

Our Ref: IM-FOI-2021-2839  
Date: 18 March 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 first outline how the complaints processes operate in Scotland and provide some additional information sources.

All complaints received by Police Scotland are managed in line with our Complaints against the Police Standard Operating Procedures (SOP), details of which can be found at the following link:

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

Further detail in relation to Police Scotland and our complaints process can be found on our public facing website at the following link:

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

Please note that 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. Subject officers are counted once per case; however, the same officer may be subject to multiple cases and therefore may appear more than once.

Likewise, Complainers are counted once per case; however, the same individual Complainer may appear against multiple cases and therefore may appear more than once.

Your question is interpreted as requesting the number of reports whereby the subject matter involved 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.

**Please disclose details of official complaints in the following categories, made against serving police officers in the force under your remit in 2016/17, 2017/18, 2018/19, 2019/20 and 2020/21:**

- Sexual assault
- Sexual harassment
- Rape
- Child sex offences
- Other sexual misconduct

Specifically, for each category above, please disclose the relevant information described at a) – e) below:

NB. For ease of interpretation of our response we have responded to each question within its individual category as set out below:

**Sexual assault**

This category has been interpreted as relating to allegations of Indecent Assault.

**a) How many accusations were made against serving police officers?**

A total of 48 allegations of Indecent Assault against Police Officers were attached to complaints received between 2016/17 and 2020/21.

Table 1: Allegations of Indecent Assault against Police Officers (Complaints only), by Financial Year <sup>1 2</sup>

2016/17	2017/18	2018/19	2019/20	2020/21
5	12	13	13	5

- 1. Data is based on the case received date.
- 2. Each complaint may involve multiple allegations.

**b) How many allegations were upheld?**

In total, one allegation of Indecent Assault against Police Officers was upheld, based on complaints received between 2016/17 and 2020/21.

Please note that allegations received may remain subject to live enquiry and therefore may not have been concluded.

Table 2: Allegations of Indecent Assault against Police Officers (Complaints only) which were upheld, by Financial Year <sup>1 2</sup>

2016/17	2017/18	2018/19	2019/20	2020/21
1	0	0	0	0

- 1. Data is based on the case received date.
- 2. Allegations received may remain subject to live enquiry and therefore may not have been concluded.

**c) How many of these upheld charges resulted in formal disciplinary action, and what actions they were?**

Regarding the one upheld allegation relating to Indecent Assault, the officer was subject to a Management Action disposal following the conclusion of a linked Conduct case.

Please note that allegations received may remain subject to live enquiry and therefore may not have been concluded.

*Table 3: Conduct Disposals related to upheld Indecent Assault allegations against Police Officers (resulting from Complaints), by Financial Year <sup>1</sup>*

Conduct Disposal	2016/17	2017/18	2018/19	2019/20	2020/21
Management Action	1	0	0	0	0

1. Data is based on the case received date. This will vary from the dates on which the linked conduct case was opened and the date on which it was concluded.

**d) Please also break this down by i) the sex of the accused, ii) the seniority of the accused?**

This question is interpreted as relating to Subject Officers linked to allegations of Indecent Assault.

A total of 42 Police Officers were subject to allegations of Indecent Assault, as attached to complaints received between 2016/17 and 2020/21.

Please note that each allegation may be linked to multiple subject officers. Therefore, the number of subject officers may vary from the number of allegations.

*Table 4: Police Officers subject to allegations of Indecent Assault (Complaints only), by Gender and Financial Year <sup>1 2 3</sup>*

Gender	2016/17	2017/18	2018/19	2019/20	2020/21
Female	0	1	1	6	1
Male	4	9	9	5	6
<b>Grand Total</b>	<b>4</b>	<b>10</b>	<b>10</b>	<b>11</b>	<b>7</b>

1. Data is based on the case received date.

2. Each allegation may be linked to multiple subject officers. Subject Officers are counted once per complaint. Therefore, the number of subject officers may vary from the number of allegations.

3. Data is based on identified subject officers only.

*Table 5: Police Officers subject to allegations of Indecent Assault (Complaints only), by Rank and Financial Year <sup>1 2 3</sup>*

Rank	2016/17	2017/18	2018/19	2019/20	2020/21
Constable	4	10	7	11	7
Sergeant	0	0	3	0	0
<b>Grand Total</b>	<b>4</b>	<b>10</b>	<b>10</b>	<b>11</b>	<b>7</b>

1. Data is based on the case received date.

2. Each allegation may be linked to multiple subject officers. Subject Officers are counted once per complaint. Therefore, the number of subject officers may vary from the number of allegations.

3. Data is based on identified subject officers only.

**e) Please say whether the complaint was made by a member of the public or a police officer/ member of police staff?**

*This question is interpreted as relating to complainers linked to allegations of Indecent Assault.*

A total of 45 complainers were linked to allegations of Indecent Assault against Police Officers, as attached to complaints received between 2016/17 and 2020/21.

Please note that each allegation may be linked to multiple complainers. Therefore, the number of complainers may vary from the number of allegations.

*Table 6: Complainers linked to allegations of Indecent Assault against Police Officers (Complaints only), by Complainer Type and Financial Year <sup>1 2</sup>*

<b>Complainer Type</b>	<b>2016/17</b>	<b>2017/18</b>	<b>2018/19</b>	<b>2019/20</b>	<b>2020/21</b>
Police Officer	0	0	2	1	0
Public	5	11	8	12	6
<b>Grand Total</b>	<b>5</b>	<b>11</b>	<b>10</b>	<b>13</b>	<b>6</b>

1. Data is based on the case received date.

2. Each allegation may be linked to multiple complainers. Complainers are counted once per complaint. Therefore, the number of complainers may vary from the number of allegations.

**Sexual harassment**

Please note that sexual harassment is not a recognised allegation category on the Professional Standards database. As a result, no data can be provided in response to this specific request for information.

For this reason I must respond in terms of Section 17(1) of the Act: Information not held.

**Rape**

*This category has been interpreted as relating to allegations of Rape.*

**a) How many accusations were made against serving police officers?**

A total of two allegations of Rape against Police Officers were attached to complaints received between 2016/17 and 2020/21.

*Table 7: Allegations of Rape against Police Officers (Complaints only), by Financial Year <sup>1 2</sup>*

<b>2016/17</b>	<b>2017/18</b>	<b>2018/19</b>	<b>2019/20</b>	<b>2020/21</b>
<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>

1. Data is based on the case received date.

2. Each complaint may involve multiple allegations.

**b) How many allegations were upheld?**

In total, no allegations of Rape against Police Officers were upheld, based on complaints received between 2016/17 and 2020/21. For this reason I must respond in terms of Section 17(1) of the Act: Information not held.

Please note that allegations received may remain subject to live enquiry and therefore may not have been concluded.

**c) How many of these upheld charges resulted in formal disciplinary action, and what actions they were?**

I refer you to the answer at b) above and in terms of Section 17 of the Act, this letter represents a formal notice that information is not held.

**d) Please also break this down by i) the sex of the accused, and ii) the seniority of the accused**

This question is interpreted as relating to Subject Officers linked to allegations of Rape.

A total of one Police Officer was subject to allegations of Rape, as attached to complaints received between 2016/17 and 2020/21.

Please note that each allegation may be linked to multiple subject officers. Therefore, the number of subject officers may vary from the number of allegations.

*Table 8: Police Officers subject to allegations of Rape (Complaints only), by Gender and Financial Year <sup>1</sup>*

Gender	2016/17	2017/18	2018/19	2019/20	2020/21
Male	0	1	0	0	0

1. Data is based on the case received date.
2. Each allegation may be linked to multiple subject officers. Subject Officers are counted once per complaint. Therefore, the number of subject officers may vary from the number of allegations.
3. Data is based on identified subject officers only.

*Table 9: Police Officers subject to allegations of Rape (Complaints only), by Rank and Financial Year <sup>1 2 3</sup>*

Rank	2016/17	2017/18	2018/19	2019/20	2020/21
Constable	0	1	0	0	0

1. Data is based on the case received date.
2. Each allegation may be linked to multiple subject officers. Subject Officers are counted once per complaint. Therefore, the number of subject officers may vary from the number of allegations.
3. Data is based on identified subject officers only.

**e) Please say whether the complaint was made by a member of the public or a police officer/ member of police staff?**

A total of two complainers were linked to allegations of Rape against Police Officers, as attached to complaints received between 2016/17 and 2020/21.

Table 10: Complainers linked to allegations of Rape against Police Officers (Complaints only), by Complainer Type and Financial Year <sup>1 2</sup>

Complainer Type	2016/17	2017/18	2018/19	2019/20	2020/21
Public	1	1	0	0	0

1. Data is based on the case received date.

2. Each allegation may be linked to multiple complainers. Complainers are counted once per complaint. Therefore, the number of complainers may vary from the number of allegations.

### **Child Sex Offences**

*This category has been interpreted as relating to Sexual Offences against Children, where a child is named within the allegation.*

#### **a) How many accusations were made against serving police officers?**

A total of one allegation related to child sexual offences against Police Officers was attached to complaints received between 2016/17 and 2020/21.

Table 11: Allegations of child sexual offences against Police Officers (Complaints only), by Financial Year <sup>1 2</sup>

2016/17	2017/18	2018/19	2019/20	2020/21
0	0	0	0	1

1. Data is based on the case received date.

2. Each complaint may involve multiple allegations.

#### **b) How many allegations were upheld?**

In total, no allegations of child sexual offences against Police Officers were upheld, based on complaints received between 2016/17 and 2020/21. For this reason I must respond in terms of Section 17(1) of the Act: Information not held.

Please note that allegations received may remain subject to live enquiry and therefore may not have been concluded.

#### **c) How many of these upheld charges resulted in formal disciplinary action, and what actions they were?**

I refer you to the answer at b) above and in terms of Section 17 of the Act, this letter represents a formal notice that information is not held.

#### **d) Please also break this down by i) the sex of the accused, and ii) the seniority of the accused?**

This question is interpreted as relating to Subject Officers linked to allegations of child sexual offences.

A total of one Police Officer was subject to allegations of child sexual offences, as attached to complaints received between 2016/17 and 2020/21.

*Table 12: Police Officers subject to allegations of child sexual offences (Complaints only), by Gender and Financial Year <sup>1 2</sup>*

Gender	2016/17	2017/18	2018/19	2019/20	2020/21
Male	0	0	0	0	2

1. Data is based on the case received date.
2. Each allegation may be linked to multiple subject officers. Subject Officers are counted once per complaint. Therefore, the number of subject officers may vary from the number of allegations.
3. Data is based on identified subject officers only.

*Table 13: Police Officers subject to allegations of child sexual offences (Complaints only), by Rank and Financial Year <sup>1 2 3</sup>*

Rank	2016/17	2017/18	2018/19	2019/20	2020/21
Constable	0	0	0	0	2

1. Data is based on the case received date.
2. Each allegation may be linked to multiple subject officers. Subject Officers are counted once per complaint. Therefore, the number of subject officers may vary from the number of allegations.
3. Data is based on identified subject officers only.

**e) Please say whether the complaint was made by a member of the public or a police officer/ member of police staff?**

A total of one complainer was linked to allegations of child sexual offences against Police Officers, as attached to complaints received between 2016/17 and 2020/21.

*Table 14: Complainers linked to allegations of child sexual offences against Police Officers (Complaints only), by Complainer Type and Financial Year <sup>1 2</sup>*

Complainer Type	2016/17	2017/18	2018/19	2019/20	2020/21
Public	0	0	0	0	1

1. Data is based on the case received date.
2. Each allegation may be linked to multiple complainers. Complainers are counted once per complaint. Therefore, the number of complainers may vary from the number of allegations.

**Other sexual misconduct**

*This category has been interpreted as relating to allegations involving a sexual circumstance, out with those detailed in the categories listed within the previous questions above. These are referred to as 'Sexual (other)' allegations hereafter for the purposes of this specific request.*

**a) How many accusations were made against serving police officers?**

A total of 32 Sexual (other) allegations against Police Officers were attached to complaints received between 2016/17 and 2020/21.

*Table 15: Sexual (other) allegations against Police Officers (Complaints only), by Financial Year <sup>1 2</sup>*

2016/17	2017/18	2018/19	2019/20	2020/21
7	9	8	7	1

1. Data is based on the case received date.
2. Each complaint may involve multiple allegations.

**b) How many allegations were upheld?**

In total, two Sexual (other) allegations against Police Officers were upheld, based on complaints received between 2016/17 and 2020/21.

Please note that allegations received may remain subject to live enquiry and therefore may not have been concluded.

*Table 16: Sexual (other) allegations against Police Officers (Complaints only) which were upheld, by Financial Year <sup>1 2</sup>*

2016/17	2017/18	2018/19	2019/20	2020/21
1	1	0	0	0

1. Data is based on the case received date.
2. Allegations received may remain subject to live enquiry and therefore may not have been concluded.

**c) How many of these upheld charges resulted in formal disciplinary action, and what actions they were?**

Based on the two upheld Sexual (other) allegations from complaints received between 2016/17 and 2020/21, both progressed to Conduct enquiries which have since been concluded.

Final disposals related to these allegations are listed below.

*Table 17: Conduct Disposals related to upheld Sexual (other) allegations against Police Officers (resulting from Complaints), by Financial Year <sup>1</sup>*

Conduct Disposal	2016/17	2017/18	2018/19	2019/20	2020/21
Formal Action - Final Written Warning	0	1	0	0	0
Formal Action - Written Warning	1	0	0	0	0
<b>Grand Total</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>

1. Data is based on the case received date. This will vary from the dates on which the linked conduct case was opened and the date on which it was concluded.



**d) Please also break this down by i) the sex of the accused, and ii) the seniority of the accused**

This question is interpreted as relating to Subject Officers linked to Sexual (other) allegations.

A total of 39 Police Officers were subject to Sexual (other) allegations, as attached to complaints received between 2016/17 and 2020/21.

Please note that each allegation may be linked to multiple subject officers. Therefore, the number of subject officers may vary from the number of allegations.

*Table 18: Police Officers subject to Sexual (other) allegations (Complaints only), by Gender and Financial Year <sup>1 2</sup>*

<b>Gender</b>	<b>2016/17</b>	<b>2017/18</b>	<b>2018/19</b>	<b>2019/20</b>	<b>2020/21</b>
Female	0	1	2	0	0
Male	9	13	6	7	1
<b>Grand Total</b>	<b>9</b>	<b>14</b>	<b>8</b>	<b>7</b>	<b>1</b>

1. Data is based on the case received date.
2. Each allegation may be linked to multiple subject officers. Subject Officers are counted once per complaint. Therefore, the number of subject officers may vary from the number of allegations.
3. Data is based on identified subject officers only.

*Table 19: Police Officers subject to Sexual (other) allegations (Complaints only), by Rank and Financial Year <sup>1 2 3</sup>*

<b>Rank</b>	<b>2016/17</b>	<b>2017/18</b>	<b>2018/19</b>	<b>2019/20</b>	<b>2020/21</b>
Constable	8	11	6	5	1
Sergeant	1	3	2	1	0
Inspector to Chief Superintendent	0	0	0	1	0
<b>Grand Total</b>	<b>9</b>	<b>14</b>	<b>8</b>	<b>7</b>	<b>1</b>

1. Data is based on the case received date.
2. Each allegation may be linked to multiple subject officers. Subject Officers are counted once per complaint. Therefore, the number of subject officers may vary from the number of allegations.
3. Data is based on identified subject officers only.

**e) Please say whether the complaint was made by a member of the public or a police officer/ member of police staff**

This question is interpreted as relating to complainers linked to Sexual (other) allegations.

A total of 29 complainers were linked to Sexual (other) allegations against Police Officers, as attached to complaints received between 2016/17 and 2020/21.

*Table 20: Complainers linked to Sexual (other) allegations against Police Officers (Complaints only), by Complainer Type and Financial Year <sup>1 2</sup>*

<b>Complainer Type</b>	<b>2016/17</b>	<b>2017/18</b>	<b>2018/19</b>	<b>2019/20</b>	<b>2020/21</b>
Police Officer	0	0	2	2	0
Public	6	8	7	3	1
<b>Grand Total</b>	<b>6</b>	<b>8</b>	<b>9</b>	<b>5</b>	<b>1</b>

1. Data is based on the case received date.

2. Each allegation may be linked to multiple complainers. Complainers are counted once per complaint. Therefore, the number of complainers may vary from the number of allegations.

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](mailto: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](mailto: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.