| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-0745  Responded to: 24th July 2023 |
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Your recent 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 and that has, unfortunately, impacted on our ability to meet the statutory timescales in some cases.

Before responding, we would advise you that 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 cases 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/).

**Between 2018 and 2022 inclusive:**

1. **How many police officers in your force have been found guilty of:**
   1. **gross misconduct?**

For the purposes of this request, the term ‘guilty’ is interpreted to mean allegations which have resulted in determinations of ‘Proven - Gross Misconduct’.

A total of 30 Police officers have been subject to Misconduct hearings held between 01/01/2018 and 31/12/2022 which have resulted in determinations of ‘Proven - Gross Misconduct’.

Please note that each hearing may involve multiple allegations, each of which is subject to an individual determination and disposal.

* 1. **gross misconduct on account of a sexual assault incident, a domestic abuse incident, or coercive control?**

Of the 30 officers referred to in our response to question 1a above, 2 of those involved an element of alleged sexual assault.

Please note that sexual assault is not a recorded category in relation to Misconduct hearings, as allegations are recorded and assessed in line with our [Standards of Professional Behaviour](https://www.scotland.police.uk/about-us/who-we-are/our-standards-of-professional-behaviour/) as laid out in [the Police Service of Scotland (Conduct) Regulations 2014](https://www.legislation.gov.uk/ssi/2014/68/contents/made).

Allegations involving a *sexual circumstance* which resulted in determinations of ‘Proven - Gross Misconduct’ in hearings held within the specified period were however manually reviewed to provide response to this question.

Furthermore, of the 30 officers referred to in our response to question 1a above, 1 of those involved a *domestic circumstance*. Please note that *domestic circumstances* may be criminal or non-criminal in nature.

Coercive control is however a criminal offence under the Domestic Abuse (Scotland) Act 2018. This particular case was manually reviewed and did not involve any charges applicable to coercive control under this legislation.

1. **How many of those officers found guilty continued to serve as police officers? Please give separate figures for a) and b).**
2. **How many of those found guilty were dismissed as a result? Please give separate figures for a) and b).**
3. **How many of those found guilty resigned? Please give separate figures for a) and b).**

In response, I can advise you that of the 30 officers referred to in our response to question 1a above, 15 were dismissed. The remaining 15 continued to serve as Police officers at the conclusion of the Misconduct process.

Of the 2 officers referred to in our response to question 1b above which involved an element of alleged sexual assault, 1 was dismissed. The remaining officer continued to serve as a Police officer at the conclusion of the Misconduct process.

As regards the 1 officer referred to in our response to question 1b above which involved a domestic circumstance, this officer was not dismissed and therefore continued to serve as a Police officer at the conclusion of the Misconduct process.

Please note that Police officers serving with Police Scotland may retire or resign at any stage of the Misconduct process prior to a hearing in line with the regulations, as those apply only to serving Police officers. However, officers are unable to retire or resign during a hearing itself and therefore this disposal does not apply.

1. **How many of those found guilty lost all of their pension? Please give separate figures for a) and b).**
2. **How many of those found guilty lost part of their pension? Please give separate figures for a) and b).**

In terms of section 17 of the Act, I can confirm that the information you seek is not held by Police Scotland.

Pensions are managed by the Scheme Manager of the Scottish Police Pension Agency (SPPA).

You may wish to direct your request to the SPPA:

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

1. **How many officers in your force have been criminally convicted of a rape, sexual assault, domestic abuse or coercive control offence?**

Between 01/01/2018 and 31/12/2022, 15 Police officers have been convicted of the offences listed - broken down as follows:

Rape - 0  
Sexual Assault - 5  
Domestic abuse offences - 9  
Coercive control - 1

1. **How many officers who received the aforementioned criminal convictions continued to serve as police officers (even if they subsequently retired in line with length of service expectations)?**

Of the 15 officers;

- 8 remained serving following conviction, however they remained suspended from duty until the date of their retiral/ resignation whilst misconduct proceedings were ongoing.

- 7 officers remain serving as of 14 July 2023, however 6 are suspended and 1 is on restricted duties.

Of note, the Conduct regulations apply only to serving Police officers.

Therefore, if an officer retires or resigns from service, misconduct proceedings immediately cease.

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.