| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-0227  Responded to: 19th May 2023 |
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Your request for information is replicated below, together with our response.

Please accept our apologies for the delay in responding.

To provide some context to our response, it may be helpful to outline how the complaints and conduct processes operate in Scotland.

The Police Scotland [Complaints About the Police Standard Operating Procedure](https://www.scotland.police.uk/spa-media/fifhh5vo/complaints-about-the-police-sop.pdf) outlines how we deal with complaints.

The formal disciplinary process for Police Officers is governed by [The Police Service of Scotland (Conduct) Regulations 2014](https://www.legislation.gov.uk/ssi/2014/68/contents/made).

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

The complaint process and the conduct process are distinct from each other and both have separate assessment and recording processes within the PSD database.

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).

There is therefore potential for the same officer/circumstances to appear on a complaint case and a conduct case. Due to these processes, 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.

## 1) The number of police staff employees and police officers accused of sexual offences (including rape, assault, causing sexual activity without consent, rape and other offences against children under 13, child sex offences, abuse of position of trust, indecent photographs of children, sexual exploitation of children, prostitution and ‘other’ offences including exposure) since January 20th 2018 to now, including their job title and rank.

In order to answer your first question, data has been provided in relation to subject officers and members of police staff linked to allegations categorised on the PSD database as ‘Crimes of Indecency’, received between 20/01/2018 – 31/12/2022 inclusive.

Data provided in relation to Conduct matters refer only to police officers, as the Police Service of Scotland (Conduct) Regulations 2014 apply only to serving officers.

Note that some categories listed as ‘Sexual Crimes’ within the Scottish Crime Recording Standards (SCRS) are not currently aligned on the PSD database and therefore may not be captured in this response.

Each case may involve multiple allegations and (for complaints only) each allegation may be linked to multiple subject officers. Subject officers are counted once per case.

Furthermore, unidentified officers are excluded from the rank breakdown of subject officers are they have not been positively identified and therefore a rank cannot be attributed.

The data provided refers, separately, to subject officers and members of police staff (for complaints only) linked to relevant allegations attached to complaints and conduct cases.

*Subject officers / staff linked to Crimes of Indecency (Complaints), by rank and calendar year received*

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Rank** | **2018** | **2019** | **2020** | **2021** | **2022** |
| Constable | 10 | 9 | 9 | 9 | 10 |
| Sergeant or above | 2 | 1 | 1 | 0 | 0 |
| Police Staff | 0 | 0 | 0 | 1 | 0 |
| **Grand Total** | **12** | **10** | **10** | **10** | **10** |

*Subject officers linked to Crimes of Indecency (Conduct), by rank and calendar year received*

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Rank** | **2018** | **2019** | **2020** | **2021** | **2022** |
| Constable | 7 | 8 | 5 | 7 | 16 |
| Sergeant or above | 0 | 3 | 2 | 1 | 0 |
| **Grand Total** | **7** | **11** | **7** | **8** | **16** |

## 2) A breakdown of what exactly the offence was (e.g. sexual harassment, indecent exposure, rape).

As referred to within the explanation above, each officer may be linked to multiple allegations and therefore the number of allegations may vary from the number of subject officers.

*Crimes of Indecency allegations (Complaints), by allegation type and calendar year received*

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Allegation Type** | **2018** | **2019** | **2020** | **2021** | **2022** |
| Indecent assault | 12 | 13 | 11 | 10 | 14 |
| Procuration & other sexual offences | 2 | 0 | 3 | 1 | 0 |
| Public indecency | 1 | 0 | 0 | 0 | 0 |
| Rape | 1 | 0 | 0 | 2 | 1 |
| **Grand Total** | **16** | **13** | **14** | **13** | **15** |

*Crimes of Indecency allegations (Conduct), by charge and calendar year received*

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Charge Category** | **2018** | **2019** | **2020** | **2021** | **2022** |
| Indecent assault | 9 | 13 | 13 | 7 | 16 |
| Lewd & libidinous practices & indecent exposure | 0 | 0 | 0 | 0 | 1 |
| Procuration & other sexual offences | 0 | 3 | 1 | 0 | 0 |
| Public indecency | 2 | 1 | 0 | 3 | 0 |
| Rape | 1 | 3 | 2 | 1 | 1 |
| **Grand Total** | **12** | **20** | **16** | **11** | **18** |

## 3) How many faced subsequent proceedings, and what were these proceedings? Can you include in detail a breakdown of how many were arrested, charged, released without charges or jailed and when.

In relation to any associated criminal justice proceedings, the data provided refers, separately, to subject officers linked to relevant allegations attached to complaints and conduct cases.

|  |  |
| --- | --- |
| **Complaint Judicial Proceedings - by Outcome** | **No.** |
| No Judicial Proceedings | 47 |
| Not Guilty | 1 |
| Guilty - Absolute discharge | 1 |
| **Grand Total** | **49** |

|  |  |
| --- | --- |
| **Conduct Judicial Proceedings - by Outcome** | **No.** |
| Abandoned by COPFS | 2 |
| Guilty - Absolute Discharge | 1 |
| Guilty - Community Service, Community Payback Order | 1 |
| Guilty - Imprisonment, Sex offender Notification Requirement (SONR), Sex Offences Prevention Order (SOPO) | 1 |
| Guilty - SONR | 1 |
| Guilty - SONR, Community Payback order | 3 |
| Guilty - SONR, Community Payback order with 12 months supervision | 1 |
| Guilty - SONR, Community Payback Order, Restriction of Liberty Order, Fine | 1 |
| Guilty, Fine | 1 |
| No Judicial Proceedings | 17 |
| Not Guilty | 4 |
| Not Proven | 1 |
| Ongoing/Live | 15 |
| **Grand Total** | **49** |

Data has been provided based on information recorded in the Professional Standards database.

I regret to inform you that I am unable to provide you with any further information, for example, whether officers were arrested/ charged, as it would prove too costly to do so within the context of the fee regulations.

As you may be aware the current cost threshold is £600 and I estimate that it would cost well in excess of this amount to process your request.

As such, and in terms of section 16(4) of the Act where section 12(1) (Excessive Cost of Compliance) has been applied, this represents a refusal notice for the information sought.

The information sought is not easily searchable/ retrievable and it would therefore be necessary to research a number of other force systems in relation to each of the cases detailed above.

For Police Scotland, the term ‘proceedings’ could also refer to cases which have led to a scheduled hearing/ meeting following preliminary assessment and, thereafter, determination by the Assistant Chief Constable, Professionalism and Assurance, in relation to The Police Service of Scotland (Conduct) Regulations 2014.

As such, these proceedings are only recorded against Conduct cases which have progressed to this stage.

Please note that cases received may remain subject to ongoing enquiry and/or legal proceedings and therefore may not have reached this stage.

Furthermore, Conduct proceedings cease should a subject officer retire or resign at any stage during the Conduct process, as the Conduct Regulations apply only to serving Police officers.

It is important to bear these points in mind if comparing to the Conduct data provided above in relation to questions 1 and 2.

*Table: Case disposals for subject officers linked to Crimes of Indecency allegations (Conduct), by case disposal and calendar year received*

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Case Disposal** | **2018** | **2019** | **2020** | **2021** | **2022** |
| Hearing - No Action | 1 | 0 | 0 | 0 | 0 |
| Meeting - No Action | 0 | 0 | 1 | 0 | 0 |
| Management Action | 1 | 0 | 0 | 3 | 0 |
| No Action | 1 | 2 | 1 | 1 | 0 |
| Retired/Resigned | 1 | 6 | 0 | 1 | 1 |
| Ongoing - not yet concluded | 3 | 3 | 5 | 3 | 15 |
| **Grand Total** | **7** | **11** | **7** | **8** | **16** |

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.