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Our Ref: IM-FOI-2022-2744
Date: 25th January 2023



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.

Please accept our apologies for the delay in responding.

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

1. How many of your officers (excluding staff and volunteers) are currently (as of 22 Dec 2022) on restricted duties or suspended due to ongoing misconduct cases against them

A total of 56 police officers are currently suspended as at 11 January 2023.
A further 106 police officers are currently subject to Restricted Duties.

2. How many officers (excluding staff and volunteers) your force has dismissed for gross misconduct in each calendar year: 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022

Police officer conduct is assessed against our [Standards of Professional Behaviour](#) and should an officer's behaviour be assessed to breach those standards, a preliminary assessment will be carried out under Regulation 10 of the Police [Service of Scotland \(Conduct\) Regulations 2014](#) and the related [Police Scotland SOP](#).

Should the assessment provide that an investigation is required, the officer concerned will be served with a Notice of Misconduct Investigation form.

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.

In relation to your request, and specifically 2013 and January to March 2014, the information sought is not held by Police Scotland and section 17 of the Act applies.

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By way of explanation, that period pre dates the introduction of the national Professional Standards database.

Data regarding dismissals for gross misconduct during the period 1 April to 31 December 2014 inclusive is however available in the table below, based on the misconduct hearing date:

Category	2014	2015	2016	2017	2018	2019	2020	2021	2022
Dismissals	0	2	5	7	4	1	3	0	6

3. **The number of your officers and staff (excluding volunteers) who in the period 1 April 2013 to 31 March 2022 faced:**
- a) two misconduct cases
 - b) three to five misconduct cases
 - c) six or more misconduct cases
4. **How many of all those in Q3 (ie, all those named in multiple misconduct cases between 1 April 2013 and 31 March 2022) are still serving as of 22 Dec 2022.**

Police Officers

Again, data for police officer misconduct is only available for the period 1 April 2014 to 31 March 2022. Information for the period prior is not held by Police Scotland and section 17 of the Act therefore applies.

It has been interpreted that officers who have 'faced conduct cases', as per your request, refers to Police officers subject to a preliminary conduct assessment.

Data has been provided below based on preliminary conduct assessments undertaken between 1 April 2014 and 31 March 2022 inclusive.

These may relate to assessments under the Police Service of Scotland (Conduct) Regulations 2014 or, where the incident precedes the commencement of those on 01/04/2014, the Police Service of Scotland (Conduct) Regulations 2013.

Please note that data provided below is based on the preliminary assessment date in relation to the 2014 regulations.

However, those assessed in relation to the 2013 regulations are based on the case received date.

Due to the recording practice on the Professional Standards database, no assessment dates are recorded for matters assessed under the 2013 regulations.

It is possible for the same circumstances to appear on separate files where the allegations relate to linked incidents occurring both before and after 01/04/2014 when the 2014 regulations came into effect.

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Where files have been linked, those have been manually reviewed and where the same circumstances are involved, these are counted a maximum of once within the data presented below.

Category	Number of Officers
Two cases	308
Three to five cases	80
Six or more cases	2

Of these 390 officers, 292 remain in service as at 11 January 2023 based on cross referencing the data with the Police Scotland personnel database.

Police Staff

Data for police staff misconduct is only available for the period 1 January 2017 to 31 March 2022, in accordance with our Record Retention policies. Information for the period prior is not held by Police Scotland and section 17 of the Act therefore applies.

Data is as follows:

Category	Number of Staff
Two cases	14
Three to five cases	4
Six or more cases	0

Of these 18 police staff, 12 remain in service as at 11 January 2023 based on cross referencing the data with the Police Scotland personnel database.

5. For each of those in Q3c (with six or more misconduct cases against them), how many misconduct cases they faced, a brief description of the allegations against them, and whether they are still serving as of 22 Dec 2022.

Both officers remain in service as at 11 January 2023.

Officer 1 has been subject to 6 preliminary conduct assessments consisting of 13 allegations in total:

Conduct likely to bring discredit	2
Discreditable Conduct	11

Officer 2 has been subject to 6 preliminary conduct assessments consisting of 8 allegations in total:

Authority, Respect and Courtesy	2
Confidentiality	3
Discreditable Conduct	2
Use of Force	1

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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 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.