

Our Ref: IM-FOI-2021-2236
Date: 21 January 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 the best possible service to the people of Scotland however recognises that on occasion the service received falls short of the standards expected by the public and the police themselves.

To provide some context to our response, it may be helpful to first outline how the complaints and conduct process operates in Scotland and to provide some additional information sources.

All complaints received by Police Scotland are managed in line with our Complaints about the Police Standard Operating Procedures (SOP) which can be accessed via the following link:

<https://www.scotland.police.uk/spa-media/fifhh5vo/complaints-about-the-police-sop.pdf>

Further details in relation to our complaints process can be found on the Police Scotland website via the following link:

<https://www.scotland.police.uk/about-us/police-scotland/complaints/>

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 circumstances where a Police Officer is charged with a criminal offence the matter will always be referred for a separate conduct assessment to be undertaken.

Police officer conduct is assessed against our Standards of Professional Behaviour which can be accessed via the following link:

<https://www.scotland.police.uk/spa-media/2r3p0bsx/standards-of-professional-behaviour.pdf>

Should an officer's behaviour be assessed to breach the Standards of Professional Behaviour, a preliminary assessment will be carried out under Regulation 10 of the Police Scotland (Conduct) Regulations 2014.

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

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

Should the assessment provide that an investigation is required, the officer concerned will be served with a Notice of Misconduct Investigation. The purpose of the investigation is to gather evidence to establish the facts and circumstances of the alleged misconduct and ascertain if there is a case to answer.

Our misconduct procedures aim to provide a fair, open and proportionate method of dealing with alleged misconduct and intend to encourage a culture of learning and development for individuals and the organisation. Notwithstanding, disciplinary action undoubtedly has a part to play, should circumstances dictate that this is required.

Conduct cases may contain multiple allegations, but are limited to one subject officer per case. As your request relates solely to Police Scotland officers charged with a criminal offence, I would advise that such matters are always recorded as Conduct or Misconduct cases as any alleged criminality perpetrated by a serving Police Officer is assessed to breach the Standards of Professional Behaviour.

Data provided in response to this question will therefore rely on Conduct and Misconduct cases only.

For clarity, the national Professional Standards database became operational from 1 April 2014 and consequently national data is only available from that date. Accordingly, Police Scotland does not hold the information requested for any period prior to this and in terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information requested is not held by Police Scotland.

1. How many police Scotland officers have been charged over the past 20 years with sexual crimes?

Your request seeks information relating to Police Officers charged with Sexual Crimes and I would advise that upon reviewing Conduct or Misconduct cases received between 01/04/2014 and 14/10/2021 inclusive, a total of **53** Police Officers were charged in relation to allegations involving a sexual circumstance. For clarification, a sexual circumstance is considered to relate to all allegations where there is a sexual element

Conduct and Misconduct cases received during this period containing allegations involving a sexual circumstance have been manually reviewed and cross-referred with the Criminal History System (CHS) to provide this information. Data has been provided by financial year within the table below.

Please note that cases received during this period may remain subject to live enquiry. As such, these matters may yet result in charges being issued and the data provided therefore remains subject to change.

Relevant allegations involving a sexual circumstance may relate to On Duty and Off Duty allegations.

Where matters involving a serving police officer occur off duty as with any other member of the public an investigation will be undertaken by the relevant investigatory authority and where relevant matters reported to Crown Office and Procurator Fiscal Service (COPFS).

Where there is an indication that an on duty crime may have been committed, Professional Standards Department will contact the Criminal Allegations Against [the] Police Division (CAAPD) of the Crown Office and Procurator Fiscal Service (COPFS) to advise them. CAAPD may advise further investigation action or enquiry to be undertaken or may refer the matter to the PIRC (Police Investigations and Review Commissioner) to investigate.

Table 1: Police Officers charged in relation to allegations involving a sexual circumstance, by Financial Year Received ^{1 2 3 4}

Financial Year	Number of Subject Officers
2014/15	3
2015/16	2
2016/17	5
2017/18	10
2018/19	10
2019/20	11
2020/21	10
2021/22	2
Total	53

1. Data is based on the case received date.
2. Please note that the date on which an officer was formally charged may vary from the case received date.
3. Each subject officer may be linked to multiple allegations and multiple charges.
4. Data for 2021/22 covers the period of 01/04/2021 - 14/10/2021 inclusive.

2. Out of these officers how many lost their jobs and were convicted of their crimes?

This question is interpreted to be a continuation of the previous question.

Please note that, in relation to both aspects of this question, the date of conviction and the date of disposal may vary from the date on which the Conduct or Misconduct case was received.

A total of **27** Police Officers were convicted of a crime in relation to an allegation involving a sexual circumstance, based on Conduct or Misconduct cases received between 01/04/2014 and 14/10/2021 inclusive.

Please note that legal proceedings may be pending following an officer being formally charged, therefore this figure remains subject to change.

Of the **27** Police Officers convicted, **18** retired or resigned. Should an officer retire or resign, the conduct process ceases in accordance with the regulations which apply only to serving officers.

Please note that Conduct or Misconduct cases received may remain ongoing and therefore have not yet been resulted. Therefore, these figures remain subject to change.

Table 2 : Disposals for Police Officers charged in relation to allegations involving a sexual circumstance, based on Conduct or Misconduct cases received 01/04/2014 - 14/10/2021 inclusive ^{1 2 3}

Disposal	Number of Subject Officers
Meeting - Written Warning	1
Ongoing - not yet concluded	8
Retire/Resign	18
Total	27

1. Data is based on the case received date.
2. Please note that the date of conviction and also the date of disposal may vary from the case received date.
3. Each subject officer may be linked to multiple allegations and multiple charges.

For your convenience, please find undernoted the status and disposal relating to the aforementioned **53** officers.

It is important to note that officers may retire or resign prior to a misconduct hearing which, if concluded, may have resulted in dismissal of the subject officer. Conduct proceedings immediately cease upon resignation or retiral, as the conduct regulations only apply to serving police officers.

Table 3 : Conviction Status and Conduct Disposals for Police Officers charged in relation to allegations involving a sexual circumstance, based on Conduct or Misconduct cases received 01/04/2014 - 14/10/2021 inclusive ^{1 2 3}

Conviction Status and Conduct Disposal	Number of Subject Officers
Convicted - TOTAL	27
Meeting - Written Warning	1
Ongoing - not yet resulted	8
Retire/Resign	18
Not Convicted - TOTAL	12
Hearing - Final Written Warning	2
Management Action	1
No Action	3
Ongoing - not yet resulted	4
Retire/Resign	2
Pending - TOTAL	14
Ongoing - not yet resulted	12
Retire/Resign	2
Grand Total	53

1. Data is based on the case received date.
2. Please note that the date of conviction and also the date of disposal may vary from the case received date.
3. Each Subject Officer may be linked to multiple allegations and multiple charges.
4. Dismissals, Retirals & Resignations can also occur when an officer has breached our Standards of Professional Behaviours rather than criminality.
5. The term 'No Action' can mean that misconduct has not been established or that local management have introduced an improvement/action plan.

It is also important to note that any officer who is reported to COPFS (Crown Office Procurator Fiscal Service) for a criminal matter, regardless of whether criminal proceedings are commenced and regardless of the outcome, all of the allegations are thereafter assessed by the National Conduct Unit for a final disposal. As outlined in the table above formal action was taken against these officers by management.

3. How many police officers have lost their jobs due to criminal activity over the last 20 years?

I have interpreted your request as relating to any Police Officer who has been found guilty of a criminal offence, regardless of the crime type, at judicial proceedings and who has subsequently been dismissed under terms of the Police Service of Scotland (Conduct) Regulations 2014 for breaching the Standards of Professional Behaviour, relating directly to the circumstances of that guilty verdict.

Based on this interpretation, I can advise you that **3** officers were dismissed between 01/04/2014 and 14/10/2021 inclusive. Data is based on the date of dismissal.

It should be noted that 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.

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.