

Our Ref: IM-FOI-2021-2823
Date: 21 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.

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

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 Professional Standards Department (PSD) database, Centurion.

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). PSD manage conduct matters for Police Officers, whilst People & Development (P&D) manage conduct matters relative to Members of Police Staff. 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 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.

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>

A preliminary assessment is carried out under Regulation 10 of the Police Scotland (Conduct) Regulations 2014. Should an officer's behaviour be assessed to have breached the Standards of Professional Behaviour and an investigation is required, the officer is served with of a Notice of Misconduct Investigation form. The purpose of any investigation

is to gather evidence to establish the facts and circumstances of the alleged misconduct and if there is a case to answer.

Police Scotland's Conduct Regulations can be found at the following link:

[The Police Service of Scotland \(Conduct\) Regulations 2014 \(legislation.gov.uk\)](https://www.legislation.gov.uk/uksi/2014/1211/contents/make)

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 can be undertaken when circumstances require.

Please provide the number of officers for each of the last four years who are:

a) Facing allegations about misconduct or complaints or under investigation by Police Scotland's internal investigations unit who have been allowed to go on patrol?

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Please note that "allowed to go on patrol" is not a recognised category in relation to duty restrictions placed on officers subject to Complaint or Conduct cases. For the purposes of this question, officers suspended or subject to non-operational restricted duties are interpreted as those officers who remain deployable whilst subject to a complaint or conduct case. Within the data provided below, officers subject to those conditions are referred to as 'not subject to non-operational duty restrictions'.

Where any high risk allegation is identified a '*Risk Assessment & Request For Consideration Of Duty Restrictions*' will be presented to the Assistant Chief Constable who has the responsibility for Professionalism and Assurance in order to make a determination on what restrictions should be imposed.

When an officer is subject to a complaint or investigation that is of a lower risk, (where Duty Restrictions or Suspension are not required) this is considered by an Inspector in the

Professional Standards Department (PSD) and local divisions will subsequently be made aware/ advised in order that this can be managed locally.

All restrictions are given careful consideration taking cognisance of the interest of the officer, colleagues and the public.

A total of 22,455 Police Officers were subject to complaints received between 01/04/2018 and 07/03/2022 inclusive. Data has been provided by financial year within the table below, including the restriction category of officers.

Table 1: Police Officers subject to complaints not subject to non-operational duty restrictions, by financial year ^{1 2 3}

Category	2018/19	2019/20	2020/21	2021/22
Operational	5,787	5,669	6,356	4,573

1. Data is based on the case received date.
2. Each complaint may be linked to multiple subject officers. Each subject officer may be linked to multiple allegations.
3. Data for 2021/22 covers the period of 01/04/2021 - 07/03/2022 inclusive.

Table 2: Police Officers subject to conduct or misconduct cases not subject to non-operational duty restrictions, by financial year ^{1 2 3}

Category	2018/19	2019/20	2020/21	2021/22
Operational	390	405	348	368

1. Data is based on the case received date.
2. Each subject officer may be linked to multiple allegations.
3. Data for 2021/22 covers the period of 01/04/2021 - 07/03/2022 inclusive.

b) Facing allegations about misconduct or complaints or under investigation by Police Scotland's internal investigations unit for sexual offences who have been allowed to go on patrol?

This question is interpreted to be a continuation of question a) above, but in relation to criminal allegations involving a sexual circumstance. By way of further explanation, the PSD database has the facility to add a 'sexual circumstance' marker to any allegation that appears or is perceived to contain a sexual element, whether physical or non-physical, criminal or non-criminal. For the purpose of your request, allegations containing this marker were extracted.

Table 3: Police Officers subject to criminal allegations involving a sexual circumstance not subject to non-operational duty restrictions (complaints only), by financial year ^{1 2 3}

Category	2018/19	2019/20	2020/21	2021/22
Operational	13	14	8	4

1. Data is based on the case received date.
2. Each complaint may be linked to multiple subject officers. Each subject officer may be linked to multiple allegations.
3. Data for 2021/22 covers the period of 01/04/2021 - 07/03/2022 inclusive.

Table 4: Police Officers subject to criminal allegations involving a sexual circumstance not subject to non-operational duty restrictions (conduct or misconduct only), by restriction category and financial year ^{1 2 3}

Category	2018/19	2019/20	2020/21	2021/22
Operational	2	9	3	3

1. Data is based on the case received date.
2. Each subject officer may be linked to multiple allegations.
3. Data for 2021/22 covers the period of 01/04/2021 - 07/03/2022 inclusive.

c) Facing allegations about misconduct or complaints or under investigation by Police Scotland's internal investigations unit for use of force who have been allowed to go on patrol?

This question is interpreted to be a continuation of question a) above, but in relation to allegations for Use of Force. Please note that Use of Force is recorded as a specific allegation category on conduct or misconduct cases, however for complaints the relevant allegation categories are either Excessive Force or Assault.

Table 5: Police Officers subject to allegations of Assault or Excessive Force not subject to non-operational duty restrictions (complaints only), by financial year ^{1 2 3}

Category	2018/19	2019/20	2020/21	2021/22
Operational	847	821	986	687

1. Data is based on the case received date.
2. Each complaint may be linked to multiple subject officers. Each subject officer may be linked to multiple allegations.
3. Data for 2021/22 covers the period of 01/04/2021 - 07/03/2022 inclusive.

Table 6: Police Officers subject to Use of Force allegations not subject to non-operational duty restrictions (conduct or misconduct), by financial year ^{1 2 3}

Category	2018/19	2019/20	2020/21	2021/22
Operational	11	12	10	5

1. Data is based on the case received date.
2. Each subject officer may be linked to multiple allegations.
3. Data for 2021/22 covers the period of 01/04/2021 - 07/03/2022 inclusive.

d) Facing allegations about misconduct or complaints or under investigation by Police Scotland's internal investigations unit who were subject to a complaint about their behaviour while they were on restricted duties but allowed on patrol wearing body-worn video.

Police Scotland do not have a category on the Police Scotland Centurion system titled 'Allowed on Patrol (Operational) but wearing a Body Worn Camera (BWC)'. For this reason I must respond in terms of Section 17(1) of the Act: Information not held.

Notwithstanding, please note that BWC is not currently used to a great extent in Police Scotland and operationally is largely restricted to North East Division and armed policing only.

OFFICIAL

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.