police Standard Operating Procedure (SOP)](https://www.scotland.police.uk/spa-media/lgyddvsi/complaints-about-the-police-sop.docx) outlines how we deal with complaints. Allegations are recorded in accordance with the categories listed at appendices C and D.

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

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

As your request refers to “investigations”, data has been provided based on all conduct cases (as all matters contained here are subject to some level of investigation, from a criminal and/ or misconduct perspective) and all complaints graded as criminal or non-criminal investigations.

Therefore, allegations which have been Frontline Resolved, abandoned or withdrawn by the complainer are excluded from the data provided below as these matters are not subject to investigation.

Please note that no specific allegation type(s) exhaustively capture those which may be defined as “racism” and no marker is recorded on the PSD database to this end. However, by way of assistance, allegations which fall within the specified categories below do involve a racial element:

* Racially aggravated conduct
* Racially aggravated harassment
* Discriminatory Behaviour with a Race sub type (attached to complaints only)

As regards “misconduct of a sexual nature”, Police Scotland do not use the recording category ‘sexual misconduct’ however 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.

Data has been provided below in relation to subject officers linked to the allegation types as defined above, which were live as at 23/10/2023.

Cases which were reported to the Procurator Fiscal by this date, but which continue to show as live on the PSD database, are excluded from the figures provided below.

Moreover, unidentified officers are excluded from the breakdown of subject officers provided as they have not been positively identified and therefore cannot be considered as being subject of a complaint.

The data provided below refers, separately, to subject officers linked to relevant allegations attached to complaints and conduct cases.

Please note that the allegations detailed in the data may be criminal or non-criminal in nature.

*Subject officers linked to an allegation categorised as involving a racial element (complaints)*

|  |  |
| --- | --- |
| **Category** | **Subject to live investigation as at 23/10/2023** |
| Number of Subject Officers | 0 |

*Subject officers linked to an allegation categorised as involving a racial element (conduct) 1*

|  |  |
| --- | --- |
| **Category** | **Subject to live investigation as at 23/10/2023** |
| Number of Subject Officers | 0 |

*1 Data in the table above excludes Police Staff, as the Conduct regulations apply to serving officers only.*

*Subject officers linked to an allegation involving a sexual circumstance (complaints)*

|  |  |
| --- | --- |
| **Category** | **Subject to live investigation as at 23/10/2023** |
| Number of Subject Officers | 11 |

*Subject officers linked to an allegation involving a sexual circumstance (conduct) 1*

|  |  |
| --- | --- |
| **Category** | **Subject to live investigation as at 23/10/2023** |
| Number of Subject Officers | 20 |

*1 Data in the table above excludes Police Staff, as the Conduct regulations apply to serving officers only.*

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.