

Our Ref: IM-FOI-2022-0705
Date: 27 April 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.

For clarity the response is divided into two sections – the first relates to police officers and the second to police civilian staff.

Police Officers:

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/>

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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.

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 \(legislation.gov.uk\)](https://www.legislation.gov.uk/uksi/2014/1000/contents/matter)

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.

1. How many Police Scotland officers and staff have been reported for alleged domestic abuse since 2018?

As regards **complaints**, one officer was subject to an allegation with a domestic circumstance between 01/01/2018 - 22/03/2022. Files were manually reviewed to include only those allegations which relate to a domestic allegation committed by a subject officer.

*Table 1: Allegations (Police Officers) with a domestic circumstance on **complaint** cases, by year received ^{1 2 3}*

Category	2018	2019	2020	2021	2022
Number of Subject Officers	0	1	0	0	0

1. Data is based on the case received date.
2. Each subject officer may be linked to multiple allegations.
3. Data for 2022 covers the period of 01/01/2022 - 22/03/2022.

As regards **conduct** cases, 75 officers were subject to an allegation with a domestic circumstance between 01/01/2018 – 22/03/2022. Files were manually reviewed to include only those allegations which relate to a domestic allegation committed by a subject officer.

*Table 2: Allegations (Police Officers) with a domestic circumstance on **conduct** cases, by year received ^{1 2 3 4}*

Category	2018	2019	2020	2021	2022
Number of Subject Officers	10	21	15	23	6

1. Data is based on the case received date.
2. Each subject officer may be linked to multiple allegations.
3. Data for 2022 covers the period of 01/01/2022 - 22/03/2022.
4. Data in the table above excludes Police Staff, as the Conduct regulations apply only to serving Police Officers.

2. Of them, how many were: dismissed; retired; resigned; or left for other reasons?

This is interpreted as a continuation of the previous question.

Please note that cases may remain ongoing and therefore may not yet be concluded. In addition, where there is an allegation of misconduct and the subject officer resigns or retires in the course of the investigation or proceedings, those proceedings come to a halt and the officer cannot then be subject to dismissal under terms of the Police Service of Scotland (Conduct) Regulations 2014.

Data has been provided in the tables below in relation to dismissals, retirements and resignations.

Table 3: Selected Disposals for Subject Officers linked to allegations involving a domestic circumstance (Complaints), by Calendar Year ^{1 2 3}

Disposal Category (selected)	2018	2019	2020	2021	2022
Dismissed	0	0	0	0	0
Retired/Resigned	0	0	0	0	0

1. Data is based on the case received date.
2. Each subject officer may be linked to multiple allegations.
3. Data for 2022 covers the period of 01/01/2022 - 22/03/2022.

As the answer to the question above is zero, I must respond in terms of Section 17(1) of the Act: Information not held.

Table 4: Selected Disposals for Subject Officers linked to allegations involving a domestic circumstance (Conduct/Misconduct), by Calendar Year ^{1 2 3 4}

Disposal Category (selected)	2018	2019	2020	2021	2022
Dismissed	0	0	0	0	0
Retired/Resigned	2	7	1	0	0

1. Data is based on the case received date.
2. Each subject officer may be linked to multiple allegations.
3. Data for 2022 covers the period of 01/01/2022 - 22/03/2022.
4. Data in the table above excludes Police Staff, as the Conduct regulations apply only to serving Police Officers.

3. How many were charged and, of those, how many resulted in a conviction?

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

Please note that cases received may remain ongoing and therefore may not yet be concluded.

Of the officers subject to an allegation with a domestic circumstance received between 01/01/2018 - 22/03/2022, 38 officers have been charged, of those officers 13 have been convicted in relation to a domestic related 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 who may be able to provide you with further guidance in relation to conviction statistics.

Police Staff:

The responses to Q1 – Q3 in terms of police civilian staff are provided in table 5 below:

Please note that in the cases that criminal proceedings are ongoing, we cannot answer if the reported staff has been convicted yet and these have represented this with a zero return; Section 17 applies.

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Table 5: Details of disciplinary cases relating to domestic abuse reports made against police staff, by year received ^{1 2 3}

Year	No. of cases	No. of staff who resigned, retired or were dismissed.	No. of staff charged with a domestic abuse related offence.	No. of staff convicted of a domestic abuse related offence.
2018	0	0	0	0
2019	0	0	0	0
2020	1	0	1	0
2021	4	0	4	0
2022	1	0	1	0

Finally, I must advise you that in our previous response (21-2341) one (police staff) case was included for 2018. However on further investigation it was decided that this case would not meet the definition of a domestic incident and so it has been removed from this response. I apologise for any confusion caused.

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 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 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.