| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-2834  Responded to: 24th November 2023 |
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Your recent request for information is replicated below, together with our response.

## Please provide details on the procedures that Police Scotland follows when an investigating officer identifies that a fellow officer is involved and could also be a perpetrator in a complaint from a victim.

## What actions are taken by Police Scotland if the investigating officer fails to report their fellow officer as a potential perpetrator in such cases?

## In instances where Police Scotland realizes that the person being reported as a perpetrator is a fellow officer, would the investigation of the reported crime still proceed?

Please be advised that the information you are seeking is publicly available on the Police Scotland website.

As such, in terms of Section 16 of the Freedom of Information (Scotland) Act 2002, I am refusing to provide you with the information sought. Section 16 requires Police Scotland when refusing to provide such information because it is exempt, to provide you with a notice which:

(a) states that it holds the information,

(b) states that it is claiming an exemption,

(c) specifies the exemption in question and

(d) states, if that would not be otherwise apparent, why the exemption applies.

I can confirm that Police Scotland holds the information that you have requested and the exemption that I consider to be applicable is set out at Section 25(1) of the Act - information otherwise accessible:

*“Information which the applicant can reasonably obtain other than by requesting it under Section 1(1) is exempt information”*

The information you are seeking is available via the following links:

Section 3.5 and 3.6 of the [Crime Investigation SOP](https://www.scotland.police.uk/spa-media/uwwcamlx/crime-investigation-sop.pdf)

[Code of Ethics for policing in Scotland - Police Scotland](https://www.scotland.police.uk/about-us/who-we-are/code-of-ethics-for-policing-in-scotland/)

[Our Standards of Professional Behaviour - Police Scotland](https://www.scotland.police.uk/about-us/who-we-are/our-standards-of-professional-behaviour/)

[The Police Service of Scotland (Conduct) Regulations 2014 (legislation.gov.uk)](https://www.legislation.gov.uk/ssi/2014/68/contents/made)

[Complaints About the Police SOP](https://www.scotland.police.uk/spa-media/lgyddvsi/complaints-about-the-police-sop.docx)

[Conduct Regulations SOP](https://www.scotland.police.uk/spa-media/q1jjirdw/police-service-of-scotland-conduct-regulations-sop.pdf)

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.