| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-0220  Responded to: 23rd June 2023 |
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Your request for information is replicated below, together with our response.

Please accept our apologies for the delay in responding.

We have received an unprecedented volume of requests on the subject of police officer conduct and criminality in recent months and that has, unfortunately, impacted on our ability to meet the statutory timescales.

To provide some context to our response, it may be helpful to outline how the complaints and conduct processes operate in Scotland and to provide some links to information which may be of use to you.

The Police Scotland [Complaints About the Police Standard Operating Procedure (SOP)](https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.scotland.police.uk%2Fspa-media%2Ffifhh5vo%2Fcomplaints-about-the-police-sop.pdf&data=05%7C01%7Cfoidundee%40scotland.police.uk%7C54e4397daca147c65b6808daef1ace2b%7C6795c5d3c94b497a865c4c343e4cf141%7C0%7C0%7C638085195793554829%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=5s%2FxGh8QE%2B1stSQSNXdmV55vTIfMyX3oZSs6PkR%2Fghk%3D&reserved=0) outlines how we deal with complaints. Appendices G and H provide details of the categories under which complaints are recorded.

The formal disciplinary process for Police Officers is governed by [The Police Service of Scotland (Conduct) Regulations 2014](https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.legislation.gov.uk%2Fssi%2F2014%2F68%2Fcontents%2Fmade&data=05%7C01%7Cfoidundee%40scotland.police.uk%7C54e4397daca147c65b6808daef1ace2b%7C6795c5d3c94b497a865c4c343e4cf141%7C0%7C0%7C638085195793554829%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=nVD%2Fi7I4JgsZeXeLINRo7CtBhIU1pJlwqyRAz9OLJvM%3D&reserved=0).

The Police Service of Scotland (Conduct) Regulations 2014 [Scottish Government Guidance Document](https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.gov.scot%2Fbinaries%2Fcontent%2Fdocuments%2Fgovscot%2Fpublications%2Ffactsheet%2F2018%2F04%2Fconduct-and-performance-procedures-police-guidance%2Fdocuments%2Fpolice-guidance-conduct-procedures%2Fpolice-guidance-conduct-procedures%2Fgovscot%253Adocument%2FPolice%252BService%252Bof%252BScotland%252B%252528conduct%252529%252Bregulations%252B2014.pdf&data=05%7C01%7Cfoidundee%40scotland.police.uk%7C54e4397daca147c65b6808daef1ace2b%7C6795c5d3c94b497a865c4c343e4cf141%7C0%7C0%7C638085195793554829%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=ozdtyj7iO0ddM%2FvhW40cH1pCOj%2B1Z76mHTFetUPIAdY%3D&reserved=0) provides further information on the Conduct process. Conduct cases are categorised and recorded in line with our [Standards of Professional Behaviour](https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.scotland.police.uk%2Fabout-us%2Fwho-we-are%2Four-standards-of-professional-behaviour%2F&data=05%7C01%7Cfoidundee%40scotland.police.uk%7C54e4397daca147c65b6808daef1ace2b%7C6795c5d3c94b497a865c4c343e4cf141%7C0%7C0%7C638085195793554829%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=9G5bYtOnQBZjUYa4raUK0X%2B6Dh6vUao0SmEJHjz24uE%3D&reserved=0).

As you will see from reviewing the above documents, the complaint and conduct processes are distinct from each other and both have separate assessment and recording processes within the Professional Standards Department (PSD) database.

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.

Please also note that there can be one or more allegations contained within one complaint case and equally, there can be one or more subject officers 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.

## How many officers on your force are currently being investigated for sexual and domestic abuse offences? For each officer, please provide the number of offences

A total of 54 officers are subject to live investigation for criminal allegations involving sexual and/or domestic circumstances as at 07/06/2023.

This data is based on live complaint and conduct cases recorded on the Professional Standards Database.

Please also note that an individual allegation may involve both a sexual and a domestic circumstance.

*Police officers subject to live investigation for criminal allegations involving sexual and/or domestic circumstances (as at 07/06/2023), by number of allegations*

|  |  |
| --- | --- |
| **Number of allegations** | **Number of officers** |
| 1 allegation | 44 |
| 2-5 allegations | 9 |
| Over 5 allegations | 1 |
| Total | 54 |

## A list of closed investigations into officers for sexual and domestic abuse offences over the last three years, giving year of offence, offence, and outcome (I'm after investigations started/ opened in the last three years which have been subsequently closed/ completed.)

Data has been provided below which separately details complaint cases involving criminal ‘allegations’ and conduct cases involving criminal charges involving a sexual and/or domestic circumstance.

As per your request, these are based on matters received 01/04/2020 - 31/03/2023 which have since been concluded, as at 07/06/2023.

*Closed criminal allegations involving sexual and/or domestic circumstances linked to Police officers received between 01/04/2020 – 31/03/2023 (Complaints), by allegation type and financial year received 1 2*

|  |  |  |  |
| --- | --- | --- | --- |
| **Allegation Type** | **2020/21** | **2021/22** | **2022/23** |
| Assault | 0 | 7 | 2 |
| Breach of peace | 0 | 1 | 0 |
| Indecent assault | 7 | 7 | 12 |
| Rape | 1 | 1 | 1 |
| Taking, distributing, possession etc of indecent photos of children | 1 | 0 | 0 |
| Total | 9 | 16 | 15 |

*1 Data in the table above is based on the case received date.   
2 Allegations which have not been resulted as at 07/06/2023 have been excluded from the table above, as per the specifics of the request.*

*Closed criminal allegations involving sexual and/or domestic circumstances linked to Police officers received between 01/04/2020 – 31/03/2023 (Complaints), by allegation result and financial year received 1 2*

|  |  |  |  |
| --- | --- | --- | --- |
| **Allegation Result** | **2020/21** | **2021/22** | **2022/23** |
| Abandoned | 1 | 3 | 2 |
| Not Upheld - Concluded by explanation | 1 | 2 | 6 |
| Not upheld - Leading to No Proceedings by APF | 7 | 9 | 4 |
| Not Upheld - Malicious complaint | 0 | 0 | 1 |
| Withdrawn | 0 | 2 | 2 |
| Total | 9 | 16 | 15 |

*1 Data in the table above is based on the case received date.   
2 Allegations which have not been resulted as at 07/06/2023 have been excluded from the table above, as per the specifics of the request.*

*Closed criminal allegations involving sexual and/or domestic circumstances with charges linked to Police officers received between 01/04/2020 – 31/03/2023 (Conduct), by charge type and financial year received 1 2*

|  |  |  |  |
| --- | --- | --- | --- |
| **Charge Type** | **2020/21** | **2021/22** | **2022/23** |
| Breach of peace | 11 | 1 | 2 |
| Children & young persons offences | 1 | 0 | 0 |
| General post office/telecommunications offences | 0 | 5 | 0 |
| Indecent assault | 5 | 3 | 1 |
| Petty assault | 6 | 5 | 1 |
| Post Office, telecomms & data protection | 1 | 1 | 1 |
| Public indecency | 0 | 3 | 0 |
| Racially aggravated conduct | 0 | 2 | 0 |
| Resist arrest | 0 | 0 | 1 |
| Other | 15 | 8 | 0 |
| Total | 39 | 28 | 6 |

*1 Data in the table above is based on the case received date.   
2 Allegations which have not been resulted as at 07/06/2023 have been excluded from the table above, as per the specifics of the request.*

*Closed criminal allegations involving sexual and/or domestic circumstances with charges linked to Police officers received between 01/04/2020 – 31/03/2023 (Conduct), by allegation disposal and financial year received 1 2*

| **Allegation Disposal** | **2020/21** | **2021/22** | **2022/23** |
| --- | --- | --- | --- |
| Hearing - Final Written Warning | 5 | 1 | 0 |
| Hearing - Written Warning | 2 | 0 | 0 |
| Meeting - Final Written Warning | 0 | 0 | 2 |
| Management Action | 5 | 12 | 2 |
| No Action | 12 | 4 | 2 |
| Retired/Resigned | 9 | 5 | 0 |
| Total | 33 | 22 | 6 |

*1 Data in the table above is based on the case received date.   
2 Allegations which have not been resulted as at 07/06/2023 have been excluded from the table above, as per the specifics of the request.*

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.