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Our Ref: IM-FOI-2022-1592
Date: 30 September 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.

To provide some context to our response, it may be helpful to first outline that 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>

Where it is inferred that an officer has committed a criminal offence, whether on or off duty, all proceedings under the Police Service of Scotland (Conduct) Regulations 2014 normally cease until the Crown Office and Procurator Fiscal Service (COPFS) has made a decision on whether criminal proceedings will be instigated in relation to that officer.

After any criminal proceedings have concluded, whatever the outcome, a preliminary assessment is carried out under Regulation 10 of the Police Service of Scotland (Conduct) Regulations 2014. Should an officer's behaviour be assessed to have breached the Standards of Professional Behaviour and a misconduct 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.

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.

The decision to suspend an officer will only be taken by the Deputy Chief Constable (DCC) Designate or, in their absence, a deputising DCC. This course of action will normally only be taken following a rigorous and objective examination of the circumstances prior to any decision being made. Regular reviews of an officer's suspension are carried out to ensure suspension remains appropriate and proportionate to mitigate any risk the officer may pose to the public and / or the organisation. Our Suspension from Duty Standard Operating Procedure (SOP)

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provides further information in relation to suspension – a copy can be accessed at the following link:

[Standard Operating Procedure \(SOP\) Review Template \(scotland.police.uk\)](https://www.scotland.police.uk/standard-operating-procedure-sop-review-template)

For ease of reference, your request is replicated below together with the response.

As at 26/07/2022, the number of officers currently suspended from duty broken down by rank.

A total of 46 Police Officers were suspended as at 26/07/2022. Details of rank are provided in the following table.

Table 1: Police Officers suspended as at 26/07/2022, by Rank ¹

Rank	Number
Special Constable	2
Constable	39
Sergeant	5
Total	46

1. Data is based on a snapshot of Police Officers suspended as at 26/07/2022.

As at 26/07/2022, the number of officers who are suspended as a result of being under criminal investigation, broken down by rank.

Please note, as mentioned above, consideration of criminal proceedings normally take precedence over any subsequent misconduct investigation. An officer may be suspended whilst 'being under criminal investigation', including once a report has been submitted to COPFS for consideration of criminal proceedings. Once criminal proceedings have concluded, or if COPFS decide not to take any criminal proceedings, an officer may remain suspended pending consideration of the circumstances from a misconduct perspective.

The figures provided below include officers who are either, as at 26/07/22, subject of a criminal investigation, awaiting decision from COPFS regarding whether criminal proceedings will be instigated or their circumstances are under consideration from a misconduct perspective.

Table 2: Police Officers suspended in relation to a criminal investigation (as explained above) as at 26/07/2022, by Rank ¹

Rank	Number
Special Constable	2
Constable	39
Sergeant	4
Total	45

1. Data is based on a snapshot of Police Officers suspended as at 26/07/2022.

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As at 26/07/2022, the number of officers who are repositioned as a result of being under non-criminal, misconduct investigation, broken down by rank. Please distinguish between misconduct and gross misconduct.

For the purposes of this question, “repositioned” has been interpreted as officers subject to restricted duties in relation to a formal misconduct investigation as at 26/07/2022. This therefore does not include officers who were suspended at this date.

Furthermore, “misconduct investigation” refers to Police Officers subject to a formal misconduct investigation as per regulation 11 of The Police Service of Scotland (Conduct) Regulations 2014. Data has been provided in the table below, broken by rank and preliminary assessment category. 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)

Table 3: Police Officers subject to a misconduct investigation and restricted duties as at 26/07/2022, by Rank and Preliminary Assessment ¹

Rank	Preliminary Assessment	
	Gross Misconduct	Misconduct - Investigation
Special Constable	1	0
Constable	5	2
Sergeant or above	1	0
Grand Total	7	2

1. Data is based on a snapshot of Police Officers subject to a misconduct investigation and restricted duties as at 26/07/2022.

Number of officers under criminal investigation who have not been suspended or repositioned, broken down by rank.

The data provided in response to this question includes officers who are ‘under criminal investigation’ by Police Scotland and not suspended as at 26/07/22. Investigations which have been concluded, including those which have been reported to the Crown Office and Procurator Fiscal Service (COPFS), are therefore excluded from the figures provided below.

Please note that cases which are live may remain subject to enquiry and officers may be subject to suspension or restriction at a later date prior to the conclusion of the case.

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Table 4: Police officers under criminal investigation showing as live investigations at 26/07/2022 and not subject to suspension or duty restrictions, by Rank.

Rank	Number
Special Constable	1
Constable	71
Sergeant or above	15
Grand Total	87

Number of officers under non-criminal misconduct investigation who have not been suspended or repositioned, broken down by rank. Please distinguish between misconduct and gross misconduct.

The terms “repositioned” and “misconduct investigation” have been interpreted as per comments in response to question 3 above.

Data has been provided in the table below based on Police Officers subject to a formal misconduct investigation and who have not been suspended or restricted as at 26/07/2022. This information is broken down by rank and preliminary assessment category.

Table 5: Police Officers subject to a misconduct investigation and who are not suspended or restricted as at 26/07/2022, by Rank and Preliminary Assessment ¹

Rank	Preliminary Assessment	
	Gross Misconduct	Misconduct - Investigation
Constable	0	7
Sergeant or above	0	1
Grand Total	0	8

1. Data is based on a snapshot of Police Officers subject to a misconduct investigation and who are not suspended or restricted as at 26/07/2022.

Please indicate the longest period of suspension currently experienced by a serving officer, including rank.

The longest period of suspension being served by a Police Officer was a total of 1,177 days, as at 26/07/2022. This officer holds the rank of Constable.

Should you require any further assistance please contact Information Management quoting the reference number given.

If you 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

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to foi@scotland.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.

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